

Merced Subbasin GSA

Governing Board Meeting

October 13, 2022



Phase 1 Funding Mechanism Appeal Process

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Purpose: This appeal process is intended to allow irrigated landowners to reduce or remove their Phase 1 Funding Mechanism fee if either condition is relevant:

1. The parcel was miscategorized by the Merced County Assessor as “irrigated”
2. Less than 75% of the gross parcel area is irrigated.

Phase 1 Funding Mechanism Appeal Process

Condition 1: Miscategorized as “irrigated”

- **Landowner**
 - Complete available appeal form and provide maps and other data as necessary.
 - Provide documentation that the original fee has been paid
- **MSGSA**
 - Staff reviews the appeal form and submitted data and is authorized to render a decision.
 - Use other tools to check accuracy (e.g. Google Earth historical images, crop reports, etc.)
 - Upon decision:
 - If approved, staff will notify the landowner of approval and require signature attesting to change and MSGSA-imposed conditions. Staff will process a refund of the fee amount appealed upon confirmation that the original fee has been paid and received.
 - If denied, staff will notify the landowner of denial and indicate landowner may appeal decision to the MSGSA Board in writing.
 - Staff will notify Woodard and Curran (for future tracking)
- **Conditions placed on parcel by MSGSA**
 - The parcel may not be eligible for a groundwater allocation expected to be established by the MSGSA by the end of Water Year 2025, recognizing that the future allocation policy may or may not include opportunities to opt-in non-irrigated acreage.
 - The landowner agrees to properly destroy all irrigation wells determined by MSGSA staff as necessary to be destroyed within the timeline determined by MSGSA and not pump groundwater for irrigation (domestic wells would be allowed as a use on the parcel)

Phase 1 Funding Mechanism Appeal Process

Condition 2: Irrigating less than 75% of APN Gross Acres

- **Landowner**

- Complete available appeal form and provide maps and other data as necessary.
- Provide documentation that the original fee has been paid

- **MSGSA**

- Staff reviews the appeal form and submitted data and is authorized to render a decision.
 - Use other tools to check accuracy (e.g. Google Earth historical images, crop reports, etc.)
 - Measure irrigated acres (including turnarounds, etc.)
- Upon decision:
 - If approved, staff will adjust the fee to the determined irrigated acres rounded up to the closest 5% increment (e.g. 62% of Gross Area being irrigated would be rounded to 65% for purpose of calculating the fee), and notify the landowner and require signature attesting to change and MSGSA-imposed conditions. Staff will process a refund of the fee amount appealed upon confirmation that the original fee has been paid and received.
 - If denied, staff will notify the landowner of denial and indicate landowner may appeal decision to the MSGSA Board in writing.
- Staff will notify Woodard Curran (for future tracking)

- **Conditions placed on parcel by MSGSA**

- The parcel may not be eligible for a portion of a groundwater allocation expected to be established by the MSGSA by the end of Water Year 2025, (e.g. a “transition” allocation would be limited to just the irrigated acres), recognizing that the future allocation policy may include opportunities to re-establish irrigated acreage quantities.
- The landowner agrees to not expand irrigated acreage on the subject parcel beyond the irrigated acreage value determined through this process.

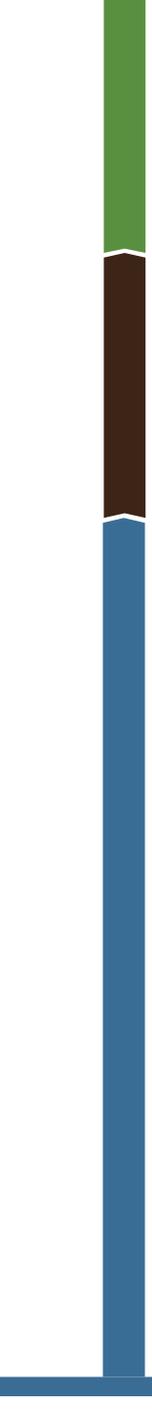


Guiding Principles



Guiding Principles

1. Strive for Certainty
2. Support Flexibility
3. Allow for Adaptability
4. Promote Equality
5. Target Simplicity
6. Recognize Spatial Disparity
7. Protect Domestic Water Availability
8. Facilitate Economic Stability



Recharge Framework

Landowner initiated Intentional Surface Water Recharge Operations 2023 Framework

The Merced Subbasin GSA (MSGSA) recognizes that a key component of meeting the Groundwater Sustainability Plan (GSP) objective, while striving for continued viability of irrigated agriculture in its service area, is to increase the use of available surface water as we reduce the use of groundwater. One key mechanism to increased surface water use is through capturing surface water when available and storing it underground through active recharge projects – often involving diversions during winter and spring months for use later the same year or subsequent years.

To encourage landowners to pursue surface water recharge projects, the MSGSA has prepared this initial recharge framework to identify key requirements, processes, and considerations. While several of these elements are still only qualitative, the MSGSA anticipates being able to recognize an approximate recharge credit for compliant recharge operations during 2023.

A landowner must:

1. Provide documentation of control of the surface water asset(s) being used for recharge, limited to at least one of the following:
 - a. SWRCB-recognized water right
 - b. Contract with water supplier or water right holder (or other recognized holder of water asset such as WWTP)
 - c. Documented diversion of nuisance water (SWRCB: *“Diversions only when flows in the source waterbody at or near the point of diversion exceed thresholds that trigger flood control actions necessary to mitigate threats to human health or safety, according to established written flood management protocols adopted by a flood control agency.”*)
2. Provide detailed information regarding the intended recharge method/facility (location, planned actions, etc.) using either:
 - a. Direct recharge using:
 - i. Dedicated infiltration basin (with or without a dry-well)
 1. Recharge basin should be located or constructed in such a manner that “recharge” water does not migrate laterally into any surface water conveyance facility.
 - ii. “FloodMAR” (where land is also actively farmed and irrigated per DWR’s definition)
 - b. Planned extraction information including
 - i. Proposed well locations for extraction of recharged water.
 - ii. Purpose and place of use of extracted water.
3. Provide accurate measurement into facility using dedicated, calibrated flow meter

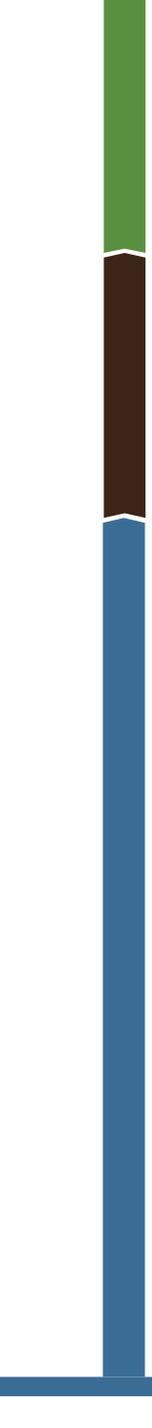
- a. Measurement at point of diversion from surface delivery point, using totalizing flow meter (include anti-tamper procedures impacting hardware or removal)
 - b. Verify measurement with:
 - i. Reporting to SWRCB, or
 - ii. Reporting associated with contracted supplier (e.g. billing records, etc.)
 - c. Provide estimate and basis for potential loss during delivery to facility (e.g. seepage, evaporation, channel vegetation ET, etc.)
 - d. Quantified total into recharge facility
 - i. Provide estimate and basis for loss at facility
 1. Pond or soil evaporation
 2. Plant use/soil wetting (e.g. with FloodMAR where some winter/spring recharge will provide water to overlying crops early in the season)
 3. Lateral seepage to nearby conveyance facility or surface water channel
4. Provide accurate measurement of extraction and use of recharged water
- a. Provide monthly flow meter readings to MSGSA via on-line platform (data may include: photograph of flow meter totalizer readout, list of APNs where recharged water was put to use.)

The MSGSA will:

1. Prepare policies that dictate the generation and use of credits
 - a. Quantification method
 - b. Limitations on quantity and use
 - c. Tracking and reporting requirements
 - d. Appeal process
2. Calculate the credit generated for each landowner-proposed recharge project
 - a. Apply standard loss to basin (Minimum loss % or “leave behind”)
 - b. Apply additional loss dependent on each recharge operation considering:
 - i. Hydrogeology (e.g. Corcoran Clay, existing high water levels, conveyance seepage, soil types)
 - ii. Facility/method (e.g. FloodMAR, recharge basin, deep dry well)
 - c. Establish recharge operation-specific credit derived in each year of recharge.
 - d. Define decay (leakage) for each year after credit it is initially generated that may limit the duration of recharge availability
 - e. Credits recognized by the MSGSA cannot be used until there is a groundwater allocation established by the MSGSA
3. Track credit generation and annual use for each recharge project
 - a. Annual Use (limitations may include:)
 - i. Location limitations (May be limited to Sustainability Zone where recharge takes place, depending on MSGSA determinations)
 - ii. Purpose (type of crop)

- ii. Measurement (how is credit used in relation to an allocation? First? Last?
As requested by user? Equal sharing?)
- 4. Provide annual reporting to landowner and, cumulative with other projects, as needed for GSP annual reports
 - a. For landowner, report would:
 - i. Quantify credit generated (quantity and date)
 - ii. Quantify remaining credits based on use and decay as appropriate
 - b. For GSP annual reports
 - i. Quantify total recharge credit in MSGSA for year
 - ii. Quantify total use of prior recharged credits used in year

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