

## Governor's Executive Order N-4-23 Grower Information Form

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This Executive Order from the Governor of the State of California provides an opportunity to growers within the Merced Subbasin GSA (MSGSA) who are capable of diverting water from rivers or streams for groundwater recharge without the need to obtain an appropriative water right. This opportunity is valid when waterways are at risk of catastrophic flooding and a local agency has declared that flood flows can be taken to relieve flood risk.

Anyone who diverts authorized flood flows must file two reports with the California State Water Resources Control Board (Water Board): (1) a preliminary report within 14 days of initial diversions and (2) a final report by June 15, 2023. The reports must identify the diverter and include the conditions that triggered the diversions, the point of diversion, the flooded area, when diversions occurred and ceased, and the amount of water diverted.

**Reports must be completed using the Water Board's [fillable form](#) and then emailed to [FloodDiversion@waterboards.ca.gov](mailto:FloodDiversion@waterboards.ca.gov) and [Contact@mercedsubbasingsa.org](mailto:Contact@mercedsubbasingsa.org).**

Credit for landowner-initiated recharge under the Executive Order will be granted at the discretion of the MSGSA according to recharge policies expected to be established. Credit will only be valid upon the establishment of a groundwater allocation by the MSGSA which is anticipated by the end of the Water Year 2025.

### Requirements of the Executive Order:

1. Water may not be applied to dairy land application areas;
  2. Water may not be applied to agricultural fields where pesticide or fertilizer application has occurred within the prior 30 days of the diversion beginning;
  3. Diversions may not occur in areas where there could be a threat to critical levees, infrastructure, wastewater and drinking water systems, drinking water wells or drinking water supplies, or exacerbate a threat of flood or other health and safety concerns;
  4. The application area of the diverted water must have been in active irrigated agricultural production within the past three years. Under the Governor's Executive Order grazing lands and grasslands are not eligible for recharge;
  5. Must use existing infrastructure or temporary diversion infrastructure. No new construction is allowed;
  6. There must be simple screens on temporary pump intakes;
  7. The MSGSA will require that diversions are measured, if the grower has the intention of developing a potential recharge credit (pending establishment of recharge policy and groundwater allocation by the MSGSA);
  8. Diversions must stop when the risk of flooding and inundation of land, roads, or structures downstream of the diversion has ceased, or by June 1, 2023, whichever is sooner;
  9. The [fillable form](#) *must* be submitted the Water Board for each diversion, both at the beginning of the diversion and once the diversion has ended.
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