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April 20, 2022

Via Email and U.S. Mail

Dexter Marr, Deputy Director
Madera County Community & Economic Development,
Environmental Health
200 W. 4th Street, Suite 3100
Madera, CA 93637

Dear Mr. Dexter Marr,

This letter shall serve to satisfy the requirements of State of California Executive Order N-7-22 for all agricultural wells, used for the growing of crops, and domestic wells within the Madera Irrigation District Groundwater Sustainability Agency (MID GSA).

Permitting a new groundwater well or altering an existing well within the MID GSA would *not* be inconsistent with Madera Irrigation District Groundwater Sustainability Agency's Groundwater Sustainability Plan (GSP). Furthermore, these actions would not decrease the likelihood of achieving a sustainability goal for the MID GSA.

Please note that the Madera Irrigation District Intensive Groundwater Use Policy continues to apply to all applicable development within the MID GSA. This policy is attached for your reference.

Sincerely,

Thomas Greci
General Manager

Madera Irrigation District Groundwater Sustainability Agency Policy

Title: Intensive Groundwater Use Policy

Section: 2019-GSA01

Adopted: 10/15/2019

- A. Applicability. This policy shall apply to any person or entity in the Madera Irrigation District Groundwater Sustainability Agency (“MID GSA”) that intends to use groundwater for a purpose other than agriculture, defined as the growing of crops.
- B. Permit Required for Intensive Groundwater Uses. Any person or entity subject to the provisions of this policy shall be required to obtain a permit from the MID GSA if their groundwater use qualifies as an intensive groundwater use, as defined herein (“Intensive Groundwater Use Permit”). An “Intensive Groundwater Use” shall mean a groundwater use that involves the following:
1. A new or expanded groundwater use, as of the date of adoption of this Policy, not including the growing of crops; and
 2. Groundwater demands greater than historic demands in the MID GSA;
- Or:
1. Any other use of groundwater that, in the absence of appropriate permit terms and conditions, would, in the opinion of the MID GSA, have the potential to unreasonably interfere with the MID GSA’s ability to comply with the Sustainable Groundwater Management Act, Water Code, § 10720 *et seq.* (“SGMA”) or the Groundwater Sustainability Plan (“GSP”) adopted pursuant to the SGMA, or would adversely impact the water supplies available to the MID GSA’s agricultural water users.
- C. Intensive Groundwater Use Permit Application. Any person or entity required to obtain an Intensive Groundwater Use Permit shall submit a permit application to the MID GSA prior to the construction of any new groundwater well for an Intensive Groundwater Use or, if no new groundwater well is to be constructed for the Intensive Groundwater Use, then prior to the use of any existing groundwater well for the Intensive Groundwater Use. A reimbursement agreement by which the applicant agrees to reimburse the District for staff, legal, consultants, and other expenses reasonably incurred in connection with the District’s review of the application and its development of appropriate permit terms and conditions must be executed before the District will process the application. The application shall include the following information:

1. A narrative description of the purposes for which the applicant will use water;
 2. A reasonable estimate, based a licensed engineer’s report, of the amount of water needed for the applicant’s use;
 3. Whether the person or entity has any legal right to water from an entity, including the source of the right and the amount of the entitlement;
 4. All permits or other authorizations necessary to demonstrate that the applicant’s use is lawful, including, but not limited to, any environmental documents prepared in accordance with the requirements of the California Environmental Quality Act, Public Resources Code, § 21000 *et seq.*;
 5. Any other information that the applicant believes may be relevant to the MID GSA’s determination of whether and how conditions should be imposed on the Intensive Groundwater Use Permit; and
 6. Any other information requested by the MID GSA.
- D. Action on Application. The Board of Directors or their designee shall issue an Intensive Groundwater Use Permit after submission of an application in accordance with subdivision (C) if they find that the applicant’s Intensive Groundwater Uses, as mitigated by any appropriate terms and conditions imposed pursuant to subdivision (E) herein, will not unreasonably interfere with the MID GSA’s efforts to comply with SGMA or any GSP adopted pursuant thereto.
- E. Intensive Groundwater Use Permit Terms and Conditions. The Board of Directors or their designee may impose any terms or conditions on the Intensive Groundwater Use Permit that they deem necessary to ensure the permittee’s Intensive Groundwater Uses does not cause adverse impacts on the MID GSA’s efforts to comply with SGMA or any GSP adopted pursuant thereto. Such terms and conditions may include any requirement the MID GSA is authorized to impose pursuant to the SGMA, the Irrigation District Law, Water Code § 20500 *et seq.*, or any other applicable law. However, the terms and conditions shall not include any requirements concerning the construction, modification, or abandonment of the groundwater well except as authorized by the County of Madera.
- F. Intensive Groundwater Use Permit Compliance and Revocation. Any person or entity receiving an Intensive Groundwater Use Permit shall comply with all terms and conditions imposed on the permit. If the permittee fails to comply with any Intensive Groundwater Use Permit term or condition, the MID GSA shall issue a notice in writing informing the permittee of the nature of the violation and requesting that the permittee immediately cease all activities in violation of the Intensive Groundwater Use Permit. If any violations remain uncorrected after a reasonable opportunity to cure, as determined by the MID GSA in its sole discretion, the MID GSA may revoke the Intensive Groundwater Use Permit by issuing a written notice to the permittee or impose a penalty in accordance with Water Code § 10732, or both. Any person whose Intensive Groundwater Use Permit is revoked shall

be prohibited from applying for another Intensive Groundwater Use Permit for one year following the revocation date.

- G. Term of Intensive Groundwater Use Permit. Intensive Groundwater Use Permits shall be effective for so long as the Intensive Groundwater Use continues in compliance with the terms and conditions of the Intensive Groundwater Use Permit.
- H. Failure to Obtain Intensive Groundwater Use Permit. In the event that any person or entity subject to the requirements herein is found to be engaging in an Intensive Groundwater Use without a valid permit, the person or entity shall be subject to a penalty in accordance with Water Code § 10732. The MID GSA may also refer the matter to any appropriate state or local agencies, including, but not limited to, Madera County, the Department of Water Resources, and the State Water Resources Control Board.
- I. Remedies Not Exclusive. Nothing contained in this Policy shall bar any legal, equitable or summary remedy to which the MID GSA may otherwise be entitled. The MID GSA may file suit in any court of competent jurisdiction to restrain or enjoin any action or proposal in violation of this Policy.