EAST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY RULES AND REGULATIONS

January 23, 2025

Table of Contents

Article I. Definitions

"**Allocation**" refers to Groundwater Use Fee Categories 0, 1 and 2, as defined below. These categories are established by ETSGSA pursuant to Water Code Section 10726.4(a)(2) and Section 4.1 of the East Turlock Subbasin Groundwater Demand Reduction Plan to meet the Sustainable Management Criteria ("SMCs") established in the Turlock Subbasin Groundwater Sustainability Plan ("GSP"). Because the sustainable yield and native yield of the subbasin can only be estimated at this time, the allocation represents an incrementally imposed regulatory threshold to achieve sustainable yield over time.

"**Board of Directors**" or "**Board**" means the Board of Directors of the East Turlock Subbasin Groundwater Sustainability Agency ("ETSGSA"), the governing body of ETSGSA.

"Carryover" means the amount of a Groundwater Allocation that was not used during a Reporting Period and is eligible, subject to these Rules and Regulations, to be extracted during a subsequent Reporting Period.

"Category 0" means the Groundwater Use Fee category for consumptive groundwater use measured by Evapotranspiration up to 0.5 acre-feet per acre per Reporting Period (November 1 through October 31).

"Category 1" means the Groundwater Use Fee category for consumptive groundwater use measured by ET up to 1.1 acre-feet per acre per reporting period.

"Category 2" means the Groundwater Use Fee category for consumptive groundwater use measured by ET up to 1.6 acre-feet per acre per Reporting Period through October 1, 2027, and up to 1.4 acre-feet per acre per Reporting Period from November 1, 2027 through October 31, 2032.

"Category 3" means the Groundwater Use Fee category for consumptive groundwater use measured by ET exceeding the upper threshold of Category 2 (defined as 1.6 acre-feet per acre per Reporting Period through October 31, 2027, and 1.4 acre-feet per acre per Reporting Period from November 1, 2027 through October 31, 2032).

"**Consumed Groundwater**" means the net of ET Consumptive Use adjusted by subtracting Effective Precipitation and Consumed Surface Water.

"**Consumed Surface Water**" means a credit applied to a Water Account in recognition of the consumed portion of surface water applied to a parcel through direct irrigation using surface water.

"**Consumptive Use**" means water leaving the land due to evaporation and transpiration.

"Cover Crop(s)" or **"Cover Cropping"** means growing and managing vegetation between rows of perennial crops or seasons of annual crop production, with the purpose of protecting the soil surface and promoting infiltration. Cover cropping shall occur for at least 5 consecutive months between November and April. Cover crops can be any mixture of annual or perennial species, including resident and planted vegetation or dryland crops, and are not irrigated.

"Credit" *means [to be determined].*

"Dairy Facility" means the production facility of a commercial dairy operation that includes animal housing, feed areas, waste management areas, and any associated infrastructure as permitted by the relevant local permitting agencies, including but not limited to, the County, local Air District, and the State Water Board. The Dairy Facility Footprint shall include all non-irrigated areas necessary for the operation of the dairy, as designated by the facility's permits and approvals, and shall not include supporting fields or pasture.

"De Minimis Extractor" or **"De Minimis Use"** means a person who extracts, for domestic purposes, two (2) acre-feet or less per year, or the extraction of groundwater consistent with Water Code Section 10721(e).

"**Effective Precipitation**" means the fraction of precipitation that is available for use by vegetation or crops.

"ETSGSA" means the East Turlock Subbasin Groundwater Sustainability Agency, a joint powers agency formed to be the groundwater sustainability agency managing a portion of the Turlock Subbasin and with responsibility for sustainably managing groundwater within its portion in the Turlock Subbasin, pursuant to the requirements of the Sustainable Groundwater Management Act.

"**Fallow Field**" or **"Fallowed Field"** means a fields that is not being cultivated with irrigated crops during the current Reporting Period.

"**Flow Meter**" means a water flow measuring device that measures the instantaneous flow and totalizes the volume of Groundwater extracted by a groundwater Well.

"Food Processing Facility" means a facility used for the manufacturing of food products from processed or unprocessed raw materials, and any associated infrastructure as permitted by the relevant local permitting agencies, including but not limited to, the County, local Air District, and the State Water Board. The Food Processing Facility

Footprint shall include all non-irrigated areas necessary for the operation of the facility, as designated by the facility's permits and approvals.

"**Groundwater**" carries the same definition contained in Water Code Section 10721(g).

"Groundwater Accounting Platform" means the online software platform created for landowners in ETSGSA's jurisdiction to track and manage consumptive groundwater use on parcels of land within ETSGSA.

"Irrigated Land" means land which is identified as irrigated agricultural land through (a) County land use codes listed in a relevant ETSGSA Engineer's Report or Fee Study, (b) identified by crop map datasets or evidence of the existence of irrigated crops, (c) as otherwise designated as irrigated land by ETSGSA through reclassification based on available data, (d) a response to an appeal by the land owner, or (e) as otherwise described in a relevant ETSGSA Engineer's Report or Fee Study. In ETSGSA, the entirety of a parcel designated as "irrigated" is charged according to the irrigated land assessment amount across its total parcel acreage. For purposes of these Rules and Regulations, these include parcels with lands used for growing crops such as deciduous trees (almonds, walnuts, peaches, citrus), corn, grains, vines, and truck crops, as well as lands used for poultry farms, dairies, and food processing plants.

"Management Zone(s)" *means [to be determined].*

"Non-Irrigated Land" means land which is identified as non-irrigated land through (a) County land use codes, (b) otherwise designated as non-irrigated land by ETSGSA through an appeal process, or (c) as otherwise described in a relevant ETSGSA Engineer's Report or Fee Study. These include non-irrigated pastures (grazing), vacant or rangeland properties, dry farming fields, as well as residential, commercial, and government or institutional lands, or those De Minimis Extractors. The non-irrigated designation applies when no discernible irrigation is taking place on the parcel, or when a parcel using surface water only has been reclassified from Irrigated to Non-Irrigated through an ETSGSA appeal process, subject to certain terms and conditions. In this case, the entirety of a parcel designated as "Non-Irrigated" is charged according to the Non-Irrigated assessment amount across its total parcel acreage.

"**Operator**" means a person or entity responsible to manage an agricultural operation or other facility that uses groundwater, and can be an authorized representative of an "Owner" or a lessee.

"**Owner**" means a fee title owner of land within ETSGSA boundaries.

“Parcel” means tracts or areas of land established by plat, subdivision, or as otherwise permitted by law, and as identified by the applicable County Assessor’s Office.

“**Pooling**” means an Owner or Operator’s ability to consolidate parcels in a Water Account or pool the allocated groundwater supply for each parcel under their control into a single account, for cumulative allocations and use calculations, in accordance with and subject to the limitations of ETSGSA policies.

"Poultry Facility" means the production facility of a commercial poultry operation that includes animal housing, feed areas, waste management areas, and any associated infrastructure as permitted by the relevant local permitting agencies, including but not limited to, the County, local Air District, and the State Water Board. The Poultry Facility Footprint shall include all un-irrigated areas necessary for the poultry operation, as designated by the facility's permits and approvals.

“**Priority Action Areas**” means areas designated for priority action based on monitoring data in accordance with the Groundwater Demand Reduction Plan adopted by ETSGSA on July 11, 2024.

“**Reporting Period**” means the 12-month period starting on November 1, for any given year, through October 31, of the following year, during which allocations and water use are tracked and calculated for purposes of levying the Groundwater Use Fee.

“**Stock Well(s)**” means a Groundwater well used to extract two (2) acre-feet or less per year for the purpose of providing water to livestock and is not used to irrigate crops.

“**Subbasin**” means the Turlock Groundwater Subbasin (DWR Basin No. 5-22.03), a high-priority, but not critically overdrafted basin pursuant to SGMA.

“**Sustainable Groundwater Management Act**” means Senate Bills 1168 and 1319 and Assembly Bill 1739, signed into law by Governor Brown in 2014 and went into effect on January 1, 2015, as codified in California Water Code sections 10720, *et seq.*, requiring “sustainable groundwater management.”

“Transfer” *means [to be determined].*

“Turlock Subbasin GSP” or “GSP” means the Revised Turlock Subbasin Groundwater Sustainability Plan adopted by ETSGSA and West Turlock Subbasin GSA in 2024, as amended, in compliance with the Sustainable Groundwater Management Act.

“**Undesirable Results**” has the same meaning used in SGMA and defined in Water Code Section 10721(w).

"**Water Account**" means a collection of parcels in the Groundwater Accounting Platform which may have a pooled groundwater supply.

"Water Account Holder" means a user of the Groundwater Accounting Platform with permissions to manage allocation and pooling for a Water Account, and can be an "Owner" or a person or entity to whom the "Owner" has delegated or granted this authority.

Article II. General

2.01 Purpose

The Board of Directors of ETSGSA adopts these Rules and Regulations to provide for the sustainable management of groundwater within ETSGSA pursuant to the Turlock Subbasin GSP.

2.02 Authority

Water Code Section 10725.2 expressly authorizes ETSGSA to adopt Rules and Regulations, as follows: "a groundwater sustainability agency may adopt rules, regulations, ordinances, and resolutions for the purpose of this part, in compliance with any procedural requirements applicable to the adoption of a rule, regulation, ordinance, or resolution by the groundwater sustainability agency."

2.03 Groundwater Sustainability Plan

Pursuant to Water Code Section 10725, a GSA may exercise the powers described in SGMA, provided the GSA adopts and submits a GSP to the Department of Water Resources. These Rules and Regulations are designed to implement the provisions of the Turlock Subbasin GSP and may be amended at any time if necessary to achieve consistency with the GSP and to achieve sustainability in the Subbasin.

2.04 Effective Date and Changes

These rules and regulations shall become effective upon adoption and may be added to, amended and/or repealed at any time by resolution of the Board of Directors of ETSGSA and such additions, amendments, and/or repeals shall become effective upon their adoption or as otherwise specified by the Board of Directors.

2.05 Implementation Guidelines

ETSGSA Staff, in consultation with the ETSGSA Technical Advisory Committee, shall have the authority to develop implementation guidelines and procedures for these Rules and Regulations to promote their efficient, effective and consistent implementation, and to provide for appropriate documentation.

2.06 Actions Against ETSGSA

Nothing contained in these Rules and Regulations shall constitute a waiver by ETSGSA from asserting any defenses or immunities from liability as provided by law, including, but not limited to, those provided in Division 3.6 of Title 1 of the Government Code.

2.07 Severability of Provisions

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid by a court of law, the remainder of these Rules and Regulations, and the application of its provisions to other persons or circumstances, shall not be affected.

2.08 CEQA

Pursuant to Water Code Section 10728.6 and CEQA Guidelines Sections 10561(b)(3), 15307 and 15308, the adoption of these Rules and Regulations is exempt from the California Environmental Quality Act ("CEQA").

Article III. Water Use Monitoring

3.01 Well Registration

ETSGSA will require registration of certain wells, as described in these Rules and Regulations. ETSGSA does not require registration of all wells within its jurisdiction at this time, but reserves the right to develop relevant policies, rules, and regulations and implement additional well registration requirements at a later time.

At this time, the following wells are required to be registered:

- Wells associated with dairy, poultry and food processing operations (see Section 3.02, Subsection titled "Dairy, Poultry, and Food Processing Facility Self-Reporting");

- Other non-De Minimis wells, including wells associated with small transient and non-transient community and non-community water systems (see Section 3.02, Subsection titled "Other Non-De Minimis Wells"); and
- Wells associated with Water Accounts for which an appeal has been submitted to use well meter data *in lieu* of ET data to measure groundwater use (see Section 4.07).

Well registration will occur in accordance with a Well Registration Policy adopted by the Board, which will specify the types of wells to be registered, the registration requirements, the registration process and the data management procedures. The Policy may be updated over time as the well registration program is developed and expanded.

3.02 Groundwater Use Measurement

Designation of Irrigated Parcels

ETSGSA will designate Irrigated Parcels as defined herein, will assess irrigated parcels at the irrigated rate for the SGMA Operational Assessment, will grant each Irrigated Parcel an allocation as defined herein, will measure groundwater use within all Irrigated Parcels, and will charge a Groundwater Use Fee for groundwater use on Irrigated Parcels that exceeds the upper threshold of Category 0.

A parcel's designation applies to the entirety of the parcel; meaning, if a parcel is determined to be designated as irrigated, the entire parcel's acreage is assessed or charged at the irrigated rate. There will not be partial designations of a parcel as both Irrigated and Non-Irrigated. For parcels that extend across the ETSGSA boundary, only the portion of the parcel that lies within ETSGSA will be managed in the Groundwater Accounting Platform, considered for purposes of calculating a parcel's allocation, and subject to the SGMA Operational Assessment.

Irrigated Agriculture

ETSGSA will measure groundwater use for Irrigated Land using Evapotranspiration ("ET") data provided by ETSGSA's Consultant.

Consumption-based volumetric groundwater fees will be charged based on ET that occurs within the field areas of each irrigated parcel, as described more, below.

Other Land Uses Designated as Irrigated

As defined herein, parcels are also designated as irrigated if they bear County land use codes indicating use as dairy facilities, poultry facilities or food processing facilities. Since

groundwater use associated with these kinds of facilities does not involve irrigation of cultivated fields, measurement of groundwater use using ET is not possible. The following means of measuring and reporting groundwater use will therefore be implemented for parcels with these County land use codes:

Dairy, Poultry, and Food Processing Facility Self-Reporting

Self-Reporting Requirement

Each Owner of a Dairy, Poultry, or Food Processing facility shall be required to self-report the consumptive Groundwater use of their facilities to ETSGSA within sixty (60) days following the close of each Reporting Period. The quantity shall be based on records maintained by the Dairy, Poultry, or Food Processing Facility or from any other regulatory reporting requirements already in effect, such as those required by local or state regulatory agencies. The report shall include any documentation that supports actual consumptive use of Groundwater, such as water use records, Groundwater extraction records, or reports submitted to other regulatory agencies.

Wells associated with the facility shall be registered as specified in Section 3.01 of these Rules and Regulations.

Examples of Acceptable Self-Reporting Sources

Dairy, Poultry, or Food Processing Facilities may use any of the following methods or data sources to report their Consumptive Groundwater Use to ETSGSA:

- **Meter Data**, when available, that records groundwater extraction. Well meters must be installed in compliance with manufacturer and AWWA specifications, calibrated within the last five years and approved by ETSGSA prior to use.
- **Electrical Consumption**, derived from records of energy used to operate pumps for groundwater wells coupled with a pump performance test conducted in the last five years by a qualified pump and well contractor to calculate groundwater extraction.
- **Run-Time Data** combined from an installed run-time meter coupled with production rates from a pump test conducted in the last five years by a qualified pump and well contractor to calculate groundwater extraction.
- **Water Balance Calculations**, either:
    - Developed internally by the Facility, or
    - Developed for another regulatory program applicable to the Facility.
- Other suitable means reviewed and approved by ETSGSA staff.

Other Non-De-Minimis Wells

Wells that are not used for irrigation purposes or to supply dairy, poultry or food processing facilities and are not using groundwater for De Minimis uses as defined herein, will be charged a Groundwater Use Fee. These may include, but are not limited to, domestic wells pumping in excess of two (2) acre-feet per year, wells used to supply transient and non-transient community and non-community water systems, and other industrial wells that may exist within ETSGSA. These wells may or may not be located on, and may or may not serve, parcels that are designated as irrigated as defined herein. Groundwater use measurement for these wells will be reported annually for each Reporting Period and not later than sixty (60) days after the end of the Reporting Period, based on one of the following:

- **Meter Data**, when available, that records groundwater extraction. Well meters must be installed in compliance with manufacturer and AWWA specifications, calibrated within the last five years and approved by ETSGSA prior to use.
- **Electrical Consumption**, derived from records of energy used to operate pumps for groundwater wells coupled with a pump performance test conducted in the last five years by a qualified pump and well contractor to calculate groundwater extraction.
- **Run-Time Data** combined from an installed run-time meter coupled with production rates from a pump test conducted in the last five years by a qualified pump and well contractor to calculate groundwater extraction.
- **Water Balance Calculations**, either:
    - Developed internally by the Facility, or
    - Developed for another regulatory program applicable to the Facility.
- Other suitable means reviewed and approved by ETSGSA staff.

Wells associated with the facility shall be registered as specified in Section 3.01 of these Rules and Regulations.

Article IV. Groundwater Accounting

4.01 Online Groundwater Accounting Platform

Consistent with GSP Management Action 9, ETSGSA established and shall maintain an online software platform, referred to as the Groundwater Accounting Platform, for Owners

or Operators to track consumed groundwater use on owned, leased, or managed parcels within ETSGSA. Subject to these Rules and Regulations, Owners may grant access to Operators to access their Water Account(s) and control water management of owned parcels therein. In order for Operators to be granted access to a water account, the Owner must provide written authorization to ETSGSA.

Subject to these Rules and Regulations, Owners and Operators may group multiple parcels held in common ownership or under common management into Water Account(s) for purposes of water management (this practice is referred to herein as "pooling.")

4.02 Categories of Water

The Groundwater Accounting Platform shall account for water through the following categories:

a) Effective Precipitation (Credit)
b) Consumed Groundwater According to Groundwater User Fee Categories as defined in Section 5.01 (Debit)
c) Consumed Surface Water (Credit)
    i. Merced Irrigation District Water
    ii. Turlock Irrigation District Water
    iii. Balico Cortez Water District Replenishment Water
    iv. Eastside Water District Replenishment Water
    v. Riparian Water
    vi. Other
d) Groundwater Credits – To be Determined

4.03 Priority of Use

The default order of accounting priority by category for debit or credit will be in the order of section a) through c) in Section 4.02 above. ETSGSA may develop future policies to allow landowners to change the preferred accounting priority of use of additional water sources or credits.

4.04 Consumed Groundwater Use Reporting

Methodology

Consumed Groundwater is calculated from Crop Consumptive Use by subtracting effective precipitation and Consumed Surface Water as described in the following sections.

Crop Consumptive Use ("ET")

The amount of Consumed Groundwater from crop irrigation will be calculated using crop evapotranspiration (ET) data. Crop ET is estimated by ETSGSA's consultant using a combination of remote sensing data and ground-based equipment. Total crop consumptive use will be reported monthly, within approximately 60 days of the end of the prior month. Monthly reports will include net consumptive use and precipitation by field and parcel and will include other meteorological and land use data.

Crop Consumptive Use will be calculated only for identified irrigated fields within an irrigated parcel. The ET from areas falling outside the identified field boundaries shall not be evaluated for Crop Consumptive Use or counted toward the Consumed Groundwater assessed for the parcel. Areas typically excluded from consideration include non-cultivated areas, roads, rangeland, riparian vegetation, water courses, ponds and canals.

Effective Precipitation

Total precipitation is reported for each irrigated field and parcel monthly by ETSGSA's consultant. The amount of effective precipitation will be calculated monthly for each field, within approximately 60 days of the end of the prior month. Effective Precipitation is defined as the fraction of precipitation that is not lost to runoff or deep percolation, and that is available to vegetation or crops for consumptive use.

Effective Precipitation is calculated by applying a scaling factor to total precipitation based on water year type (wet or non-wet). ETSGSA will determine the water year type for a Reporting Period based on total cumulative precipitation from November to March of each Reporting Period. A water year in which the total cumulative precipitation on March 30 at the Denair II CIMIS Station exceeds 14.4 inches shall be considered a wet year. An evaluation of Effective Precipitation in ETSGSA has determined a scaling factor of 0.55 for wet years and a scaling factor of 0.71 for normal and dry years (Formation, 2024).

<u>Cover Crop Adjustment</u>

An additional adjustment factor will be applied to fields with Cover Crops. The Effective Precipitation for fields with cover crops for at least five months from November to April shall be adjusted using a multiplier of 1.2, to 0.66 for wet years and 0.85 for normal and dry years.

<u>Effective Precipitation Cap</u>

Based on the above-referenced evaluation (Formation, 2024), Effective Precipitation shall be capped at (may not exceed) a maximum of 12 inches in a given Reporting Period.

A summary of Effective Precipitation is presented in the table below.

Water Year Type	Effective Precipitation Scaling Factor	Adjusted Effective Precipitation Scaling Factor	Cap
Wet	0.55	0.66	12”
Normal or Dry	0.71	0.85	12”

Fallowed or Non-Irrigated Fields

ET from fields that are fallowed by the Owners or Operators, or enrolled in ETSGSA’s MLRP or Rotational Fallowing Programs, will not be counted toward a parcel’s Consumed Groundwater.

Consumed Groundwater

Groundwater Dependent Parcels

For parcels with no alternative water supply, the Consumed Groundwater is determined for each field within the parcel using the following formula:

Consumed Groundwater = Consumptive Use (ET) – Effective Precipitation

Upon receipt of ET consumptive use data from ETSGSA’s consultant, the amount of ET consumptive use minus effective precipitation will be calculated monthly for each field, and summed for each parcel. After the calculation is completed, the net of ET consumptive use minus effective precipitation will be debited monthly from the applicable Water Account as Consumed Groundwater.

Parcels Receiving Surface Water

For parcels with alternative water supply(ies), the net consumed groundwater is determined using the following formula:

Consumed Groundwater = Consumptive Use (ET) – Effective Precipitation – Consumed Surface Water

Consumed Surface Water is the fraction of applied water that is available for crop consumptive use as described in Section 4.06.

As with parcels that are solely groundwater dependent, upon receipt of ET consumptive use data from ETSGSA's consultant, the net of ET consumptive water use minus effective precipitation will be calculated monthly and debited from the applicable Water Account. Based on documentation from Owner or Operator required by these Rules and Regulations (Section 4.06), Consumed Surface Water will be applied to an applicable Water Account(s) as a credit to calculate the Consumed Groundwater. This calculation and adjustment will be made after the close of the surface water reporting window, ahead of invoices being sent to Owners and/or Operators for any Groundwater Use Fees. ETSGSA reserves the right to audit documentation and verify the Consumed Surface Water reported by an Owner or Operator, and retroactively update that data in the Groundwater Account Platform to address discrepancies or inaccuracies, if needed.

Calculation of Consumptive Groundwater Use from Well Extraction Data

Since ET data are not available for the groundwater uses associated with other non-De Minimis wells, self-reported groundwater extraction data submitted for wells under Section 3.02 of these Rules and Regulations, or submitted for alternative groundwater measurement pursuant to an appeal under Section 4.07 of these Rules and Regulations, will be adjusted using the following procedure to calculate Consumed Groundwater. The reported groundwater extraction volume shall be multiplied by a conversion factor of 0.81 to calculate Consumed Groundwater.[1]

4.06 Surface Water Reporting

Any Owner or Operator within ETSGSA that applies surface water to parcels within the ETSGSA shall report the following information to ETSGSA within sixty (60) days of the close of the Reporting Period in order for their Consumed Surface Water use to be accounted for when determining the total Groundwater Use Fees due:

- Surface water source;
- Total delivery volume;
- County and Assessor's Parcel Number ("APN") of Parcels receiving surface water;
- Irrigation method;

[1] This conversion factor is derived by dividing the total consumed groundwater in ETSGSA during the baseline hydrologic period reported in Appendix K of the GSP (171,170 acre-feet) by the simulated groundwater extraction reported in Chapter 5 of the GSP (212,200 acre-feet).

- If applicable, copies of the most recent and relevant statement(s) of diversion and use or annual license reporting filed with the California State Water Resources Control Board ("SWRCB") during the Reporting Period; and
- If applicable, billing Invoice(s) from the surface water supplier showing total volume delivered to any relevant parcel during the Reporting Period, or other evidence of total volume delivered to each parcel.

Upon receipt of acceptable data, ETSGSA will calculate the Consumed Surface Water by multiplying the reported surface water delivery volume by an irrigation efficiency factor consistent with the irrigation method used. Efficiency factors for common irrigation methods are listed in the table below.

Irrigation Method/System Type	**Potential Application Efficiency Range (%)**	ETSGSA Assigned Irrigation Efficiency (%)
Sprinkler		
LEPA	80-90	88
Linear Move	75-85	83
Center Pivot	75-90	87
Traveling Gun	65-75	73
Side-Roll	65-85	80
Hand-Move	65-85	80
Solid-Set	70-85	82
Irrigation Method/System Type	**Potential Application Efficiency Range (%)**	**ETSGSA Assigned Irrigation Efficiency (%)**
Surface		
Furrow (Conventional)	45-65	60
Furrow (Surge)	55-75	70
Furrow (with Tailwater Reuse)	60-80	75
Basin	60-75	72
Precision Level Basin	65-80	77
Micro Irrigation		
Bubbler (Low Head)	80-90	88
Microspray	85-90	90

Micropoint Source	85-90	90
Microline Source	85-90	90
Surface Drip	85-95	93
Subsurface Drip	90-95	95

Source: Zaccaria, Danielle, 2018. *ANR Publication 8570, Field Irrigation Water Management in a Nutshell.* September.

4.07 Total Consumed Groundwater Use Appeal Process

Within thirty (30) days of notification by ETSGSA of an Owner or Operator's net consumed groundwater use at the close of the Reporting Period, any Owner or Operator may submit an appeal regarding the final net consumed groundwater amount for that Reporting Period. Such appeal shall be submitted to ETSGSA's General Manager and shall include any relevant data, calculations, documents or other information to support the protest.

The written appeal must be submitted to ETSGSA's General Manager with meter and irrigation system efficiency data for each well used by the affected parcels contained in the Water Account. The General Manager shall investigate matters related to the appeal, may request additional information and/or documentation from the Owner or Operator, may consult with ETSGSA Technical staff, and will present any relevant information, along with any recommendation, to the Board within sixty (60) days of receipt of the protest. The Board shall act on the written appeal and supporting documentation within sixty (60) days of receipt of all relevant information.

After approval of an appeal, wells associated with the Groundwater Accounting Platform Water Account for which an appeal is being sought will be required to register all wells located on the parcel(s) in accordance with the requirements of Section 3.01.

Article V. Allocation of Water

GSP Management Action 7 commits ETSGSA to establish groundwater use allocations for all irrigated parcels based on the estimated sustainable yield derived from GSP modeling and analysis of historical baseline consumptive groundwater use established from ET measurements for a baseline period from 2012 through 2021.[2] Baseline calculations were performed based on land use data available at the time ETSGSA adopted its SGMA

[2] As the sustainable yield of the subbasin can only be estimated at this time, the allocation represents an incrementally imposed regulatory threshold to achieve the sustainable yield over time. For further information, the reader is referred to discussion in Section 4.1 of the Groundwater Demand Reduction Plan adopted July 11, 2024.

Operational Assessment. As new data become available, the groundwater use baseline calculations may be updated, as appropriate. As stated in the GSP, groundwater use reduction targets will be escalated (i.e., allowable pumping limits will be decreased) every five years until the long-term sustainable yield is confirmed based on future analysis and met as determined by monitoring data.

Water Code Section 10726.4 authorizes a GSA to regulate groundwater extractions by regulating, limiting or suspending extractions. However, nothing in SGMA (and therefore these Rules and Regulations) should be used to determine or alter water rights. At this time, ETSGSA is not limiting the quantity of groundwater an Owner or Operator of Irrigated Parcel(s) can pump or use. However, ETSGSA is establishing a framework of escalating groundwater use reduction targets and disincentivizing pumping in quantities that exceed the estimated sustainable yield and ETSGSA reduction targets through Groundwater Use Fees. The program is structured to reduce and eventually eliminate pumping that could exacerbate or cause Undesirable Results and fund the costs of implementing projects and management actions to achieve sustainability. ETSGSA's fee structure will reflect the projected groundwater use reduction targets contained in the GSP, including a decrease in the Category 2 ceiling from 10% reduction to 20% reduction in the 2028 Reporting Period (starting November 1, 2027), as explained in more detail in the Groundwater Use Fee Study.

As additional data becomes available and as projects, monitoring, and management actions are implemented, the groundwater model used to estimate the Sustainable Yield of the Subbasin will be updated, the groundwater management framework will be updated as appropriate, and allocations limiting pumping may be proposed or adopted to reflect the new data.

Fields that are enrolled in the MLRP or Land Fallowing Programs and receive incentive payments will not be eligible to receive allocations. A summary of possible adjustments for fallowed, Non-Irrigated or enrolled fields is presented in the table below.

Land Use Practice	Accounting for ET	Allocation
Owner or Operator initiated rotation to Non-Irrigated use or fallowing	ET will not be counted toward the parcel's consumptive groundwater use	Allocation will be retained
Enrollment in MLRP or Land Fallowing Program	ET will not be counted toward the parcel's consumptive groundwater use	Allocation will be rescinded
Cover Cropping	No ET adjustment, but an Effective Precipitation credit will be applied	Allocation will be retained

5.01 Groundwater Use Fee Categories

ETSGSA intends to propose a Groundwater Use Fee charged to Irrigated Parcels and non-De Minimis wells used for purposes other than irrigation ("other non-De Minimis wells"), to cover the costs of projects and management actions contained in the GSP to mitigate and achieve demand reduction. Groundwater Use Fees will be charged to Owners and Operators of Irrigated Parcels based on Consumed Groundwater, measured by ET, as reported on the Groundwater Accounting Platform. Groundwater Use Fees will be charged to Owners and Operators of other non-De Minimis Wells, as described below. The following fee categories are proposed by the ETSGSA:

> **"Category 0"** means the Groundwater Use Fee category for consumptive groundwater use measured by ET up to 0.5 acre-feet per acre. This category includes groundwater use up to the estimated minimum native sustainable yield.
>
> **"Category 1"** means the Groundwater Use Fee category for consumptive groundwater use measured by ET up to 1.1 acre-feet per acre. This category includes groundwater use above Category 0 up to the estimated sustainable yield.
>
> **"Category 2"** means the Groundwater Use Fee category for consumptive groundwater use measured by ET up to 1.6 acre-feet per acre through 2027, and up to 1.4 acre-feet per acre from 2028 through 2032. This category includes groundwater use above Category 1 and up to the groundwater use reduction target in effect at the time. The upper threshold of Category 2 is used to calculate the groundwater allocation for irrigated parcels and other Non-De Minimis Wells, as described below.
>
> **"Category 3"** means the Groundwater Use Fee category for consumptive groundwater use measured by ET exceeding the upper threshold of Category 2. This category includes groundwater use above the groundwater use reduction target in effect at the time and in excess of the irrigated parcel allocation.

As discussed in Section 4.05 of these Rules and Regulations, for well groundwater extraction data reported for Poultry, Dairy and Food Processing Facilities, and/or other non-De Minimis wells, reported groundwater extraction shall be multiplied by 0.81 to calculate the equivalent Consumptive Groundwater Use and Groundwater Use Fees due. If the reported extractions are associated with a non-De Minimis well used to supply groundwater to a small community or non-community, transient or non-transient water system, the allocation shall be calculated by determining the equivalent Consumptive Groundwater Use in relation to the acreage of the service area of that system. Any

Groundwater Use Fees related to the use of such wells shall be charged to the parcel on which that well is located.

5.02 Extractions Not Subject to Groundwater Use Fee

De Minimis Extractors will not be charged a Groundwater Use Fee. Stock Wells will not be charged a Groundwater Use Fee. However, if a Stock Well is also used to irrigate crops, or used in excess of two (2) acre-feet per year, the exemption does not apply and such use will be subject to Groundwater Use Fees pursuant to these Rules and Regulations.

5.03 Priority Action Areas

The Groundwater Demand Reduction Plan appended to the July 11, 2024 GSP includes a framework to systematically identify Priority Action Areas ("PAAs") based on assessment of monitoring data and program implementation progress where focused demand reduction efforts will be implemented to avoid potential Undesirable Results. PAAs will be defined and managed under Action Plans adopted by the GSA Board and may include additional Rules and Regulations, including, but not necessarily limited to, further escalations of groundwater use reduction targets, decreased allocations, and limitations on Pooling, Credits and Transfers, and focused actions to expedite projects or demand reduction management actions. Criteria for de-escalation of actions and closure of PAAs will also be provided.

As summarized in the Groundwater Demand Reduction Plan, boundaries for PAAs will be defined based on a two (2)-mile buffer around the monitoring trigger leading to their establishment. For purposes of these Rules and Regulations, if a parcel or a contiguous group of parcels under related ownership is divided by the buffer zone, it shall be considered part of the PAA if the majority of that parcel's (or group of contiguous parcels') acreage is located within the PAA; otherwise, it shall be considered to lie outside the PAA. In addition, the GSA may adjust PAA boundaries to be consistent with management of existing on-farm irrigation or water management systems. The boundaries of a PAA may be adjusted in response to monitoring data gathered over time.

The boundaries of the Subsidence PAA established in the southwest portion of ETSGSA are shown on Figure 1, attached. Additional PAAs may be established by the GSA pursuant to the Groundwater Demand Reduction Plan.

5.04 Management Zones

ETSGSA intends to establish Management Zones based on spatial variances of aquifer properties, Groundwater conditions and groundwater demand in ETSGSA's jurisdiction. ETSGSA intends for all lands within ETSGSA's jurisdiction to fall within an established

Management Zone. Depending on Groundwater conditions, ETSGSA may develop policies, Rules and Regulations that apply to the use of Groundwater in one or all Management Zones. ETSGSA may reevaluate Management Zone boundaries and applicable Rules and Regulations as data and circumstances warrant.

For purposes of future Rules and Regulations, if a parcel, or a group of contiguous parcels under related ownership, overlies more than one Management Zone, ETSGSA intends for the parcel or group of contiguous parcels to be governed by the Management Zone in which the majority of that parcel's acreage is located.

5.05 Reclassification of Parcels and Allocations

A landowner may appeal to change the classification of their parcel(s) subject to the SGMA Operational Assessment Appeal Process Policy and these Rules and Regulations. Upon review of available data and other relevant evidence, if ETSGSA becomes aware of the use of groundwater on a parcel designated as Non-Irrigated in a manner that is inconsistent with the definition of Non-Irrigated land, ETSGSA may reclassify the parcel(s) and provide revised invoices accordingly.

Article VI. Carryover, Transfer Authority, and Pooling

6.01 Carryover

Water Code Section 10726.4 expressly authorizes a GSA to establish accounting rules to allow unused Groundwater extraction allocations to be carried over and transferred. *ETSGSA intends to develop Rules and Regulations to allow carryover of a certain portion of an Allocation and to address expiration of Carryover.*

6.02 Transfer Authority

ETSGSA intends to develop Rules and Regulations to allow certain Transfers within ETSGSA's jurisdiction.

6.03 Pooling

Owners or Operators of Irrigated Parcels may group multiple parcels held in common ownership or under common management into Water Account(s) for purposes of water management, subject to these Rules and Regulations. This practice is referred to herein as "pooling." The Water Account Holder of a parcel proposed for pooling with other parcels in a different water account must verify that they give permission for the pooling to occur, agree to indemnify ETSGSA, and receive approval from the ETSGSA.

If an individual who does not own a parcel wants to pool that non-owned parcel with other parcels in another Water Account, documentation demonstrating proof of a farm lease or management agreement for the leased or managed premises must be provided to GSA staff. GSA staff shall review all non-owned parcel pooling requests prior to approval.

Further Rules and Regulations regarding pooling are presented below. ETSGSA reserves the right to adopt additional policies, Rules and Regulations to address, avoid, or mitigate undesirable results.

Pooling Management Zones

ETSGSA intends to establish Management Zones to manage pooling in areas of disparate groundwater conditions as discussed in Section 5.04 of these Rules and Regulations.

Priority Action Areas

An Owner or Operator of Irrigated Parcel(s) may pool multiple parcels within the same Priority Action Area into Water Account(s) for purposes of water management. Pooling parcels inside a Priority Action Area with parcels outside the area will be prohibited.

Article VII. Fees & Penalties

7.01 SGMA Penalties

Any Owner, Operator, or other person who violates the provisions of SGMA or these Rules and Regulations may be subject to the criminal and civil sanctions set forth in SGMA. ETSGSA reserves all rights to pursue such penalties in compliance with California law.

7.02 Civil Remedies

Upon the failure of any person to comply with any provision of these Rules and Regulations, including any limitations on extraction of Groundwater established by ETSGSA under these Rules and Regulations, ETSGSA may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in these Rules and Regulations or otherwise allowed by law. ETSGSA may also petition the Superior Court to recover any sums due to ETSGSA.

7.03 Assessments and Groundwater Use Fees

The Board intends to propose and maintain assessments and fees, including groundwater extraction fees, consistent with Water Code Sections 10730 through 10730.6, and the

California Constitution. Owner or Operator shall be responsible for payment of all assessments and fees.

ETSGSA reserves the right to review, investigate and audit payments, parcel and field irrigation status, reported groundwater use quantities, reported surface water delivery quantities, well metering, and other data as may be necessary to verify that the reported values are correct.

Article VIII. General Appeals

8.01 General Appeal Policy

An Owner or Operator may submit a written appeal regarding an issue related to the application of these Rules and Regulations to their owned, leased, or managed parcels or Water Account. The written appeal must be submitted to ETSGSA's General Manager and provide:

- The Owner or Operator's contact information;
- List of relevant owned, leased or managed parcels and corresponding Assessor's Parcel Numbers;
- A description of the issue;
- Any supporting data or documentation related to the issue; and
- A description of the desired outcome.

The General Manager shall investigate matters related to the appeal, may request additional information and/or documentation from the Owner or Operator, may consult with ETSGSA Technical staff, and will present any relevant information, along with any recommendation, to the Board within sixty (60) days of receipt of the complete written appeal. The Board will consider supporting documentation and may take action on the written appeal.

Appeals related to Total Consumed Water Use must be submitted in accordance with Section 4.07 of these Rules and Regulations. Appeals to change the classification of a parcel's status as irrigated or non-irrigated must be submitted pursuant to the SGMA Operational Assessment Appeal Process Policy, as described in Section 5.05 of these Rules and Regulations.