

# **SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT ORDINANCE NO. 18-01**

## *Adopting Requirements Pertaining to New Water Well Permits*

The Board of Directors of the Sierra Valley Groundwater Management District **DOES ORDAIN** as follows:

### **Section 1. Purposes.**

It is the purpose of this District to manage groundwater in Sierra Valley. The District hereby provides requirements for approval of new water wells in order to ensure that water obtained from wells within the Sierra Valley Groundwater Basin is suitable for the purposes for which it is used and that new wells will not cause adverse impacts to the groundwater within the Basin. In addition, these requirements are established to attempt to reduce potential well interference problems with existing wells and potential adverse impacts which could be caused by the construction of new wells or the repair or deepening of existing wells where a permit is required within this District.

### **Section 2. Permit required.**

No person, firm, association, organization, partnership, joint venture, business trust, corporation, company, federal, state or local agency, or special district formed under the laws of this state shall, within the area of the Sierra Valley Groundwater Management District, construct, repair or deepen any water well, or destroy any abandoned well unless a written permit has first been obtained from the respective District.

### **Section 3. Pumping capacity and well casing size.**

- (a) High-capacity wells are defined as those capable of pumping 100 gallons per minute or more or constructed with casings larger than a seven (7) inch outside diameter (OD).
- (b) High-capacity wells shall be prohibited from installation within the area specified by the District's appointed hydrogeologist and as adopted by the District's governing Board. The current area of prohibition is identified on a map and attached to this ordinance as Exhibit A.
- (c) Permit applications for domestic wells constructed with casings seven (7) inches or less outside diameter (OD) will not be affected by the high-capacity well prohibition area described above.

### **Section 4. Adopting Requirements for Reporting High Capacity Inactive Wells.**

- (a) High-capacity wells, as defined in Section 3 (a), are inactive if unmetered. These wells shall be known as high-capacity inactive wells.
- (b) High-capacity inactive wells must be registered with the District, including the following information:
  - a. The pumping capacity of the well.
  - b. The location of the well.
  - c. The distance from existing operating wells.
  - d. A description of any intent to activate the well.

- (c) High-capacity inactive wells shall not be metered and activated without application for and receipt of a permit from the District. The District shall consider all information provided in subsection (b) and issue authorization to activate the inactive well if such activation does not increase impact to the groundwater basin.
- (d) No high-capacity inactive well will be considered by the District for an activation permit in the absence of the information required in subsection (b) above.
- (e) The process for activation of a high-capacity inactive well is as follows:
  - a. Written application submitted to the Board of Directors of the District which application shall include the following information:
    - i. the intended use of the well.
    - ii. the location of the well within the basin
    - iii. the projected pumping capacity upon re-activation
    - iv. the wells proximity to other wells
    - v. the applicant's intent regarding the inactivation of other wells
    - vi. a description of the equipment to be installed to effect activation.
  - b. Upon approval by the District, the well may be activated following a site inspection by the District prior to going live.
  - c. No high-capacity inactive well shall be destroyed prior to the issuance of a permit by the County for such destruction and upon notice to the District.

#### **Section 5. Well Spacing Requirements.**

New, high-capacity wells are allowed outside of the prohibited area described in Section 3 of this ordinance provided that they shall not be located closer than one quarter mile to an existing high-capacity well. Variances to the one quarter mile spacing requirement may be granted by the District's Board of Directors on a case-by-case basis in accordance with Section 6 of this ordinance.

#### **Section 6. Exemptions from the High-Capacity Well Prohibition and Spacing Requirements.**

The following work will be exempt from the high-capacity well prohibition and the spacing requirements of Sections 3 and 4 of this ordinance:

- (a) The repair or deepening of an existing well, if the engineered pumping capacity of the well is not increased.
- (b) Replacement of a well that is destroyed in accordance with District, state and local requirements, provided the replacement well does not exceed the engineered pumping capacity of the well that is destroyed, and provided the replacement well is drilled within two hundred (200) feet of the destroyed well.
- (c) Monitoring wells.
- (d) Any person, entity, or public water agency claiming an exemption to this prohibition must submit an application to the District. Any application for an exemption should contain sufficient information to establish that the exemption applies.

(e) The following water management practices are exempt from the prohibitions in this chapter, provided the claimant or public water agency meets the burden of establishing that the exemption applies:

1. Water resources management practices of public water agencies, including municipal services, that have jurisdictional authority within the District, and that are in compliance with and included in groundwater management plans and policies adopted by that agency. This exemption shall not apply if the District determines that the public water agency's groundwater management plan and policies fail to prevent the increased mining or export of groundwater in areas within the public water agency's service area and that is subject to the District's jurisdiction.
2. Replacement of existing wells that do not produce further decline of groundwater levels, land subsidence, or other significant environmental damage.
3. Water wells in aggregate, on a single parcel delivering two acre-feet of ground water per year or less for domestic use on property under the same ownership as the parcel on which the well is located.

#### **Section 7. Variances.**

- (a) Any person whose application for a permit has been revoked or denied due to the prohibited area or well spacing requirements set forth in this ordinance may, within thirty (30) days after the date of such denial or revocation, appeal therefrom in writing, to the Board of the Sierra Valley Groundwater Management District. Upon the filing of a complete application, the Secretary of the Board shall fix a time and place for a public hearing to consider a variance. Variances can only be granted upon finding of unusual circumstances and upon finding that the variance will not cause well interference problems or adverse impacts to the groundwater within the Basin. The Board shall affirm or overrule the denial or revocation, and transmit such determination to the permitting agency within sixty (60) days. This section does not authorize appeals to the Board from any action of the District authorized or required by state law or regulation.
- (b) If the Board needs the advice of an expert geologist or groundwater hydrologist to make a decision on the appeal, the Board may retain such expert advice, and the costs shall be borne by the appellant. The Board shall inform the appellant of the not-to-exceed cost of such expert advice before the cost is incurred and the appellant may withdraw the appeal before any such costs are incurred. If the Board needs to retain an expert, then the hearing on the appeal may be continued for up to sixty (60) days to allow the expert time to investigate and to write a report on the results of that investigation. The report shall be a public document, and a copy of the report shall be provided to the appellant.
- (c) The applicant shall provide written comments or evidence at least one week prior to the hearing for the Board to review. At the hearing of an appeal to the District Board, any interested party may present oral or written evidence. Following the hearing, the Board shall render a decision upon the appeal and may sustain, modify, or reverse any action or decision the Sierra Valley Groundwater Management District Board has taken. The decision of the Board shall be final.

**Section 8. Coordination between Plumas and Sierra Counties and the Sierra Valley Groundwater Management District.**

- (a) Whenever Plumas or Sierra District receives a permit application for a new or modified high-capacity well, as defined herein, located within the District boundaries, the District Planning Department or Environmental Health Department, as appropriate, shall submit a copy of the application package to the District.
  
- (b) Upon completion of the new high-capacity well, the Plumas or Sierra District Environmental Health Department or Building Department shall forward copies of the completed permit and the Department of Water Resources well completion report/well log to the District. If the construction permit expires or the well is otherwise not constructed, copies of the appropriate documentation confirming expiration of the permit shall likewise be forwarded.

The foregoing ordinance was duly passed and adopted by the Board of Directors of the Sierra Valley Groundwater Management District, State of California, at a meeting of said Board held on April 9, 2018 by the following vote:

**AYES:** DIRECTORS: Roberti, Grandi, Wallace, Rowson, Sanchez, Roen, Ramelli

**NOES:**

**ABSENT:**

*Einen Grandi*  
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Chairman, Board of Directors

**ATTEST:**

By: *Jenny Gant*  
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Secretary of the Board