



Board Agenda Item 43

DATE: November 4, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Memorandum of Understanding Between Valley Water Collaborative and GSAs in the Delta Mendota Subbasin

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute the Memorandum of Understanding between Valley Water Collaborative and Groundwater Sustainability Agencies in the Delta Mendota Subbasin.

Approval of the recommended action will adopt the Memorandum of Understanding between Valley Water Collaborative and Groundwater Sustainability Agencies (MOU) in the Delta-Mendota Subbasin (Subbasin). The purpose of the MOU is to allow Groundwater Sustainability Agencies (GSAs) and Valley Water Collaborative (VWC), an existing nonprofit public benefit corporation, to work together to utilize resources funded by the Safe and Affordable Funding for Equity and Resilience (SAFER) grant, without duplication efforts or changing the current Domestic Well Mitigation Policy (Policy) and to assist private domestic well owners to mitigate the effects that may be felt by domestic water users whose wells have gone dry or are in imminent threat of going dry within the Subbasin. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, it would likely result in increased costs and delay the implementation and coordination obligation of the Groundwater Sustainability Plan (GSP) required by the Sustainable Groundwater Management Act (SGMA).

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. VWC will utilize funding from the SAFER grant to assist private domestic well owners under this MOU. Any additional costs or associated agreements between the 23 GSAs and VWC for these services will come to your Board for approval.

DISCUSSION:

SGMA provides for the establishment of local GSAs to manage groundwater sustainability within groundwater subbasins defined by the California Department of Water Resources (DWR). SGMA was signed into law on September 16, 2014, and is codified at California Water Code sections 10720 through 10738. SGMA established a new structure for managing California's groundwater resources at a local level by local agencies. Each GSA was required to develop and implement a GSP to ensure a sustainable yield of groundwater, without causing undesirable results. Failure to implement a GSP and meet its sustainability goal could result in the State Water Resources Control Board (SWRCB) asserting its authority to manage

local groundwater resources.

In anticipation of potential intervention by SWRCB, the GSAs entered into a Memorandum of Agreement on December 11, 2023, agreeing to collectively adopt a single GSP for the Subbasin instead of submitting multiple plans for each GSA to address the deficiencies identified by DWR with the original submittal of the coordinated GSPs. The County's portion of the single GSP was approved by the Board on September 10, 2024, and re-submitted for review by the State. GSP implementation is ongoing and is expected to continue through 2029.

To assure compliance with SGMA within the Subbasin, Department staff participates in regular meetings with representatives from the local participating GSAs. The County serves as the exclusive GSA for FCMAB, approved by the Board on May 2, 2017.

Previously the Coordination Committee, representatives of the GSA groups within the DMS adopted the Policy, which was approved by all the GSAs in the Subbasin as part of the adoption of, and included in, the single GSP. The Policy addresses potential impacts to domestic wells that may be associated with declining water levels if subbasin minimum threshold (MT) levels are not maintained. Since implementation of the original GSPs in 2020, the GSAs have successfully avoided undesirable results that would occur by water levels dropping below the MT which are set at 2015 low groundwater levels. The well mitigation process includes an evaluation of an application for assistance, provisions for providing emergency water supplies, well investigation and assessment, claim evaluation, review of water level data, and providing appropriate mitigation measures such as well repair or replacement where the evaluation findings indicate that the applicant is eligible for relief.

During the process of preparing the single GSP, the GSAs worked and continue to work with SWRCB staff to address remaining concerns with respect to well mitigation for water quality issues arising from GSA management activities. The proposed MOU is necessary to demonstrate to the SWRCB that the GSA's are willing to formalize coordination efforts referenced in the GSP and the Policy, with respect to water quality. Under the proposed MOU, if during the normal course of implementing existing program(s) in the Subbasin VWC encounters a dry well that may be eligible for mitigation under the Policy, VWC will notify the single contact person identified by the GSAs of the dry well and will provide the resident with GSA referral information that includes the resident's options for seeking mitigation under the Policy. Replacement wells provided by the GSA(s) through the Policy will be referred to the VWC to obtain safe replacement water if well testing results indicate that the new well exceeds unsafe drinking water standards. In addition, VWC will conduct public outreach and offer free domestic well water quality testing and may provide replacement water to residents, based on eligibility, for contaminants, and for all wells that exceed acceptable nitrate levels under the Central Valley Salinity Alternatives Nitrate Program. Due to the structure of the MOU governing the administration of the Delta-Mendota GSAs, the County of Fresno must approve the MOU between VWC and GSAs on behalf of FCMAB.

REFERENCE MATERIAL:

BAI #6, September 10, 2024
BAI #59, January 29, 2019
BAI #13, May 2, 2017
BAI #11, May 2, 2017
BAI #12, March 7, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU between VWC and GSAs in the Subbasin

CAO ANALYST:

Maria Valencia