

# **Tehama County Groundwater Sustainability Agency Regulations Governing New and Replacement Wells**

Purpose: The purpose of this regulation is to establish the requirements for new and replacement wells including minimum depth, screen placement and isolation in order to meet the requirements of the Groundwater Sustainability Plan filed with the Department of Water Resources.

## **Rule I. Governing New and Replacement Agricultural Wells**

- a. New and replacement Agricultural Wells shall meet a minimum screened depth requirement as described in AGScreenDepthMap01 attached hereto as Exhibit A.
- b. To determine the minimum depth to which an agricultural well will be permitted to be perforated, the E-log for the test hole shall be submitted to the Tehama County Environmental Health Department (the "Department"). The E-log shall be reviewed by the Department to determine the required depth allowed to be perforated, and the required placement of a 20 foot bentonite seal. The minimum perforated depth shall be determined with the utilization of the AGScreenDepthMap01 Program, which calculates the 85<sup>th</sup> percentile level of domestic wells in the 9 square mile area from the location of the proposed well. The 20 foot bentonite seal shall start at the 85<sup>th</sup> percentile depth and extend downward 20 feet. If the 85<sup>th</sup> percentile level is a highly permeable sand or gravel layer then the bentonite seal shall be placed deeper to the shallowest point where there is a less permeable strata for an effective seal installation.

## **Rule II. Governing New and Replacement Domestic Wells**

- a. New and Replacement Domestic Wells shall meet the minimum depth requirement as described on DomWellDepthMap01 attached hereto as Exhibit B.
- b. To determine the minimum permitted depth for a domestic well, the Department shall utilize the DomesticWellDepthMap01. The proposed domestic well location shall be placed on the Map which in turn will specify the minimum permitted well depth. This minimum depth is not a guarantee as to water availability or production, but rather a minimum requirement only for the specific area.

## **Rule III. Governing Appeals**

- a. An applicant for a Tehama County Well permit that disagrees with the standards described in any of the regulations governing new and replacement Agricultural Wells or New and Replacement Domestic Wells as herein described can appeal.
- b. That appeal shall be in writing and submitted to the Deputy Director of Public Works – Water Resources for Tehama County who acts as the Groundwater Sustainability Executive. Appeals can be sent by mail to Tehama County Flood

Control and Water Conservation District, 1509 Schwab Street, Red Bluff, CA 96080 or emailed to [TehamaGSA@tcpw.ca.gov](mailto:TehamaGSA@tcpw.ca.gov).

- c. The Groundwater Sustainability Executive shall issue a written decision on the matter within 15 calendar days of receipt of the appeal.
- d. The written decision shall be mailed to the applicant at the address provided in the application for a well permit within five days of being issued.
- e. The Groundwater Sustainability Executive shall not override the standards found in the applicable map identified in the regulations unless the findings show the standards in that map do not accurately represent the actual circumstances.
- f. If the applicant wishes to appeal the decision of the Groundwater Sustainability Executive to the Groundwater Commission, the applicant may do so in writing, mailed to the Director of Public Works at 9380 San Benito Avenue, Gerber, CA 96035. and postmarked within 45 days of the date of issuance of the Groundwater Sustainability Executive's decision. The appeal shall be brought to the Groundwater Commission at the next regular meeting of the Groundwater Commission.
- g. If the applicant wishes to appeal the decision of the Groundwater Commission to the Board of Directors of the Flood Control and Water Conservation District (hereinafter "Board"), the applicant may do so in writing, mailed to the Director of Public Works at 9380 San Benito Avenue, Gerber, CA 96035 and postmarked within 45 days of the date of issuance of the Groundwater Commission's decision. The appeal shall be brought to the Board at the next regular meeting of the Board.
- h. Throughout the appeal process, the applicant shall bear the burden of providing evidence to the Executive and the Groundwater Commission that the standards in the applicable map identified in the regulations do not accurately represent the actual circumstances. The applicant may produce Elogs of an existing well to meet its burden of producing evidence but that evidence shall not be conclusory.
- i. In considering the appeal, if the Groundwater Commission and the Board find after reviewing the evidence produced by the applicant that there is no basis to the assertion that the standards in the applicable map identified in the regulations do not accurately represent the actual circumstances, they may have the option of permitting an exception to the regulation. If the Groundwater Commission or the Board finds that an exception to the regulation may be prudent, it will consult the County on possible CEQA ramifications before permitting the exception. The County will follow "Procedures For Preparation and Processing of Environmental Documents" for the County of Tehama published in 2015 by the Tehama County Planning Department. If in following those procedures, the Groundwater

Commission or Board finds that a CEQA review is necessary before permitting the exception, the applicant will be responsible for paying the costs of the CEQA review before a decision shall be rendered.

Rule IV. Emergency Appeals

- a. If the applicant does not have other onsite means of water access and must replace an existing well due to casing failure, collapse, or stuck pump, they may qualify for an emergency appeal.
- b. Applicants requesting an emergency appeal to the Board of Directors may do so in writing, mailed to the Director of Public Works at 9380 San Benito Avenue, Gerber, CA 96035.
- c. Upon confirmation that the emergency appeal is required, a special meeting of the Board of Directors shall be held within 15 calendar days of receipt of the request.
- d. Within 5 working days of receiving the emergency appeal request, the Director of Public Works shall submit the appeal to the Planning Department for a preliminary review of possible CEQA exemptions, in accordance with "[Procedures for Preparation and Processing of Environmental Documents](#)", published by Tehama County Planning Department in 2015.
- e. If the Board of Directors determines the applicant does not meet the requirements of the emergency appeal they will be notified, in writing, within 15 calendar days that they may appeal through the standard appeals process.

## Definitions

**Agricultural well** shall mean water wells used for the growing of crops or production of other agricultural commodities for commercial purposes.

**Domestic well** shall mean a well devoted exclusively to the residential and related yard, garden, and barnyard uses within the curtilage of a dwelling located on the same parcel of land as the served dwelling house or upon another parcel of land respecting which the owner of the served dwelling has a legally cognizable interest in the nature of real property. Such uses as recognized in this section do not include the growing of crops or production of other agricultural commodities for commercial purposes. ([Tehama County Code of Ordinances, Title 9, Chapter 4.0](#))

**Director of Public Works** shall mean the Director of Public Works serving as the Tehama County Flood Control and Water Conservation District Executive Director.

**Groundwater Sustainability Executive** shall mean the Deputy Director of Public Works – Water Resources.