



PROJECTS SUBJECT TO REVIEW UNDER THE  
COUNTY'S GROUNDWATER ORDINANCE

EFFECTIVE NOVEMBER 26, 2014

The Department of Environmental Resources (DER) is charged with implementing the County's Groundwater Ordinance. The Ordinance provides a framework using California Water Law to review proposed projects. As required in County Ordinance Chapter 9.37, projects that do not qualify for an exemption are subject to further review before a permit to construct a water well can be issued. The Ordinance is available on the County's website at [www.stancounty.com/er/groundwater-resources](http://www.stancounty.com/er/groundwater-resources).

**ORDINANCE EXEMPTIONS:**

- 9.37.050 (A1). **Water resources management practices of public water agencies and their water rate payers (*Current proof that irrigation charges are being paid on the parcel in question may be required.*)**
- 9.37.050 (A2). **Water well extractions of 2 (two) acre feet per year for property under the same ownership where the well is located**
- 9.37.050 (A3). **Groundwater extraction or export of water done in compliance with a permit issued by the Stanislaus County DER**
- 9.37.050 (B1). **Dewatering of shallow water tables**
- 9.37.050 (B2). **Reasonable use to supplement or replace surface water mandated for regulatory purposes**
- 9.37.050 (B3). **Water conservation in compliance with applicable state law**
- 9.37.050 (B4). **Groundwater recharge/aquifer storage and recovery**
- 9.37.050 (B5). **Contamination remediation**
- 9.37.050 (B6). **Agricultural operations on contiguous property outside of the County with commons ownership**
- 9.37.050 (B7). **Licensed bottled water operator**

An initial review of the application for water well construction might determine that none of the exemptions above apply. In such case, additional information, as described on the following pages, is required to be submitted before a well construction permit may be issued [Section 9.37.050(A3)].

If you have any questions about the review process or have documentation supporting one of the above noted exemptions, please contact Walt Ward at [ward@envres.org](mailto:ward@envres.org) or weekdays at (209) 525-6710. When, and if, a well construction permit is issued for this project, the well construction fees and/or any applicable review fees will be required before release of the permit.

Below is a preliminary review application you must complete to facilitate the review of your project. Detailed and specific information will help staff better understand your project information needs and expedite the review. Please complete sections specific to your request and indicate N/A for those items not applicable. Other Federal and State applications or permit requirements may be necessary. In addition, projects may be subject to the California Environmental Quality Act.

For assistance in completing your application, please refer to the County Groundwater Ordinance which is available at <http://www.stancounty.com/er/groundwater-resources.shtml>.

<b>TO BE COMPLETED BY APPLICANT OR BY A LICENSED PROFESSIONAL WHERE APPLICABLE</b>			
<b>1. APPLICANT INFORMATION</b>			
PRINT NAME OF APPLICANT:		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ( )	FAX TELEPHONE # ( )	E-MAIL ADDRESS	
IS APPLICANT DIFFERENT FROM OWNER? <input type="checkbox"/> Yes <input type="checkbox"/> No		RELATIONSHIP TO OWNER:	
If Yes, PRINT NAME OF OWNER*:		NAME OF FIRM, IF APPLICABLE	
*County may request documentation			
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ( )	FAX TELEPHONE # ( )	E-MAIL ADDRESS	
<b>2. IF APPLICABLE, LICENSED PROFESSIONAL (Professional Engineer or Geologist, with applicable hydrological experience) INFORMATION</b>			
A. PRINT NAME OF LICENSED PROFESSIONAL:		LICENSE #	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ( )	FAX TELEPHONE # ( )	E-MAIL ADDRESS	
SECTION(S) COMPLETED BY LICENSED PROFESSIONAL			
SECTION #	SECTION #	SECTION #	
B. PRINT NAME OF LICENSED PROFESSIONAL:		LICENSE #	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ( )	FAX TELEPHONE # ( )	E-MAIL ADDRESS	
SECTION(S) COMPLETED BY LICENSED PROFESSIONAL			
SECTION #	SECTION #	SECTION #	

Please note: **To initiate a review of your proposed project, staff will need to conduct a California Environmental Quality Act (CEQA) evaluation to determine whether possible impacts may result. To complete this process, more detailed information may need to be requested from the project applicant. County staff will conduct this analysis at the expense of the Applicant. Please refer to “Notice to All Applicants”**

**3. PROJECT INFORMATION**

A. Assessor’s Parcel Number and Parcel Size (in acres).

B. Provide a site map showing the location of all proposed wells. Complete the attached Water Well Facilities table for each proposed well shown on the map.

C. Provide information pertaining to the project’s water demand. Describe the sources of water being used to meet this demand (e.g., surface water and groundwater) and what portion of it the overall demand is to be met from the groundwater source. Identify the annual usage and the peak monthly usage of the groundwater. Use the attached Water Demand Calculations table for this purpose, if applicable. If the project receives surface water from a public agency, what is the name of that provider?

D. Provide details about the water well production rates and operating schedule. For example, daily hours of operation and rotation periods (days on/days off) during the week/month.

E. Is the pumped groundwater going to be conveyed out of Stanislaus County?  
 Yes  No

[If **Yes**, provide specific timeframes and conveyance mechanism by which the groundwater will be conveyed out of the County and the purpose and use of such water at the terminal point of delivery.]

F. Provide “substantial evidence” showing that the groundwater use will not result in any “undesirable outcomes” as defined in Section 9.37.030(9) of the Stanislaus County Groundwater Ordinance.

G. Explain whether this project involves exporting during periods of emergency

a. An emergency includes (1) states of emergency as described in the California Government Code, section 8558; (2) states of water shortage emergency as determined by the California Department of Water Resources; or (3) determination by the Stanislaus County Board of Supervisors that groundwater within the County can assist areas outside the County.

b. Groundwater extraction for the purpose of emergency relief shall be monitored so that the volume of water exported can be determined.

c. The duration of groundwater extraction for the purpose of emergency relief shall not exceed the time frame of the emergency. Groundwater extraction for the purpose of emergency relief does not set precedents or entitles the exporter to future exports.

H. Please provide any other additional information that supports the argument that the use of the proposed well(s) represents sustainable groundwater management as defined in Section 9.37.030(8) of the Stanislaus County Groundwater Ordinance, such as aquifer hydraulic characteristics and historical water well hydrographs reflecting the local groundwater conditions.



## **INDEMNIFICATION:**

In consideration of the County's processing and consideration of this application for approval of the groundwater project being applied for (the "Project"), and the related CEQA consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of Stanislaus ("County") from liability or loss connected with the Project approvals as follows:

1. The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, including any claim for private attorney general fees claimed by or awarded to any party from County.

The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County will promptly notify Owner and Applicant of any such claim, action, or proceeding, that is or may be subject to this Indemnification and, will cooperate fully in the defense.
3. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, actions, or proceeding in good faith. To the extent that County uses any of its resources responding to such claim, action, or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings.
4. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
5. The Owner and Applicant shall pay all court ordered costs and attorney fees.
6. This Indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.



The Stanislaus County Department of Environmental Resources (DER) will notify the applicant of the date in which the completed information has been received. This date will trigger the 30-day review period to determine whether the application is complete. If additional information is needed or requested, this will trigger another 30-day review period.

**IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby acknowledge that they have read, understand and agree to perform their obligations under this Indemnification.**

\_\_\_\_\_  
Signature of Applicant/Date

\_\_\_\_\_  
Signature of Owner(s)/Power of  
Attorney/Legal Representative/Date

- *Applications are not valid without the property owner's signature.*

**APPEALS: An appeals process is included in the ordinance**



## NOTICE TO ALL APPLICANTS

### **REQUIRED ADDITIONAL FEE: CALIFORNIA FISH and GAME CODE:**

Pursuant to California Fish and Game Code §711.4, the County of Stanislaus is required to collect filing fees for the California Department of Fish and Wildlife for all projects subject to the California Environmental Quality Act (CEQA) unless a fee exemption is provided in writing from the California Department of Fish and Wildlife. Pursuant to California Fish & Game Code §711.4(d), all applicable fees are required to be paid **within 5 DAYS of approval** of any project subject to CEQA. These fees are subject to change without County approval required and are expected to increase yearly. Please contact the Department of Environmental Resources or refer to the current fee schedule for information on current fee amounts.

If a required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid. (Section 711.4(c)(3) of the Fish and Game Code.)

Under the revised statute, a lead agency may no longer exempt a project from the filing fee requirement by determining that the project will have a de minimis effect on fish and wildlife. Instead, a filing fee will have to be paid unless the project will have *no effect* on fish and wildlife. (Section 711.4 (c)(2) of the Fish and Game Code). If the project will have any effect on fish and wildlife resources, even a minimal or de minimis effect, the fee is required.

A project proponent who believes the project will have *no effect* on fish and wildlife should contact the California Department of Fish and Wildlife. If the California Department of Fish and Wildlife concurs the project will have no such effect, the Department will provide the project proponent with a form that will exempt the project from the filing fee requirement. Project proponents may contact the Department by phone at (916) 651-0603 or through the Department's website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

Pursuant to California Fish and Game Code §711.4(e)(3) , the department (CDFW) shall assess a penalty of 10 percent of the amount of fees due for any failure to remit the amount payable when due. The department may pursue collection of delinquent fees through the Controller's office pursuant to Section 12419.5 of the Government Code.

Additionally California Fish and Game Code §711.4(f) states the following: Notwithstanding Section 12000, failure to pay the fee under subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment subject to collection under procedures as provided in the Revenue and Taxation Code.

Failure to pay the necessary fee will also extend the statute of limitations for challenging the environmental determination made by the County, thus increasing exposure to legal challenge. The type of environmental determination to be made by the County may be

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discussed with the project reviewer following the environmental review stage of the project and will be outlined in a Board of Supervisor's staff report.

**REQUIRED ADDITIONAL FEE: STANISLAUS COUNTY RECORDER:**

Upon approval of the proposed project, Stanislaus County will record either a "Notice of Exemption" or a "Notice of Determination" pursuant to CEQA Guidelines. The Clerk Recorder charges an additional fee of **\$57.00** for recording these documents. A separate check made payable to **"Stanislaus County"** is due and payable **within 5 DAYS of approval** of the project.



Water Well Facilities Table

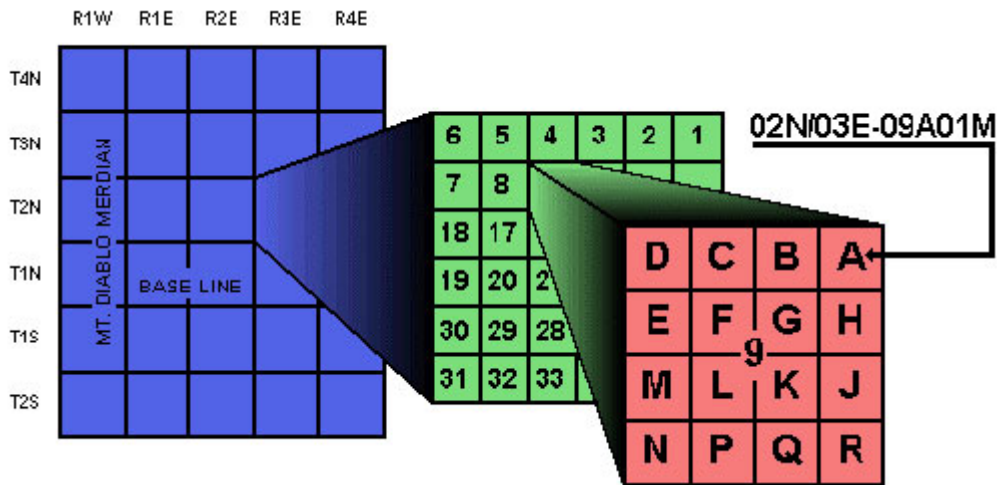


Well No. on Site Map	State Well Number* (T/R/S)	Latitude (nearest 0.1 degree)	Longitude (nearest 0.1 degree)	Total Well Depth (feet bls)	Screened Interval (feet bls)	Finished well diameter (inches)	Installed Maximum Pumping Rate (gpm)	Water Level Reference Point Elevation (North American Vertical Datum of 1988)

\*See next page for more information



### State Well Numbering System



Wells monitored by the Department of Water Resources and cooperating agencies are identified according to the State Well Numbering system. The numbering system is based on the public land grid, and includes the township, range, and section in which the well is located. Each section is further subdivided into sixteen 40-acre tracts, which are assigned a letter designation as shown in the figure below. Within each 40-acre tract, wells are numbered sequentially. The final letter of the State Well Number refers to the base line and meridian of the public land grid in which the well lies. "M" refers to the Mount Diablo base line and meridian; "S" refers to the San Bernardino base line and meridian; "H" refers to the Humboldt base line and meridian.



Water Demand Calculations

Crop Type	Irrigated Acres	Irrigation System Type	Irrigation Season Length (days)	Average Annual Demand (AFY)	Maximum Monthly Demand (MGM)	Peak Daily Demand (GPM)