

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

RESOLUTION

R-17-35

RESOLUTION GRANTING A PERMIT TO EXPORT GROUNDWATER  
FOR THE DEMONSTRATION RECHARGE EXTRACTION AND  
AQUIFER MANAGEMENT PROJECT

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WHEREAS the purpose of the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project is to demonstrate, on a small scale, the feasibility of recharging the underlying groundwater basin with additional water and returning a portion of the banked groundwater to a partner outside San Joaquin County (County); and

WHEREAS the San Joaquin County Board of Supervisors (Board) approved a Memorandum of Agreement on September 24, 2013, with East Bay Municipal Utility District (EBMUD) for the development of a demonstration-scale groundwater banking project; and

WHEREAS on March 11, 2014, the Board approved a cost-share agreement with EBMUD to fund the initial development of the DREAM Project including planning, preliminary engineering, environmental review, permitting and public outreach; and

WHEREAS on November 25, 2014, the Board approved the Protest Dismissal Agreement between the Central Delta Water Agency, North San Joaquin Water Conservation District (NSJWCD), Stockton East Water District (SEWD), EBMUD and the County; and

WHEREAS the DREAM Project is the result of a collaborative effort between NSJWCD, SEWD, Woodbridge Irrigation District, the San Joaquin Farm Bureau Federation, the Eastern Water Alliance (EWA) and EBMUD, and involved close coordination with local stakeholders and property owners in the DREAM Project area, including noticed meetings for all property owners within two miles of the proposed DREAM Project extraction well; and

WHEREAS the DREAM Project is located within NSJWCD boundaries and involves supplying up to 1,000 acre-feet of surface water from Camanche Reservoir under EBMUD's Mokelumne River Water Right Permit 10478 for irrigation of developed farmland currently irrigated by groundwater; and

WHEREAS the DREAM Project would allow EBMUD to receive up to 50 percent of the 1,000 acre-feet of water supplied, subject to issuance by the Board of a Permit to Export Groundwater (Permit) and all conditions contained within the Permit; and

WHEREAS the Permit application for the DREAM Project (Application) was approved by the EWA on April 7, 2016, and submitted to the Department of Public Works; and

WHEREAS the Application was published and noticed on April 18, 2016, in accordance with Title 5, Division 8 of the County Ordinance Code; and

WHEREAS on August 23, 2016, the Board, acting as the lead agency for the DREAM and NSJWCD South System Improvements Projects, adopted an Initial Study and Mitigated Negative Declaration and no challenges were received following filing of the Notice of Determination; and

WHEREAS on February 3, 2017, EWA re-affirmed their support for the DREAM Project and the Application; and

WHEREAS on February 7, 2017, the Notice of Application was re-published and the 30-day public comment period extended to March 9, 2017; and

WHEREAS the DREAM Project was vetted and unanimously recommended for approval by the Advisory Water Commission on February 15, 2017; and

WHEREAS on March 21, 2017 the Board accepted the Application and received the Director of Public Works' recommendation to issue a Permit and set a Public Hearing date for April 11, 2017, in accordance with Title 5, Division 8, Chapter 5-8320 of the County Ordinance Code; and

WHEREAS the Board has received all written comments on the Application received by the Public Works Department prior to and after the close of the second 30-day public comment period ending March 9, 2017; and

WHEREAS the Board duly held a Public Hearing on April 11, 2017, and has considered all public comments received, both orally and in writing, on the Application, prior to considering granting the Permit; and

WHEREAS Title 5, Division 8, Section 5-8335 of the County Ordinance Code requires the Board to make certain findings prior to granting the Permit; and

WHEREAS Title 5, Division 8, Section 5-8340 of the County Ordinance Code requires Permit conditions to protect the health, safety and welfare of the people of San Joaquin County; and

WHEREAS Title 5, Division 8, Section 5-8345 of the County Ordinance Code requires establishment of a Monitoring Committee to provide oversight of the operation of any permitted export project.

NOW, THEREFORE, BE IT RESOLVED that based on the information contained in the DREAM Project Application, the Board hereby finds that the DREAM Project extractions:

1. Will not cause or increase an overdraft of the groundwater underlying the County;
2. Will not bring about or increase saline intrusion;
3. Will not unreasonably degrade the quality of the groundwater underlying the County;
4. Will not adversely affect the long-term ability for storage or transmission of groundwater within the aquifer;
5. Will not exceed the safe yield of the groundwater basin underlying the County and will not otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users or of any municipality or utility which is a water purveyor which includes groundwater.
6. Are otherwise in compliance with Water Code Section 1220;
7. Will not result in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization;
8. Will not cause or contribute to land subsidence; and
9. Are from those areas projected to contain the replenishment water at the time of the extraction.

BE IT FURTHER RESOLVED that this Board concurs with the recommendation of the Director of Public Works and hereby grants EWA, NSJWCD, and the San Joaquin County Flood



Control and Water Conservation District a Permit to Export Groundwater for the DREAM Project;  
and,

BE IT FURTHER RESOLVED that the Board hereby adopts the DREAM Project Permit to Export  
Groundwater Conditions attached hereto as Exhibit A; and,

BE IT FURTHER RESOLVED that the Board hereby establishes the DREAM Project Monitoring  
Committee, which shall include the following: the Director of Public Works and/or designee, the Director  
of Environmental Health and/or designee; a primary and alternate representative appointed by the EWA, a  
primary and alternate representative appointed by NSJWCD, a primary and alternate representative of the  
landowners within two miles of the extraction well as appointed by NSJWCD, and a representative from  
EBMUD who may serve as an Ex-Officio member of the Monitoring Committee; and,

BE IT FURTHER RESOLVED that EWA, NSJWCD, and EBMUD shall appoint members to the  
DREAM Project Monitoring Committee in a timely manner to allow the Board to confirm appointments  
to the DREAM Project Monitoring Committee at a regularly scheduled meeting of the Board of  
Supervisors no less than 180 days before the first day of groundwater extraction for the purpose of export.

PASSED AND ADOPTED 04/11/2017, by the following vote of the Board of  
Supervisors, to wit:

AYES: **Villapudua, Miller, Patti, Elliott, Winn**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

**Charles Winn**

ATTEST: MIMI DUZENSKI  
Clerk of the Board of Supervisors  
Of the County of San Joaquin,  
State of California

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CHARLES WINN  
Chair, Board of Supervisors  
County of San Joaquin,  
State of California



By **Mimi Duzenski**

## EXHIBIT A

### Demonstration Recharge Extraction and Aquifer Management (DREAM) Project

#### Conditions for the Permit to Export Groundwater

1. Permittees shall construct and operate the DREAM Project as described in the DREAM Project Application for a Permit to Export Groundwater (Application) from San Joaquin County.
2. Permittees may extract and export up to a total of 500 acre feet of groundwater provided the Permittees shall extract no more than 50 percent of the amount of water that has been recharged, and that said extraction amount shall be further reduced by an additional five percent per year.
3. Recharged water shall be extracted within five years after the date the water is applied for irrigation. The time limit for extraction can be extended upon approval by the Monitoring Committee.
4. Water used for in-lieu irrigation and credited as recharge water shall be Mokelumne River water released from Camanche Reservoir and supplied by EBMUD pursuant to EBMUD's water right Permit 10478 and shall be applied to crops located at APNs 061-160-06, 09 and APNs 063-020-10, 11,12. Additional areas for in-lieu irrigation can be utilized upon approval by the Monitoring Committee.
5. Extraction shall be limited to the existing groundwater well and pump, generally known as Kautz Farms Well 13, located immediately adjacent to Pixley Slough on APN 061-160-09 at approximately 38.08451 north latitude and 121.2244 west longitude. Extraction may be shifted to a nearby well in the vicinity upon approval by the Monitoring Committee.
6. The Extraction Rate shall be limited to the capacity of the existing Kautz Farms Well 13, estimated to be 1,000 gallons per minute.
7. Extraction shall be limited to the non-irrigation season of October 1 thru March 31.
8. Totalizer meters shall be installed to record diversions, extractions and groundwater use at the diversion location along the Mokelumne River. These meters will be installed at points where water is diverted for irrigation, at the extraction point (Kautz Farms Well 13) and at the point where the extracted groundwater enters the EBMUD Mokelumne Aqueduct. Permittees shall provide records of meter readings to the Monitoring Committee at least monthly whenever recharge or extraction activities are occurring. Weekly reporting may be required at the option of the Monitoring Committee.
9. Permittees shall not be responsible for the personnel costs of the representatives of the Monitoring Committee. All other groundwater monitoring costs, including employment of a professional groundwater specialist, collection, evaluation and analysis of data as adopted by the Monitoring Committee, shall be allocated among and borne by the Permittees and may be reimbursable from appropriate project funds.
10. The Permittees shall adhere to the provisions defined in the Monitoring Plan submitted with the Application.

11. By proceeding with the project, Permittees acknowledges that the Monitoring Committee has the authority to curtail, modify or terminate the extraction process.
12. Permittees shall operate the extraction process such that groundwater levels in the wells listed below do not drop more than five feet under the minimum operating levels shown in the following table:

<b>Well</b>	<b>Minimum Operating Level (ft above msl)</b>
03N07E17K002	-45.7
03N07E19J004	-59.0
03N07E21L003	-51.5
03N07E33G002	-50.0