

# Merced Domestic Well Mitigation Program

January 2026

## Introduction

### Background

The Sustainable Groundwater Management Act (SGMA), passed in 2014, requires the formation of local groundwater sustainability agencies to oversee the development and implementation of groundwater sustainability plans, with the goal of achieving sustainable management of California's Groundwater Subbasins. The Merced Subbasin GSA, the Merced-Irrigation Urban GSA, and Turner Island Water District GSA-1, collectively referred to as the Merced GSAs or GSAs, were formed pursuant to SGMA to manage the Merced Groundwater Subbasin (Merced Subbasin).

The Merced Subbasin Groundwater Sustainability Plan (Merced GSP) was developed collectively by the Merced GSAs and was submitted to the California Department of Water Resources (DWR) in January 2020. In January 2022, DWR determined the Merced GSP was incomplete and directed the GSAs to address certain deficiencies. In 2022, the GSAs amended and resubmitted an updated Merced GSP to DWR. The amended and resubmitted GSP was approved by DWR in 2023. The Merced GSP is currently being implemented by each GSA within its respective boundaries.

Included as part of DWR's 2023 approval of the Merced GSP were various Corrective Actions. One of the Corrective Actions was to develop a domestic well mitigation program. In general, a domestic well mitigation program provides a structured process for evaluating and addressing impacts to domestic wells caused by declining groundwater levels. Typical programs usually include features like emergency water support, technical investigation, and long-term solutions such as well deepening or replacement. As part of DWR's Corrective Actions for the Merced GSP, DWR indicated programs should be in place prior to demonstrated need by local domestic well owners.

The GSAs recognize that during GSP implementation, groundwater levels may continue to decline before recovering to 2015 groundwater levels. The Merced GSAs also recognize the Human Right to Water and the importance of access to safe drinking water for all users in the groundwater subbasin.

As part of normal review and update processes, the Merced GSAs revised again and submitted an updated Merced GSP to DWR in January 2025. The revised Merced GSP included a new Management Action titled "Domestic Well Mitigation Program" (Program) (described in Section 6.2.4 of the Merced GSP), which outlines actions and a timeline for completing those actions – from development to beginning initial implementation of the Program. However, the Program had yet to be fully developed at that time.

The Merced GSAs began the development of a draft coordinated Program in 2024, which included activities such as the review of other existing mitigation programs that might be available to domestic well owners potentially being impacted, technical evaluation, and discussions with entities currently implementing mitigation programs intended to cover the entire Merced Groundwater Subbasin. The purpose of this document is to document the Program, so it may be implemented by the Merced GSAs.

The Merced GSAs coordinate on basin management and GSP implementation through a Coordination Committee formed through a Coordination Agreement. Each GSA appoints representatives to the Coordination Committee, who meets regularly to discuss groundwater conditions, basin-wide monitoring, GSP implementation, GSP reporting and other basin-wide issues.

The Merced GSP identifies projects and management actions intended to recover groundwater levels to the minimum threshold of the fall 2015 groundwater level by 2035. At that level, it is expected that domestic wells will not be de-watered and the Program will no longer be necessary.

During the implementation of the Program, the GSAs through the Coordination Committee and Well Mitigation Committee will:

- Provide direction to respective GSA staff, including authorizing said GSA staff to work with vendors such as non-government organizations (NGO's) or other programs, well drillers, and pump contractors, as needed to implement the Program; and
- Provide assistance to domestic well owners on an as-needed basis and to the extent possible, as Program applicants potentially need to obtain an emergency water supply while dewatered wells undergo mitigation activities; and
- Conduct an investigation and provide the agency implementing the Program with an opinion or report regarding the conditions and circumstances of each applicant well and the cause for its de-watering; and
- Recommend Mitigation Measures based on technical and hydrogeologic expertise, as applicable.
- Forward documentation and recommendations regarding mitigation activities under the Program to the Coordination Committee and/or Well Mitigation Committee; and
- Regularly review the Program criteria and revise as necessary; and
- Conduct Appeal hearings of mitigation determinations, as needed.

## Purpose

The intent of the Program is to address adverse impacts experienced by domestic well users caused by overdraft conditions in the Merced Subbasin. Importantly, the Program is solely focused on addressing impacts associated with groundwater level declines. The Program shall not address impacts caused by aging, faulty, poorly constructed, ill-maintained domestic well infrastructure, or any other cause other than groundwater level decline. The Program identifies the specific criteria and processes for mitigating claims of impacts caused by long-term overdraft in the Merced Subbasin.

Where feasible, the GSAs will collectively coordinate with other entities such as NGOs or other local organizations that offer drinking water services and support for those affected by impaired access to drinking water.

The Merced GSAs do not intend to duplicate mitigation services or activities in the Merced Subbasin provided by the Program or other sources, but rather the Merced GSAs will collaborate and provide a mitigation option for drinking water wells that are not eligible under other existing services.

## Program Management

The Merced GSAs anticipate establishing a single Point of Contact, generally referred to as the Program administrator for the implementation of the Program. However, the Program will be collectively managed and implemented by the Merced GSAs through coordinated efforts of the GSA Boards, their subcommittees (such as the basin-wide Coordination Committee or Well Mitigation Committee), GSA staff, and other entities, consultants, contractors, and vendors as necessary.

## Funding and Anticipated Costs

The Program allocates cost responsibility [among the GSAs], to address impacts to domestic wells proportionately to the effects of the impact of yet-to-be-determined cumulative volumetric overdraft since January 1, 2015, or to other more direct causes if they can be demonstrated to be independent from long term overall groundwater level depletion since January 1, 2015.

## Schedule

The Program is scheduled to be adopted by the Merced GSAs prior to April 1, 2026. Program implementation will proceed thereafter, as necessary.

# Mitigation Program and Policy:

## Definitions:

- Applicant: the domestic well owner, or the well owner's authorized representative, who submits an application for mitigation under the Program.
- Cause determination: the Program's determination of the primary cause of a domestic well's impairment, based on objective evidence and technical assessment, including whether the impairment is attributable to declining groundwater levels or to other factors such as well age, construction, maintenance, or localized conditions.
- Declining groundwater levels: measured or modeled reductions in groundwater elevations within the Merced Groundwater Subbasin attributable to basin-wide conditions or long-term overdraft, as distinguished from short-term, localized, or site-specific conditions.
- Domestic well: a groundwater well used to supply potable water for domestic purposes to a single residence or parcel, not used to supply water for agricultural, commercial, or industrial purposes, and extracting no more than two acre-feet of groundwater per year.
- Emergency condition: a condition in which a domestic well is unable to provide sufficient potable water to meet basic household needs due to loss of yield, loss of pressure, or other impairment.
- Emergency Water Supply: temporary drinking water support provided through the Program to address an immediate loss or impairment of potable water service from an affected domestic well. The Program may support or facilitate an Applicant's efforts to obtain an emergency water supply through third-party providers, vendors, or other available resources, pending completion of eligibility review and implementation of any long-term Mitigation Measure.
- Groundwater Sustainability Agency: a local agency formed pursuant to the Sustainable Groundwater Management Act with authority to manage groundwater within its jurisdictional boundaries in the Merced Groundwater Subbasin.
- GSA recommended depth: the minimum well drilling depth identified by the Merced GSAs based on available hydrogeologic data and professional judgment, intended to improve the resiliency and long-term performance of domestic wells.
- Landowner or Owner: the person or entity holding legal title to the real property on which a domestic well subject to a mitigation request is located.
- Long term Mitigation Measures: Mitigation Measures intended to provide a durable and sustainable source of potable water for an affected domestic well, as distinguished from emergency or interim water supply support.
- Merced Groundwater Subbasin: the groundwater subbasin designated by the California Department of Water Resources as the Merced Groundwater Subbasin.
- Merced GSAs: collectively, the Merced Subbasin Groundwater Sustainability Agency, the Merced Irrigation-Urban Groundwater Sustainability Agency, and Turner Island Water District GSA-1.
- Merced Subbasin Groundwater Sustainability Agency: the groundwater sustainability agency responsible for groundwater management within its jurisdictional area of the Merced Groundwater Subbasin.

- Merced Irrigation-Urban Groundwater Sustainability Agency: the groundwater sustainability agency responsible for groundwater management within its jurisdictional area of the Merced Groundwater Subbasin.
- Mitigation Measures: actions approved under the Program to address impacts to eligible domestic wells caused by declining groundwater levels, which may include support for an Applicant obtaining an emergency water supply, connection to a public water system, well deepening, well modification, well replacement, or other long-term solutions determined appropriate by the Merced GSAs.
- Objective evidence: information reasonably relied upon by qualified hydrogeologic or engineering professionals, including but not limited to groundwater level data, monitoring results, well construction records, pump and maintenance records, technical analyses, and other relevant documentation.
- One time mitigation: a single mitigation action provided under the Program for an eligible domestic well, after which no additional mitigation assistance shall be provided for the same well.
- Reimbursement: payment made by the Program to an eligible Landowner or Applicant after verification that approved mitigation work has been completed in accordance with Program requirements, subject to applicable reimbursement limits and approval.
- Technical assessment: a hydrogeologic, engineering, or other technical evaluation conducted by qualified professionals to assess the condition of a domestic well, determine the cause of impairment, and identify appropriate mitigation options.
- Third party provider: an independent individual or entity not affiliated with the Merced GSAs, including but not limited to non-governmental organizations, vendors, contractors, or service providers, that may supply goods or services related to mitigation activities.
- Turner Island Water District GSA-1: the groundwater sustainability agency responsible for groundwater management within its jurisdictional area of the Merced Groundwater Subbasin.
- Program: the Merced Groundwater Subbasin Domestic Well Mitigation Program, as adopted and implemented by the Merced GSAs.
- Program administrator: the GSA, staff member, consultant, or other entity designated by the Merced GSAs to administer day-to-day implementation of the Program, including application intake, coordination of assessments, and communication with Applicants.
- Program Boundary: the geographic area within the Merced Groundwater Subbasin over which the Program applies.
- Well Mitigation Committee: the committee designated by the Merced GSAs to hear and decide appeals of Program determinations, including eligibility determinations and mitigation awards, in accordance with the procedures set forth in this Program.
- Well Owner: the person or entity that owns a domestic well subject to a mitigation request under the Program.

## Eligibility

Wells eligible for the Program are domestic wells that have experienced adverse impacts caused by declining groundwater levels. Wells not eligible for this Program shall be those impacted by any other

cause other than declining groundwater levels, for example, impacts caused by aging, faulty, poorly constructed, or ill-maintained domestic well infrastructure. Groundwater wells used to irrigate crops for agricultural production shall not be eligible for mitigation under the Program. It is important to note that well performance may be affected by other factors (e.g. well age, construction, maintenance). Well performance may or may not be affected by the GSAs' groundwater management or declining groundwater levels. The Program will take such performance factors into account when determining eligibility.

At a minimum, domestic wells must meet the following criteria to be eligible for Mitigation Measures:

- Domestic well must be located within the Merced Groundwater Subbasin; and
- Domestic well must have either: 1) existed and demonstrated to have been in consistent use prior to adoption of this Program; or, 2) domestic well must have been drilled to a GSA recommended depth if constructed post-adoption of the Program.
- Objective evidence exists that clearly connects the impacts of declining groundwater levels to the impairment of the affected domestic well's ability to provide a sustainable source of potable water for the property and excludes all other potential causes, as determined by the GSAs; and
- Well impacts must have begun to occur after January 28, 2020, which reflects the period following the submission of the initial Merced; and
- Applicant well has not previously received mitigation from the Merced Groundwater Subbasin Domestic Well Mitigation Program or any other mitigation program; and
- Does not supply water for any non-domestic purpose; and
- Does not extract greater than 2 acre-feet per year.

## Mitigation Process

The mitigation process involves the following steps:

1. The Applicant must first contact the Program administrator.
  - a. Applicant will complete an application form and submit to the Program administrator.
    - i. So long as the Applicant and Domestic well is eligible as set forth in the Program, and if reasonably necessary in the sole determination of the Program administrator, the Program shall either provide the Applicant or assist the Applicant with obtaining an interim Emergency Water Supply during the well assessment and mitigation determination time.
    - ii. Additional Emergency Water Supply be may be obtained on a longer term basis, subject to prior request and approval by Program administrator during implementation of the interim and long-term solution(s).
  - b. Application form(s) shall include, among other appropriate information: well owner and contact information, well location and age, well construction information, well and pump maintenance records, date well first failed to provide adequate water, and other information as may be necessary in the determination of the Program administrator.
  - iii. Applicant must provide the following to the GSAs:
    1. Access to the domestic well and property for pre-, during, and post mitigation activities, such as assessments, Mitigation Measures, and post-mitigation inspection; and

2. Acknowledgement of Applicant/Owner's responsibilities, including pre-, during-, and post-mitigation; and
    3. Indemnification of the GSAs; and
    4. Acknowledgment of the one-time mitigation for the domestic well at issue.
  - c. Mitigation requests will be processed on a first-come, first-served basis as of the date a completed and submitted mitigation application form is received by the Program administrator, with priority determined as of the date of the application's postmark, receipt date of electronic transmittal, or hand delivery date stamp.
2. A well assessment will be performed, and an initial determination of eligibility will be made by the Program administrator.
  - a. If the well assessment indicates an affected well is not eligible for mitigation:
    - i. Applicant will be issued a letter of denial, including the reason(s) for the denial of mitigation.
    - ii. GSAs will refer the applicant to other resources for continued emergency water supplies, if possible.
    - iii. Emergency water supply that may have been supported by the GSAs will be discontinued.
  - b. If the well assessment indicates an affected well is eligible for mitigation:
    - i. The Program will perform a technical assessment to determine which potential mitigation measures may be appropriate for implementation. Program staff will review the technical assessment and determine in their sole discretion the specific mitigation measures that are appropriate for implementation. Recommendations and determinations will be made in a timely manner after receiving the assessment and report.
    - ii. Before issuance of Mitigation Award under the Program, the property owner must execute, and the Program shall record in the Office of the County Records, Official Records, a document evidencing the property owner's release and discharge of any potential claims against the GSAs related to an Unreasonable Adverse Effect on a domestic well and a notice of full satisfaction of any Mitigation Award determined by the Merced GSAs. Once the release and notice of satisfaction have been recorded, the Merced GSAs shall issue the Mitigation Award to the Landowner for Mitigation Measures.
    - iii. The GSAs will support the Applicants' efforts to obtain an emergency water supply during the mitigation process.

## Mitigation Award

Mitigation Award shall include the combination of approved Long-Term Mitigation Measures and amount of financial assistance.

1. The Mitigation Award shall be provided as direct financial assistance to Landowner should the Landowner implement the mitigation measure at its cost.
  - a. Program will issue reimbursement up to the maximum cumulative amount of \$30,000 subject to the reimbursement schedule adopted annually. The maximum cumulative reimbursement amount of \$30,000 applies solely to approved Long-Term Mitigation Measures. Reasonable costs associated with obtaining an Emergency Water Supply, as determined by Program

administrator, shall not be counted toward or reduce the maximum cumulative reimbursement amount.

- i. Program may provide an initial deposit or other payments prior to the completion of Long-Term Mitigation Measures, including Emergency Water Supply, upon request.
  - ii. Upon receipt of Mitigation Award notice, Applicant shall immediately commence Long-Term Mitigation Measures identified in Mitigation Award.
  - iii. The Program may request an Applicant obtain additional bids for the necessary mitigation work.
  - iv. Applicant shall perform all work necessary to complete mitigation measures identified by the GSAs, including any permitting. Applicant shall notify GSAs of completion of Mitigation Measures for inspection and verification by the GSAs.
  - v. Upon satisfactory completion, GSAs shall provide a final reimbursement payment.
  - vi. Wells replaced after January 28, 2020 and before the adoption of the Program may be reimbursed at the maximum cumulative amount of \$30,000.
  - vii. Determinations shall only be considered final upon final written determination by the Merced GSAs.
- b. Alternatively, Program Staff reserves the right to contract directly with entities to perform mitigation measures.
- c. All approved Mitigation Measures shall be fully implemented within one hundred eighty (180) days of the date of issuance of the Mitigation Award, unless an extension is approved in writing by the Merced GSAs due to circumstances beyond the Applicant's control. Failure to complete approved Mitigation Measures within the required timeframe may result in revocation of the Mitigation Award, unless otherwise approved by the Merced GSAs.
2. Appeals: Applicant may appeal Program decisions and determinations to the Well Mitigation Committee through a written appeal addressed to the Program administrator and submitted within thirty (30) days of the decision/determination. The Well Mitigation Committee will hold a hearing at the next available meeting and issue a decision based upon consideration of the written appeal, supporting documentation and staff recommendations.

## Mitigation Measures

Mitigation Measures may include a combination of Emergency Water Supply and Long-Term Solutions.

### *Emergency Water Supply*

- The Program will assist the Applicant with obtaining an Emergency Water Supply during the well assessment and mitigation determination time, or provide Emergency Water supply, if necessary.
- Additional emergency drinking water may be supported, subject to approved requests, during implementation of the Long-term solution.
- Should a well be ineligible for mitigation, the GSAs will refer the applicant to other resources for continued emergency water supplies.

### *Long Term Solution*

The Program may, at its sole discretion, determine Mitigation Measures for the affected domestic well, generally described as follows:

- Connection to Public Water Supply System
- Modifications to Existing Well System
- Well Deepening
  - Program shall determine minimum drilling depth
- Well Replacement
  - Program shall determine minimum drilling depth

Applicant shall be solely responsible for covering any and all other on-site costs associated with Mitigation Measures, including the restoration of any landscaping, irrigation, or hardscaping. Should Applicant implement the Mitigation Measures, the Applicant is responsible for complying with all Federal, State and Local laws and regulations.