

Resolution No. 019

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY (CGSA)  
ADOPTING A POLICY REGARDING COUNTY REQUESTS FOR WELL  
VERIFICATIONS PER EXECUTIVE ORDER N-7-22**

WHEREAS, the Sustainability Groundwater Management Act of 2014, Water Code sections 10720-10737.8, (“SGMA”) was signed into law on September 16, 2014; and

WHEREAS, in 2020, the Carpinteria Groundwater Sustainability Agency (the “CGSA”) was formed through a Joint Powers Authority Agreement between the Carpinteria Valley Water District, County of Santa Barbara Water Agency, City of Carpinteria, and County of Ventura to manage the sustainability of the groundwater basin identified as the Carpinteria Groundwater Basin (“CGB”); and

WHEREAS, the CGSA is the exclusive groundwater sustainability agency (“GSA”) for the CGB, previously approved by the California Department of Water Resources (“DWR”) in 2020; and

WHEREAS, the CGB is an alluvial groundwater basin designated in 2018 as High Priority by DWR, which primarily underlies Santa Barbara County but also underlies a small portion of Ventura County; and

WHEREAS, Santa Barbara and Ventura Counties (hereinafter the “Counties”) are each tasked by the State of California with oversight and permitting of construction, demolition, and other modification of groundwater wells within their respective boundaries in order to protect public health and safety of water supplies within their respective boundaries; and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22 (“EO N-7-22”) in response to the continuing severe drought that currently exists in California, and which has the potential to adversely affect, and cause undesirable results in, alluvial groundwater basins throughout California—including those within Santa Barbara and Ventura Counties; and

WHEREAS, Section 9 of EO N-7-22 directs a County to first obtain a written verification from any Groundwater Sustainability Agency (“GSA”) managing groundwater within a medium or high priority basin within that County where a well is proposed to be located or modified before that County may grant a permit authorizing construction of a new groundwater well, or modification of an existing groundwater well; and, further, that such verification must confirm to the County that the issuance of a County well permit would “not be inconsistent with” any *applicable* groundwater sustainability plan (“GSP”) previously adopted by the GSA; and

WHEREAS, because the CGB was previously designated as very low priority basin prior to 2018, and ultimately re-designated as a high priority basin several years after most other high and medium priority basins in California were so designated, CGSA, which was only formed in 2020, is not required to complete and approve a GSP for the CGB until 2024; and

WHEREAS, because a prerequisite of the requirement for verification of consistency per Section 9 of EO N-7-22 is the existence of an approved GSP, and no approved GSP currently exists in the CGB, CGSA is not legally able to provide such verification because its sustainable

groundwater management program is still in development; and

WHEREAS, Santa Barbara County Code Chapter 34a was modified by Santa Barbara County Urgency Ordinance No. 5158 (“SB Urgency Ordinance”), adding Sections 34A-22 through 34A-30, on May 24, 2022, to the Santa Barbara County Code in response to Executive Order N-7-22; and

WHEREAS, the SB Urgency Ordinance, Sections 34A-25 (regulating new or modified wells other than domestic or public water supply wells) and 34A-27 (regulating replacement wells), mandate that any applicant for a permit to construct a new well, modify an existing well, or replace an existing well, must include in their application to Santa Barbara County a verification from an applicable GSA demonstrating that the proposed action will not be inconsistent with an applicable GSP; and

WHEREAS, given the legal inability of the CGSA to provide verifications to the Counties or well permit applicants prior to approving and submitting a GSP to DWR, the Board desires, through the passage of this Resolution, to adopt a template response to requests for verification submitted per Section 9 of EO N-7-22 and/or County ordinances implementing same.

NOW, THEREFORE, the Board of Directors for the Carpinteria Groundwater Sustainability Agency hereby resolves as follows:

1. The Board hereby finds the facts set forth in the Recitals to this Resolution are true and correct and establish the factual basis for the CGSA’s adoption of this Resolution, and incorporates those Recitals by reference.
2. The Executive Director of CGSA is directed to respond to requests for EO N-7-22 verifications via written correspondence in substantially the form enclosed herewith as Exhibit 1, declining to provide written verification regarding a proposed County well permitting action until such time as the CGSA has approved and submitted to DWR a GSP for the CGB.

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**PASSED AND ADOPTED** by the Board of Directors of the CGSA on the 9<sup>th</sup> day of November, 2022, by the following roll call vote:

AYES: Holcombe, Stendell, Johnson, Roberts and Van Wingerden

NAYES:

ABSENT:

ABSTAIN:

APPROVED:

DocuSigned by:  
*Case Van Wingerden*  
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Case Van Wingerden, CGSA Chariman

ATTEST:

DocuSigned by:  
*Robert McDonald*  
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Robert Mc Donald, Secretary

EXHIBIT 1

Dear Sir or Madame:

Thank you for your correspondence of \_\_\_\_INSERT DATE\_\_\_\_\_ requesting verification from the Carpinteria Groundwater Sustainability Agency (CGSA) that the proposed construction of a new well, or modification/replacement of an existing well, is not inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan (GSP) previously adopted by CGSA for the Carpinteria Groundwater Basin (Basin). We understand that such verification is required by Section 9 of Executive Order N-7-22, issued by Governor Newsom on March 28, 2022, in response to the continuing severe drought that exists in California.

We are unable to provide the requested verification at this time. CGSA, because of late designation as a high priority basin by the California Department of Water Resources (DWR), is not required to complete its GSP until 2024, whereas most medium and high priority basins in California were required to complete and submit their GSPs to DWR on or before January 31, 2022. Thus, CGSA does not have an approved “applicable Groundwater Sustainability Plan” for the Basin against which the consistency or inconsistency of a proposed well or well modification can be evaluated. As such, the determination of compliance with Executive Order N-7-22, and whether to issue a permit pertaining to a well, is a task for the County in which a well is located after consulting with the County’s well ordinance where applicable.

Should you have any questions regarding this matter, please direct them to\_\_\_\_\_.

Sincerely,

Robert McDonald  
Executive Director, CGSA