



# Drought Well Permitting Requirements

## *Drought Executive Order N-7-22*

On March 28, 2022 Governor Newsom issued [Drought Executive Order N-7-22](#) that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions (Action 9).

### *Well Permitting Authority and Groundwater Management Oversight*

In California, regulatory authority over well construction, alteration, and destruction activities resides with local agencies (cities, counties, or water agencies), who have the authority to adopt a local well ordinance. Well permits are administered and enforced by local agencies (or local enforcing agencies, [LEAs](#)), often the Department of Environmental Health within a given county.

With the enactment of the Sustainable Groundwater Management Act ([SGMA](#)) in 2014, local public agencies – called [groundwater sustainability agencies](#) or GSAs – formed to provide specific oversight and management of groundwater resources, and to achieve sustainable groundwater management within 20 years through the development and implementation of groundwater sustainability plans (GSPs) and associated projects and management actions. The local GSAs are required to include in their GSPs a discussion of how they will coordinate these efforts with local land use authorities, including local well permitting agencies.

### *Drought Well Permitting Requirements*

Local well ordinances authorize the conditions for agencies to issue a well permit or permit modification. Given the record drought conditions the state has faced over the last three years, Drought Executive Order N-7-22 requires additional actions be taken by local well permitting agencies prior to issuing a well permit.

#### **Excerpt of Action 9 from Drought Executive Order N-7-22:**

*9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:*

*a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or*

*b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.*

*This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.*

Local well permitting agencies retain existing well permitting authorities, including reviewing and administering well permits. Under the Executive Order Action 9, local well permitting agencies must take the following steps during the well permitting process for wells intending to extract groundwater:

1. Consultation with the GSA – If the proposed well would be in a high or medium priority groundwater basin, the well permitting agency must consult with the GSA and receive written verification from the GSA that the proposed well location is generally consistent (not inconsistent) with the applicable GSP and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed under SGMA.
2. Permit Evaluation – For every well permit application, the local well permitting agency must determine before issuing a well permit that extraction of groundwater from the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

These requirements do not apply to wells that pump less than 2 acre-feet per year (de minimus users) and wells that exclusively provide groundwater to public water supply systems as defined in [section 116275](#) of the Health and Safety Code.

### *State Resources Available to Local Agencies*

The California Department of Water Resources (DWR) provides technical and other support services to local agencies to support decision-making. The following resources are available to help local agencies navigate the well permitting requirements in this Drought Executive Order:

- To find the **groundwater basins subject to SGMA** and classified as medium or high priority: [Basin Prioritization Dashboard](#)
- To find the **Groundwater Sustainability Agency** managing the applicable basin or area of the basin: [GSA Map Viewer](#)
- To find the **Groundwater Sustainability Plan** adopted by the local Groundwater Sustainability Agency: [GSP Map Viewer](#)
- To view **existing nearby wells** (domestic, irrigation, public supply and reported dry wells): [California's Groundwater Live – Well Infrastructure](#)
- To view **groundwater levels and trends**: [California's Groundwater Live – Groundwater Levels](#)
- To view **subsidence data** and nearby infrastructure: [California's Groundwater Live – Subsidence Data](#)

For more information or questions, please contact DWR's Sustainable Groundwater Management Office at: [SGMPS@water.ca.gov](mailto:SGMPS@water.ca.gov).

*For more information about the State's Drought Response and Assistance, please visit [drought.ca.gov](http://drought.ca.gov).*