

## Julie Dachtler

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**From:** Daniel Cohen <daniel.b.cohen@me.com>  
**Sent:** Tuesday, April 8, 2025 10:32 AM  
**To:** Clerkoftheboard; Lucas Frerichs  
**Subject:** Revised: Agricultural Well Permit # 23-022W Appeal

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Revised and corrected.

To: Yolo County Board of Supervisors

Re: : Public Hearing this morning, Well Permit Appeal

One sentence analysis: The current application appears to be for the replacement of a well that should not have been drilled.

Recommendation: Reject Staff Recommended Actions B and C. Add additional time to appellant (Annie Main) for presentation time at hearing

Dear Yolo County Supervisors

After brief review last night I am writing you this morning, since I will not be able to attend your meeting in person.

I am not an attorney, although I have worked with many outstanding attorneys, including the late Michael Remy, co-author of the original CEQA Handbook, Bill Marler, the food safety attorney originally known for the Jack-in-the-Box E. coli case, and former Yolo County District Attorney Dave Henderson, who asked me to conduct a joint investigation with his office of FPPC violations by a then Mayor of Davis, a man I otherwise liked, which led to the determination of the Mayor's violation of the Act by the FPPC.

The record seems to indicate that the well application is for the replacement of a recent well that was drilled without a valid permit, in violation of the then existing State Executive orders; the current permit application first being filed as a replacement well, then as a new well and then again as a replacement well. The YSGA only issued its letter on the basis of the well applicant's last statements of fact. Prior to the unpermitted well drilling, the property had not been irrigated for approximately 60 years. This seems to be the nub of the issues, which are even more complicated.

May I suggest, respectfully, that this may not be a record that would stand up in court, or even the initial processes of discovery and testimony under subpoena ?

Therefore I oppose the Staff Recommendations that the permit be granted and the appeal denied: recommending instead that the applicant and appellant and County agree that the permit application process should be suspended pending further legal review and other possible options that might be satisfactory to both applicant and appellant.

The current application appears to be for a replacement of a well that should not have been drilled.

Everyone would be better off.

Absent such agreement, may I suggest to members of the Board, that this is an extremely serious decision and not just a ministerial action. So it may require further study and reflection.

I worked in Hungry Hollow for over forty years, both at UC Davis and for my own research and development company. Hungry Hollow has a historic significance going back to the 1880's to 1920's for premium exported malt barley to the UK, and more recently, starting in the 1970's, in the development of organic farming in California. I am familiar with the area and some of its issues.

best

Daniel B. Cohen  
Davis, CA  
Maccabee Seed Company  
(retired)

1. YSGA letter:

"The applicant has indicated that the proposed replacement well has no planned increase in pumping capacity from the existing well; therefore, the proposed well represents an in-kind replacement of an existing facility (Attachment A). Therefore, the drilling of the well detailed in the Permit is consistent with the adopted Yolo Subbasin Groundwater Sustainability Plan and will not decrease the likelihood of achieving the sustainability goals for the Subbasin."

2. Staff:

**"C. History of Well Permit #23-022W**

The review process for the Well Permit was unusual for various reasons. First, the permit was mistakenly issued on March 29, 2023, but was later placed on hold after staff realized it did not meet the then-required setback for the County's streamlined replacement well review. Second, during the lengthy permitting process, the application changed the well's classification from replacement to new and then back to replacement. Additionally, the applicant changed well drilling firms during the review process....."

3. Appellant (Annie Main) (screen shot) below)

"At the time of the permit application the 75 acre property had not been irrigated for approximately 60 years". That was the original "replacement permit" that was in violation of the then Executive Order, and then a well was drilled without a valid permit, but without consequences or penalty, The EO in effect at the time the well was drilled required a location within 100 feet of the existing (very old?) well, and so on.

## 2. Violation of the Executive Order (EO) for Replacement wells

- May 31, 2023: YCEH emailed YSGA and was informed that they placed a temporary hold on the permit. The original hold on the permit was due to the location of the well. At that time, the County's well permitting procedures required replacement wells to be located within 100' of the existing well. On the site plan submitted with the well permit application, the well was shown to be located outside of the 100' well arc.

The EO was in place when Boundary Bend (Cobram) Replacement well applications were submitted in March 2023. The EO stated that the replacement well needed to be within 100' of the existing well, and that it must replace existing, currently permitted wells with new wells that will **produce an equivalent quantity of water as the well being replaced at the time the existing well is being replaced**. At the time of the permit application, the 75-acre property had not been irrigated for approximately 60 years. Thus the **production of an equivalent quantity of water as the well being replaced would be very little**. The manager of the property filed an affidavit dated **August of 2024**, stating they extracted 15,000 gallons of water in 2022 and again 15,000 gallons of water in 2023. If this is valid information, then the equivalent extraction would be 15,000 gallons per year.