

AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY SUPERCEDING ORDINANCES 1, 2, and 3, SPECIFYING THE REQUIREMENTS FOR THE NOTIFICATION OF INTENT TO CONSTRUCT AND THE REGISTRATION OF EXTRACTION FACILITIES, METERING AND REPORTING OF GROUNDWATER EXTRACTIONS, AND THE RECORDATION OF WELLS WITHIN THE BOUNDARIES OF THE AGENCY

OBGMA ORDINANCE NUMBER 7

Whereas, Article 5 of the Ojai Basin Groundwater Management Act authorizes the Agency to collect information necessary for the management of the groundwater resources of the Ojai Basin; and to collect information and data necessary for the compilation of an annual report on groundwater supplies; and

Whereas, Article 8 of the Act provides that Extraction Facilities in the Ojai Basin be registered with the Agency, and further provides that the Operator of a registered Extraction Facility may be required to provide information to the Agency; and

Whereas, information regarding the number, location, and use of groundwater Extraction Facilities within the basin, and the amount of water extracted from these facilities, is necessary for groundwater management, planning, and reporting by the Agency; and

Whereas, the Agency must be adequately informed about the existence and nature of new Extraction Facilities within the boundaries of the Agency in order to carry out its groundwater management responsibilities; and

Whereas, the County of Ventura Public Works Department and the City of Ojai issue permits for construction and operation of groundwater Extraction Facilities within the Agency boundaries, and the Agency desires to avoid unnecessary permitting in its regulation of groundwater Extraction Facilities; and

Whereas, Article 7, of the Act provides the Agency with the authority to impose reasonable conditions and regulations on the use of groundwater Extraction Facilities; and

Whereas, Article 8 of the Act provides that the Agency, by Ordinance, shall require groundwater Extraction Facilities to be equipped with Waterflow Measuring Devices; and allows the Agency to exempt specific groundwater Extraction Facilities from this requirement; and

Whereas, The State Water Resources Control Board Division of Water Rights has designated the Agency as the official groundwater extraction recordation Agency for the State within the Agency boundaries with specific authorities;

Now therefore be it ordained by the Board of Directors of the Ojai Basin Groundwater Management Agency (OBGMA) as follows:

Section 1 Title

Ordinance Number 7 shall be known as the “Ojai Basin Groundwater Management Agency Registering, Reporting, Metering, and Well Recordation Ordinance.”

Section 2 Purpose and Intent

The purpose of this Ordinance is:

1. To approve and implement updated Agency policies requiring the Operators of Extraction Facilities to provide information to the Agency.
2. To approve and implement updated Agency policies for requiring notification of intent to construct an Extraction Facility within the boundaries of the Agency, for registering Extraction Facilities, and for semi-annual extraction reporting.
3. To approve and implement an updated Agency policy for metering Extraction Facilities.
4. To establish by Ordinance and implement new requirements for the Groundwater Recordation Program transferred to the Agency by the State Water Resources Control Board in June 2008.

Section 3 Definitions

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency’s Authorizing Act or as defined herein.

“Act” shall mean the Ojai Basin Groundwater Management Act.

“Agency” shall mean the Ojai Basin Groundwater Management Agency.

“Basin” shall mean the Ojai Groundwater Basin as shown in the Department of Water Resources Bulletin No. 12, “Ventura County Investigation,” dated October 1953, to the extent included within the boundaries of the Agency, as defined in Section 201 of the Agency’s Authorizing Act.

“Board” shall mean the Board of Directors of the Agency.

“City” shall mean the City of Ojai.

“County” means the County of Ventura.

“Construction” means the building of a groundwater Extraction Facility such as the act of drilling a well.

“Extraction” shall mean the act of obtaining groundwater by pumping or other controlled means.

“Extraction Facility” shall mean any device or method for the extraction of groundwater within the basin, including a well.

“Operator” shall mean a person who owns and operates a groundwater Extraction Facility. If the Agency is unable to determine who operates a particular Extraction Facility, the “Operator” shall mean the person to whom the Extraction Facility is assessed, if assessed by the County Assessor or, if not separately assessed, the person who owns the land upon which the Extraction Facility is located.

“Person” shall mean any person, state, or local governmental Agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal Agency.

“Waterflow Measuring Device” shall mean a meter or other measuring device, meeting the standards set by the American Water Works Association (AWWA), which is attached to an Extraction Facility for the purpose of measuring the quantity of water extracted by the facility.

Section 4 Extraction Facility Permit Notification

1. No Operator shall construct an Extraction Facility within the boundaries of the Agency without first having provided a copy of a County, and, where required, City, well construction permit to the Agency.
2. The presentation of an approved County and, where required, City, well construction permit, in a form and manner customarily issued by the County or City, to the Agency at the Agency office shall be deemed compliance with County and City requirements for the purposes of this Ordinance.
3. An Operator may begin construction of the Extraction Facility three (3) calendar days following the Agency’s receipt of a County and, where required, City, well construction permit from the Operator.

Section 5 Extraction Facility Registration

1. An Operator shall be permitted to operate an Extraction Facility within the Agency boundaries in accordance with the provisions of law and this ordinance upon demonstrating compliance with County and/or City requirements for the construction and operation of a water well, providing a completed copy of the County and/or City well permit including well test data and well drillers log to the Agency, and registering the Extraction Facility in accordance with section 5.2 of this ordinance.
2. Operators of Extraction Facilities shall register all Extraction Facilities with the Agency by completing and returning an **OBGMA Registration Form** to the Agency. New Extraction Facilities shall be registered by returning the Registration Form to the Agency within thirty (30) calendar days following completion of construction and prior to any groundwater extraction.
3. The Agency shall make Registration Forms available to Operators and the public generally at the Agency office, and downloadable on the Agency website at www.obgma.com.
4. Failure of the Operator to receive a direct mailing of a Registration Form shall not relieve the Operator of the obligation to file the form with the Agency as required in Section 4.2
5. The Agency shall prepare and maintain an Extraction Facility data sheet for each registered Extraction Facility within the Agency boundaries

Section 6 Groundwater Extraction Reports

1. Every Operator extracting groundwater from the basin shall file a semi-annual extraction report in January and July of each calendar year accurately stating the amount of water extracted during the prior six month period, providing all additional relevant information requested on the **OBGMA Groundwater Extraction Form**, signed under penalty of perjury by the Operator.
2. The Agency shall make Groundwater Extraction Forms available in June and December by direct mail to known Operators. Blank copies of the form will be available at the Agency office.

3. Failure of the Operator to receive a direct mailing of a Groundwater Extraction Form shall not relieve the Operator of the obligation to file the form with the Agency as required in Section 6.1.
4. The Operator's extraction statement on the form shall be presumed accurate upon timely filing of the form with the Agency. For good cause, the Agency may disregard the extraction statement and cause an investigation of the actual amount extracted by the Operator in any semi-annual period. In the event of a discrepancy between the statement filed by the Operator and the findings of the Agency, the findings of the Agency shall prevail.

Section 7 Extraction Facility Metering

1. Except as otherwise specified by Sections 7.2 and 7.3 of this ordinance, every Operator shall equip each Extraction Facility with a Waterflow Measuring Device as defined in Section 3 of this ordinance, and shall report installation of the measuring device to the Agency.
2. Operators of existing permitted Extraction Facilities otherwise in compliance with all ordinances and requirements of the Agency but not equipped with a Waterflow Measuring Device as of the date of adoption of this ordinance are exempt from the requirement in Section 7.1 for a period of three years from that date.
3. Operators of Extraction Facilities not equipped with a Waterflow Measuring Device under the exemption in Section 7.2 shall provide an accurate record of the amount of water extracted during each semi-annual period on the OBGMA Groundwater Extraction Form as follows:
 - a. Irrigated property shall use the following crop factor applied for each acre irrigated:
 - i. Citrus and Avocado – 1.7 acre feet
 - ii. Landscaping, turf, golf course – 2 acre feet
 - b. Domestic use:
 - i. For each dwelling unit - .3 acre feet
4. Operators of Extraction Facilities extracting one acre foot or less in any semi-annual period shall report and pay for a minimum of one acre foot for that period.

Section 8 Groundwater Recordation

1. Operators of groundwater Extraction Facilities within the Agency's area of jurisdiction will record groundwater extractions with the Agency in accordance with California Water Code Sections 5001 - 5009 and delegated authority from the State Water Resources Control Board Division of Water Rights. The records for all groundwater extractions will be maintained at the Agency office.
2. Extraction Facilities with extractions properly recorded prior to April 23, 2008, when the Agency assumed authority for recordation shall retain their original recordation numbers. For all facilities recorded after that date, the Agency shall assign recordation numbers within the range of numbers, **G563001L004** through **G563999L004**.
3. In accordance with California Water Code Section 5001 all Extraction Facilities within the Agency jurisdiction extracting 25 acre feet of groundwater or more per year shall be recorded. Wells extracting less than 25 acre feet per year may be recorded.
4. To record an Extraction Facility an operator shall fill out a **First Notice of Groundwater Extraction Form** provided by the Agency and return the form to the Agency office. The operator shall be responsible for keeping the information provided on the first notice form current by informing the Agency within the next semi-annual period of any changes in the information on file in the Agency office. There is no charge for the filing of the first notice form.
5. The Agency shall charge a fee of Ten dollars (\$10) per semi-annual reporting period for the recordation of groundwater extraction. This fee shall be paid in conjunction with the semi-annual groundwater extraction charge as reported on the OBGMA Groundwater Extraction Form sent by the Agency by direct mail to Operators. The amount of this fee may be reviewed and amended annually when the Board sets its annual charges and fees.
6. The groundwater recordation records may be made available to other governmental agencies pursuant to Section 5009 of the California Water Code.

Section 9 Termination Date

This Ordinance shall remain in full force and effect until repealed or superseded by action of the Board of Directors of the Agency.

Section 10 Violation

1. Any person who intentionally violates this Ordinance is guilty of an infraction and may be required to pay a fine not to exceed five hundred dollars (\$500).
2. Any person who negligently or intentionally violates this Ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each violation, in addition to any other penalties that may be prescribed by law.

Section 11 Enforcement

The Agency may take any actions authorized by law, to enforce the terms and provisions of this Ordinance.

Section 12 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance and its provisions is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares and determines that it would have passed this Ordinance and its rules and regulations, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase of this Ordinance may be determined to be unconstitutional or invalid.

Attachments:

- Registration Form**
- Semi-Annual Groundwater Extraction Form**
- First Notice of Groundwater Extraction Form**

PASSED AND ADOPTED by the Board of Directors of the Agency, State of California by the following vote on February 26, 2009:

AYES: 4
 NOES: 0
 ABSTAIN: 0
 ABSENT: 0

ATTEST: Jerry I. Conrow Cece VanDerMeer
 Jerry Conrow, President Cece VanDerMeer, Secretary