

CHAPTER 750

An act to amend Section 1 of, to repeal Sections 2 and 4 of, and to amend and renumber Section 3 of, Chapter 153 of the Statutes of 1974, and to create the Ojai Basin Groundwater Management Agency, relating to water.

[Approved by Governor October 8, 1991. Filed with
Secretary of State October 9, 1991.]

LEGISLATIVE COUNSEL'S DIGEST

SB 534, Hart. Ojai Basin Groundwater Management Agency.

(1) Under existing law, there are no specific provisions for groundwater management within the Ojai Groundwater Basin.

This bill would enact the Ojai Basin Groundwater Management Agency Act which would create the Ojai Basin Groundwater Management Agency to provide for groundwater management within the prescribed boundaries of the agency. The bill would specify the powers and duties of the district and provide for the management and financing of the district.

The bill would require the agency to develop a prescribed plan and to undertake specified studies. The bill would provide that any person who intentionally violates the act or any agency ordinance is guilty of an infraction, thereby imposing a state-mandated local program by creating a new crime, and would subject that person to an administrative fine in an amount not to exceed \$500, as prescribed. The bill would subject any person who negligently or intentionally violates the act or any agency ordinance to civil liability in an amount not to exceed \$1,000 per day for each day of violation, as prescribed. The bill would impose a state-mandated local program by imposing various duties on local entities.

(2) Existing law requires that the Ojai Water Conservation District be governed by the Water Conservation District Law of 1931.

This bill would require the district to be governed by the Water Conservation Act of 1927.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Ojai

Basin Groundwater Management Agency Act.

Article 1. Creation

Sec. 101. The Legislature hereby finds and declares that the preservation of the groundwater within the territory of the Ojai Basin Groundwater Management Agency, created pursuant to Section 102 for the protection of agricultural, municipal, and industrial uses, is in the public interest and for the common benefit of water users within the agency.

Sec. 102. The Ojai Basin Groundwater Management Agency is hereby created. The agency shall exercise the express powers granted by this act for purposes of groundwater management within the territory of the agency, together with other powers reasonably implied and necessary and proper to carry out the purposes of the agency.

Article 2. Boundaries

Sec. 201. For the purposes of this act, the boundaries of the agency include that portion of the Ojai Basin watershed which lies within the boundaries of the Casitas Municipal Water District or the Ojai Water Conservation District, but do not include any land within the boundaries of the Ventura River County Water District. The boundaries of the agency are more particularly described as follows:

The point of beginning is located at the intersection of the centerline of Creek Road and the northerly boundary of Camp Comfort; thence, northerly along the centerline of Creek Road to the point of intersection with the centerline of Hermosa Road; thence, westerly and northwesterly along the centerline of Hermosa Road to the point of intersection with the easterly line of Ventura Avenue, also known as State Highway Routes 33 and 150; thence, northerly along that easterly line of Ventura Avenue to the point of intersection with the centerline of Ojai Avenue; thence, northeasterly along the centerline of Ojai Avenue to the point of intersection with the centerline of Del Norte Road; thence, northerly along the centerline of Del Norte Road and the northerly prolongation of the centerline of Del Norte to the north quarter corner of Section 35, Township 5 North, Range 23 West, San Bernardino Base and Meridian, that point being also a point in the boundary of the Casitas Municipal Water District; thence along that boundary; thence east along the north line of that Section 35 and along the north line of Section 36 of that Township and Range and Sections 31, 32, 33, and 34 of Township 5 North, Range 22 West, San Bernardino Base and Meridian to the northeast corner of that Section 34; thence, south along the east line of that Section 34 and the east line of Section 3, Township 4 North, Range 22 West, San Bernardino Base and Meridian to the northwest corner of the south one-half of

the northwest one-quarter of Section 2 of that last mentioned Township and Range; thence, east along the north line of that south one-half of the northwest one-quarter of Section 2 to the northeast corner thereof, south along the east line of that south one-half of the northwest one-quarter of Section 2 to the southeast corner thereof; thence, west along the south line of that south one-half of the northwest one-quarter of Section 2 to the northeast corner of the west one-half of the southwest one-quarter of that Section 2; thence, south along the east line of that west one-half of the southwest one-quarter of Section 2 to the southeast corner thereof to a point in the north line of fractional Section 11, Township 4 North, Range 22 West, San Bernardino Base and Meridian; thence, east along that north line to the north quarter corner of that fractional Section 11; thence, in a varying generally southwesterly and westerly direction along the watershed dividing ridge line, as shown on the Ojai Quadrangle of the United States Geological Survey 7.5 minute series of topographic maps, between the Ojai Valley and the Lions Creek Drainage, a distance of approximately four and three-quarter miles, more or less, to the point at which the 1,400-foot contour intersects the range line common to Range 22 West and Range 23 West, San Bernardino Base and Meridian; thence, in a straight line in a generally south of west direction a distance of approximately one and one-half miles, more or less, to the point of beginning.

Sec. 202. The boundaries of the agency shall be depicted on a map which shall be adopted by the board and thereafter recorded in the office of the county recorder.

Article 3. Definitions

Sec. 301. Unless otherwise indicated by their context, the terms defined in this article govern the interpretation of this act.

Sec. 302. "Agency" means the Ojai Basin Groundwater Management Agency.

Sec. 303. "Aquifer" means a geologic formation or structure that transmits or stores water in sufficient quantities to supply pumping wells or springs.

Sec. 304. "Available supply" means that quantity of groundwater which can be withdrawn in any given year from the groundwater basin without resulting in, or aggravating, conditions of overdraft, subsidence, or groundwater quality degradation. Available supply of the basin includes the natural water supply, imported water, and other water which has been spread to the basin or has otherwise reached the basin and return flows to the basin attributable to these sources reaching the basin in the course of use.

Sec. 305. "Basin" means 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 district, as defined in Section 201.

Sec. 306. "Board" means the board of directors of the agency.

Sec. 307. "Conjunctive use" means the coordinated operation of groundwater and surface water supplies. Conjunctive use includes increased groundwater use or decreased groundwater replenishment with surface supplies in years when surface supplies are less than normal and, in years of more abundant surface supplies, the increased use of surface water in lieu of groundwater, either to allow groundwater levels to recover or to replenish artificial groundwater supplies. Conjunctive use also includes long-term storage of water in the basin.

Sec. 308. "County" means the County of Ventura.

Sec. 309. "Export" means extracting groundwater from the basin for use on land, or within an area, which does not overlie or is not within the boundaries of the agency. Export does not include use on or after January 1, 1992, within any area served by groundwater from the basin prior to January 1, 1992.

Sec. 310. "Extraction" means the act of obtaining groundwater by pumping or other controlled means.

Sec. 311. "Extraction facility" means any device or method for the extraction of groundwater within the basin.

Sec. 312. "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

Sec. 313. "Groundwater basin" means a geologically and hydrologically defined area containing one or more aquifers which store, transmit, and yield significant quantities of water to wells, or are capable of doing so.

Sec. 314. "Groundwater management activities" means programs, measures, or actions taken to preserve, monitor, protect, and enhance groundwater resources within the territory of the agency.

Sec. 315. "Groundwater rights adjudication" means the determination of substantially all rights in the basin or the area subject to the adjudication.

Sec. 316. "Mutual water company" means a corporation organized for, or engaged in the business of, selling, distributing, supplying, or delivering water to its stockholders and members at cost for irrigation purposes or for domestic use.

Sec. 317. "Notice" or a "noticed hearing" means the notice required by Section 6061 of the Government Code.

Sec. 318. "Operator" means a person who operates a groundwater extraction facility. If the agency is unable to determine who operates a particular extraction facility, then "operator" shall mean the person to whom the extraction facility is assessed by the county assessor or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

Sec. 319. "Overdraft" means the condition of the basin where the average annual amount of water extracted exceeds the average

annual supply of water to the basin.

Sec. 320. "Person" includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

Sec. 321. "Program" means a groundwater management program prepared by the agency pursuant to this act.

Sec. 322. "Recharge" means the natural or artificial replenishment of groundwater storage by percolation or injection of one or more sources of water at the surface.

Sec. 323. "Replenishment" means spreading water over a permeable area for the purpose of allowing it to percolate to groundwater basins or aquifers, or otherwise adding water to groundwater basins or aquifers.

Sec. 324. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the basin and flood waters that are conserved and saved within the watershed or watersheds which would otherwise have been lost or would not have reached the basin.

Sec. 325. "Temporary surplus" means the amount of water that can be extracted from the basin without permanently adversely affecting the available supply of the basin or the ability of the basin to provide storage space for natural or artificial recharge that would be lost during wet years if it could not be stored in the basin.

Sec. 326. "Water year" means the period from October 1 of one calendar year to September 30, inclusive, of the following calendar year.

Sec. 327. "Well interference" means a substantial water level decline in a short time period in a localized area caused by pumping from extraction facilities.

Article 4. General Provisions

Sec. 401. (a) The board shall consist of five directors and shall be selected in the following manner:

(1) One director shall be a member of, and be appointed by, each of the following entities, and shall be chosen by their respective governing boards or bodies from their members whose districts or divisions, if any, overlie, at least in part, the boundaries of the agency:

(A) The Ojai City Council.

(B) The Board of the Casitas Municipal Water District.

(C) The Board of the Ojai Water Conservation District.

(2) One director shall be a representative of the Southern California Water Company.

(3) One director shall be chosen from the members of the governing boards of the following mutual water companies whose territory at least in part overlies the boundaries of the agency.

(A) The Senior Canyon Mutual Water Company.

(B) The Siete Robles Mutual Water Company.

(C) The Hermitage Mutual Water Company.

The mutual water company director shall be chosen at a public meeting where each mutual water company is represented by the champion of its governing board. If the mutual water companies fail to appoint a director within three months, the remaining four directors shall appoint a director from one of the boards of the mutual water companies identified in this paragraph.

(b) The board is the governing body of the agency and shall exercise the powers of the agency.

Sec. 402. (a) No provisions of this act shall be construed to deny any entity from which a board member is or may be selected any rights or powers which they have or may be granted.

(b) The agency shall not involve itself in activities normally and historically undertaken by any entity, such as the construction and operation of dams, spreading grounds, pipelines, flood control facilities, groundwater wells, and water distribution facilities, or the wholesale and retail sale of water, without prior consent of those entities, and shall otherwise limit its activities to monitoring, planning, managing, controlling, preserving, and regulating the extraction and use of groundwater within the boundaries of the agency.

Sec. 403. This act does not abrogate or impair the overlying or appropriative rights of landowners or existing appropriators within the agency, including the right to seek an adjudication of those rights, or abrogate or impair the jurisdiction of the California Public Utilities Commission in regulating the activities and assets of the Southern California Water Company.

Sec. 404. (a) The board may adopt ordinances for the purpose of monitoring, regulating, conserving, managing, and controlling the use and extraction of groundwater within the boundaries of the agency. All ordinances shall be adopted, after a noticed public hearing, by a majority vote of the board. Notice of the adoption of all ordinances shall be given. The ordinances of the agency shall become effective on the 31st day after adoption.

(b) Notwithstanding subdivision (a), the board shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of the Government Code), and may adopt as an urgency measure an interim ordinance. That urgency measure shall require a $\frac{1}{3}$ vote of the board for adoption. The interim ordinance shall have no force and effect 45 days after its adoption. After a noticed public hearing, the board may extend the interim ordinance for 10 months and 15 days by a $\frac{1}{3}$ vote of the board.

Sec. 405. Any person who intentionally violates this act or any agency ordinance is guilty of an infraction and may be required to pay a fine to the agency not to exceed five hundred dollars (\$500). No fine shall be imposed until written notice has been given by registered mail to the alleged violator stating that a hearing will be held by the board not less than 30 days after the date of the notice,

at which time the board will consider the imposition of the fine.

Sec. 406. Any person who negligently or intentionally violates this act or any agency ordinance may also be liable civilly to the agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of violation, in addition to any other penalties that may be prescribed by law. No liability shall be imposed until written notice has been given by registered mail to the alleged violator stating that a hearing will be held by the board not less than 30 days after the date of the notice, at which time the board will consider the imposition of the liability.

Sec. 407. Upon the failure of any person to comply with this act or any agency ordinance, the agency may petition the superior court for a temporary restraining order, preliminary or permanent injunction, or other appropriate equitable relief. The right to petition for injunctive relief is in addition to other rights, which may be provided elsewhere in this act or otherwise allowed by law.

Sec. 408. The agency may petition the superior court of the county to recover any sums due the agency or damages incurred by the agency. To preserve and manage the groundwater resources within the agency, the agency may commence, maintain, intervene in, defend in, compromise, and assume the costs and expenses incurred by the agency in, actions and proceedings involving groundwater, including, but not limited to, groundwater rights adjudication.

Sec. 409. The agency may contract for staff and other services and may hire other contractors and consultants.

Sec. 410. The agency may exclude from any of the requirements of this act, or the operation of any ordinance, any operator who extracts less than a minimum amount of groundwater as specified by ordinance adopted by the board.

Article 5. Studies and Investigations

Sec. 501. The agency may collect data and conduct technical and other investigations in order to carry out this act. All hydrological investigations and studies carried out by, or on behalf of, the agency shall be conducted by, or under the supervision of, licensed engineers or other persons qualified in groundwater geology or hydrology.

Sec. 502. (a) The agency shall prepare annually a report on groundwater supplies and conditions in the agency, including groundwater management objectives and a plan of implementation of those objectives, following a determination that groundwater management activities may be necessary.

(b) The agency may prepare, or receive reports on groundwater and supplemental water supplies and conditions in the territory of the agency, including groundwater management and conjunctive use objectives and a plan for implementation of those objectives.

Sec. 503. The agency may recommend and encourage wastewater reuse and other water development projects, if those projects will enhance and contribute to the responsible management of groundwater resources, as part of its annual plan for implementation of groundwater management objectives.

Article 6. Groundwater Management Plans

Sec. 601. In order to maximize the long-term available supply, the agency shall develop, adopt, and implement a plan to protect the basin's groundwater quality and to balance long-term average annual water replenishment and extractions in the basin.

Sec. 602. The agency shall undertake a study to develop the plan required pursuant to Section 601 which includes all of the following components:

(a) A list of groundwater extraction facilities within the boundaries of the agency.

(b) For each extraction facility, an estimate of annual water production, in acre-feet per year, using industry accepted monitoring and testing procedures.

(c) A table and graph depicting water level readings, as of each October 1, from acceptable sources for the period of record.

(d) Provisions and testing procedures for monitoring water quality.

(e) Historical data for rainfall runoff, basin usage and replenishment, and water conservation activities.

(f) A proposed minimum amount of groundwater extraction below which the requirements of this act will not be applied.

Sec. 603. (a) The agency shall undertake a groundwater management study for future extractions from the basin. As a part of this study, the agency shall determine the hydrologic characteristics of the basin, which shall include all of the following information:

(1) Existing groundwater storage capacity.

(2) Existing groundwater storage.

(3) Existing and projected groundwater use.

(4) A review of the boundaries of the basin.

(5) The average annual variation in storage in existing groundwater storage.

(6) Projected annual rainfall, runoff, and recharge rates.

(7) Long-term recoverable storage, including an estimate of nonrecoverable storage.

(8) Potential extractions and storage programs.

Sec. 604. (a) The plan required pursuant to Section 601 may consider any project alternatives designed to enhance the overall balance of long-term average annual basin replenishment and extractions.

(b) The plan shall investigate options of operating the basin to

provide an increased ability to capture, recharge, and maximize reasonable uses by fully utilizing the available groundwater supply. The options may include the conjunctive operation of the basin with Casitas Reservoir. The plan shall recommend alternative methods of managing the basin to achieve the long-term objectives of Section 601.

(c) The plan shall establish a minimum amount of groundwater extraction below which the requirements of this act will not be applied, which amount may be modified from time to time based on the impact on the operation of the agency.

Sec. 605. (a) The studies required in Sections 602 and 603 shall be completed and submitted to the board by January 1, 1993.

(b) The plan required in Section 601 shall be completed and submitted to the board by January 1, 1994.

Article 7. Groundwater Management

Sec. 701. If, after a noticed public hearing and consideration of any relevant investigations, studies, and evidence, including compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), the board determines that groundwater management activities are necessary in order to improve or protect the quantity or quality of groundwater supplies within the basin, the board may, by ordinance, undertake any of the activities authorized by this article. The requirement in this section for compliance with the California Environmental Quality Act does not, and shall not be construed to, limit compliance with that act for other discretionary actions by the board.

Sec. 702. The board may exercise any of the following measures:

(a) Require conservation practices and measures within identified portions of the agency.

(b) Commence and prosecute legal actions to enjoin unreasonable uses or methods of use of water within the agency or outside the agency to the extent those uses or methods of use adversely affect the groundwater supply within the agency.

(c) Conserve and reclaim water within or outside the agency, require conservation practices and measures within the agency, and impose charges upon those within or without the agency benefited by the conservation practices.

Sec. 703. The agency may regulate groundwater replenishment programs and the recapture of supplemental groundwater resulting from those programs within the agency.

Sec. 704. To encourage conjunctive use, the agency may do either or both of the following:

(a) Contract with entities for benefits to areas outside the basin which may result from conservation or conjunctive use practices within the basin and may impose appropriate charges for those

benefits.

(b) Contract with groundwater users within the basin to enhance the conjunctive use of groundwater and surface water and compensate groundwater users for the value of those measures.

Sec. 705. To minimize well interference, the agency may do either or both of the following:

* (a) Impose spacing requirements or require reasonable mitigation measures relating to the construction of any new extraction facility.

(b) Impose reasonable operating regulations on extraction facilities.

* Sec. 706. The agency may control groundwater extractions by regulating, limiting, or suspending extractions from extraction facilities, the construction of new extraction facilities, the enlarging of existing facilities, and the reactivation of abandoned or inactive extraction facilities. Construction of new extraction facilities may be suspended only after consulting with the county water resources department.

Sec. 707. The availability of supplemental water to any operator shall not subject that operator to regulations more restrictive than those imposed on other operators.

Sec. 708. (a) No groundwater shall be exported from within the agency unless the exporter has applied for, and obtained, a permit from the agency which establishes the quantity of water which may be exported and the conditions of the export. Notwithstanding any conditions specified in the permit, exporters shall be subject to this act.

(b) The agency shall not issue any permit to export groundwater from the agency unless the applicant has established that the temporary surplus is in excess of the amount currently required for reasonable and beneficial uses within the agency, and the board determines that the export would not adversely affect the rights of groundwater users within the agency. The agency shall issue permits for export for time periods, and under terms and conditions, it deems appropriate. All permits shall declare that they are subject to the right of the agency to reduce or suspend exports pursuant to this act.

(c) The agency shall, after published notice and a hearing which discloses evidence of overdraft, or any threat of overdraft, reduce or suspend extractions by exporters regardless of whether a permit to export has been granted pursuant to this act.

(d) The right to store and recapture imported or developed water in the groundwater basin shall be subject to prior permit by the agency. The agency shall issue storage and recapture permits under terms and conditions it deems appropriate and may impose charges therefor. Existing recapture facilities are exempt from this section.

Article 8. Registration of Groundwater Extraction Facilities

Sec. 801. The agency may, by ordinance, require extraction facilities to be registered with the agency within 30 days of notice being given to the operator of the extraction facility.

Sec. 802. The agency may require, by ordinance, that the operator of a registered extraction facility provide the agency annually with all of the following information regarding the extraction facility:

(a) The name and address of the operator of the extraction facility.

(b) The name and address of the owner of the land upon which the extraction facility is located.

(c) A description of the equipment associated with the extraction facility.

(d) The location of the water extraction facility.

(e) The purposes of groundwater use.

Sec. 803. No person may extract groundwater by the use of any extraction facility required to be registered unless the extraction facility has been registered with the agency.

Sec. 804. The agency shall require extraction facilities to be equipped with waterflow measuring devices installed and calibrated by the agency or, at the agency's option, by the extraction facility operator. The agency may, by ordinance, exempt specific extraction facilities from the measuring device requirements.

Sec. 805. No person may extract groundwater by the use of any extraction facility required to be equipped with a waterflow measuring device unless the extraction facility is so equipped.

Sec. 806. If an extraction facility is equipped with a waterflow measuring device, the record of extraction, as disclosed by the waterflow measuring device, may at the election of the board be presumed to be accurate, and if so presumed, shall be used as the basis for computing the water extraction of the extraction facility in completing the groundwater extraction statement.

Sec. 807. The agency may require proof of the accuracy of the waterflow measuring device from the operator and may, absent adequate proof of accuracy, order the operator, at the operator's sole cost, to have the waterflow measuring device calibrated in a manner acceptable to the agency. If the agency has probable cause to believe that the extraction of groundwater from any extraction facility is in excess of the amount reported in a groundwater extraction statement filed pursuant to Section 810, or if no statement is filed covering an extraction facility, the agency may investigate the extraction of water from the extraction facility.

Sec. 808. No person may intentionally injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere or tamper with any waterflow measuring device affixed to any extraction facility so that the waterflow measuring device improperly or

inaccurately measures and records water extraction.

Sec. 809. The board may, by ordinance, establish reasonable methods to be used in computing the amount of water extracted by exempted extraction facilities.

Sec. 810. (a) The agency may, by ordinance, require the operator of each extraction facility to file, in the form specified by the agency, a groundwater extraction statement that contains, but is not limited to, the following information:

(1) Total extraction in acre-feet of water from the extraction facility.

(2) The crop types or other uses and the acreage served by the extraction facility compared to the number of acres owned or leased.

(3) The method of measuring or computing groundwater extraction.

(4) Water conservation activities.

(b) Each groundwater extraction statement shall be verified by a written declaration under penalty of perjury that the information contained in the statement is true and correct.

(c) The operator of an extraction facility which has been permanently abandoned on or after January 1, 1992, shall give written notice of the abandonment to the agency.

Sec. 811. No person who is required to file a groundwater extraction statement may fail to do so.

Sec. 812. No person, with an intent to evade any requirement of this act, may file a false or fraudulent groundwater extraction statement with the agency.

Article 9. Management Charges

Sec. 901. (a) Each year the board may fix a management charge in accordance with benefit-based criteria to be established by the board, upon the City of Ojai, the Casitas Municipal Water District, the Ojai Water Conservation District, and the Southern California Water Company, for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, purposes, and groundwater management activities for which the agency is organized.

(b) In the aggregate, management charges shall be limited to fifty thousand dollars (\$50,000) in the first year and twenty-five thousand dollars (\$25,000) in the second year. None of the entities identified in subdivision (a) shall be required to pay more than one-third of the aggregate allowable charges. Management charges in succeeding years, or contributions in excess of the established limits, shall be voluntary and payable at the discretion of each entity identified in subdivision (a).

Sec. 902. Management charges shall be paid in the manner prescribed by ordinance.

Article 10. Management Charges to Property

Sec. 1001. Each year the agency may fix a management charge for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes for which the agency is organized.

Sec. 1002. Before levying management charges, the board shall, after notice and hearing, find and determine the portion of the agency to be benefited by management and planning activities, the need for management charges for the purpose of paying the cost of these activities, and the amount of the charges to be levied.

Sec. 1003. Management charges may not exceed seven dollars and fifty cents (\$7.50) per acre per year for each acre of land, or five dollars (\$5.00) for each parcel of land of less than one acre within the agency.

Sec. 1004. Management charges applicable to the territory served by the City of Ojai's corporate franchise, or any other water purveyor within the agency's boundaries, may be collected by the water purveyor if the agency so requests and the water purveyor agrees to do so, and shall be paid to the agency in lieu of collection through the tax bills. The board may exclude portions of the agency or may establish schedules varying the management charges according to the likelihood that the land will benefit, as determined by the board, from improved groundwater management and planning.

Sec. 1005. The management charge may, at the option of the agency, be collected on the tax bills of the county, by the same persons, and at the same time as, together with and not separately from, county property taxes. In lieu of this election, the agency shall collect management charges at the same time, together with penalties and interest at the same rates, as is prescribed for the collection of county property taxes.

Sec. 1006. The amount of an unpaid management charge, together with any penalty and interest thereon, shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing county property taxes.

Sec. 1007. The board may fix management charges until January 1, 1995.

Article 11. Groundwater Extraction Charges

Sec. 1101. (a) The agency may, by ordinance, levy groundwater extraction charges on the extraction of groundwater by the use of water extraction facilities within the boundaries of the agency to pay the costs of initiating, carrying on, and completing any of the powers, purposes, and groundwater management activities described in this act, except that the charge shall not exceed the annual costs to the district incurred in carrying out this act and the cost of a reasonable reserve not to exceed 25 percent of the total appropriations in the

agency's budget.

(b) Groundwater extraction charges shall be levied only within a zone or zones of benefit of the district which will benefit from the powers, purposes, and groundwater management activities.

(c) The board may establish zones of benefit within the district. Resolutions of the board shall describe the boundaries of the zones of benefit. The board may amend zones of benefit boundaries by annexing property to or by withdrawing property from a zone, or may divide a zone into two or more zones. Resolutions of the board shall describe the boundaries of the amended or divided zones.

Sec. 1102. (a) Before the levy of groundwater extraction charges, the board of directors shall, after notice and hearing, find and determine the activities required to prepare or implement any groundwater management program for the district and to initiate, carry on, or complete any of the other powers and purposes set forth in this act, and the sum of money necessary for the ensuing water year for those activities.

(b) The board shall determine the need and desirability of levying a groundwater extraction charge for the purpose of paying the costs of initiating, carrying on, and completing any of the powers and purposes set forth in this act. The board shall find that the charge is necessary to finance or otherwise support the groundwater management services provided by the district, except that the charge shall not exceed the annual costs to the district incurred in carrying out this act and the cost of a reasonable reserve not to exceed 25 percent of the total appropriations contained in the agency's budget.

Sec. 1103. The groundwater extraction charge rate shall be uniform for groundwater extraction within the territory of the agency.

Sec. 1104. Groundwater extraction charges shall be calculated on the basis of groundwater extraction statements filed pursuant to Section 810 and the benefit determined pursuant to Section 1101.

Sec. 1105. If any operator of any extraction facility fails to pay the groundwater extraction charge when due, the agency shall charge and collect interest, at the rate of $1\frac{1}{2}$ percent each month, on the delinquent amount of the groundwater extraction charge. In addition, the agency may exercise any of the rights granted pursuant to Article 5 (commencing with Section 75630) of Chapter 3 of Part 9 of Division 21 of the Water Code to collect delinquent groundwater extraction charges.

Sec. 1106. All money collected by the agency pursuant to this article, Article 9 (commencing with Section 901), or Article 10 (commencing with Section 1001), shall be available for expenditure by the agency in carrying out its groundwater management activities.

Sec. 1107. The groundwater extraction charge shall not exceed seven dollars and fifty cents (\$7.50) per acre-foot pumped per year.

Article 12. Miscellaneous

Sec. 1201. The Legislature finds and declares that this act, which is applicable only to the Ojai Basin Groundwater Management Agency, is necessary because of the unique and special groundwater management problems in the area included in the agency. It is, therefore, hereby declared that a general law cannot be made applicable to the agency and the enactment of this special law is necessary for the conservation, development, control, and use of that water for the public good and for the protection of life and property therein.

SEC. 2. Section 1 of Chapter 153 of the Statutes of 1974 is amended to read:

Section 1. The Ojai Water Conservation District shall be governed by the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927).

SEC. 3. Section 2 of Chapter 153 of the Statutes of 1974 is repealed.

SEC. 4. Section 3 of Chapter 153 of the Statutes of 1974 is amended and renumbered to read:

Sec. 2. The Legislature hereby finds and declares that this act, which is applicable only to the Ojai Water Conservation District, is necessary because of the unique and special water conservation problems in the area included in the district. It is, therefore, hereby declared that a general law cannot be made applicable to the district and the enactment of this special law is necessary for the conservation, development, control, and use of water in the district for the public good and for the protection of life and property therein.

SEC. 5. Section 4 of Chapter 153 of the Statutes of 1974 is repealed.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or the costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.