



# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

## Summary of New Las Posas Valley Extraction Allocation System – Effective Oct. 1, 2021

The Agency Board of Directors adopted an ordinance on December 14, 2020, establishing a new extraction allocation system for the Las Posas Valley (LPV) Basin on October 1, 2021. The new allocation system is based on the extraction allocation system proposed in the Las Posas Users Group (LPUG) “White Paper” dated June 16, 2017.

### General Provisions

- The new ordinance replaces the extraction allocations set forth in Emergency Ordinance E and the Agency Ordinance Code.
- Extraction allocations are assigned to extraction facilities (wells).
- Extraction reporting for all operators is by water year (October through September).
- An operator operating more than one well within a management area may combine the extraction allocations into one operator account (CombCode). However, an operator may not combine wells in different management areas except by variance (provision made for Zone Mutual Water Company and Ventura County Waterworks District [VCWWD] No. 19).
- Available Yield for the LPV Basin is equal to the total reported extractions in 2018.
- If the superior court comprehensively determines the groundwater rights in the basin, the Agency Board intends to amend the ordinance consistent with the adjudicated water rights priorities.

### Allocation Pools & Yield Shares

- Available Yield for the LPV Basin is divided into the East Las Posas Management Area (ELPMA), the West Las Posas Management Area (WLPMA), and the Epworth Gravels Management Area (EGMA), as identified in the Groundwater Sustainability Plan (GSP).
- Allocation within the ELPMA and WLPMA is divided into Pool 1 consisting of all pumpers other than the VCWWDs and Pool 2 consisting of the VCWWDs. The EGMA is included within the ELPMA Pool 1.
- Two Reserve Allocation Pools are designated from a subset of Pool 1 allocation in the ELPMA and WLPMA, reserved for undeveloped lands. The ELPMA Reserve Allocation Pool is 670 acre-feet per year (AFY) and the WLPMA Reserve Allocation Pool is 320 AFY.
- The ELPMA Allocation Pool 1 Yield Share is 87.41% of the ELPMA Available Yield, less 670 AFY set aside for the ELPMA Reserve Allocation Pool. The ELPMA Allocation Pool 2 Yield Share is 12.59% of the ELPMA Available Yield.
- The WLPMA Allocation Pool 1 Yield Share is 88.11% of the WLPMA Available Yield, less 320 AFY set aside for the WLPMA Reserve Allocation Pool. The WLPMA Allocation Pool 2 Yield Share is 11.89% of the WLPMA Available Yield.

### Minimum Allocation

- Minimum Allocations are established for three classes of operators:
  1. Agricultural Operators
    - a. The initial minimum allocation for agricultural operators within ELPMA Allocation Pool No. 1 is 1.367 AF per year. This consists of the cumulative share of agricultural extractions

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divided by the total irrigated acreage in the ELPMA and is subject to change based on further analysis of total irrigated acreage and water sources.

- b. The initial minimum allocation for agricultural operators within WLPMA Allocation Pool No. 1 is 1.280 AF per year. This consists of the cumulative share of agricultural extractions divided by the total irrigated acreage in the WLPMA and is subject to change based on further analysis of total irrigated acreage and water sources.
2. Domestic Operators –The minimum allocation for domestic operators is 2 AF per year per well serving one to four residences.
  3. Other Operators – The minimum allocation for other than agricultural or domestic operators is the Temporary Extraction Allocation (TEA) established for that operator under Emergency Ordinance E, as adjusted by the required 20% reduction and any previously approved variances.
- An operator seeking a minimum allocation must submit a written application including all relevant information. A minimum allocation may not be transferred for use on another property.

## **Initial Allocation**

- Initial allocations are based on the greater of the following (by CombCode not including extractions that incurred surcharges):
  1. Average extractions during a 5-year base period of 2009 through 2013;
  2. Pumping in 2015; or
  3. Minimum Allocation for the non-VCWWD pools.
- The pro-rata extraction allocation for each well within a CombCode is based on the average annual extraction of the well during the base period in which extractions were greatest for the CombCode as a whole (2009 through 2013 or 2015), or the minimum allocation.

## **Reduction of Chance of Surcharges for Certain Extractions in First Water Year**

- During the first water year of implementation (October 1, 2021 through September 30, 2022) surcharges will be imposed only on extractions that exceed the greater of:
  1. The extractions established by the ordinance; or
  2. An operator's reported extractions which did not incur surcharges in calendar year 2018 for municipal and industrial (M&I) and domestic operators, and crop year 2017/18 for agricultural operators.

## **Additional Reporting Requirements**

- In addition to reporting requirements specified in the Agency Ordinance Code, operators in the LPV Basin are required to report additional information.
  - Agricultural operators are required to report: 1) the Assessor's Parcel Numbers (APNs) of the parcels irrigated; 2) the irrigated acres of each parcel; and 3) the source of all water used to irrigate the parcels.
  - Mutual water companies, special districts and municipalities supplying groundwater or in lieu deliveries for agricultural are required to report: 1) total volume of water from each

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- supply source; 2) location and identifier of each agricultural turnout and meter; 3) monthly water deliveries for all water being supplied; and 4) APNs served.
- Mutual water companies, special districts and municipalities supplying groundwater or in lieu deliveries for M&I use are required to report: 1) total volume of water from each supply source; 2) monthly water deliveries for all water being supplied; and 3) APNs served.
- Domestic and M&I well operators are required to report each APN supplied with groundwater produced by the operator's extraction facility.

## **Allocation Carryover**

- A maximum of 50% of unused extraction allocation may be carried over for use in a subsequent water year. The cumulative amount of allocation carryover cannot exceed 100% of the current years' annual allocation. The first water extracted in any water year is deemed exercise of carryover.
- Unused carryover allocation is not transferable between operators, except in an Agency-approved water market, and expires 5 years after it was accrued.
- Annual extraction allocation carryover for wells combined under a single CombCode is evenly divided among the combined extraction facilities at the end of each water year.
- The Board may limit use of carryover allocations on all operators on an equal basis.

## **Allocation Transfers**

- Transfers or temporary assignments of allocation may be approved by the Agency, provided the transfer does not impede achievement of the sustainability goals of the GSP. Transfers between management areas would be prohibited, except as follows.
- Operators with wells in more than one management area and approved variance may transfer allocation between commonly operated wells, provided that any extractions in excess of the operator's allocation must balance within a running 5-year period.

## **Reserve Allocations**

- An operator may apply for a reserve allocation for lands which are developed within the basin after calendar year 2015. The reserve allocations are limited to the reserve pools established for ELPMA and WLPMA. The ordinance establishes the process and priorities for applying for a reserve allocation as well as other applicable requirements.

## **Reduction of Allocations**

- The Board will determine the need for reduction of allocations to bring the LPV Basin into sustainable yield by 2040. The Board will establish a schedule and method for allocation reductions

## **Variations**

- Owners or operators may request a variance from the ordinance but must establish that there are special circumstances or exceptional characteristics applicable to that owner or operator which do not apply generally to comparable owners or operators in the LPV Basin, in addition to other criteria.

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- Variances may be applied for by June 30, 2021, for Water Year 2021/22 and by September 30 for use in the following water year.

## **Allocations for Transition to Water Year Reporting**

- The Board adopted an ordinance on February 21, 2021, establishing allocations for transition to Water Year reporting on October 1, 2021.
- Agricultural Operators – Allocations for the two-month period of August 1, 2021, through September 30, 2021, are adjusted to 35% of the operator's Crop Year 2019/2020 Annual Efficiency Allocation.
- M&I Operators – Allocation for the period of January 1, 2021, through September 30, 2021, are adjusted to 76% of the M&I operator's Temporary Extraction Allocation (TEA).
- Domestic Operators – Allocation for the period of January 1, 2021, through September 30, 2021, are adjusted to 76% of the Domestic operator's historical or baseline allocation.
- Operators may make a written request for a variance from the adjusted transition allocation. The operator has the burden of proving that extractions during the previous Crop Year or calendar year were greater during the prorated portion of the prior year. Variance requests must be submitted by August 31, 2021.

**For more details view or download the ordinances at [www.fcgma.org](http://www.fcgma.org):**

*An Ordinance to Establish an Extraction Allocation System for the Las Posas Valley Groundwater Basin, adopted December 14, 2020; last amended February 24, 2021.*

*An Ordinance to Adjust Extraction Allocations in the Las Posas Valley Basin to Facilitate the Transition from Calendar Year to Water Year Reporting of Groundwater Extractions, adopted February 24, 2021.*