

Ordinance No. 8.9

AN ORDINANCE TO AMEND THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY ORDINANCE CODE RELATING TO REPORTING OF GROUNDWATER EXTRACTIONS FOR AGRICULTURAL EXTRACTION FACILITIES

The Board of Directors of Fox Canyon Groundwater Management Agency hereby ordains as follows:

SECTION ONE: Findings: The Board of Directors hereby finds as follows:

- A. The Agency currently requires all operators to report groundwater extractions on a semi-annual calendar year basis.
- B. With the advent of Advanced Metering Infrastructure and other technological advances, agricultural operators now have the capability to report groundwater extractions on an automated basis with greater frequency.
- C. The Agency intends to transition from a calendar year to water year reporting period.
- D. More contemporaneous reporting of groundwater extractions will assist with the transition to a water year reporting period and improve the Agency's ability to monitor and manage groundwater conditions.

SECTION TWO: Section 2.3 of Chapter 2.0 of the Ordinance Code, Reporting Extractions, is hereby amended to read as follows:

2.3. Reporting Extractions

2.3.1. All extractions shall be reported to the Agency. All extractions shall be flowmetered in accordance with the requirements and methods for flowmetering extractions as specified in Chapter 3. In cases where flowmetering is not required, the volume of water extracted shall be estimated and reported to the Agency. The Agency shall send a "Semi-Annual Groundwater Extraction Statement" (SAES) form to each well operator in January and July each year. Each operator shall return the completed SAES form on or before the due date for all wells they operate. SAES forms are due forty-five (45) days after being sent by the Agency. The SAES shall contain the following information:

2.3.1.1. The information required under Section 2.1.2. above.

2.3.1.2. The method of measuring or computing groundwater extractions.

2.3.1.3. The parcel numbers and all of the acreage served by the extraction facility.

2.3.1.4. Total extractions from each extraction facility in acre-feet for the preceding period.

2.3.2. In addition to the requirement to complete and timely submit SAES forms,

each operator of an Agricultural Extraction Facility shall submit, or cause to be submitted, an automated or computer-generated report of groundwater extractions on a monthly basis. Monthly extraction reports shall contain the meter reading and the total extractions from each extraction facility in acre-feet for the preceding month. The report shall be filed with the Agency no later than the 15th day of the following month.

2.3.2.1 [Alternate Monthly Reporting] In areas where it is demonstrated that compliance with the requirements of section 2.3.2 is impossible or highly impractical, the operator may request a variance in writing from the Executive Officer. In all events, the operator shall nonetheless report extractions on a monthly basis by providing the information specified under section 2.3.2 of the Agency Ordinance Code under penalty of perjury, along with a photograph of the flowmeter totalizer reading. The report shall be filed no later than the 15th day of each month following the month in which the extraction facility is operated. Failure to file the monthly report when due is a violation of this ordinance. An operator who violates this article more than three (3) times within any 12-month period shall be subject to monthly site visits from Agency staff to manually read the flowmeter. An operator who becomes subject to monthly flow meter readings under this article shall be responsible for all costs incurred by the Agency, including legal fees, in enforcing the provisions of this ordinance.

SECTION THREE: Section 2.4.1. of Chapter 2.0 of the Ordinance Code is hereby amended to read as follows:

2.4.1. All persons operating groundwater extraction facilities shall pay a groundwater extraction charge for all groundwater extracted after July 1, 1993, in the amount as established by Resolution. Payments are due semi-annually, and shall accompany the statement required pursuant to **Section 2.3.1.**

SECTION FOUR: This Ordinance shall become effective on the thirty-first day after adoption and shall become operative on January 1, 2019.

ADOPTED this 05 day of December 2018 by the following vote:

AYES: 5

NOES: 0
ABSENT: 0

By: 

Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Ordinance No. 8.9.