

ORDINANCE NO. 4.3

AN ORDINANCE TO PROTECT GROUNDWATER IN THE LAS POSAS BASINS

Adopted March 28, 2001

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, hereby repeals Ordinance No. 4.2 and ordains as follows:

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "Las Posas Basin Groundwater Protection Ordinance" of the Fox Canyon Groundwater Management Agency. The Las Posas Basin includes the South, East and West Las Posas Basins (the Las Posas Basin formerly was divided into the North and the South Las Posas Basins).

Section 2. Purpose and Intent

This ordinance has the following purpose and intent:

- A. To eliminate overdraft from the aquifer systems within the boundary of the East and West Las Posas sub-basins and bring these sub-basins to a "safe yield" condition by the year 2010.
- B. Protection of the Las Posas Basin outcrop as a source of groundwater recharge.
- C. Preventing groundwater quality degradation by way of the expansion area.

This ordinance is only one means by which this goal will be met.

Section 3. Definitions

As used in this ordinance, the following terms shall have the meanings stated below:

- A. "**Agency**" means the Fox Canyon Groundwater Management Agency.
- B. "**Agency Boundary**" where an outcrop exists means the outside edge of the horizontal surface exposure of the outcrop of the lower aquifer system. In areas where no outcrop exists, the boundary is the intersection of the vertical projection of the Fox Canyon Aquifer on the surface of the ground.
- C. "**East Las Posas Sub-basin**" That part of the former North Las Posas Basin that is East of the fault described by significant changes in groundwater levels and located for record purposes on maps in the Agency Offices.

- D. **“Expansion area”** means the lower aquifer system (LAS) outcrop in the North and Northeasterly portion of the Agency plus the area “outside the outcrop”. “Outside the outcrop” shall be defined as that area outside the Agency Boundary where the natural surface drainage allows surface water to flow into the Agency or where the groundwater gradient would allow groundwater to flow into the Agency. The width of this area, “outside the outcrop”, shall not exceed a distance of 1.5 miles perpendicular to the Agency boundary. Map Number Two, entitled Fox Canyon Outcrop, Las Posas Basin, 1995 shows the expansion area and is available in the County Water Resources Division office.
- E. **“Extraction”** means the act of obtaining groundwater by pumping or other controlled means.
- F. **“Extraction facility”** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.
- G. **“Groundwater”** means water beneath the surface of the earth within a zone where the soil is saturated with water.
- H. **“LAS outcrop”** or **“outcrop”** means the area of Lower Aquifer System surface exposure as defined by Map Number One, Fox Canyon Outcrop, Las Posas Basin, 1982. This map is available for inspection in the Ventura County Water Resources Division office.
- I. **“Operator”** means a person who operates a groundwater extraction facility. In the event 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.
- J. **“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.
- K. **“West Las Posas Sub-basin”** That part of the former North Las Posas Basin that is West of the fault described by significant changes in groundwater levels and located for record purposes on maps in the Agency Offices.

ARTICLE 2.
Las Posas Basin Anti-degradation and Extraction Prohibition

Section 1. Anti-degradation and Extraction Prohibition

- A. Except as permitted by paragraph C below, increasing the quantity of all types of groundwater use in the expansion area from extraction facilities located in the East or West Las Posas sub-basin is prohibited after June 30, 1988.
- B. To qualify for expansion of agricultural groundwater use, irrigation systems consistent with best management practices and typical for permanently established citrus and avocado orchards in the area must be installed and trees must be planted prior to July 1, 1988. To qualify for expansion of a municipal or industrial groundwater use, a water system conforming to California Health and Safety Code and Uniform Plumbing Code requirements must be installed prior to the effective date of Ordinance 4, or must be installed and used to continuously supply the project with an adequate quantity of groundwater prior to July 1, 1988.
- C. Subsequent to the effective date of this ordinance, any new use of water on the expansion area shall be specifically approved and conditioned by the Agency to:
 - 1. Ensure that the outcrop is not exposed to potential degradation of water quality of any type.
 - 2. Ensure that the ability of the outcrop to provide recharge by percolation is not diminished.
- D. Groundwater from inside the Agency shall not be used on the expansion area of the East or West Las Posas Basin or any other area outside the Agency boundary.

As a minimum, these requirements shall preclude:

- 1. Uses on the outcrop that require groundwater in excess of the historical allocation or the granting of new baseline or new efficiency allocations.
- 2. Uses that reduce or lead to the reduction of the capability of the outcrop to provide recharge to the Lower Aquifer System.

Section 2. Monitoring

The Agency will monitor the anti-degradation and extraction prohibition by regular review of discretionary permit applications to the Ventura County Water Resources and Engineering Department.

In addition to the above reviews, the Agency may conduct surveys of the expansion area.

ARTICLE 3. East and West Las Posas Basins Extraction Facility Prohibition

Section 1. New Extraction Facilities

New and replacement extraction facilities in the East or West Las Posas Basins to extract groundwater for use in the expansion area must be approved as provided by Section 2 below. Such facilities shall conform to the requirements of this and all other Agency ordinances.

Section 2. Permit Required

No operator or person shall construct a new extraction facility or a replacement extraction facility within the East and West Las Posas Basins after June 30, 1988 unless such work is done pursuant to an unexpired written permit for such work issued by the Agency. This paragraph does not provide authority to deny a well permit.

Section 3. Permit Application

Application to construct an extraction facility shall be made to the Agency on the approved Ventura County Water Well Ordinance form available from the Ventura County Public Works Agency and shall include all information required by the County Well Ordinance and the following:

- a. Location(s) of groundwater use including acreage accurately plotted on copy of the Ventura County Assessor's Parcel Map.
- b. The proposed crop type(s) or Municipal and Industrial use(s) at each location.
- c. A brief description of the type of irrigation or distribution system and metering equipment to be used.
- d. The estimated average annual quantity of water use proposed for each location of use.

Section 4. Monitoring

The Agency will monitor compliance with this Article by reviewing County well permit applications and reported groundwater extractions and by conducting necessary field surveys.

ARTICLE 4. Appeals

Any operator aggrieved by a decision or determination made by the Agency Coordinator may appeal to the Board within thirty (30) calendar days thereof by filing with the Agency Coordinator a written request that the Board review the decision of the Agency Coordinator. The Board shall act on the appeal within 120 days after the filing.

ARTICLE 5. Penalties

Any operator or person who intentionally violates any provision of this ordinance shall be guilty of an infraction and may be required to pay a fine to the Agency not to exceed five hundred dollars (\$500).

Any operator or person who negligently or intentionally violates any provision of 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 day of such violation, in addition to any other penalties that may be prescribed by law.

Upon the failure of any operator or person to comply with any provision of this ordinance, the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in this ordinance or otherwise, allowed by law.

The Agency may petition the Superior Court of the County to recover any sums due the Agency.

ARTICLE 6. Effective Date

Section 1. Effective Date

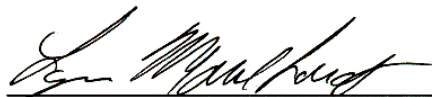
This ordinance shall become effective on the thirty-first day after adoption.

ADOPTED this 28th day of March, 2001 by the following vote:

AYES: Lynn Maulhardt, Mike Conroy, Al Fox and Roseann Mikos

NOES: None

ABSENT: John Flynn



Lynn Maulhardt, Chair - Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: Karen Schoonover
Karen Schoonover, Clerk of the Board