

ORDINANCE NO. 8.6

An Ordinance to Amend the Fox Canyon Groundwater Management Agency Ordinance Code Relating to Establishment and Protection of the Las Posas Basin Management Area

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

SECTION ONE. Findings.

The Board of Directors hereby finds that:

- A. The Las Posas groundwater basin, divided into the West, East, and South Las Posas sub-basins, and immediately surrounding areas presents a unique set of challenges not fully addressed by the Agency's current groundwater management approaches. Groundwater levels in the South and East Las Posas sub-basins are controlled by a complex interplay of pumping, aquifer storage and recovery operations by Calleguas Municipal Water District, natural recharge processes, and recharge of wastewater, shallow dewatering discharges, and urban runoff ("non-native inflows"). Increased recharge from the non-native inflows has helped stabilize groundwater elevations, but has also exacerbated the migration of pre-existing salts into the main groundwater production zones of the South and East Las Posas sub-basins. The non-native inflows themselves are too saline for some beneficial uses. The area of degraded groundwater quality is expanding northward into the central portion of the East Las Posas sub-basin, threatening additional beneficial uses. In the West Las Posas sub-basin, groundwater elevations are declining within a localized pumping depression that is located in the easternmost portion of the sub-basin. The condition of continued water level decline is not sustainable and the condition of depressed water levels increases the potential for inflow of poor quality water from surrounding sources. The above-described groundwater management issues represent water resource problems that constitute an ongoing threat to groundwater quality and quantity and beneficial uses.
- B. Developing a Las Posas Basin-Specific Groundwater Management Plan ("BSMP" or "Plan"), distinct from the management of the remainder of the basins within the Agency, is an appropriate strategy to preserve the long-term integrity of the water resources of the Las Posas groundwater basin for all reasonable and beneficial uses.
- C. The Agency has the authority to adopt ordinances to control groundwater extractions by regulating, limiting, or suspending extraction of groundwater within its territory.
- D. This Ordinance is necessary to prevent a worsening of the groundwater conditions in the Las Posas groundwater basin and to facilitate implementation of a BSMP, which will have the purpose of bringing groundwater extractions into balance with operational yield, and managing and improving groundwater quality.
- E. The measures adopted in this Ordinance require additional findings for permitting new or replacement extraction facilities in the Las Posas Basin Eastern and Western Management Sub-Areas. It is emphasized herein that extraction facility permits for these areas are discretionary permits that require the exercise of judgment and deliberation. A

decision to approve, approve with conditions, or deny a permit application may require that an analysis of potential impacts be performed by the applicant.

- F. The measures adopted in this Ordinance include a 4 acre-feet per acre per calendar year limitation on groundwater use within the Las Posas Basin Eastern and Western Management Sub-Areas. This limitation is intended as an interim measure until such time the Agency adopts new extraction allocations recommended in the Plan. The limitation does not represent an action that will adequately restore sustainable use of the Las Posas Basin Eastern and Western Management Sub-Areas, nor is it a substitute for implementation of the management strategies recommended in the Plan. It is emphasized herein that new extraction allocations developed pursuant to the BSMP may be different from the extraction allocations currently provided for in Chapter 5 of the Agency's Ordinance Code.
- G. The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, sections 15307 and 15308, which exempt actions taken for the protection of natural resources and the environment. This Ordinance will help conserve and improve the availability of Agency water resources, particularly within the area addressed by the BSMP, and will help ensure the maintenance and sustainability of certain local and imported water resources.

SECTION TWO: Chapter 1.0, Definitions, is hereby repealed and reenacted as follows:

CHAPTER 1.0 Definitions

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

- 1.1. **"Actual Applied Water"** – means the total water applied by the grower to the crop over the course of a calendar year without regard to the water source. Examples of actual applied water include the sum of well water, water delivered from a water supplier, and or from surface water diversions. Total applied water does not include precipitation.
- 1.2. **"Agency"** means the Fox Canyon Groundwater Management Agency.
- 1.3. **"Agency Boundary"** shall be as depicted on the map adopted by the Board and recorded as an official record with the County Recorder's Office on January 14, 2002 (Document No. 2002-0009215), and as may be adjusted as provided in the Agency's enabling legislation.
- 1.4. **"Agricultural Extraction Facility"** means a facility from which the groundwater produced is used on lands in the production of plant crops or livestock for market, and uses incidental thereto.
- 1.5. **"Annual"** means the calendar year January 1 through December 31.

- 1.6. **"Aquifer"** means a geologic formation or structure that yields water in sufficient quantities to supply pumping wells or springs. A confined aquifer is an aquifer with an overlying less permeable or impermeable layer.
- 1.7. **"Board"** means the Board of Directors of the Fox Canyon Groundwater Management Agency.
- 1.8. **"County"** means the County of Ventura.
- 1.9. **"Developed Acreage"** means that portion of a parcel within the Agency Boundary that is receiving water for reasonable and beneficial agricultural, domestic or municipal and industrial (M & I) use.
- 1.10. **"East Las Posas Basin"** That part of the former North Las Posas Basin that is east of the subsurface anomaly described by significant changes in groundwater levels, as described in the Groundwater Management Plan and the Las Posas Basin-Specific Groundwater Management Plan, located for record purposes on maps as provided in Section 1.20.
- 1.11. **"Excess Extraction"** means those extractions in excess of an operator's extraction allocation or adjusted extraction allocation.
- 1.12. **"Executive Officer"** means the individual appointed by the Board to administer Agency functions, or his/her designee.
- 1.13. **"Exempt Well Operators"** means all well operators operating extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations and those operators granted an exemption by the Board.
- 1.14. **"Expansion Area"** means that portion of land beyond the outer limits of the Agency Boundary in the West, East, and South Las Posas Basins that lies between the Agency Boundary and the crest of the hill or 1.5 miles beyond the Agency Boundary as defined by Map Number Two, entitled Fox Canyon Outcrop, Las Posas Basin, 1995. .
- 1.15. **"Extraction"** means the act of obtaining groundwater by pumping or other controlled means.
- 1.16. **"Extraction Allocation"** means the amount of groundwater that may be obtained from an extraction facility during a given calendar year, before a surcharge is imposed.
- 1.17. **"Extraction Facility"** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.
- 1.18. **"Foreign Water"** means water imported to the County through the State Water Project facilities or other newly available water as approved by the Board, such as recycled water that would otherwise be lost to the Ocean.

- 1.19. **“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.
- 1.20. **“Groundwater Basin”** means a geologically and hydrologically defined area containing one or more aquifers, which store and transmit water yielding significant quantities of water to wells. For the purposes of this Ordinance Code, groundwater basins that of which either all or a portion or portions thereof are located within the Agency Boundary include, but are not limited to the Oxnard Plain Forebay Basin, Oxnard Plain Pressure Basin, Pleasant Valley Basin, East Las Posas Basin, West Las Posas Basin, South Las Posas Basin and the Arroyo Santa Rosa Basin, as described in the Groundwater Management Plan. The boundaries of these basins are shown on maps that shall be adopted by a Resolution. Groundwater basin boundaries may be modified by a Resolution.
- 1.21. **“Groundwater Management Plan”** means the 2007 Update to the Fox Canyon Groundwater Management Plan or Board-adopted updates to this plan.
- 1.22. **“Historical Extraction”** means the average annual groundwater extraction based on the five (5) calendar years of reported extractions from 1985 through 1989 within the Agency Boundary. This average will be expressed in acre-feet per year. All historical extraction allocations became effective on January 1, 1991.
- 1.23. **“Inactive Well”** An inactive well is a well that conforms to the County Water Well Ordinance requirements for an active well, but is being held in an idle status in case of future need. Idle status means the well is pumped no more than 8 hours during any 12-month period. Inactive wells are not required to have a flowmeter. Pumping to maintain status as an active well under the County Water Well Ordinance shall not exceed 8 hours in a 12 month period, shall be for beneficial use, and shall be estimated and reported to the Agency. Prior to removing a well from idle status, the operator shall install a flowmeter in accordance with the requirements in Chapter 3 of the Ordinance Code.
- 1.24. **“Injection/Storage Program”** means any device or method for injection/storage of water into a groundwater basin or aquifer within the Agency Boundary, including a program to supply foreign water in lieu of pumping.
- 1.25. **“Las Posas Basin–Specific Groundwater Management Plan”** means the Las Posas Basin–Specific Groundwater Management Plan or Board-adopted updates to this plan.
- 1.26. **“Las Posas Basin Eastern Management Sub-Area (Las Posas EMSA)”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.27. **“Las Posas Basin Management Area”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan, which is comprised of the Las Posas Basin Western Management Sub-Area, Las Posas Basin Eastern Management Sub-Area, and the Las Posas Basin Management Area – Monitor Only Area.

- 1.28. **“Las Posas Basin Management Area – Monitor Only Area”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.29. **“Las Posas Basin Western Management Sub-Area (Las Posas WMSA)”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.30. **“Las Posas 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.
- 1.31. **“May”** as used in this Ordinance Code, permits action but does not require it.
- 1.32. **“Flowmeter”** means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.
- 1.33. **“Municipal and Industrial (M & I) Provider”** means person who provides water for domestic, industrial, commercial, or fire protection purposes within the Agency Boundary.
- 1.34. **“Municipal and Industrial (M & I) Operator”** An owner or operator that supplied groundwater for M & I use during the historical allocation period and did not supply a significant amount of agricultural irrigation during the historical period.”
- 1.35. **“Municipal and Industrial (M & I) User”** means a person or other entity that used or uses water for any purpose other than agricultural irrigation.
- 1.36. **“Municipal and Industrial (M & I) Use”** means any use other than agricultural irrigation.
- 1.37. **“Non-Operating Flowmeter”** – A non-operating flowmeter includes a flowmeter that is out of calibration by plus or minus 5%, and/or a flowmeter that has not been calibrated within the flowmeter calibration schedule adopted by the Board.
- 1.38. **“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.
- 1.39. **“Ordinance Code”** means the Fox Canyon Groundwater Management Agency Ordinance Code.
- 1.40. **“Overdraft”** means the condition of a groundwater basin or aquifer where the average annual amount of water extracted exceeds the average annual supply of water to a basin or aquifer.
- 1.41. **“Owner”** means a person who owns a groundwater extraction facility. Ownership shall be determined by reference 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.

- 1.42. **“Perched”** or **“Semi-Perched Aquifer”** means the shallow, unconfined aquifer that overlies the Oxnard Aquifer in Sealing Zone III, as described in the California Department of Water Resources Bulletin No. 74-9.
- 1.43. **“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.
- 1.44. **“Recharge”** means natural or artificial replenishment of groundwater in storage by percolation or injection of one or more sources of water.
- 1.45. **“Resolution”** means a formal statement of a decision adopted by the Board.
- 1.46. **“Safe Yield”** means the condition of groundwater basin when the total average annual groundwater extractions are equal to or less than total average annual groundwater recharge, either naturally or artificially.
- 1.47. **“Section”** as used in this Ordinance Code, is a numbered paragraph of a chapter.
- 1.48. **“Semi-Annual Groundwater Extraction Statement”** is a form filed by each operator containing the information required by Section 2.2 and 2.3.1 and shall cover the periods from January 1 to June 30 and from July 1 to December 31 annually.
- 1.49. **“Shall”** as used in this Ordinance Code, is an imperative requirement.
- 1.50. **“Well Flushing”** means the act of temporarily discharging extracted groundwater through a connection located upstream of the water distribution system at the beginning of an extraction cycle. Well flushing is typically performed until the quality of the extracted water is suitable for beneficial use and/or will not damage the distribution system. In some cases, the flushing flows may be discharged upstream of the distribution system, including the flowmeter. Flushing flows discharged upstream of the flowmeter shall be estimated and reported to the Agency in accordance with the requirements accordance with the requirements in Chapter 2 of the Ordinance Code.
- 1.51. **“Well Rehabilitation”** means the act of restoring a well to its most efficient condition by various treatments, development, or reconstruction methods. In most cases, groundwater extracted during well rehabilitation is not discharged through the extraction facility piping and, consequently, is not flowmetered. In these cases, the volume of water extracted shall be estimated and reported to the Agency in accordance with the requirements accordance in Chapter 2 of the Ordinance Code.
- 1.52. **“West Las Posas Basin”** is that part of the former North Las Posas Basin that is west of the subsurface anomaly described by significant changes in groundwater levels, as described in the Groundwater Management Plan and the Las Posas Basin-Specific

Groundwater Management Plan, located for record purposes on maps as provided in Section 1.20.

SECTION THREE: Chapter 4.0, Protection of the Las Posas Basins, is hereby repealed and reenacted as follows:

CHAPTER 4.0

Protection of the Las Posas Basin Management Area

4.1. This chapter has the following purpose and intent:

- 4.1.1. To facilitate implementation of the groundwater management strategies identified in the Las Posas Basin-Specific Groundwater Management Plan, which are intended to maintain a reliable groundwater supply of a quality suitable to the needs of the groundwater users in the Las Posas EMSA and Las Posas WMSA.
- 4.1.2. To protect the Las Posas outcrop as a source of groundwater recharge into the Las Posas Basin Management Area.
- 4.1.3. To prevent groundwater quality degradation of the Las Posas Basin Management Area by influence from the Expansion area.
- 4.1.4. This Ordinance Code is only one means by which these goals will be met.

4.2. Anti-degradation and Extraction Prohibition

4.2.1. Extraction Facility Permits.

- 4.2.1.1. Permit Required - Prior to either: (a) initiating any new or increased use of groundwater in the Expansion area, obtained from any source within the Agency, including the Expansion area or (b) constructing a new or replacement extraction facility in the Las Posas Basin Management Area, or the Expansion area, a permit must be obtained from the Agency as provided in this Chapter. For the purpose of this Chapter, a new or increased use is that which did not exist or occur before June 30, 1988.
- 4.2.1.2. Permit Application - Application shall be made in accordance with the requirements set forth in Section 2.1.1 and shall include all information required by the County Well Ordinance and the following:
 - 4.2.1.2.1. Location of each water well to be used, along with the associated state well number.
 - 4.2.1.2.2. Location(s) of current and proposed groundwater use, including acreage accurately plotted on copy of the County Assessor's Parcel Map.

- 4.2.1.2.3. The proposed crop type(s) or Municipal and Industrial use(s) at each location.
- 4.2.1.2.4. A brief description of the type of irrigation or distribution system and flowmeter to be used.
- 4.2.1.2.5. The estimated average annual quantity of water use proposed for each location of use.
- 4.2.1.2.6. An identification of the source of historical allocation to supply the proposed water use by the well.
- 4.2.1.2.7. An analysis of the potential impacts on the water balance and water quality in the Las Posas Basin Management Area resulting from the proposed use(s).
- 4.2.1.3. Findings - A permit may only be granted if the Executive Officer finds that the proposed groundwater use will result in no net detriment to the Las Posas Basin Management Area by determining that:
 - 4.2.1.3.1. The Las Posas outcrop is not exposed to potential degradation of water quality of any type.
 - 4.2.1.3.2. Recharge to the Las Posas Basin Management Area from the Las Posas outcrop is not diminished.
 - 4.2.1.3.3. Neither baseline nor efficiency allocation will be used, directly or indirectly, to support groundwater use on the Expansion Area (an example of indirect use is using efficiency to supply a demand inside the Agency and using the replaced historical allocation on the outcrop).
 - 4.2.1.3.4. No increased or new uses of groundwater from inside the Agency Boundary will be applied on any area outside the Expansion area (or outside the Las Posas Basin Management Area).
 - 4.2.1.3.5. [Operative Until Adoption of the Las Posas Basin-Specific Groundwater Management Plan] For extraction facilities located in the West Las Posas Basin, the proposed extraction will not interfere with attainment of basin management objectives or implementation of groundwater management strategies for the West Las Posas Basin identified in the Groundwater Management Plan, including, but not limited to, efforts to stabilize or raise groundwater elevations in the pumping depression identified in the Groundwater Management Plan.

- 4.2.1.3.6. [Operative Upon Adoption of the Las Posas Basin-Specific Groundwater Management Plan] For extraction facilities located in the Las Posas WMSA, the proposed extraction will not interfere with attainment of basin management objectives or implementation of groundwater management strategies for the Las Posas WMSA identified in the Las Posas Basin-Specific Groundwater Management Plan, including, but not limited to, efforts to stabilize or raise groundwater elevations in the pumping depression identified in the Las Posas Basin-Specific Groundwater Management Plan.
- 4.2.1.3.7. [Operative Until Adoption of the Las Posas Basin-Specific Groundwater Management Plan] For extraction facilities located in the East and South Las Posas Basins, the proposed extraction will not interfere with attainment of basin management objectives or implementation of groundwater management strategies for the East and South Las Posas Basins identified in the Groundwater Management Plan, including, but not limited to, efforts to manage or improve groundwater quality for the benefit of existing pumpers.
- 4.2.1.3.8. [Operative Upon Adoption of the Las Posas Basin-Specific Groundwater Management Plan] For extraction facilities located in the Las Posas EMSA, the proposed extraction will not interfere with attainment of basin management objectives or implementation of groundwater management strategies for the Las Posas EMSA identified in the Las Posas Basin-Specific Groundwater Management Plan, including, but not limited to, efforts to manage or improve groundwater quality for the benefit of existing pumpers.
- 4.2.1.4. Permit Conditions. The Executive Officer may include in the permit granted, any conditions consistent with the purpose of this Chapter, including:
 - 4.2.1.4.1. Any proposed agricultural use shall include the installation of irrigation systems that employ irrigation best management practices consistent with then current industry standards.
 - 4.2.1.4.2. Any proposed municipal or industrial use shall include the installation of systems that employ municipal and industrial best management practices consistent with the then current industry standards.
 - 4.2.1.4.3. Mitigation, monitoring, and periodic reporting, as may be appropriate given the proposed use.

- 4.3. **Registration of Existing Uses** - The owners of groundwater wells located within the East or West Las Posas basins shall register their wells with the Agency no later than January 1, 2006, through the following procedure:
- 4.3.1. **Registration Form** - The Agency shall make available a registration form which shall be completed, and filed with the Agency for each well, which shall include the following:
- 4.3.1.1. Location(s) of all water well(s), along with the associated state well number(s) including offsite well(s) serving the proposed use. Information concerning wells shall also include any other use for the water well.
 - 4.3.1.2. Location(s) of groundwater use for the well including acreage accurately plotted on a copy of the County Assessor's Parcel Map.
 - 4.3.1.3. The proposed crop type(s) or Municipal and Industrial use(s) at each location.
 - 4.3.1.4. A brief description of the type of irrigation or distribution system and flowmeter in use.
 - 4.3.1.5. The estimated average annual quantity of water use at each location and for each well.
- 4.4. **Monitoring** - The Agency shall monitor compliance with this Chapter by reviewing County well permit applications and reported groundwater extractions and by conducting field surveys as may be necessary.
- 4.5. **Unreasonable Uses** - The Agency may commence and prosecute legal actions to enjoin unreasonable uses or methods of use of water within or without the Agency Boundary to the extent those uses or methods of use adversely affect the groundwater supply within the Agency Boundary.
- 4.6. **Extraction Surcharges** - Notwithstanding an operator's allocation under Chapter 5.0 of this Ordinance Code or the availability of conservation credits, groundwater use within the Las Posas EMSA and the Las Posas WMSA in excess of 4.0 acre-feet per acre per calendar year by shall be subject to extraction surcharges pursuant to Section 5.8 of this Ordinance Code.

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

ADOPTED this 7th day of December 2011 by the following vote:

AYES: Directors Maulhardt, Craven, Kelley, and Borchard
NOES: None
ABSENT: Director Bennett



Lynn Maulhardt, 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. 8.6.



Miranda Nobriga, Clerk of the Board