

ORDINANCE NO. 1.2

AN ORDINANCE REQUIRING REGISTRATION OF GROUNDWATER EXTRACTION FACILITIES, WATER EXTRACTION REPORTING AND LEVYING GROUNDWATER EXTRACTION CHARGES

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, hereby repeals Ordinance Nos. 1, 1.1, 2 and 6 and does ordain as follows:

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "Well Registration, Reporting and Extraction Charge Ordinance" of the Fox Canyon Groundwater Management Agency.

Section 2. Definitions

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

- A. "Agency" means the Fox Canyon Groundwater Management Agency.
- B. "Extraction" means the act of obtaining groundwater by pumping or other controlled means.
- C. "Extraction facility" means any device or method for extraction of groundwater within a groundwater basin or aquifer.
- D. "Groundwater" means water beneath the surface of the earth within a zone in which the soil is sufficiently saturated with water to allow collection and extraction.
- E. "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.
- F. "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.

**ARTICLE 2. Registration of
Groundwater Extraction Facilities, Methods of
Computing Extractions and the Recordation of Extractions**

Section 1. Registration

All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of notice given to the operator except that if an operator has extraction facilities that are registered with United Water Conservation District, as required by resolution, these wells need not be registered with the Agency as long as they continue to be registered with the United Water Conservation District.

The operator of an extraction facility shall register his extraction facility and provide the following information on a form provided by the Agency:

- A. Name and address of the operator.
- B. 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. Location of the water extraction facility.

Section 2. Methods of Computing Extractions

The method of computing extractions shall be as specified by Ordinance 3, as amended.

Section 3. Reporting Extractions

The operator of a registered extraction facility shall file a groundwater extraction statement semi-annually with the Agency. Extraction statements shall cover the periods from January 1 to June 30 and from July 1 to December 31. Statements are due 30 days following the end of each reporting period. Statements shall contain the following information on forms to be provided by the Agency:

- A. The information required under Section 1.
- B. The method of measuring or computing groundwater extractions.
- C. The crop types or other uses and the acreage served by the extraction facility.
- D. Total extraction of each extraction facility in acre-feet for the preceding 6 month period.

ARTICLE 3. Charges

Section 1. Ground Water Extraction Charges

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 of the Board. Payments are due semi-annually and shall accompany the statement required pursuant to Article 2, Section 3.

ARTICLE 4. 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 of 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 5. Effective Date

Section 1. Effective Date

This ordinance shall become effective on the 31st day after adoption.

ADOPTED this 26 th day of May, 1993, by the following vote:

AYES: Directors Maulhardt, Buford, Conroy and McIntyre

NOES: none

ABSENT: Directors Daniels and Flynn.



Chair, Board of Directors of the
Fox Canyon Groundwater Management
Agency

ATTEST:

By: Karen Schoonover
Clerk of the Board