

ORDINANCE NO. 4.1

AN ORDINANCE TO PROHIBIT GROUNDWATER EXTRACTIONS IN THE EXPANSION AREA OF THE NORTH LAS POSAS BASIN.

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

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "North Las Posas Basin Groundwater Extraction Prohibition Ordinance" of the Fox Canyon Groundwater Management Agency.

Section 2. Purpose and Intent

The purpose and intent of this ordinance is to eliminate overdraft from the aquifer systems within the boundaries of the North Las Posas Basin and bring the basin to a "safe yield" condition by the year 2010. This ordinance is only one means by which this goal will be met.

Secondary benefits of the ordinance will be the protection of the outcrop as a source of groundwater recharge and reducing the risk of groundwater quality degradation by way of the outcrop.

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. **"Expansion area"** means the lower aquifer system outcrop area in the North and Northeasterly portion of the Agency on the outcrop or above the outcrop. "Above the outcrop means that area outside the Agency Boundary where the natural drainage causes either surface water or groundwater to flow into the Agency. . "Map Number One Fox Canyon Outcrop Las Posas Basin 1982" is available for inspection at the Ventura County Water Resources Division.
- C. **"Extraction"** means the act of obtaining groundwater by pumping or other controlled means.
- D. **"Extraction facility"** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.

- E. **"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.
- F. **"LAS outcrop"** means the area of Lower Aquifer System surface exposure defined by "Map Number One Fox Canyon Outcrop Las Posas Basin 1982" is available for inspection at the Ventura County Water Resources Division.
- G. **"Nonwater-bearing area"** means an area which, as of the effective date of this ordinance, does not contain groundwater of sufficient quantity or quality to permanently supply a proposed water use.
- H. **"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.
- I. **"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.

North Las Posas Basin Extraction Prohibition

Section 1. Extraction Prohibition

Increasing the quantity of all types of groundwater use in the expansion area from extraction facilities located in the North Las Posas Basin is prohibited after June 30, 1988. Prior to July 1, 1988, increasing the quantity of groundwater use will be allowed in the North Las Posas Basin on parcels of land which are in the expansion area.

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. If North Las Posas Basin agricultural groundwater use in the expansion area is discontinued for a period exceeding two years, all future groundwater use is prohibited. 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 the Ordinance or must be installed and used to continuously supply the project with an adequate quantity of groundwater prior to July 1, 1988.

Any use of groundwater in the expansion area shall comply with this and other Agency ordinances except that an efficiency allocation under Ordinance 5.x does not apply to irrigation of any area on the outcrop. Groundwater use conforming to the requirements stated above and use of existing historical or baseline allocations of groundwater from the North Las Posas basin on new areas on the outcrop is permissible, but shall be conditioned by the Agency to: (1) Insure that the outcrop is not exposed to potential contamination of any type. (2) Insure that the ability of the outcrop to provide recharge by percolation is not diminished. These

requirements preclude the following land uses: (1) Land uses that increase the net groundwater use of approved extraction facilities on the outcrop. (2) Land uses that require groundwater in excess of the historical or baseline allocations when using water from the North Las Posas basin. (3) Land uses that reduce or lead to the reduction of the capability of the outcrop to provide recharge.

Section 2. Monitoring

The Agency will monitor the extraction prohibition by regular review of applications to the Resource Conservation District and Ventura County Public Works Agency Land Development Section required by the County Hillside Erosion Control Ordinance and applications to the Ventura County Division of Building and Safety. The Agency and/or any of the above entities will review applications prior to final processing to ensure that the proposed project is in compliance with the extraction prohibition.

In addition to the above reviews, the Agency may conduct land use surveys of the extraction prohibition area.

Section 3. Enforcement

If a proposed project would violate the extraction prohibition, the Agency shall notify the operator in writing that use of groundwater from that North Las Posas Basin extraction facility is prohibited.

If groundwater from extraction facilities located in the North Las Posas Basin is used on land where the extraction prohibition applies, the operator and/ or person responsible for such use shall be in violation of this ordinance and shall be notified in writing to immediately stop such prohibited use.

ARTICLE 3.

North Las Posas Basin Extraction Facility Prohibition

Section 1. Prohibition of New Extraction Facilities

Construction of new extraction facilities in the North Las Posas Basin to extract groundwater for use in the expansion area is prohibited after June 30, 1988 except that replacement extraction facilities will be allowed which provide groundwater to locations served prior to July 1, 1988.

Section 2. Permit Required

No operator or person shall construct a new extraction facility or a replacement extraction facility after June 30, 1988 within the North Las Posas Basin unless such work is done pursuant to an unexpired written permit for such work issued by the Agency.

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. 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 28th day of June, 1995, by the following vote:

AYES: Lynn Maulhardt, John Flynn, Tom Buford, Sam McIntyre and Mike Conroy

NOES: None

ABSENT: None

A handwritten signature in cursive script, appearing to read "Lynn E. Maulhardt", written over a horizontal line.

Chair, Board of Directors
Fox Canyon Groundwater Management Agency

By Karen Schoonover
Clerk