

AN ORDINANCE TO ADJUST EXTRACTION ALLOCATIONS TO FACILITATE THE TRANSITION FROM CALENDAR YEAR TO WATER YEAR REPORTING OF GROUNDWATER EXTRACTIONS

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

ARTICLE 1. FINDINGS

- 1.1 The Agency has adopted or intends to adopt ordinances that replace existing extraction allocations, and that require extractions to be reported on a water year basis.
- 1.2 The ordinances will become operative on October 1, 2020, which is two months after the beginning of the next reporting period for agricultural extractions, and three months before the end of the current reporting period for municipal and industrial and domestic operators.
- 1.3 In order to regulate all groundwater extractions in 2020, it is necessary to adjust existing extraction allocations for the current year on a pro-rated basis to reflect the shortened reporting periods created by the transition to water year reporting of groundwater extractions and based on the typical proportion of annual groundwater extractions extracted during the shortened reporting periods.
- 1.4 This ordinance will result in no expansion of use of groundwater and will not result in either a direct or reasonably foreseeable indirect physical change in the environment.

ARTICLE 2. PURPOSE

The purpose and intent of this ordinance is to establish adjusted extraction allocations to be used for the periods leading up to October 1, 2020, when the Agency intends to transition to water year reporting of groundwater extractions.

ARTICLE 3. DEFINITIONS

The following terms have the meaning set forth below:

3.1 "Agricultural Operator" shall mean an owner or operator of an extraction facility used to produce groundwater for use on lands in the production of plant crops or livestock for market and uses incidental thereto.

3.2 "Crop Year 2019/2020 Annual Efficiency Allocation" shall mean Annual Efficiency Allocation as provided in Section 5.6.1.2. of the Agency Ordinance Code, with annual irrigation allowances used to calculate the Irrigation Allowance Index as modified by Emergency Ordinance E, for planted acres during the period of August 1, 2019, through July 31, 2020.

3.4 "Municipal and Industrial Operator" shall mean an owner or operator that supplies groundwater for domestic, industrial, commercial or other non-agricultural use.

ARTICLE 4. APPLICABILITY

This ordinance shall apply to operators in any groundwater basin for which the Agency has adopted an ordinance with an operative date of October 1, 2020 that replaces the

extraction allocations established under the Agency Ordinance Code and Emergency Ordinance E.

ARTICLE 5. TRANSITION PERIOD ALLOCATION ADJUSTMENTS

5.1 Agricultural Operators

For the period beginning August 1, 2020, and ending September 30, 2020, an agricultural operator's extraction allocation shall be adjusted to 35% of the operator's Crop Year 2019/2020 Annual Efficiency Allocation. The Agency shall send a Special Extraction Statement" (SES) to each agricultural operator requesting total extractions for the two-month period. Each agricultural operator shall return the completed SES, along with a date stamped photographic image of the flowmeter reading on the end date of the reporting period.

5.2 Municipal and Industrial Operators

For extractions beginning January 1, 2020, and ending June 30, 2020, a municipal and industrial operator shall provide a completed "Semi-Annual Extraction Statement" (SAES) in accordance with section 2.3 of the Agency Ordinance Code. For the period beginning July 1, 2020, and ending September 30, 2020, the Agency shall send a "Special Extraction Statement" (SES) to each municipal and industrial operator requesting total extractions during the three-month period. Each municipal and industrial operator shall return the completed SES, along with a date-stamped photographic image of the flowmeter reading on the end date of the reporting period. For the combined reporting period (January 1, 2020, to September 30, 2020), a municipal and industrial operator's extraction allocation shall be adjusted to 76% of the operator's Temporary Extraction Allocation (TEA) as established under article 2.A. of Ordinance E, or for domestic operators without a TEA, 76% of the operator's historical or baseline extraction allocation as established under the Agency Ordinance Code.

ARTICLE 6. VARIANCES

The Executive Officer may, on written request from an operator, grant a variance from the adjusted extraction allocations established under this ordinance. The sole purpose of any variance shall be to allow an operator to demonstrate that extractions during the prorated portion of a prior crop year or calendar year were greater than the percentages set forth in article 5 of this ordinance. A person seeking a variance shall have the burden of proving to the satisfaction of the Executive Officer the amount of extractions during the prorated portion of the prior year. All requests for variance shall be in writing and submitted on or before August 31, 2020.

ARTICLE 7. EFFECTIVE DATE

This ordinance shall take effect and be operative 30 days after its adoption.

ADOPTED this 27 day of May 2020 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
