

FOX CANYON GROUNDWATER MANAGEMENT AGENCY  
EXTRACTION ALLOCATIONS AND CHARGES

**CHAPTER 50**

**Senate Bill No. 747**

**AN ACT** to amend Sections 810 and 1007 of, to add Sections 328, 329, 330, and 331 to, and to add Article 11 (commencing with Section 1101) to, the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982), relating to the Fox Canyon Groundwater Management Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1991]  
[Filed with Secretary of State June 10, 1991]

**LEGISLATIVE COUNSEL'S DIGEST**

**SB 747**, Hart. Fox Canyon Groundwater Management Agency.

Under the Fox Canyon Groundwater Management Agency Act, the Fox Canyon Groundwater Management Agency is authorized, by ordinance, to levy groundwater extraction charges on the extraction of groundwater of up to \$0.50 per acre-foot pumped per year from all water extraction facilities within the agency. The agency is authorized, by ordinance, to require the operator of each extraction facility to file annually with the agency or a member agency a prescribed groundwater extraction statement.

This bill would authorize the agency to levy a groundwater extraction charge of not more than \$3.00 per acre-foot pumped per year. The bill would authorize the agency to require the operator of each extraction facility to file semiannually, or more frequently, the groundwater extraction statement.

The bill would authorize the board to establish an operator's extraction allocation for each groundwater extraction facility.

The bill would authorize the board to impose extraction surcharges for extractions in excess of an extraction allocation and late penalties for nonpayment of extraction surcharges, as prescribed.

The bill would make legislative findings and declarations and would define terms.

The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 328 is added to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>1</sup>, to read:

Sec. 328. "Excess extractions" means those extractions in excess of an operator's extraction allocation or adjusted extraction allocation.

SEC. 2. Section 329 is added to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>2</sup>, to read:

Sec. 329. "Extraction allocation" means the amount of groundwater that may be extracted from an extraction facility during a calendar year before a surcharge is imposed.

SEC. 3. Section 330 is added to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>3</sup>, to read:

Sec. 330. "Extraction surcharge" means a surcharge assessed annually each time an operator exceeds his or her extraction allocation.

SEC. 4. Section 331 is added to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>4</sup>, to read:

Sec. 331. "Safe yield" means the condition of a groundwater basin when the total average annual groundwater extractions are equal to, or less than, the total average annual groundwater recharge, either naturally or artificially.

SEC. 5. Section 810 of the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>5</sup> is amended to read:

Sec. 810. (a) The agency may, by ordinance, require the operator of each extraction facility to file semiannually, or more frequently, with the agency or a member agency, a groundwater extraction statement that contains, but is not limited to, the following information:

- (1) Total extraction in acre-feet of water from the extraction facility for the preceding groundwater extraction statement period.
- (2) The static groundwater level for the extraction facility.
- (3) A description of the location of the extraction facility.
- (4) The crop types or other uses and the acreage served by the extraction facility.
- (5) The method of measuring or computing groundwater extraction.

(b) Each groundwater extraction statement shall be verified by a written declaration under penalty of perjury that the information contained in the statement is true and correct. The operator of an extraction facility which has been permanently abandoned after January 1, 1983, shall give written notice of the abandonment to the agency.

SEC. 6. Section 1007 of the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>6</sup> is amended to read:

Sec. 1007. The groundwater extraction charge shall not exceed three dollars (\$3) per acre-foot pumped per year.

SEC. 7. Article 11 (commencing with Section 1101) is added to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982)<sup>7</sup>, to read:

### **Article 11. Extraction Allocations and Extractions Surcharges**

Sec. 1101. The agency may, by ordinance, establish an operator's extraction allocation for each groundwater extraction facility located within the agency. The agency may, by ordinance, impose upon the operator of any groundwater extraction facility located within the agency, extraction surcharges for extractions in excess of his or her extraction allocation and late penalties for nonpayment of extraction surcharges.

Sec. 1102. (a) The Legislature hereby finds and declares that extraction allocations and extraction surcharges authorized pursuant to Section 1101 are necessary to eliminate overdraft caused by excess extractions from the aquifer systems within the agency and to bring the groundwater basins underlying the territory to safe yield by the year 2010.

(b) The extraction surcharges are intended to discourage the use of groundwater beyond the extraction allocation. They are not intended to generate tax revenues or proceeds from regulatory licenses, user charges, or user fees. Consequently, they are not special taxes for purposes of Section 4 of Article XIII A of the California Constitution or proceeds of taxes for purposes of Section 8 of Article XIII B of the California Constitution.

Sec. 1103. The maximum amount of the extraction surcharge shall be two hundred dollars (\$200) per acre-foot of groundwater extracted in excess of the extraction

allocation, except that the agency is authorized to increase the maximum amount of the extraction surcharge to an amount that is necessary to achieve safe yield.

Sec. 1104. (a) If an operator of a groundwater extraction facility fails to pay the extraction surcharge when due, the agency shall charge and collect a late penalty at the rate of 1½ percent each month, or portion thereof, on the delinquent amount of the extraction surcharge.

(b) The agency may bring a cause of action, in any court having jurisdiction, against an operator of a groundwater extraction facility for the collection of any delinquent extraction surcharge, and Article 5 (commencing with Section 75630) of Chapter 3 of Part 9 of Division 21 of the Water Code applies to those actions.

Sec. 1105. (a) In addition to any other authority, the agency may order that an extraction surcharge or late penalty be a personal obligation of the operator or an assessment against the property, on which the extraction facility is located. The assessment constitutes a lien upon the property, and the lien attaches upon recordation in the office of the county recorder.

(b) The assessment may be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to an assessment, except that, if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of the taxes would become delinquent, the lien which would otherwise be imposed by this section shall not attach to the real property and an assessment relating to the property shall be transferred to the unsecured roll for collection.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to regulate and monitor groundwater extraction within the Fox Canyon Groundwater Management Agency at the earliest possible time, thereby, it is necessary that this act take effect immediately.

<sup>1</sup> Water Code App. § 121-328.

<sup>2</sup> Water Code App. § 121-329.

<sup>3</sup> Water Code App. § 121-330.

<sup>4</sup> Water Code App. § 121-331.

<sup>5</sup> Water Code App. § 121-810.

<sup>6</sup> Water Code App. § 121-1007.

<sup>7</sup> Water Code App. § 121-1101 to § 721-1105.