

## **Ordinance No. 8.8**

### **AN ORDINANCE TO AMEND THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY ORDINANCE CODE RELATING TO EXTRACTION SURCHARGES FOR EXCEEDING AN IRRIGATION ALLOWANCE INDEX OF 1.0 AND IMPOSING AN AGENCY-WIDE CAP ON AGRICULTURAL EXTRACTIONS**

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

SECTION ONE: Findings: The Board of Directors hereby finds as follows:

- A. On April 11, 2014, the Board adopted Emergency Ordinance E which provides, among other things, that for reported extractions starting on August 1, 2014, and continuing while the emergency ordinance remains in effect, extraction allocations for all agricultural operators, regardless of type, will be replaced with an Annual Efficiency Allocation.
- B. Emergency Ordinance E reduced the irrigation allowances used to calculate the Irrigation Allowance Index under the Annual Efficiency Allocation program by 25%.
- C. Under the current Ordinance Code, operators who have no other allocation are subject to surcharges on a portion of their extractions that result in an Irrigation Allowance Index of greater than 1.0, and for all extractions that result in an Irrigation Allowance Index of greater than 1.2.
- D. An upper limit on the adopted irrigation allowances used for calculating the Irrigation Allowance Index is needed to prevent agricultural operators who plant multiple seasonal crops on the same acreage from combining irrigation allowances that exceed the Agency-wide cap.
- E. On August 15, 2014, the Board of Directors determined that the Ordinance Code should be amended to clarify that the irrigation allowance includes all sources of water and that surcharges will be applied to groundwater extractions that result in an Irrigation Allowance Index of greater than 1.0.
- F. 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 eliminate overdraft from the aquifer systems within the boundaries of the Agency.

SECTION TWO: For the duration of Emergency Ordinance E, Section 5.8.5 of Chapter 5.0 of the Ordinance Code, Reduction of Groundwater Extractions, is hereby amended to read as follows:

- 5.8.5 Irrigation Allowance Index Surcharge - Facilities relying on the annual efficiency allocation shall also be subject to surcharge for exceeding an Irrigation Allowance Index (IAI) of 1.0. Extraction surcharges will be imposed as follows: if the total water applied includes only extractions, surcharges will be imposed on all water used over an IAI of 1.0. If the total water applied includes a blend of extractions and other water, and the total water applied results in an IAI above 1.0, the IAI will be recalculated using only extractions and any surface water delivered through United Water Conservation District's Pumping Trough

Pipeline, Pleasant Valley Pipeline, or Line C. If the IAI as recalculated exceeds 1.0, the total water applied from those sources will be determined and compared to the extractions. If the extractions are greater than or equal to the water applied above an IAI of 1.0, surcharges will be imposed on the water applied above an IAI of 1.0. If the extractions are less than the water applied above an IAI of 1.0, surcharges will be imposed on all extractions.

SECTION THREE: At such time as Emergency Ordinance E is no longer operative, Section Two of this Ordinance is hereby repealed and Section 5.8.5 of Chapter 5.0 of the Ordinance Code, Reduction of Groundwater Extractions, as adopted by Ordinance No. 8.4, hereby reenacted.

SECTION FOUR: Section 5.8.5.1 of Chapter 5.0, Reduction of Groundwater Extractions, is hereby added to the Ordinance Code as follows:

5.8.5.1. Notwithstanding an operator's irrigation allowance, extractions from an Agricultural Extraction Facility in excess of the irrigation allowance for "Nursery (Greenhouse)" shall be subject to surcharges.

SECTION FIVE: This Ordinance clarifies rules under the Annual Efficiency Allocation program while Emergency Ordinance E is in effect and applies to all reported extractions from an Agricultural Extraction Facility starting on August 1, 2014.

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

**ADOPTED** this 9<sup>th</sup> day of January 2015 by the following vote:

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

By:   
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. 8.8.

  
Jessica Kam, Clerk of the Board