

ORDINANCE NO. 3

AN ORDINANCE REQUIRING INSTALLATION AND USE
OF METERING EQUIPMENT FOR GROUNDWATER EXTRACTION FACILITIES

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 "Metering 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. "Applied Water Rate" means the average quantity of water applied for a specific use. Applied water rates for agricultural irrigation are from California Department of Water Resources Bulletin No. 113-3, Table 31, 1974 and for Municipal and Industrial Uses they are from the Ventura County Resource Management Agency Conservation and Open Space Elements, Technical Appendix Supplement, Appendix A GPA 82-3, 1982.
- 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. "Metering Equipment" or "Meters" means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.

- G. "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.
- H. "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. Installation and Use of Metering Equipment

Section 1. Installation Requirement

Well owners and operators of extraction facilities shall install metering equipment on each well that extracts more than 50 acre feet per year (AF/yr) of groundwater. Determination of annual groundwater extractions shall be based on past extraction reports. For new wells with no extraction record, an estimate will be provided by the Agency.

Section 2. Metering Equipment Exemptions

If special circumstances exist where metering is not possible or practical, the operator shall submit a request for exemption to the Agency including the reason(s) for the request and the proposed alternative groundwater extraction measurement method.

The Agency will review the request for exemption and proposed alternative groundwater extraction measurement method and notify the operator whether the exemption and alternative method is approved or denied.

One acceptable alternative method is the use of power company records and pump efficiency tests which are no more than three years old and are adjusted for average pumping level during the period of use. Another acceptable alternative consists of an hour-meter activated by the power source, i.e., an electric motor and accurate records on pumping rates. Estimates of extraction using average applied water rates are not acceptable.

Section 3. Meter Testing and Submittal of Test Reports.

Meters shall be checked for accuracy whenever a meter is installed or repaired and every three years thereafter, by a

person qualified to test, repair, and install meters. A brief report certifying accuracy shall be submitted to the Agency. Meters in error by >5+% shall be repaired or replaced within a period not to exceed 60 days after the inaccuracy is detected.

To accomodate Edison pump tests and the testing of large meters in place, it is recommended that a straight unobstructed section of pipe, not less than ten (10) pipe diameters in length, be provided.

Section 4. Back-up Metering Equipment

Water meters occasionally fail, losing periods of record before the disabled or inaccurate meter is either replaced or repaired. Well operators shall be prepared to provide another acceptable method of computing pumpage during these periods of meter failure to avoid the loss of record on wells that require metering under this ordinance.

Two acceptable back-up methods consist of using hour meters and records on pumping rates or use of power company records and pump efficiency tests which are no more than three years old and are adjusted for average pumping level during the period of use. Estimates of extractions using average applied water rates are not acceptable.

If special circumstances exist where either of these back-up procedures cannot be used or are impracticable to use, the operator shall request approval of another alternative back-up procedure from the Agency. The Agency will provide assistance and will review the requested alternative back-up procedure and notify the operator whether the proposed back-up procedure is approved or denied.

ARTICLE 3. Implementation

Section 1. Metering Information

The Agency will obtain current information from meter manufacturers, distributors, or installers on meter specifications, availability and cost and will make this information available to well owners and operators on request.

Section 2. Notification of Metering Equipment Requirement

Operators will be notified in writing of the metering equipment requirement following adoption of this ordinance by the Agency's Board of Directors.

Section 3. Installation of Metering Equipment

Owners of wells without meters extracting more than 50 AF/yr will be required to install metering equipment on said wells by January 1, 1988.

Section 4. Inspection of Metering Equipment

The Agency may inspect metering equipment installations for compliance with this ordinance at any reasonable time.

ARTICLE 4. Altering Metering Equipment

Any person who alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any metering equipment affixed to any groundwater extraction facility required by this act, so as to cause said metering equipment to improperly or inaccurately measure and record said groundwater extraction facility is guilty of an infraction and may be liable civilly as described in Article 5.

ARTICLE 5. 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 (\$1000) 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 6. Effective Date

Section 1. Effective Date

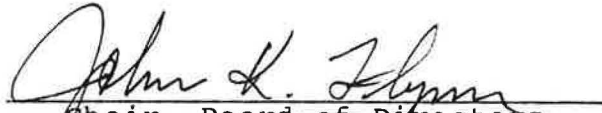
This ordinance shall become effective on the 31st day after adoption.

ADOPTED this 27th day of February, 1987, by the following vote:

AYES: Directors John Flynn, Bob Grether, Lynn Maulhardt,
John McWherter, Roy Nishimori

NOES: Directors None

ABSENT: None



Chair, Board of Directors
Fox Canyon
Groundwater Management Agency

By 

Clerk

