

ORDINANCE NO. 1

**AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY REQUIRING THE REGISTRATION, METERING AND REPORTING OF GROUNDWATER EXTRACTIONS WITHIN THE BOUNDARIES OF THE AGENCY.**

WHEREAS, Article 5, §§ 501 and 502 of the Ojai Groundwater Basin Management Agency Act authorizes the Agency to collect technical and other information necessary and appropriate to the compilation of an annual report on groundwater supplies within the basin; and

WHEREAS, information regarding the number, location, and use of wells within the basin and the amount of water extracted from these wells is important to the preparation of an annual report; and

WHEREAS, Article 8, § 802 of the Agency's Authorizing Act provides that the operator of a registered extraction facility shall be required to provide information to the Agency as requested from time to time; and

WHEREAS, Article 8, § 804 of the Agency's Authorizing Act mandates that the Agency, by Ordinance, shall require extraction facilities to be equipped with waterflow measuring devices; and

WHEREAS, the completion of the attached forms by persons who own or operate wells or produce groundwater within the boundaries of the basin, as defined by the Agency's Authorizing Act, will be useful to the Agency and will satisfy the legislative requirements applicable to the metering of wells;

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:**

**Section 1. Short Title.**

This Ordinance No. 1 shall be known and cited as "the Agency Registration, Extraction and Metering Ordinance."

**Section 2. Policy and Purpose.**

The Agency is charged with the legal responsibility for managing groundwater within the boundaries of the Agency. Information concerning the extraction, use and distribution of water is necessary to the Agency's fulfillment of its legislative function of managing groundwater resources.

### Section 3. Definitions.

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency's Authorizing Act or as defined herein.

a. "Waterflow measuring device" shall mean a meter or other measuring device which is attached to an extraction facility for the purpose of measuring the quantity of water extracted by the facility.

b. "Extraction" shall mean the act of obtaining groundwater by pumping or other controlled means.

c. "Extraction facility" shall mean any device or method for the extraction of groundwater within the basin, including a well.

d. "Basin" shall mean the Ojai Groundwater Basin as shown in the Department of Water Resources Bulletin No. 12, "Ventura County Investigation," dated October 1953, to the extent included within the boundaries of the Agency, as defined in § 201 of the Agency's Authorizing Act.

e. "Operator" shall mean a person who operates a groundwater extraction facility. If 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.

f. "Person" shall mean any person, state or local governmental agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.

### Section 4. Extraction Facility Registration Form.

a. The operator of an extraction facility shall register any extraction facility with the Agency by completing a registration form similar to the one attached hereto as Exhibit A and incorporated by reference as if fully set forth herein. The registration form shall be completed and the information requested provided to the Agency by the operator of an existing facility by returning a completed registration form to the Agency by July 1, 1993. New extraction facilities shall be registered by returning the registration form to the Agency within thirty calendar days following the completion of construction.

b. The Agency shall make blank registration forms available to operators and the public generally by direct mail to known operators and by keeping copies at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93024.

c. Failure of any operator to receive a direct mailing of a registration form shall not relieve the operator of the obligation to file the form with the Agency as required in Section 4(a).

#### Section 5. Groundwater Extraction Form.

a. Every operator that extracts groundwater from the basin shall file an annual extraction report containing an estimate of total extractions of groundwater through an extraction facility and additional relevant information as provided on a groundwater extraction form similar to Exhibit B attached hereto and incorporated herein by this reference, and signed under penalty of perjury by the operator.

b. The operator shall set forth its good faith basis for the estimate of total water extractions as set forth in § 5(a) which shall be included in the completed form transmitted to the Agency.

c. The Agency shall make blank groundwater extraction forms available to operators and the public generally by direct mail to known operators and by keeping copies at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93024.

d. Failure of any operator to receive a direct mailing of an extraction statement form shall not relieve the operator of the obligation to file the form with the Agency as required in Section 5(a).

e. The operator's extraction statement shall be presumed accurate upon timely filing of the form with the Agency. For good cause, the Agency may disregard the extraction statement and cause an investigation of the actual amount extracted by any operator in any calendar year. In the event of a discrepancy between the extraction statement filed by the operator and the findings of the Agency, the findings of the Agency shall control.

#### Section 6. Extraction Facility Metering.

Every operator shall equip each extraction facility with an approved waterflow measuring device and report the accuracy of the measuring device to the Agency in accordance with the following schedule:

a. For every extraction facility for which construction has been completed before June 1, 1993, every operator shall be required to equip each extraction facility with a waterflow measuring device by December 31, 1993.

b. For every extraction facility for which construction has been completed before June 1, 1993, every operator for each extraction facility shall be required to cause a test of the accuracy of the measuring device to be completed and the results of the test to be reported to the Agency by June 1, 1994. The test shall be undertaken in accordance with recognized industry standards.. Thereafter, every operator shall cause a test of the waterflow measuring device to be conducted and the test results reported to the Agency within the fifth calendar year immediately following the year in which the initial test was performed and reported.

c. For new extraction facilities for which construction is completed after June 1, 1993, every operator shall be required to equip each new extraction facility with a waterflow measuring device within 60 calendar days following the completion of well construction.

d. For new extraction facilities for which construction is completed after June 1, 1993, every operator shall be required to cause a test of the accuracy of the measuring device to be completed and the results of the test to be reported to the Agency within 90 calendar days following the completion of well construction. The test shall be undertaken in accordance with recognized industry standards. Thereafter, every operator shall cause a test of the waterflow measuring device to be conducted and the results of the test reported to the Agency within the fifth calendar year immediately following the year in which the initial test was performed and reported.

**Section 7. Termination Date.**

This Ordinance will remain in full force and effect until repealed by action of the Board of Directors for the Agency.

**Section 8. Violation.**

a. Any person who intentionally violates this Ordinance is guilty of an infraction and may be required to pay a fine not to exceed \$500.

b. Any person who intentionally or negligently violates this Ordinance may be liable to the Agency civilly for a sum not to exceed \$1,000 per day.

Section 9. Enforcement.

The Agency may take any actions authorized by law, to enforce the terms and provisions of this Ordinance.

Section 10. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance and its implementing rules and regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares and determines that it would have passed this Ordinance and its implementing rules and regulations, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be determined to be unconstitutional or invalid.


Section 11. Effective Date.


This Ordinance was adopted on April 29, 1993, to be effective thirty-one (31) calendar days after its passage. Before the expiration of fifteen (15) calendar days after its passage, this Ordinance shall be published once, with the names of the members of the Board of Directors for the Agency voting for it and against it, in a newspaper of general circulation published in the County of Ventura, State of California.

**PASSED AND ADOPTED** by the Board of Directors of the Agency, State of California, by the following vote:

**AYES:** Roger Essick, Conner Everts, Robert N. McKinney,  
Charles Noren, Scott S. Slater  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**ATTEST:**

  
\_\_\_\_\_  
Roger Essick  
President

  
\_\_\_\_\_  
Harry Bodell,  
Acting Secretary  
3284S

**ORDINANCE NO. 1  
AN ORDINANCE OF  
THE OJAI BASIN GROUND-  
WATER MANAGEMENT  
AGENCY REQUIRING THE  
REGISTRATION, METERING  
AND REPORTING OF  
GROUNDWATER EXTRACTIONS  
WITHIN THE  
BOUNDARIES OF THE  
AGENCY.**

WHEREAS, Article 5, §§501 and 502 of the Ojai Groundwater Basin Management Agency Act authorizes the Agency to collect technical and other information necessary and appropriate to the compilation of an annual report on groundwater supplies within the basin; and

WHEREAS, information regarding the number, location, and use of wells within the basin and the amount of water extracted from these wells is important to the preparation of an annual report; and

WHEREAS, Article 8, § 802 of the Agency's Authorizing Act mandates that the Agency, by Ordinance, shall require extraction facilities to be equipped with waterflow measuring devices; and

WHEREAS, Article 8, §804 of the Agency's Authorizing Act mandates that the agency, by Ordinance, shall require extraction facilities to be equipped with waterflow measuring devices; and

WHEREAS, the completion of the attached forms by persons who own or operate wells or produce groundwater within the boundaries of the basin, as defined by the Agency's Authorizing Act, will be useful to the Agency and will satisfy the legislative requirements applicable to the metering of wells;

**BE IT ORDAINED BY  
THE BOARD OF DIRECTORS  
OF THE OJAI BASIN  
GROUNDWATER MAN-  
AGEMENT AGENCY AS  
FOLLOWS:**

**Section 1. SHORT TITLE.**  
This Ordinance No. 1-93 shall be known and cited as "the Agency Registration, extraction and Metering Ordinance."

**Section 2. POLICY AND PURPOSE.**

The Agency is charged with the legal responsibility for managing groundwater within the boundaries of the Agency. Information concerning the extraction, use and distribution of water is necessary to the Agency's fulfillment of its legislative function of managing groundwater resources.

**Section 3. DEFINITIONS.**

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency's Authorizing Act or as defined herein.

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suring the quantity of water extracted by the facility.

b. "Extraction" shall mean the act of obtaining groundwater by pumping or other controlled means.

c. "Extraction facility" shall mean any device or method for the extraction of groundwater within the basin, including a well.

d. "Basin" shall mean the Ojai Groundwater Basin as shown in the Department of Water Resources Bulletin No. 12, "Ventura County Investigation," dated October 1953, to the extent included within the boundaries of the Agency, as defined in § 201 of the Agency's Authorizing Act.

e. "Operator" shall mean a person who operates a groundwater extraction facility. If 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.

f. "Person" shall mean any person, state or local governmental agency, private corporation firms, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.

**Section 4. EXTRACTION FACILITY REGISTRATION FORM.**

a. The operator of an extraction facility shall register any extraction facility with the agency by completing a registration form similar to the one attached hereto as Exhibit A and incorporated by reference as if fully set forth herein. The registration form shall be completed and the information requested provided to the Agency by the operator of an existing facility by returning a completed registration form to the Agency by July 1, 1993. New extraction facilities shall be registered by returning the registration form to the Agency within thirty calendar days following the completion of construction.

b. The Agency shall make blank registration forms available to operators and the public generally by direct mail to known operators and by keeping copies at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93023.

c. Failure of any operator to receive a direct mailing of a registration form shall not relieve the operator of the obligation to file the form with the Agency as required in Section 4(a).

**Section 5. GROUNDWATER EXTRACTION FORM.**

a. Every operator that extracts groundwater from the basin shall file an annual extraction report containing an estimate of total extractions of groundwater through an extraction facility and additional relevant information

as provided on a groundwater extraction form similar to Exhibit B attached hereto and incorporated herein by this reference, and signed under penalty of perjury by the operator.

b. The operator shall set forth its good faith basis for the estimate of total water extractions as set forth in § 5(a) which shall be included in the completed form transmitted to the Agency.

c. The Agency shall make blank groundwater extraction forms available to operators and the public generally by direct mail to known operators and by keeping copies at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93023.

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**Section 6. EXTRACTION FACILITY METERING.**

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flow measuring device within 60 calendar days following the completion of well construction.

d. For new extraction facilities for which construction has been completed before June 1, 1993, every operator shall be required to cause a test of the accuracy of the measuring device to be completed and the results of the test to be reported to the Agency within 90 calendar days following the completion of well construction. The test shall be undertaken in accordance with recognized industry standards. Thereafter, every operator shall cause a test of the waterflow measuring device to be conducted and the results of the test reported to the Agency within the fifth calendar year immediately following the year in which the initial test was performed and reported.

**Section 7. TERMINATION DATE.**

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**Section 8. Violation.**

a. Any person who intentionally violates this Ordinance is guilty of an infraction and may be required to pay a fine not to exceed \$500.

b. Any person who intentionally or negligently violates this Ordinance may be liable to the Agency civilly for a sum not to exceed \$1,000 per day.

**Section 9.**

**ENFORCEMENT.**

The Agency may take any actions authorized by law, to enforce the terms and provisions of this Ordinance.

**Section 10.**

**SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance and its implementing rules and regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares and determines that it would have passed this Ordinance and its implementing rules and regulations, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be determined to be unconstitutional or invalid.

**Section 11. EFFECTIVE DATE**

This Ordinance was adopted April 29, 1993, to be effective thirty-one (31) calendar days after its passage. Before the expiration of fifteen (15) calendar days after its passage, this Ordinance shall be published once, with the names of the members of the Board of Directors for the Agency voting for it and against it, in a newspaper of general circulation published in the County of Ventura, State of California.

**PASSED AND ADOPTED**

by the Board of Directors of the Agency, State of California, by the following vote:

AYES: - Roger Essick, Conner Everts, Robert N. McKinney, Charles Noren, Scott S. Slater.

NOES:  
ABSTAIN:  
ABSENT:  
ATTEST:  
/s/Roger Essick  
President  
Harry Bodell,  
Acting Secretary  
Published Ojai Valley News  
May 7, 1993  
5-10-3