

ORDINANCE NO. 3

AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY EXEMPTING CERTAIN WELLS FROM THE METERING REQUIREMENTS ESTABLISHED UNDER AGENCY ORDINANCE NO. 1-93.

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 Agency has adopted an Ordinance requiring the registration, and metering of extraction facilities; and

WHEREAS, Article 4, section 410 of the Agency's Authorizing Act allows the Agency to exempt the owners of extraction facilities from some or all of the provisions of its ordinances;

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

Section 1. Title.

This Ordinance No. 3 shall be known as the "Metering Exemption Ordinance."

Section 2. Purpose and Intent.

The purpose and intent of this ordinance is to provide a procedure for the operator of an extraction facility to obtain an exemption to the Agency's requirement that all extraction facilities be metered.

Section 3. Definitions.

As used in this ordinance, all terms shall have the meaning given to them in the Agency's Authorizing Act or Agency Ordinance No. ____.

Section 4. Exemption From Agency Ordinance No. Requiring Extraction Facility Metering.

A --- HYDROLOGIC SOURCE EXEMPTION

1. The Agency may exempt operators from metering specific extraction facilities based upon the source of the water extracted by the extraction facility. Where the operator can demonstrate by clear and convincing evidence that an extraction facility within the boundaries of the Agency is (1) extracting water through a facility which draws water from a HYDROLOGIC source other than the Basin and (2) that no other operator within the Basin will be injured by the use of the extraction facility proposed for exemption, they shall be entitled to an exemption from the metering requirements specified in Ordinance 93-1.

2. The burden of proving that the water being extracted is not within the boundaries of the Agency or is not otherwise groundwater which is subject to the jurisdiction of the Agency is upon the operator.

3. Factors the Board deems relevant in granting the requested exemption include the following:

- (a) The location of the extraction facility.
- (b) The size of the extraction facility.
- (c) The source of the water.
- (d) The watershed boundaries.
- (e) The drainage area.
- (f) Where the water is applied.
- (g) The public interest.

B --- THE SMALL USER EXEMPTION

1. The Agency shall exempt operators from metering specific extraction facilities where the operator can demonstrate by clear and convincing evidence that an extraction facility is powered by a motor of three (3) or less horsepower and the sum total of water extracted by the operator from all extraction facilities for use on any single legal parcel is less than one and one half (1.5) acre-feet per year.

2. The burden of proving that the extraction facility meets the requirements of paragraph 1 is upon the operator.

3. This exemption shall expire by its terms without further action of the Agency on January 1, 1996.

C --- PROCEDURE

1. Upon receipt of a written request for an exemption which is filed by an operator at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93023, the Agency Board shall set and conduct a public hearing to consider evidence and hear testimony on whether the operator has met the burden required for the exemption.

2. The hearing shall be held within sixty days of the date the Agency receives the written request for exemption.

3. The issuance of an exemption in any one case shall not entitle the operator to future exemptions. Nor shall an exemption from the metering requirement exempt the operator from any other Agency ordinance, resolution or legal requirement including, but not limited to, well registration and reporting of groundwater extractions.

Section 5. Cost Reimbursement.

All costs incurred by the Agency in reviewing an application for an exemption from the Extraction Facility Permit Ordinance shall be borne entirely by the operator including, but not limited to publication, administration, environmental review, engineering, geologic, hydrogeologic, and legal fees. Any exemption granted by the Agency pursuant to this Ordinance shall not become effective until the operator has tendered payment in full to the Agency.

Section 6. Effective Date.

This Ordinance was adopted on February 24, 1994, 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.

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AN ORDINANCE OF THE
OJAI BASIN GROUNDWA-
TER MANAGEMENT
AGENCY EXEMPTING
CERTAIN WELLS FROM
THE METERING REQUIRE-
MENT ESTABLISHED
UNDER AGENCY ORDI-
NANCE NO. 1-83.**

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 agency has adopted an Ordinance requiring the registration, and metering of extraction facilities; and

WHEREAS, Article 4, Section 410 of the Agency's Authorizing act allows the Agency to exempt the owners of extraction facilities from some or all of the provisions of its ordinances;

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

Section 1. Title.
This Ordinance No.3 shall be known as the "Metering Exemption Ordinance."

Section 2. Purpose and Intent.

The purpose and intent of this ordinance is to provide a procedure for the operator of an extraction facility to obtain an exemption to the Agency's requirement that all extraction facilities be metered.

Section 3. Definitions.
As used in this ordinance, all terms shall have the meaning given to them in the Agency's Authorizing Act or Agency Ordinance No. SB534.

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Agency Ordinance No. 1 Requiring Extraction Facility Metering.

A HYDROLOGIC SOURCE EXEMPTION

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2. The burden of proving that the water being extracted is not within the boundaries of the Agency or is not otherwise groundwater which is subject to the jurisdiction of the agency is upon the operator.

3. Factors the Board deems relevant in granting the requested exemption include the following:

- (a) The location of the extraction facility.
- (b) The size of the extraction facility.
- (c) The source of the water.
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- (e) The drainage area.
- (f) Where the water is applied.
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PASSED AND ADOPTED by the board of Directors of the Agency, State California; by the following vote:

AYES: Essick, Noren, McKinnon & Slater

NOES: Everts

ABSTAIN: None

ABSENT: None

ATTEST

/s/Conner Everts

President

/s/Harry Bodell

Secretary

3743S

Published Ojai Valley News

March 9, 1994

3-21-4

**NOTICE OF
PUBLIC HEARING
OJAI BASIN
GROUNDWATER
MANAGEMENT AGENCY
NOTICE IS HEREBY GIV-
EN THAT the Ojai Basin
Groundwater Management
Agency will hold a public
workshop to consider the con-
tents of a proposed Ground-
water Management Plan.**

This workshop has been set for public participation on Monday, March 14, 1994 at 7:00 p.m. in the Auditorium, Chaparral High School, 414 E. Ojai Ave., Ojai, California.

Interested persons may at that time participate with the Agency in the development of the proposed Management Plan.

Seating will be limited to 30-40. Additional information and reservations may be obtained by calling 640-8157.

Date: February 28, 1994

Harry Bodell

Staff Assistant

Published Ojai Valley News

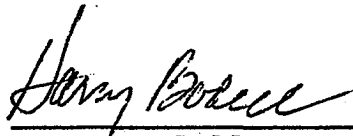
March 4, 9 & 11, 1994

3-11-4

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

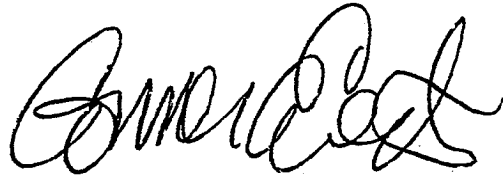
AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:



Harry Bodell, Secretary

3743S



Conner Everts
President