

**BEFORE THE BOARD OF DIRECTORS OF THE
OWENS VALLEY GROUNDWATER AUTHORITY**

In the matter of: Ordinance No. 2022-01


**Establishing the Regulations and Procedures for the Registration of Owners and Users of
Groundwater Extraction Facilities within the Owens Valley Groundwater Basin.**

I, Laura Piper, Clerk of the Board of Directors for the Owens Valley Groundwater Authority, do certify that the following ordinance, on motion of Director Vaughn, seconded by Director Elias, was duly passed and adopted by the Board of Directors at an official meeting this 11 day of August, 2022, by the following vote:

AYES: -5-

NOES: -0-


ABSENT:




Chairman of the Board
Owens Valley Groundwater Authority

ATTEST:

Clerk of the Board of Directors
Owens Valley Groundwater Authority




Executive Manager
Owens Valley Groundwater
Authority

AN ORDINANCE OF THE OWENS VALLEY GROUNDWATER AUTHORITY ESTABLISHING THE REGULATIONS AND PROCEDURES FOR THE REGISTRATION OF OWNERS AND USERS OF GROUNDWATER EXTRACTION FACILITIES WITHIN THE OWENS VALLEY GROUNDWATER BASIN

RECITALS:

Whereas, the Owens Valley Groundwater Authority (“Authority”) was formed for the express purpose of cooperatively carrying out the requirements of the Sustainable Groundwater Management Act (“SGMA”), including, but not limited to, the funding, development, adoption and implementation of a Groundwater Sustainability Plan (“GSP”) that achieves groundwater sustainability in the Owens Valley Groundwater Basin.

Whereas, the Authority is the exclusive Groundwater Sustainability Agency for the portion of the Owens Valley Groundwater Basin located within Inyo County, which is designated as Basin number 6-012 in Department of Water Resources’ Bulletin No. 118.

Whereas, the Authority adopted the “Groundwater Sustainability Plan for the Owens Valley Groundwater Basin” on December 9, 2021.

Whereas, a fundamental component of the Groundwater Sustainability Plan for the Owens Valley Groundwater Basin is an accurate understanding of amounts and location of groundwater extraction within the Basin.

Whereas, the Authority has reviewed and considered the environmental impacts of this action and concluded that this action is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF OWENS VALLEY GROUNDWATER AUTHORITY ORDAINS AS FOLLOWS:

Section 1. This Ordinance shall become effective 30 days from the date of adoption and the entire Ordinance shall be published in accordance with Californian Government Code section 25124.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings stated below:

"Authority" means the Owens Valley Groundwater Authority.

"Basin" means the Owens Valley Groundwater Basin which is designated as basin number 6-6-012.01 and 6-12.02 (Fish Slough subbasin) in Department of Water Resources' Bulletin No. 118.

“De minimis extractor” means a person who extracts, for domestic purposes, two acre-feet or less per year (CWC §10721(e)).

"Groundwater Extraction Facility ("Facility")" means any device or method used for the extraction of groundwater from the Basin.

"Groundwater Extractor" means both the owner and the user of a Groundwater Extraction Facility located within the Basin.

"Executive Manager" means the individual given said title and position with the Authority by the Board of Directors.

Section 3. Groundwater Extraction Owner and User Registration. No later than April 1, 2023, all owners and users of Groundwater Extraction Facilities must register their Groundwater Extraction Facilities if located within the Basin and boundary of the Authority on a form provided by the Authority. These forms will be used in the implementation of the Groundwater Sustainability Plan for the Basin and as such the careful and complete attention to the form is required. Completion of the form is **voluntary** for extractors that meet the definition of a de minimis extractor. Extractors other than de minimis extractors must comply with this Ordinance.

Section 4. Groundwater Extraction Owner and User Registration Form. The registration required by Section 3 of this Ordinance shall be made on forms approved by the Executive Manager. Likewise, registration shall be made to the satisfaction of the Executive Manager and, at a minimum, the registration shall include the following information: 1) the name and contact address of the owner and/or user of the Groundwater Extraction Facility; 2) the location of the Groundwater Extraction Facility and the property it serves; 3) a statement describing whether the extracted groundwater is used for residential, commercial, industrial or agricultural purposes, or a combination thereof; 4) an accurate declaration of the annual groundwater production figures and the agricultural acreage in production (if applicable) for the years with extant data and provided annually before April 1 of each year after 2022; 5) a description of the equipment associated with the Groundwater Extraction Facility; 6) a description of the method used by the owner and/or user to measure groundwater extractions from the Groundwater Extraction Facility; and, 7) any other information that the Authority's Executive Manager deems to be prudent and necessary to achieve the legal purposes of the Authority.

Section 5. Registration Form Review. The Executive shall review all registrations and return, with corrective comment, any registration that does not meet the requirements described in Section 4. Approved registrations shall receive an approval notice from the Authority.

Section 6. New Groundwater Extraction Facility. A Groundwater Extraction Facility constructed after the effective date of this Ordinance shall comply with the requirements set forth in this Ordinance.

Section 7. Violations. Any violation of any provision prescribed in this Ordinance may subject the violator to possible civil action and penalties by the Authority. The Authority's civil penalties and civil action rights are additional rights to those rights which may otherwise be prescribed to the Authority, or its members, by law. Additionally, as these forms will be used in the implementation of the GSP, any violations of this Ordinance could have detrimental impacts on the owner and/or user in the GSP.

Section 8. Exemptions. As provided by law, federal, state, and tribal entities are exempt from the mandatory provisions of this Ordinance, but it is requested that they abide by the registration requirements. Likewise, if you receive groundwater from a public purveyor and you don't own a Groundwater Extraction Facility, you are not required to register. Lands and pumping managed

in accordance with the Long Term Water Agreement (City of Los Angeles v. Board of Supervisors of the County of Inyo et al. (Inyo County Case No. 12908)) are exempt to the extent provided by Water Code Section 10720.8. Groundwater facilities within the Basin but outside the boundary of the Authority are exempt.

Section 9. Severability. If any provision of this Ordinance, or its application to any person, entity, or circumstance, is held invalid or to any extent illegal or incapable of being enforced, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 10. California Environmental Quality Act. The Board of Directors finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to California Environmental Quality Act Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment. The Board of Directors also finds this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment.