

IWVGA ADMINISTRATIVE OFFICE

MEMORANDUM

TO: IWVGA Board Members

DATE: August 15, 2019

FROM: IWVGA Staff

SUBJECT: SECOND READING AND ADOPTION, ORDINANCE NO. 01-19 – Establishing the Regulations and Procedures for the Registration of All Owners and Users of Groundwater Extraction Facilities Within The Indian Wells Valley Groundwater Basin

DISCUSSION

In order to properly adopt, implement and administer the Basin's Groundwater Sustainability Plan (GSP), the Indian Wells Valley Groundwater Authority (Authority) will need to obtain specific information from all the users and owners of groundwater extraction wells within the Indian Wells Valley Groundwater Basin (Basin) by October 1, 2019.

At the regular meeting on July 18, 2019, Ordinance No. 01-19 was introduced for the first reading and the Board heard comments from the public. The Board also scheduled the second reading of Ordinance No. 01-19 for the August 15, 2019 regular meeting of the IWVGA.

This Agenda Item is the second reading and adoption of Ordinance No. 01-19

RECOMMENDATION

Staff recommends that your Board:

- 1) Make a finding that the proposed Ordinance is exempt from further environmental review 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. Additionally, it has been determined that this action is exempt from further environmental review pursuant to 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.
- 2) Read aloud the title and vote on adoption: **ORDINANCE NO. 01-19 – Establishing the Regulations and Procedures for the Registration of All Owners and Users of Groundwater Extraction Facilities Within The Indian Wells Valley Groundwater Basin (Note, the Ordinance may be described by reading only the title if the Board previously waived the full reading earlier in the meeting).**

**BEFORE THE BOARD OF DIRECTORS OF THE
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

In the matter of:

Ordinance No. 01-19

**ESTABLISHING THE REGULATIONS AND
PROCEDURES FOR THE REGISTRATION
OF ALL OWNERS AND USERS OF
GROUNDWATER EXTRACTION FACILITIES
WITHIN THE INDIAN WELLS VALLEY
GROUNDWATER BASIN**

I, Lauren Duffy, Clerk of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following ordinance, on motion of Director Gleason, seconded by Director Hayman, was duly passed and adopted by the Board of Directors at an official meeting this 15th day of August, 2019, by the following vote:

AYES: Gleason, Hayman, Kicinski, Page, Vallejo

NOES: _____ 0 _____

ABSENT: _____ 0 _____



Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority

Deputy Clerk

**THE BOARD OF DIRECTORS OF INDIAN WELLS 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:

2.1 “Authority” means the Indian Wells Valley Groundwater Authority.

2.2 “**Basin**” means the Indian Wells Valley Groundwater Basin which is designated as basin number 6-54 in Department of Water Resources’ Bulletin No. 118.

2.3 “**Groundwater Extraction Facility (“Facility”)**” means any device or method used for the extraction of groundwater from the Basin.

2.4 “**Groundwater Extractor**” means both the owner and the user of any Groundwater Extraction Facility located within the Basin.

2.5 “**Water Resources 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 October 1, 2019, all owners and users of Groundwater Extraction Facilities must register their Groundwater Extraction Facilities within the Basin with the Authority on a form provided by the Authority. These forms will be used in the development, adoption and implementation of the Groundwater Sustainability Plan for the Basin and as such the careful and complete attention to the form is required.

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 Water Resources Manager. Likewise, registration shall be made to the satisfaction of the Water Resources 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 production figures and the agricultural acreage in production for the years 2010 through 2015 and 2018; 5) a description of the equipment associated with the Groundwater Extraction Facility; 5) a description of the method, if any, 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 Water Resources Manager deems to be prudent and necessary to achieve the legal purposes of the Authority.

Section 5. Registration Form Review. The Water Resources Manager shall review all registrations and return, with corrective comment, any registration that does not meet the Water Resources Manager’s approval. 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 and Groundwater Extraction Fee Resolution No. 03-18 prior to the extraction of any groundwater from the Basin at such Groundwater Extraction Facility.

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 development 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 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.

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.