

DRAFT Ordinance and Next Steps for Groundwater Extraction Metering Program

For Discussion



San Antonio Basin Groundwater Sustainability Agency

Legal Counsel and Ad Hoc Committee Updates to GSA Board
May 21, 2024

TODAY'S DISCUSSION

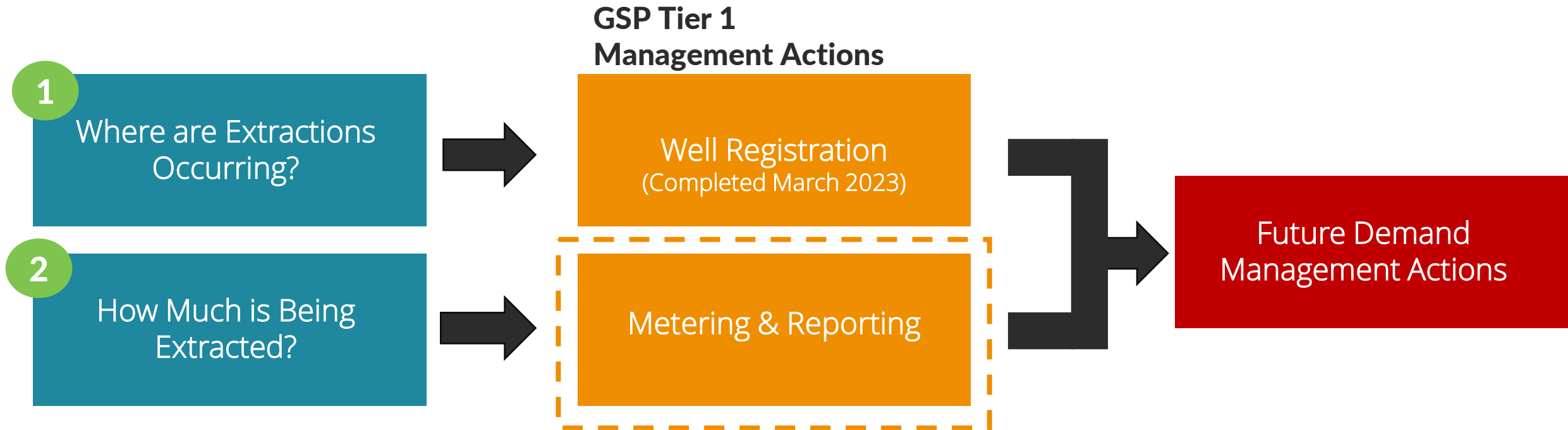
Outline

1. Well Registration and Metering Program - Tier 1 Management Action in the GSP
2. Process Overview
3. Introduction to the Ordinance
4. Review Exhibit A – Rules and Regs (Metering Program Framework)
5. Program Enforcement & Penalties – Jessica Diaz, SABGSA Legal Counsel
6. Discussion / Q&A
7. Next Steps and Direction from SABGSA Board

BASIN MANAGEMENT

Understanding Groundwater Extraction in the Basin

To support effective basin management, two key pieces of information are needed.



PROCESS OVERVIEW

1st Step Toward Demand Management

The draft framework for the metering program has been developed over the course of the last year and discussed regularly at SABGSA Board meetings:

- July 18, 2023 – Conceptual Framework
- August 16, 2023 – Conceptual Framework
- October 17, 2023 – Conceptual Framework
- November 28, 2023 – Installation and Reporting Forms
- March 19, 2024 – Frequently Asked Questions
- May 21, 2024 – Review DRAFT Ordinance

<https://sanantoniobasinga.org/metering-program/>

AD HOC COMMITTEE MEMBERS

Kevin Merrill, SABGSA Board Member
Chris Wrather, SABGSA Board Member
Matt Scrudato, SB County Water Agency
Donna Glass, SABWD
Stephanie Bertoux, SABGSA

OTHER METERING PROGRAMS STUDIED

Borrego Valley GSA
Cuyama GSA
Fox Canyon GSA
Greater Kaweah GSA
McMullin Area GSA
Mid Kings River GSA
North Folk Kings GSA
Upper Ventura River GSA

RESOURCES CONSULTED

GSI Water Solutions
Brownstein, Hyatt, Farber & Schreck
Fresno State, Center for Irrigation Technology



INTRODUCTION TO ORDINANCE

(Discussion Only: No First Reading of the Ordinance or Formal Public Hearing Today)

Intent of Drafting the Ordinance Now

- Identify additional policy considerations
- Transparency - Provide landowners with advance notice of policies being considered by SABGSA
- Use Draft Ordinance as a communication tool during stakeholder workshops

Stakeholder Workshops

- Ad Hoc Committee will develop communications plan and schedule for discussion with Board
- SABGSA targeting late Summer 2024 for workshop

Procedure for Adoption

- Initiate Public Hearing Process – formal notification and 2 consecutive readings in open session
- Ordinance effective 30 days after 2nd reading
- SABGSA targeting Fall 2024 following stakeholder workshops and input



INTRODUCTION TO ORDINANCE

(Ordinance/Rules and Regs Codifies SABGSA Metering Program Framework)

Ordinance (pages 1-3)

- Recitals incorporated - authority provided to SABGSA under SGMA
- Effective date, Administrative authority, severability, etc.
- Cites intent to amend SABGSA Rules and Regulations (Exhibit A) – originally adopted with Well Registration, amended to include meter installation and reporting requirements

Exhibit A – Amended Rules and Regulations (pages 5-10)

- Rules and Regulations are designed to implement the provisions of the SABGSA Groundwater Sustainability Plan (GSP) in accordance with SGMA and may be amended at any time if necessary to achieve consistency with the GSP and steps needed to achieve sustainability.
- Outlines well registration, metering framework, and program requirements.



RULES & REGS EXHIBIT A

Section 1: Definitions

- #5-#8 proposed new definitions

Section 2: Well Registration

- No changes to this section

Section 3: Metering and Reporting of Groundwater Extraction (NEW)

- Communicates specific requirements and procedures for program compliance – i.e. Metering Framework developed over the last year.

RULES & REGS EXHIBIT A

(Section 3: Metering Program Framework)

A. Who?

- All wells in the GSA (excluding de minimis wells)


B. Specifications

- Flow meter with totalizer calibrated w/accuracy of +/- 5% by volume.
- Deadline for installation compliance is placeholder – 1 year from date Ordinance is adopted

C. Installation, Operation, Maintenance and Calibration of Flow Meters

- Must be installed, operated, and maintained to the manufacturer's specs, instructions, and recommendations
- Calibrated w/accuracy of +/- 5% prior to install.
- If not dictated in manufacturers specifications, routine calibration is once every 5 years.
- Recalibrate or replace if verification error exceeds 5%

D. Documentation – SABGSA Flow Meter Installation and Calibration Compliance Form



SAN ANTONIO BASIN GROUNDWATER SUSTAINABILITY AGENCY
FLOW METER INSTALLATION AND CALIBRATION COMPLIANCE FORM

Due to SABGSA by XXXXXX

This form should be completed for EACH flow meter installed in the San Antonio Creek Valley Groundwater Basin, unless your annual groundwater production is less than 2 AFY. A fillable pdf version of this form can be downloaded at: <https://sanantoniobasingsa.org/metering-program/>

Please return your form(s) to the San Antonio Basin Groundwater Sustainability Agency ("SABGSA") by mail to P.O. Box 196, Solvang, CA 93464 or via email to admin@sanantoniobasingsa.org.

- Landowner and Well Information**
Property Owner Information
Landowner Name: _____ Email: _____
Well Operator Information (if different than above)
Contact Name: _____ Email: _____
- Well and Meter Location**
Assessor's Parcel No. (APN): _____
Geographical Coordinates for Well (decimal degree): [Instructions to find coordinates.](#)
Latitude: _____ Longitude: _____
- Meter Information**
Flow Meter Make and Model: _____
Flow Meter Serial Number: _____
Flow Meter Size (inches): _____ Discharge Pipe Size: _____
Well Use: Agricultural Domestic Municipal Industrial Livestock Watering
Meter Units of Measure: Acre-feet Cubic-feet Gal Other: _____
Schedule for Routine Calibration (per Manufacturer's Specifications):
 Annually Every 3 Years Every 5 Years Other: _____
- Installation Information**
Installation Date: _____ Date of Last Calibration: _____
- Attestation and Signature of Property Owner or Property Owner's Legal Designee**
I attest to and certify that each of the following statements are true and correct.
 The flow meter with totalizer is installed per the manufacturer's specifications.
 The flow meter is calibrated within an accuracy range of +/- 5%.
 Supporting documentation will be provided to SABGSA upon request.

Signature: _____ Date: _____

RULES & REGS EXHIBIT A

(Section 3: Metering Program Framework)

E. Request for Additional Information

- SABGSA has the right to request additional information, including but not limited to photographs, certificate of calibration, or the location of the Flow Meter.


F. Recording of Metering Readings

- Monthly Readings: Within the first 5 days of each month.

G. Reporting of Metering Readings – 2x per year

- Monthly flow meter readings must be reported twice a year in Spring and Fall (SABGSA schedule based on WY)
 - 60 Days to Submit Report to SABGSA
 - April 1 – September 1 readings – due Nov. 1
 - October 1 – March 1 readings – due May 1
- Submit SABGSA Flow Meter Reporting Form

NOTE: October 1, 2025 and May 1, 2026 compliance dates are currently placeholders, subject to change based on the timing of any ordinance adoption/public hearing process.



**SAN ANTONIO BASIN GROUNDWATER SUSTAINABILITY AGENCY
GROUNDWATER EXTRACTION / FLOW METER REPORTING FORM**

Due to SABGSA by November 1, 2025
(Reporting Period: Monthly readings for April 1, 2025 – September 1, 2025)

This form should be completed for EACH flow meter installed in the San Antonio Creek Valley Groundwater Basin on all non-de minimis production (> 2AFY) wells. **Monthly readings are required to occur within the first 5 days of each month.** Complete and accurate responses are critical for an equitable and data driven approach to groundwater management in the Basin. A fillable pdf version of this form can be downloaded at: <https://sanantoniobasingsa.org/metering-program/>

Please return your form(s) to the San Antonio Basin Groundwater Sustainability Agency ("SABGSA") by mail to P.O. Box 196, Solvang, CA 93464 or via email to admin@sanantoniobasingsa.org.

- Landowner Contact Information**
Property Owner Information
Landowner Name: _____ Email: _____
Well Operator Information (if different than above):
Contact Name: _____ Email: _____
- Well and Flow Meter Information**
Assessor's Parcel No. (APN): _____
Geographical Coordinates for Well (decimal degree): [Instructions to find coordinates.](#)
Latitude: _____ Longitude: _____
Flow Meter Make and Model: _____ Serial Number: _____
- Flow Meter Measurement Data**

Month	Measurement Date	Totalizing Flow Meter Reading (listed on face)	Flow Measurement Unit (acre-feet, cubic feet, etc.)	Total Extracted (by Month)
April 2025				
May 2025				
June 2025				
July 2025				
August 2025				
September 2025				

Notes: _____

- Supporting Documentation:**
The SABGSA reserves the right to request supporting documentation from the landowner including, but not limited to, proof of flow meter accuracy, photographs, etc.

LEGAL COUNSEL

Enforcement & Penalties Discussion Followed by Q&A

Jessica Diaz, Brownstein Hyatt Farber & Schreck



ENFORCEMENT & PENALTIES

ADMINISTRATIVE POLICY

Counsel Recommendation:

- Enforcement and penalties can be the subject of a separate Administrative Policy that covers enforcement of well registration, meter installation, and reporting requirements.
- Section 10 of the Rules and Regulations gives San Antonio Basin GSA the ability to enforce within the full scope of its statutory authority under SGMA and puts well operators on notice of the potential for enforcement and penalties.
- The GSA is not required to adopt any further rules or administrative policy to exercise its enforcement authority, but it is recommended to provide visibility to well operators and the public.



ENFORCEMENT & PENALTIES

STATUTORY AUTHORITY

(Water Code § 10732):

(a)(1) . . . (2) A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2 shall be liable for a civil penalty **not to exceed one thousand dollars (\$1,000) plus one hundred dollars (\$100) for each additional day on which the violation continues** if the person fails to comply within 30 days after the local agency has notified the person of the violation.

. . . (b) (2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.



ENFORCEMENT & PENALTIES COLLECTION / PRACTICALITIES

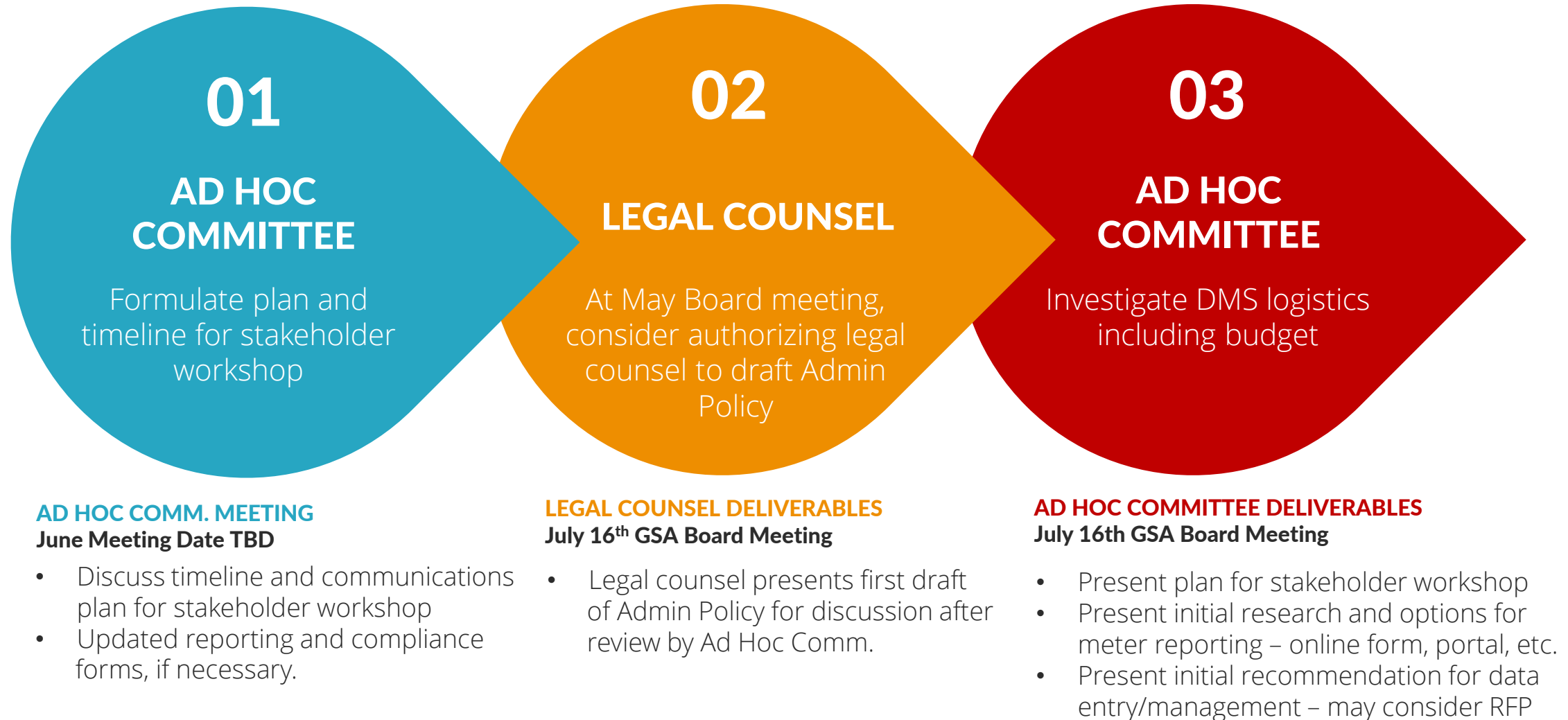
If a penalty is not paid, what is the recourse?

- Send to a collections agency
- Bring a lawsuit in Santa Barbara County Superior Court, resulting in a judgment against the violator (Water Code § 10732 (b)(1))
- A lien and/or attachment would be available only through a court judgement

DISCUSSION / Q&A

PROPOSED NEXT STEPS

Based on Direction from SABGSA Board....



LEGAL AUTHORITY

Water Code 10725.8 - SGMA

(a) **WATER MEASURING DEVICE:** A groundwater sustainability agency may require through its GSP that the use of **every groundwater extraction facility** within the management area of the GSA be **measured by a water-measuring device** satisfactory to the GSA.

(b) **COSTS, INSTALL, CALIBRATION:** **All costs associated** with the purchase and installation of the water-measuring device shall be **borne by the owner** or operator of each groundwater extraction facility. The water-measuring devices shall be **installed by** the GSA or, at the groundwater sustainability agency's option, by **the owner or operator** of the groundwater extraction facility. Water-measuring devices shall be **calibrated on a reasonable schedule as may be determined by the GSA.**

(c) **REPORTING:** **A GSA may require,** through its GSP, that the owner or operator of a groundwater extraction facility within the GSA file **an annual statement** with the GSA **setting forth the total extraction in acre-feet** of groundwater from the facility during the previous water year.

(d) In addition to the measurement of groundwater extractions pursuant to subdivision (a), a GSA may use any other reasonable method to determine groundwater extraction.

(e) **DE MINIMIS EXTRACTORS EXEMPT:** This section does not apply to de minimis extractors.