

ORDINANCE NO. 24-001

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO BASIN
GROUNDWATER SUSTAINABILITY AGENCY REQUIRING METERING AND
REPORTING OF GROUNDWATER EXTRACTION**

WHEREAS, the San Antonio Basin Groundwater Sustainability Agency (“Agency”) was formed pursuant to a joint exercise of powers agency (“JPA”) executed on May 16, 2017 between the Cachuma Resource Conservation District and the Los Alamos Community Services District;

WHEREAS, the Agency decided to become the exclusive Groundwater Sustainability Agency (“GSA”) for the San Antonio Creek Valley Basin (“Basin”) on June 14, 2017;

WHEREAS, the San Antonio Basin Water District replaced the Cachuma Resource Conservation District as a member of the JPA on May 19, 2020;

WHEREAS, in compliance with the Sustainable Groundwater Management Act (“SGMA”), on December 7, 2021, the Agency adopted the San Antonio Basin Groundwater Sustainability Plan (“Plan”) that establishes the Agency’s groundwater management program and sustainability goal for the Basin;

WHEREAS, SGMA, authorizes a local GSA to manage a groundwater basin in a sustainable manner pursuant to its groundwater sustainability plan;

WHEREAS, to assist in its management, Water Code Section 10725.2 authorizes GSAs such as the Agency to adopt rules, regulations, ordinances, and resolutions for the purpose of complying with SGMA and perform any act necessary or proper to carry out the purposes of SGMA;

WHEREAS, pursuant to Water Code Section 10725.8(a), a GSA may require 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, provided that de minimus extractors are exempt from such requirements;

WHEREAS, pursuant to Water Code Section 10725.8(c), a GSA may also require that the owner or operator of a groundwater extraction facility file statements with the GSA setting forth the total extraction in acre-feet of groundwater from the facility during the previous water year;

WHEREAS, the Plan identifies development of a metering and reporting program as a Tier 1 Management Action;

WHEREAS, to sustainably manage the Basin, the Agency requires consistent and reliable data on the volume of groundwater extracted from each groundwater extraction facility in the Basin; ~~and~~

WHEREAS, to implement the Plan, the Agency finds it necessary and in the best interest of both the Agency and the Basin to adopt an ordinance requiring all landowners within the Basin, except de minimis extractors, to install measuring devices on groundwater extraction facilities and file reports on a biannual basis reporting groundwater extraction to the Agency;

WHEREAS, pursuant to Water Code Section 10725 et seq., SGMA empowers the Agency with the authority to enforce adopted rules, regulations, ordinances, and resolutions necessary and appropriate to implement the Plan; and

WHEREAS, decisions by the Agency’s Board of Directors made pursuant to rules, regulations, ordinances, and resolutions necessary and appropriate to implement the Plan may be appealed to ensure a fair administration process.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated

The above recitals are supported by substantial evidence, incorporated herein by reference and each relied upon independently by the Agency’s Board of Directors in its adoption of this Ordinance.

SECTION 2. Amendment to the SABGSA Rules and Regulations

The Agency’s Board of Directors amends the “San Antonio Basin Groundwater Sustainability Agency Rules and Regulations” (“SABGSA Rules and Regulations”), as attached hereto as Exhibit A and incorporated herein by reference, and finds that the amendment to the SABGSA Rules and Regulations is consistent with the Plan and shall promote implementation of the Plan in accordance with SGMA.

SECTION 3. Amendment

This Ordinance may be added to, amended, and/or repealed at any time by adoption of a subsequent ordinance of the Agency’s Board of Directors.

SECTION 4. Effective Date

This Ordinance shall become effective thirty (30) days after the second reading.

SECTION 5. Actions Against the Agency

Nothing contained in this Ordinance shall constitute a waiver by the Agency or operate as an estoppel against the Agency from asserting any defenses or immunities from liability as provided in law, including, but not limited to, those provided in Division 3.6 of Title 1 of the Government Code.

SECTION 6. Administrative Authorization.

The Agency Executive Director or designee is hereby authorized and directed to take any such actions as may be necessary and appropriate to implement the intent of this Ordinance.

SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Agency Board of Directors hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 8. California Environmental Quality Act

The Agency’s Board of Directors finds that adoption of this Ordinance, including the SABGSA Rules and Regulations, is exempt from the California Environmental Quality Act pursuant to Sections 15307, 15308, and 15061 subdivision (b)(3) of Title 14 of the California Code of Regulations (“CEQA Guidelines”) because the Ordinance will support implementation of the Plan by establishing rules and regulations to support groundwater management in order to prevent environmental degradation associated with groundwater overdraft and said rules and regulations will not have a significant effect on the environment.

WE, THE UNDERSIGNED, do hereby certify that the above and foregoing Ordinance No. 24-001 was duly adopted and passed by the Board of Directors of the San Antonio Basin Groundwater Sustainability Agency at a meeting held on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

, Board Chair

San Antonio Basin Groundwater Sustainability Agency

ATTEST:

, Secretary

San Antonio Basin Groundwater Sustainability Agency

EXHIBIT A

San Antonio Basin Groundwater Sustainability Agency

Rules and Regulations

SECTION 1. Definitions

- A. For purposes of these Rules and Regulations, the following definitions apply:
1. “AF” means acre-foot.
 2. “APN” means the Santa Barbara County Assessor’s Parcel Number for a property.
 3. “Agency” or “SABGSA” shall refer to the San Antonio Basin Groundwater Sustainability Agency.
 4. “De Minimis Extractor” shall mean a person who extracts, for domestic purposes, two acre-feet or less per year.
 5. “Flow Meter” shall mean a flow meter required to be installed on a Groundwater Extraction Facility pursuant to Section 3 of these Rules and Regulations.
 6. “Flow Meter Installation and Compliance Form” shall mean the form required by the SABGSA pursuant to these Rules and Regulations, which may include an electronic form or electronic submission portal.
 7. “Groundwater Extraction Facility” shall mean a groundwater well or any device or method for extraction of groundwater within the Basin.
 8. “Groundwater Extraction Form” shall mean the form required by the SABGSA pursuant to these Rules and Regulations, which may include an electronic form or electronic submission portal.¹
 9. “Operator” shall mean the person responsible for operating a Groundwater Extraction Facility. The Property Owner of the property containing the Groundwater Extraction Facility shall be conclusively presumed to be the operator unless otherwise declared on the Registration.
 10. “Property Owner” shall mean the fee title owner of land within the Agency’s boundaries, including all San Antonio Basin Water District landowners and all Los Alamos Community Services District customers.

¹ DRAFTER’S NOTE: For ease of review, please note that definitions #5-#8 are the proposed *new* definitions to be added to the Rules and Regulations.

11. "Registration" shall mean submission of the groundwater well registration information as specified in Section 2 of these Rules and Regulations to the Agency.

SECTION 2. Groundwater Well Registration

The Property Owner and/or Operator of each Groundwater Extraction Facility within the Basin shall provide the Agency with groundwater well registration information (to the extent known to the Property Owner and/or Operator at the time of registration) by filling out and submitting a registration form issued by the Agency and returned to the Agency's PO Box or via email.

A. Existing Wells

All existing Groundwater Extraction Facilities located within the boundaries of SABGSA shall be registered with the Agency within sixty (60) days of receiving a registration form and no later than March 31, 2023, whichever occurs later. The Property Owner and/or Operator of a Groundwater Extraction Facility must provide, in full, the information requested on the Agency's registration form, which shall include but not be limited to the following:

1. Name and contact information of the Property Owner;
2. Name and contact information of the Operator, if different than the Property Owner;
3. If appropriate, a certification that the Property Owner does not have a Groundwater Extraction Facility located on their property;
4. Type of Groundwater Extraction Facility and water use;
5. Annual water use information;
6. Groundwater Extraction Facility APN and State Well Number;
7. Physical address and geographic location of each Groundwater Extraction Facility;
8. Date of construction;
9. Well depth;
10. Activity status of the Groundwater Extraction Facility;
11. List of APNs that the Groundwater Extraction Facility serves;
12. Manufacturer/model and type of Groundwater Extraction Facility measuring device, such as a flow meter (for certain users);
13. Recording units of the measuring device (for certain users);
14. Signature of the Property Owner.

B. New Wells

All new Groundwater Extraction Facilities located within the Boundaries of SABGSA shall be registered with the Agency, via the same form described above in Section 2.A, no later than March 31, 2023 or within sixty (60) days of well completion, whichever occurs later.

C. Changes to Registration

Any change to the information provided in the well registration form described above in Section 2.A, including but not limited to, a change to the Property Owner or Operator of a Groundwater Extraction Facility, must be reported within thirty (30) days of when the change takes effect.

D. Registration Confidentiality

The Agency shall keep the information contained in a Registration confidential to the extent permissible under applicable law.

SECTION 3. Metering and Reporting of Groundwater Extraction

A. De Minimis Extractors Exempt

De minimis extractors are exempt from the metering and reporting requirements in Section 3.

B. Installation of a Flow Meter

By October 1, 2025,² each Groundwater Extraction Facility within the GSA's boundary must have a flow meter installed that meets the following specifications:

1. The Flow Meter must be capable of measuring the volume of groundwater extracted from the Groundwater Extraction Facility with an accuracy level of $\pm 5\%$.
2. The Flow Meter must be equipped with either (a) a direct-reading rate-of-flow indicator capable of showing instantaneous flow in gallons per minute or (b) a sweep hand indicator capable of determining the rate-of-flow by timing measurement.
3. The Flow Meter must be equipped with a visual, volume-recording totalizer recorded in gallons, cubic feet, acre-inches, or acre-feet.

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

² DRAFTER'S NOTE: Please note that the 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.

1. The Flow Meter must be installed, operated, and maintained to the manufacturer's specifications, instructions, and recommendations.
2. Prior to installation or by October 1, 2025 at latest, the Flow Meter must be calibrated to achieve an accuracy level of $\pm 5\%$ by volume of groundwater extracted.
3. The Flow Meter must be calibrated pursuant to the schedule described in the manufacturer's specifications. If no such schedule exists, calibration must be performed at least once every five years.
4. If the verification error exceeds 5% upon calibration, then the Flow Meter must be recalibrated or replaced with a flow meter meeting the requirements of this Section.
5. It is a violation of these Rules and Regulations for a Groundwater Extraction Facility to extract any amount of groundwater without a properly installed, operated, maintained, and calibrated Flow Meter.

D. Documentation of Flow Meter Installation

By October 1, 2025, the Operator of each Groundwater Extraction Facility within the Basin shall submit a completed Flow Meter Installation and Compliance Form according to the instructions set forth on the form. For any new Groundwater Extraction Facility, the Operator must submit a completed Flow Meter Installation and Compliance Form no later than October 1, 2025 or within sixty (60) days of well completion, whichever occurs later.

E. Requests for Additional Compliance Information

The SABGSA has the right to request from an Operator additional information concerning a Flow Meter, including but not limited to photographs, certificate of calibration, or the location of the Flow Meter. Upon request by the SABGSA, such information shall be provided within 60 days.

F. Recording of Meter Readings

The Operator of any Groundwater Extraction Facility must read and record the Flow Meter totalizer on at least a monthly basis, in between the 1st and 5th day of each month.

G. Reporting of Meter Readings

Beginning on May 1, 2026 and on at least a biannual basis (twice per year) thereafter, each Operator shall report the monthly Flow Meter readings for each Groundwater Extraction Facility using the Groundwater Extraction Form, according to the SABGSA's submission instructions. Reporting periods and due dates for the Groundwater Extraction Form shall be as follows:

1. Monthly readings for April through September are due by November 1 of each year.
2. Monthly readings for October through March are due by May 1 of each year.

Each Groundwater Extraction Form must be completed pursuant to SABGSA's then-applicable instructions.

H. Further Administrative Policies

The Agency's Executive Director may adopt administrative policies consistent with these Rules and Regulations to collect, manage, and store the data on groundwater extraction collected through Flow Meters in the Basin.

SECTION 4. Reserved.

SECTION 5. Reserved.

SECTION 6. Reserved.

SECTION 7. Reserved.

SECTION 8. Reserved.

SECTION 9. Reserved.

SECTION 10. Penalties.

Failure to comply with these Rules and Regulations may result in administrative and civil penalties, in accordance with Water Code Section 10732, as may be determined by the Agency's Board of Directors. Remedies identified in these Rules and Regulations are not intended to be exclusive. Any other remedy available to the Agency in law or equity may be employed at the discretion of the Board of Directors to address any circumstance related to the management of the Basin in accordance with State law, SGMA, the Agency Plan, or other SABGSA Rules and Regulations.

SECTION 11. Appeal Process.

A Property Owner and/or Operator may appeal a decision made pursuant to these Rules and Regulations by filing a written notice of appeal with the Board within 30 calendar days of the notice of the Agency's decision. The written notice shall include:

1. Name of the Property Owner and/or Operator and address of the Groundwater Extraction Facility (if applicable),
2. Brief description of the project (if applicable),

3. The specific decision that is appealed,
4. The date on which the decision was made,
5. The basis or bases for the appeal,
6. The specific action which the Property Owner and/or Operator requests be taken on appeal, and
7. All information or evidence relied upon to support the appeal.

The Agency's Board of Directors shall consider the appeal expeditiously and, if reasonably possible, at the first regularly scheduled meeting following the filing of an appeal, but no later than 60 calendar days from the date the appeal was filed. The decision of the Board of Directors shall constitute final action on appeal, subject to judicial review pursuant to California Code of Civil Procedure section 1094.5. Appellant shall be responsible for all fees and costs, including staff time, associated with an appeal. The filing of a written notice of appeal shall be accompanied by the appropriate fee established by resolution of the Board of Directors. A deposit agreement approved by the Agency's General Manager between Appellant and the Agency shall specify the terms of Appellant's deposit and reimbursement for the Board of Director's review of an appeal. No part of said fee shall be refundable except as provided in such fee resolution.