ORDINANCE NO. 2025-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN - EASTERN MANAGEMENT AREA GROUNDWATER SUSTAINABILITY AGENCY REQUIRING WELL METERING AND REPORTING

WHEREAS, the Eastern Management Area Groundwater Sustainability Agency ("EMA GSA") was formed pursuant to a joint exercise of powers agency ("JPA") effective July 16, 2024 between the Santa Ynez River Water Conservation District, Santa Ynez River Water Conservation District, Improvement District No.1 (ID No.1), City of Solvang, and the Santa Barbara County Water Agency;

WHEREAS, pursuant to the Sustainable Groundwater Management Act ("SGMA"), the EMA GSA is the exclusive Groundwater Sustainability Agency ("GSA") for the Eastern Management Area ("EMA") of the Santa Ynez River Valley Groundwater Basin.

WHEREAS, in compliance with SGMA, on January 6, 2022, the EMA GSA adopted the EMA Groundwater Sustainability Plan ("Plan") that establishes the EMA GSA's groundwater management program and sustainability goal for the EMA, which Plan has been approved by the California Department of Water Resources;

WHEREAS, SGMA authorizes a GSA to manage a groundwater basin or portion thereof in a sustainable manner pursuant to its Plan;

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

WHEREAS, pursuant to Water Code Section 10725.6, a GSA may require registration of a groundwater extraction facility within the management area of the GSA;

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 minimis extractors and river well extractors are exempt from such mandatory requirements;

WHEREAS, pursuant to Water Code Section 10725.8(c), a GSA may require that the owner or operator of a groundwater extraction facility file statements with the GSA setting forth the amount(s) of groundwater extracted from the facility;

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

WHEREAS, to sustainably manage the EMA, the EMA GSA requires consistent and

reliable data on the volume of groundwater extracted from each groundwater extraction facility in the EMA;

WHEREAS, to implement the Plan, the EMA GSA finds it necessary and in the best interest of both the EMA GSA and the EMA to adopt an ordinance requiring all landowners within the EMA, except de minimis extractors and wells extracting underflow from the Santa Ynez River, to install measuring devices on groundwater extraction facilities and file reports on a biannual basis reporting groundwater extraction to the EMA GSA;

WHEREAS, pursuant to Water Code Section 10725 et seq. and applicable SGMA Regulations, the EMA GSA has the authority to enforce adopted rules, regulations, ordinances, and resolutions necessary and appropriate to implement the Plan; and

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

SECTION 1. Recitals, Rules and Regulations Incorporated

The above recitals and the Rules and Regulations attached as Exhibit A hereto are adopted and incorporated herein by reference, supported by substantial evidence, and are each relied upon independently by the EMA GSA's Board of Directors in its adoption of this Ordinance.

SECTION 2. Amendment

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

SECTION 3. Effective Date

This Ordinance shall become effective upon adoption by the EMA GSA Board of Directors.

SECTION 4. Actions Against the EMA GSA

Nothing contained in this Ordinance shall constitute a waiver by the EMA GSA or operate as an estoppel against the EMA GSA 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 5. Administrative Authorization.

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

SECTION 6. 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 EMA GSA 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 7. California Environmental Quality Act

The EMA GSA's Board of Directors finds that adoption of this Ordinance, including the attached EMA GSA 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. 2025-03 was duly adopted and passed by the Board of Directors of the EMA GSA at a meeting held on the 25 day of September, 2025, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

, Board Chair
Eastern Management Area Groundwater Sustainability Agency

ATTEST:

, Secretary
Eastern Management Area Groundwater Sustainability Agency

EXHIBIT A

Eastern Management Area Groundwater Sustainability Agency

Rules and Regulations

SECTION 1. Definitions

A. For purposes of these Rules and Regulations, the following definitions apply:

1. "Abandoned Groundwater Extraction Facility" shall mean a Groundwater Extraction Facility that (a) has not been used for a period of at least one year and (b) for which the Operator has not demonstrated an intention to use the Groundwater Extraction Facility by filing a letter of intention of future use with the County of Santa Barbara pursuant to Chapter 34A of the County of Santa Barbara Code of Ordinances.

2. "AF" means acre-foot.

3. "APN" means the Santa Barbara County Assessor's Parcel Number for a property.

4. "Agency" or "EMA GSA" shall refer to the Eastern Management Area Groundwater Sustainability Agency.

5. "EMA GSA" shall refer to the Eastern Management Area Groundwater Sustainability Agency.

6. "De Minimis Extractor" means, as defined in Water Code Section 10721(e), a person who extracts, for domestic purposes, two acre-feet or less per year of groundwater within the EMA.

7. "Domestic Use" means, as defined in the California Code of Regulations Title 23 Section 660, the use of water in homes, resorts, motels, organization camps, camp grounds, etc., including the incidental watering of domestic stock for family sustenance or enjoyment and the irrigation of not to exceed one-half acre in lawn, ornamental shrubbery, or gardens at any single establishments. The use of water at a camp ground or resort for human consumption, cooking or sanitary purposes is a domestic use.

8. "EMA" means the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin.

9. "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.

10. "Flow Meter Installation and Compliance Form" shall mean the form required by the EMA GSA pursuant to these Rules and Regulations, which may include an electronic form or electronic submission portal.

11. “Groundwater” shall have the same meaning and application as set forth in the Sustainable Groundwater Management Act.

12. “Groundwater Extraction Facility” shall mean a groundwater well or any device or method for extraction of groundwater within the EMA.

13. “Groundwater Extraction Form” shall mean the form required by the EMA GSA pursuant to these Rules and Regulations, which may include an electronic form or electronic submission portal.

14. “Inactive Groundwater Extraction Facility” shall mean a Groundwater Extraction Facility that has not been used for a period of one year or more for the production of groundwater, but is maintained in such a condition that it could be used for production of groundwater in the future and meets all then applicable standards set by the County of Santa Barbara for inactive water wells. A monitoring well shall be considered an Inactive Groundwater Extraction Facility provided that the only production of groundwater is for groundwater sampling purposes.

15. “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.

16. “Property Owner” shall mean the fee title owner of land within the Eastern Management Area.

17. "River Extractor" shall mean a person whose well draws from the surface frow or the underflow of the Santa Ynez River and thus the extracted water is considered surface water.

SECTION 2. Metering and Reporting of Groundwater Extraction

A. Exemptions

1. De Minimis Extractors are exempt from the metering and reporting requirements in Sections 2(B) through 2(J); provided, however, that De Minimis Extractors of groundwater are encouraged to voluntarily participate in the metering and reporting program for the EMA.

    a. De Minimis Extractors must self-certify that they pump less than 2 AF of water per year for domestic purposes in the Well Registration Form, as required by the EMA GSA’s Well Registration Ordinance. As part of the self-certification, extractors must provide some form of technical justification (for example: metered well production records; aerial photographs of irrigated

area; electrical usage; or other technical data) to support the proposed De Minimis self-certification.

2. River Extractors are exempt from the metering and reporting requirements in Sections 2(B) through 2(J), however, are still required to report pumping to the State Water Resources Control Board.

3. Inactive Groundwater Extraction Facilities are exempt from the requirements in Sections 2(B) through 2(J); provided, however, that each Operator of an Inactive Groundwater Extraction Facility must comply with the requirements for Inactive Groundwater Extraction Facilities as set forth in Section 2(H).

4. Abandoned Groundwater Extraction Facilities are exempt from the requirements of Sections 2(B) through 2(J); provided, however, that each Operator of an Abandoned Groundwater Extraction Facility must comply with the requirements for Abandoned Groundwater Extraction Facilities as set forth in Section 2(I).

B. Installation of a Flow Meter

By June 30, 2027, each Groundwater Extraction Facility within the EMA 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 ±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

1. The Flow Meter must be installed, operated, and maintained to the manufacturer's specifications, instructions, and recommendations.

2. Prior to installation or by June 30, 2027 at the latest, the Flow Meter must be calibrated to achieve an accuracy level of ±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 June 30, 2027, the Property Owner or Operator of each Groundwater Extraction Facility within the EMA shall submit the Flow Meter Installation and Compliance Form, completed according to the instructions set forth on the form. For any new Groundwater Extraction Facility, the Property Owner or Operator must submit a completed Flow Meter Installation and Compliance Form within sixty (60) days of well completion.

E. Requests for Additional Compliance Information

The EMA GSA has the right to request and receive additional information from a Property Owner and/or Operator concerning a Flow Meter for any Groundwater Extraction Facility, including but not limited to photographs, certificate of calibration, and/or the location of the Flow Meter. Upon request by the EMA GSA, such information shall be provided within sixty (60) days.

F. Recording of Meter Readings

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

G. Reporting of Meter Readings

Beginning on October 31, 2027 and on at least a biannual basis (twice per year) thereafter, the Property Owner or Operator for each Groundwater Extraction Facility shall report to the EMA GSA the monthly Flow Meter readings for said Groundwater Extraction Facility using the Groundwater Extraction Form approved by the EMA GSA, according to the EMA GSA's submission instructions. Reporting periods and due dates for the Groundwater Extraction Form shall be as follows:

1. Monthly readings for July through September of 2027 are due by October 31 of 2027.

2. Monthly readings for October through March are due by April 30 of each year.

3. Monthly readings for April through September are due by October 31 of each year.

The Groundwater Extraction Form shall include designation of water user type (i.e. irrigated agriculture, public water system, or other). In addition, in the case of an irrigated agriculture water user, a request for information on how many acres, irrigation method/system type, and which types of crops are grown utilizing water pumped from the Groundwater Extraction Facility.

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

H. Inactive Groundwater Extraction Facilities

1. By June 30, 2027 and on each October 31st thereafter, the Operator of each Inactive Groundwater Extraction Facility within the Basin shall submit a completed Inactive Well: Intention of Future Use Form.

2. Prior to commencing groundwater extractions from an Inactive Groundwater Extraction Facility, an Operator must comply with all meter installation requirements under Sections 2.B and 2.C and submit a completed Flow Meter Installation and Compliance Form pursuant to Section 2.D.

3. Once groundwater extractions from a previously Inactive Groundwater Extraction Facility have commenced, the Operator must comply with, and is subject to, all requirements of Section 2. The first Groundwater Extraction Form once groundwater extractions have commenced shall be due at the next earliest due date (October 31st or April 30th), even if the period of time reported on such Groundwater Extraction Form reflects less than six months of use.

I. Abandoned Groundwater Extraction Facilities

By June 30, 2027, the Operator of each Abandoned Groundwater Extraction Facility shall submit a completed Verification of Well Abandonment Form, which must include a copy of the well destruction permit issued by the County of Santa Barbara for that Groundwater Extraction Facility.

J. Further Administrative Policies

The EMA GSA's Executive Director may develop and implement administrative practices consistent with these Rules and Regulations to collect, manage, and store data on groundwater extraction, including data collected through Flow Meters in the EMA.

SECTION 3. Reserved.

SECTION 4. Reserved.

SECTION 5. Reserved.

SECTION 6. Reserved.

SECTION 7. Reserved.

SECTION 8. Reserved.

SECTION 9. Penalties.

Failure to comply with these Rules and Regulations may result in administrative and civil penalties or other remedies in accordance with Water Code Section 10732, as may be determined by the EMA GSA's Board of Directors. Remedies identified in these Rules and Regulations are not intended to be exclusive. Any other remedy available to the EMA GSA 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 EMA in accordance with State law, SGMA, the Plan, or other EMA GSA Rules and Regulations, bylaws, or ordinances.

SECTION 10. 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 EMA GSA'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 EMA GSA's Board of Directors shall consider the appeal expeditiously and, to the extent practicable, 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 EMA GSA's Executive Director between Appellant and the EMA GSA 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.