

ORDINANCE NO. 97-1
OF THE
JOSHUA BASIN WATER DISTRICT
ADOPTING RULES AND REGULATIONS
TO
IMPLEMENT AND ENFORCE
THE
GROUND WATER MANAGEMENT PLAN

The Board of Directors of the Joshua Basin Water District ordains as follows:

SECTION 1 GENERAL. This Ordinance is enacted for the purpose of adopting rules and regulations to manage and protect the ground water within the District by: 1) regulating the construction, abandonment, and destruction of wells; 2) identifying and managing wellhead protection areas and recharge areas; 3) regulating contaminated ground water migration; 4) mitigating conditions of overdraft; and 5) monitoring ground water levels, storage, and quality. This Ordinance is enacted pursuant to the Groundwater Management Act, California Water Code §10750 et seq., hereinafter referred to as the "Act", and to the Joshua Basin Water District's Ground Water Management Plan, hereinafter referred to as the "Plan".

SECTION 2 DEFINITIONS. The words and terms defined in the Act and the Plan shall have the same meanings when used in this Ordinance. The following words and terms shall have the meanings defined below:

- 2.1 ABANDON means the cessation or suspension of use of a water well for more than twelve (12) consecutive months.
- 2.2 CEQA means the California Environmental Quality Act, California Public Resources Code §21000 et seq.

- 2.3 **CONSTRUCT** or **CONSTRUCTION** means drilling, equipping, reconstructing, rehabilitating, replacing, altering, or enlarging a water well.
- 2.4 **DESTROY** or **DESTRUCTION** means ceasing all use of a water well and dismantling, capping, filling, or otherwise permanently modifying the well in accordance with applicable regulations to prevent further use.
- 2.5 **DISTRICT** means the Joshua Basin Water District, its Board of Directors, and its staff.
- 2.6 **HYDROGEOLOGIC REPORT** means a report on ground water prepared by either a California Registered Civil Engineer specializing in ground water hydrology or a California Registered Hydrogeologist.
- 2.7 **OPERATOR** means any individual, partnership, association, or group of individuals, lessee, firm, private corporation, or any public agency or public corporation, who operates a water well.
- 2.8 **PRODUCE** or **PRODUCTION** means the extraction of ground water within the boundaries of the District by pumping or any other means.
- 2.9 **WELL** means a device constructed for the purpose of producing ground water and includes all associated facilities (including the well pumping unit, pumping unit

driver, electrical equipment, site piping, and all appurtenances) within the parcel upon which the well is located. An “existing well” is a well that is being used for the production of ground water as of the effective date of this Ordinance. A “new well” is a well that is not yet being used for the production of ground water as of the effective date of this Ordinance.

SECTION 3 MANDATORY COMPLIANCE. No well shall be drilled, equipped, constructed, reconstructed, rehabilitated, replaced, altered, enlarged, operated, maintained, managed, abandoned, or destroyed that is not in compliance with this Ordinance.

SECTION 4 REGISTRATION OF EXISTING WELLS. Each and every existing well within the District’s boundaries shall be registered with the District within four (4) months of the effective date of this Ordinance by the operator on a form provided by the District (see Exhibit A).

4.1 FEE. There shall be no fee or charge levied or collected for registration of a well.

4.2 VIOLATION. Failure to register a well within the time allowed hereunder shall be deemed a violation of this Ordinance.

SECTION 5 WELL CONSTRUCTION AND DESTRUCTION.

5.1 GENERAL. All well construction and destruction shall be performed in compliance with the requirements of this Ordinance and with the applicable sections of the Water Well Standards: State of California as contained in California Department of Water Resources

Bulletins 74-81 and 74-90. Said Standards are hereby adopted by the District, and are incorporated in this Ordinance by this reference.

Copies of the Water Well Standards: State of California are available for review at the District's offices, and can be obtained by writing or calling:

California Department of Water Resources
Bulletins and Reports Section
Post Office Box 942836
Sacramento, CA 94236-0001
(916) 653-1097

- 5.2 MANDATORY PERMIT APPLICATION AND PLAN REVIEW. In order to ensure that all well construction and destruction within the District is performed in accordance with the requirements of this Ordinance and with the Water Well Standards: State of California, any operator who intends to construct or destroy a well shall first apply for a permit from the District and shall submit all applicable plans (e.g. construction drawings, technical specifications) to the District for review and approval.

No operator shall construct or destroy a well within the District until the construction documents for that well have been approved by the District and a permit issued therefor. Failure to obtain an approved permit prior to performing any work shall be deemed a violation of this Ordinance.

5.3 WELL LOCATIONS AND SPACING.

5.3.1 No new well shall be constructed within any area designated by the District as a recharge area (see Exhibit B, attached hereto) unless the operator of the proposed well provides a hydrogeologic report to the District that demonstrates that the proposed well will not have an adverse effect (as determined by the District) upon the affected recharge area. The hydrogeologic report must be approved by the District before the well permit required pursuant to Section 5.2 herein will be issued or well construction commenced.

5.3.2 New wells that will have the capacity to produce more than 25 gallons per minute shall be constructed a minimum of one-quarter (1/4) mile from all existing wells unless the operator of the proposed well provides a hydrogeologic report to the District that demonstrates that the proposed well will not have an adverse effect (as determined by the District) upon any existing wells that are less than one-quarter (1/4) mile from the proposed well. The hydrogeologic report must be approved and accepted by the District before the well permit required pursuant to Section 5.2 herein will be issued or well construction will be allowed to commence. New wells that will have the capacity to produce 25 gallons per minute or less are not subject to the restrictions and requirements specified in this Section.

5.4 **CEQA COMPLIANCE.** No operator shall construct or destroy a well within the District until they have complied with all applicable requirements of CEQA.

5.5 CONSTRUCTION/DESTRUCTION OBSERVATION. Every operator within the District shall permit the District's agents and employees to access the well site during well construction or destruction to determine whether or not such well is being constructed or destroyed in accordance with the requirements of this Ordinance, California Department of Water Resources requirements, and the District approved construction documents.

5.6 SUBMITTAL OF WELL COMPLETION REPORT AND RECORD DRAWINGS. As soon as practicable, but no later than sixty (60) days after well construction or destruction has been completed, the operator shall provide the District with a true, correct, and complete copy of the California Well Completion Report (prepared in accordance with the requirements of California Water Code §13751) and any record (as-built) drawings. Record (as-built) drawings shall indicate any and all changes made from the construction documents as approved by the District.

SECTION 6 METERING/MEASURING OF PRODUCTION. Each operator shall permit the District to install, operate, and maintain, at the District's expense, a water flow measuring device (hereafter "meter") on each well. Each operator shall allow the District access to the well during normal business hours to read and maintain the meter, to measure water levels, and to collect water samples.

SECTION 7 WATER EXPORT PROHIBITION. No well shall be constructed or operated by any operator for the purpose of exporting ground water outside the District. Unless approved by the District, water produced by a well shall only be used upon or applied to that parcel of land on which the well is located.

SECTION 8 IMPACT UPON BUSINESS ACTIVITIES. In accordance with §10753.9 of the Act, the District has found and determined that this Ordinance will not have any adverse impacts

upon business activities, including agricultural operations, for the reason that this Ordinance does not impose any fees or charges or require the construction of any additional facilities.

The District will bear the expense of installing, maintaining, and reading meters, and no operator-financed well modifications are required hereunder. Because the District's well construction and destruction standards consist of the Water Well Standards: State of California, which are applicable to all wells within the State, this Ordinance does not impose any new, unusual, or redundant standards that will adversely impact business activities.

SECTION 9 PENALTIES FOR NON-COMPLIANCE. Any operator violating any provision of this Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such operator shall be deemed guilty of a separate offense for each and every day or portion thereof during which violation of any of the provisions of this Ordinance is committed, continued, or permitted. Any individual convicted of a violation of this Ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance provision and perpetrated by the same operator. The third and any additional violations of the same provision by the same operator shall constitute a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the foregoing, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty specified herein shall not relieve an operator from the responsibility of correcting the violation or from complying with the requirements of this Ordinance.

SECTION 10 JUDICIAL REVIEW. California Code of Civil Procedure §1094.6 is hereby adopted and made applicable to any judicial review of any decision made by the District under this Ordinance.

RDF/jdh

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ADOPTED THIS 19th DAY OF FEBRUARY, 1997


Michael Luhrs
President

SEAL


Claudeen C. Diaz
Secretary of the Board