

Ordinance #22-01
PLEASANT VALLEY COUNTY WATER DISTRICT
ORDINANCE ESTABLISHING SUPPLEMENTAL WATER AVAILABILITY

RECITALS

WHEREAS the Pleasant Valley County Water District, hereinafter referred to as “PVCWD” or “District,” is a Governmental entity duly organized and established pursuant to California Water Code Section 30000 et seq.; and

WHEREAS The District overlies in part the Oxnard Subbasin and the Pleasant Valley Groundwater Basins which are subject to the California Sustainable Groundwater Management Act, hereinafter referred to as “SGMA”; and

WHEREAS the District is subject to management of its groundwater resources by the Fox Canyon Groundwater Management Agency, hereinafter referred to as “FCGMA”, and

WHEREAS the District wishes to comply with the ordinances of the FCGMA, in particular, its Ordinance to Establish An Allocation System for the Oxnard and Pleasant Valley Groundwater Basins, adopted October 23, 2019 and amended March 24, 2021; and

WHEREAS a notice has been published in the Ventura County Star, a newspaper of general circulations published and circulated in the District, providing a summary of this ordinance and noticing a public hearing to consider adoption of this ordinance; and

WHEREAS after considering the information, hearing a staff presentation and considering the testimony received by the public and discussion of the issues, the Board of Directors concludes that this ordinance is necessary for the District’s ability to comply with SGMA and FCGMA's rules and ordinances; and

WHEREAS the adoption of this ordinance is statutorily exempt under the California Environmental Quality Act; and

WHEREAS the District, in order to facilitate compliance with the ordinances of the FCGMA, wishes to establish supplemental water availability to properties owned by the constituents of the District.

NOW, THEREFORE the Board ordains as follows:

Article A. Definitions

A.1 “Assessor’s Parcel Map” shall mean the Ventura County Assessor’s Parcel Maps designating Parcels by Assessor’s Parcel Number.

A.2 “Assessor’s Parcel Number” shall mean the number assigned to a Parcel by the County of Ventura for purposes of identification.

A.3 “Board of Directors” shall mean the Board of Directors of the Pleasant Valley County Water District.

A.4 “Extraction Allocation” shall mean the amount of groundwater that may be extracted by an Extraction Facility during a given Water Year without incurring a FCGMA surcharge, as established pursuant to the FCGMA Extraction Allocation Ordinance.

A.5 “Extraction Facility” shall mean any device or method (e.g., water well) for extraction of groundwater.

A.6 “FCGMA” shall mean Fox Canyon Groundwater Management Agency.

A.7 “FCGMA Extraction Allocation Carryover” shall mean unused Extraction Allocation carried over, as provided for in Article 8 of the FCGMA Extraction Allocation Ordinance.

A.8 “FCGMA Extraction Allocation Ordinance” shall mean the “Ordinance to Establish An Allocation System for the Oxnard and Pleasant Valley Groundwater Basins” adopted October 23, 2019 as amended by FCGMA from time to time.

A.9 “Irrigated Footprint” shall mean the surface area in acres of irrigated land within a Parcel, as determined by the District, as follows. For irrigated tree crops, the Irrigated Footprint is defined as the extent of canopy when mature at the perimeter. For irrigated berry crops grown under hoop houses, the extent of all hoops and semi-permanent interior roads are included in the Irrigated Footprint. For all other crops, the Irrigated Footprint is defined as the area that is plowed between plantings, excluding perimeter roads. Irrigated Footprint includes the area of irrigated landscape at Laguna Vista Elementary School.

A.10 “Operator” shall mean a person engaging in commercial production of plant crops or livestock for market on land located within the Pleasant Valley County Water District Service Area.

A.11 “Owner” shall mean a person owning Parcel(s) of land located within the PVCWD Service Area or an interest in Parcel(s) of land located within Pleasant Valley County Water District Service Area and shall include any mutual water company and incorporated ownership.

A.12 “Parcel” shall mean a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

A.13 “Person” shall mean any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

A.14 “Private Extraction Allocation” shall mean the Extraction Allocation assigned to Private Extraction Facilities by the Fox Canyon Groundwater Management Agency pursuant to the FCGMA Extraction Allocation Ordinance. For Private Extraction Facilities located outside of the

jurisdiction of the Fox Canyon Groundwater Management Agency, the Private Extraction Allocation shall be the lowest annual extraction reported to United Water Conservation District during the 10-year period 2012-2021 or as otherwise determined by the Board of Directors.

A.15 "Private Extraction Facility" shall mean an Extraction Facility owned by any Person other than the District.

A.16 "Pleasant Valley County Water District Service Area" shall mean the official jurisdictional boundary of the District on file with the Ventura Local Agency Formation Commission.

A.17 "PVCWD" or "District" shall mean Pleasant Valley County Water District.

A.18 "PVCWD Extraction Allocation" shall mean the Extraction Allocation assigned to PVCWD Extraction Facilities by the Fox Canyon Groundwater Management Agency pursuant to the FCGMA Extraction Allocation Ordinance.

A.19 "PVCWD Extraction Facility" shall mean any Extraction Facility owned by the District.

A.20 "Santa Clara River Water Flex Allocation" shall mean PVCWD Extraction Allocation adjustments made by FCGMA pursuant to Article 6 of the FCGMA Extraction Allocation Ordinance.

A.21 "Supplemental Water Availability" or "SWA" shall mean volume in acre-feet of supplemental water PVCWD will provide for irrigation within a Water Use Area during a Water Year without penalty. Mathematically, Supplemental Water Availability shall be equal the Supplemental Water Availability Limit multiplied by Water Use Area Irrigated Footprint minus Water Use Area Private Extraction Allocation.

A.22 "Supplemental Water Availability Limit" or "SWA Limit" shall mean the maximum volume of supplemental water in acre-feet per irrigated acre PVCWD will provide for irrigation within a Water Use Area during a given Water Year without penalty.

A.24 "Sustainable Groundwater Management Act" or "SGMA" shall mean Part 2.74 of Division 6 of the California Water Code, sections 10720 etseq.

A.24 "Turnout" shall mean any connection to the PVCWD for the purpose of providing PVCWD supplied water

A.25 "Water Use Area" or "WUA" shall mean a Parcel or group of Parcels located within the Pleasant Valley County Water District Service Area that are supplied water for irrigation by a common and unique set of Turnouts and/or Private Extraction Facilities. Water Use Areas shall be established and adjusted by the District based on information provided by Owners and Operators.

A.26 "Water Use Area Irrigated Footprint" shall mean the sum of Irrigated Footprints of all Parcels included in a Water Use Area.

A.27 “Water Use Area Private Extraction Allocation” shall mean the sum of the Private Extraction Allocations for all Private Extraction Facilities located within a Water Use Area.

A.28 “Water Year” shall mean the period from October 1 of one calendar year through September 30 of the following calendar year.

Technical Sections

Article B. Establishment and Adjustment of Water Use Areas

B.1 **General Provision** - For the purpose of implementing this Ordinance, all Parcels located within the Pleasant Valley County Water District Service Area with an Irrigated Footprint shall be assigned to a WUA.

B.2 **Initial Water Use Areas** – Initial WUAs shall be established using Owner and Operator responses to the questionnaires issued by PVCWD dated May 2020 and supplemental information provided by Owners and Operators during the period May 2020 through July 2022.

B.3 **Water Use Area Adjustments** – Initial WUAs may be adjusted to account for changes to the common and unique set of Turnouts and/or Private Extraction Facilities serving Parcel(s) within WUAs. Owners and Operators shall be responsible for notifying PVCWD with 10 days of any change in the common and unique set of Turnouts and/or Private Extraction Facilities serving Parcel(s) within a WUA on a District-supplied form. Upon notification of any such changes, PVCWD will modify affected WUAs, as appropriate. WUA adjustments may include splitting WUAs, aggregating multiple WUAs, or reassigning Parcels, Turnouts, and/or Private Extraction Facilities to a different WUA, or combinations thereof. When adjusting WUAs, PVCWD shall adjust the current year Supplemental Water Availability and shall apportion the year-to-date PVCWD water deliveries to the affected WUAs based on information provided by the Owners and/or Operators of the affected WUAs.

Article C. Supplemental Water Availability for Water Use Areas

C.1 **Annual Establishment of Supplemental Water Availability** – Each year on or before July 1, the Board of Directors shall determine a preliminary Supplemental Water Availability for each WUA for the upcoming Water Year. The preliminary Supplemental Water Availability may be adjusted by the Board of Directors, as necessary, to address changing conditions that affect implementation of this Ordinance, including, but not limited to changes in the water supplies available to PVCWD.

C.2 **Supplemental Water Availability Methodology** – The Supplemental Water Availability for each WUA shall be determined based on, the Supplemental Water Availability Limit, Water Use Area Irrigated Footprint, and the Water Use Area Private Well Extraction Allocation according to the following formula:

Supplemental Water Availability = (Supplemental Water Availability Limit X Water Use Area Irrigated Footprint) - Water Use Area Private Extraction Allocation

By way of example, if the Board of Directors establishes a Supplemental Water Availability Limit for a given Water Year of 2.4 acre-feet per acre, the following table indicates what the Supplemental Water Availability would be for three hypothetical WUAs:

WUA	WUA Irrigated Footprint (Acres)	Supplemental Water Availability Limit in Acre-Feet	Water Use Area Private Extraction Allocation (Acre-Feet Per Year)	Supplemental Water Availability (Acre-Feet)
A	100	240	0	240
B	100	240	120	120
C	100	240	240	0

The Supplemental Water Availability Limit shall be determined by the Board of Directors based on anticipated water supplies available to PVCWD. In making the determination of anticipated water supplies available to PVCWD, the Board of Directors shall consider the PVCWD Extraction Allocation, status of PVCWD's Santa Clara River Water Flex Allocation, PVCWD FCGMA Extraction Allocation Carryover balance, anticipated availability of PVCWD's non-groundwater water supplies, estimated water distribution system losses, any known or anticipated water system operational limitations, and other factors deemed relevant by the Board of Directors.

- C.3. A Supplemental Water Availability may be pooled among multiple WUAs so long as such WUAs and all associated turnouts are registered with the District under a common financially responsible party for the entirety of the water year the customer desires to pool for.

Article D. Penalties for Supplemental Water Availability Exceedances

- D.1 In the event a WUA exceeds its Supplemental Water Availability for a given Water Year, the District may impose a penalty against such WUA not to exceed the maximum surcharge rate set forth in the FCGMA Extraction Allocation Ordinance.

Article E. Temporary Assignment of Extraction Allocations

- E.1 To increase operational flexibility and water supply reliability, Private Extraction Allocations may be temporarily assigned to PVCWD Extraction Facilities or vice versa, subject to PVCWD General Manager approval and FCGMA approval in accordance with FCGMA Extraction Allocation Ordinance Article 9. Private Extraction Allocation assignments to PVCWD shall increase the affected WUA's Supplemental Water Availability in an amount equal to the Private Extraction Allocation assignment less any

adjustments deemed appropriate by the PVCWD General Manager including, but not limited to, estimated water distribution system losses.

Article F. Water Rights

F.1 Nothing in this Ordinance or in the annual determination of Supplemental Water Availability shall operate or be deemed to create, eliminate, interfere with, or in any way affect any water rights of Owners or Operators. Nor shall anything in this Ordinance or in the annual determination of Supplemental Water Availability shall be deemed to create, eliminate, interfere with, or in any way affect any water rights of PVCWD.

Article G. Severability

G.1 This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section., subsection, sentence, clause or phase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application therefor to any person or circumstance be held invalid.

Article H. Repeal of Prior Inconsistent Ordinances

H.1 Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective date of this Ordinance.

PASSED, APPROVED and ADOPTED by the Pleasant Valley County Water District Board of Directors on this _____ of September, 2022, by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

Thomas Vujovich, BOARD PRESIDENT

John Mathews, General Counsel

Jared Bouchard, GENERAL MANAGER

ATTEST:
APPROVED AS TO FORM: