AMENDMENT TO ORDINANCE NO. 2025-01

AMENDMENT TO ORDINANCE OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN - EASTERN MANAGEMENT AREA GROUNDWATER SUSTAINABILITY AGENCY REQUIRING WELL REGISTRATION

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, and 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 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

WHEREAS, the EMA GSA adopted Ordinance No. 2025-01 on April 17, 2025 to implement certain rules and regulations concerning well registration; and

WHEREAS, the EMA GSA now desires to refine those rules and regulations concerning well registration, to address the obligations of De Minimis producers.

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. This Ordinance amends the previously adopted Ordinance No. 2025-01, which was adopted on April 17, 2025.

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 Amendment to Ordinance No. 2025-01 was duly adopted and passed by the Board of Directors of the EMA GSA at a meeting held on the 28 day of August, 2025, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ATTEST:

, Board Chair
Eastern Management Area Groundwater Sustainability Agency

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

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

3. "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.

4. "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.

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

6. "Groundwater" shall have the same meaning and application as set forth in the Sustainable Groundwater Management Act.

7. "Groundwater Extraction Facility" shall mean a groundwater well or any device or method for extraction of groundwater within the EMA.

8. "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.

9. "Property Owner" shall mean the fee title owner of land within the Eastern Management Area.

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

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

SECTION 2. Groundwater Well Registration

The Property Owner and/or Operator of each Groundwater Extraction Facility within the EMA shall provide the EMA GSA 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 EMA GSA and returned to the EMA GSA.

A. Existing Groundwater Wells

All existing Groundwater Extraction Facilities located within the boundaries of EMA, except River Extractors, including De Minimis Extractors, shall be registered with the EMA GSA within sixty (60) days of receiving a registration form from the GSA. The Property Owner and/or Operator of each Groundwater Extraction Facility must provide, in full, the information requested on the EMA GSA'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 applicable, a certification that a Groundwater Extraction Facility does not exist on the property;

4. Type of Groundwater Extraction Facility, including the manufacturer/model of the well pump and motor, including horsepower of the motor;

5. Annual water use information, including purpose(s) and use(s) of water extracted from the Groundwater Extraction Facility;

    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 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.

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, screening interval(s), diameter of well casing, and well casing material;

10. Activity status (e.g. active, inactive, or abandoned) of the Groundwater Extraction Facility;

11. Source(s) of additional water serving the property, if applicable;

12. List of APNs that the Groundwater Extraction Facility serves;

13. Manufacturer/model and type of Groundwater Extraction Facility Flow Meter, if applicable;

14. Recording units of the Flow Meter (e.g., gallons, cubic feet, acre feet). (for certain users), if applicable;

15. Signature of the Property Owner and/or Operator.

B. New Groundwater Wells

All new Groundwater Extraction Facilities located within the boundaries of EMA GSA shall be registered with the EMA GSA, via the same form described above in Section 2.A, no later than sixty (60) days of well completion.

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 EMA GSA shall keep the information contained in a Registration confidential in a manner consistent with applicable law and any rules, regulations, ordinances, or policies adopted by the EMA GSA Board of Directors.

E. 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 Facilities 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.