

Monterey County
Water Resources Agency

Ordinance No. 03851

AN ORDINANCE
REQUIRING THE FILING OF
AGRICULTURAL WATER CONSERVATION PLANS

County Counsel Summary

This ordinance requires that all growers farming property in Zones 2, 2A, or 2B file plans with the Monterey County Water Resources Agency not later than February 15 of each year, showing the water conservation measures that the growers will implement for their agricultural operations during that calendar year and the water conservation measures implemented during the previous year. The ordinance describes the required contents of the plans, and prescribes penalties for failure to file plans on time. By its terms, the ordinance is to be reviewed by the Board of Supervisors within three years following its adoption.

The Board of Supervisors of the Monterey County Water Resources Agency ordains as follows:

Section 1. Authority.

Under the Monterey County Water Resources Agency Act (Stats. 1990, Chap. 1159, as amended), the Agency has jurisdiction over matters pertaining to water within the entire area of the County of Monterey, including both incorporated and unincorporated areas. Under the Act, the Agency is authorized to conserve water in any manner, to prevent the waste or diminution of the water supply within the territory of the Agency, to conserve water for the present and future use within the territory of the Agency, and to prevent groundwater extractions which are determined to be harmful to the groundwater basin. The Agency may further adopt, by ordinance, reasonable procedures, rules, and regulations to implement the Act, and may specify in any ordinance that a violation of the ordinance is an infraction. The Board further has power to perform all other acts necessary or proper to accomplish the purposes of the Act.

Section 2. Findings.

A. Many groundwater areas of Monterey County are experiencing overdraft. This inability to maintain a constant water supply is based in part on demand for water resources which, for many years, has annually exceeded the natural and augmented recharge capabilities in Monterey County. The recent drought significantly increased overdraft and exacerbated water quality impacts. However, even without the drought, overdraft of the groundwater basin remains a constant problem. Overdrafting of the groundwater basin contributes to the serious problem of intrusion of seawater into the basin along the coast and nitrate contamination throughout the valley.

B. The conservation of agricultural water is an economically and environmentally feasible way to reduce water demand, to help prevent further overdraft, and to help curtail the presently existing threat to the groundwater basin.

C. Enactment of this ordinance is a matter of necessity in that the severity of groundwater overdraft, seawater intrusion, and nitrate contamination is an imminent threat to the municipal water supply for thousands of County residents and a multi-billion dollar agricultural business.

Section 3. Purpose.

The purpose of this ordinance is to require all growers in Zones 2, 2A, and 2B of the Salinas Valley to develop a water conservation plan for the upcoming year and to report the measures implemented in the previous year. The plan is to be filed with the Water Resources Agency.

Section 4. Definitions.

A. Grower.

"Grower" means any individual, person, firm, partnership, corporation, or other business entity engaged in the business of raising crops for commercial purposes. In the case of a business entity (firm, partnership, corporation, or other entity), "grower" refers to the business entity and to the responsible managing officials or employees of the entity; in the case of the agricultural business and to the responsible managing employees of the business.

B. Zones 2, 2A, and 2B.

Zones 2, 2A, and 2B mean the zones established by the Monterey County Water Resources Agency in connection with the construction of the San Antonio and Nacimiento Dams and Reservoirs and the Castroville Irrigation and Waste Water Reclamation Projects.

C. Farming Unit.

"Farming unit" means a block of land (a ranch or adjacent ranches) and the well or wells that serve it.

D. Gross Acreage.

"Gross acreage" means all acreage including farm roads, buildings, etc.

E. Net Acreage.

"Net acreage" means physical field acres, not "crop acres".

Section 5. Agricultural Water Conservation Plan Required.

A. All growers farming property, any portion of which is located in Zones 2, 2A, or 2B, shall prepare a Water Conservation Plan for the entire property, and shall submit the plan, in writing, to

the Monterey County Water Resources Agency not later than February 15 of each year. The plan shall describe how growers will maximize their share of the overall responsibility for reducing agricultural water use, and to this end, shall include the following information:

- I. Indicate gross acreage, net acreage, and number of wells associated with the farming unit.
- ii. Indicate conservation alternatives implemented in the previous year, including acres affected.
- iii. Indicate conservation alternatives to be implemented in the upcoming year, including acres affected.
- iv. Indicate irrigation method used per crop type.

B. The Water Resources Agency will provide guidelines and forms for reporting this information.

C. The Agency, after reviewing the water conservation plans, may make recommendations to the growers for further water conservation measures.

Section 6. Penalties.

A. Any failure to file a water conservation plan with contents that substantially comply with the requirements set forth herein, within the time limits set by this ordinance, is a violation of the ordinance; each such violation shall be an infraction.

B. Any violation that occurs or continues from one day to the next shall be deemed a separate violation, for each day during which such violation occurs or continues to occur.

C. The fine for a violation of this ordinance shall be \$50.00 for each day during which the violation occurs or continues to occur. The proceeds from all fines shall go to the Water Resources Agency, Fund 206 Account 5450.

Section 7. Enforcement.

The General Manager and all officers and employees of the Agency, including all ex officio officers and employees, shall have authority to enforce all the provisions of this ordinance.

Section 8. Severability.

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be

unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid.

Section 9. Review by Board of Supervisors.

Not later than three (3) years from the effective date of this ordinance, the Board of Supervisors shall review this ordinance and determine whether the ordinance should remain in effect without change, be amended, or be repealed.

PASSED AND ADOPTED this 12/5/95, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen and Karas.

NOES: None.

ABSENT: None.



Chairperson
Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of the Board

By Nancy Lukensbill