

ORDINANCE NO. 70-1



Enacting rules and regulations governing the recording of ground water production within a zone of Santa Clara Valley Water District in which a ground water extraction charge is levied. As amended 6/2/87

Rules and Regulations Governing the Recordings of Ground Water Production

Revised 7/1/1987

The Board of Directors of Santa Clara Valley Water District do hereby enact as follows:

Article I

Ordinance W 2.2.1 of the District is hereby repealed.

Article II

The following Rules and Regulations Governing the Recording of Ground Water Production are hereby adopted and shall apply in any zone of Santa Clara Valley Water District in which a ground water extraction charge is levied.

Opening Statement

Under the provisions of the Santa Clara Valley Water District Act of the State of California, if this District elects to impose a ground water charge, it must base that charge upon the production of ground water in acre feet. The responsibility of the owner or operator of a pump or other ground water producing facility is to keep a record and to file a report of his production. The following rules and regulations are established to ensure that the ground water charge is equitably laid; that ALL production is reported with a maximum of accuracy and that consequently no one is unfairly burdened.

§ 1. Records of ground water production

Each owner or operator of a ground water producing facility shall keep a record of water produced from each such facility, and in preparing his semi annual water production statement as required by Section 26.9 of said Act shall follow the instructions and worksheets to be supplied by the District in form as officially adopted from time to time by resolution of the Board.

§ 2. Determination of unmetered ground water

In the case of a ground water producing facility to which no meter is attached, the record of production shall be determined by a method reasonably available to the owner or operator and most likely to be accurate. The acceptable methods of determining such production graded as to accuracy from highest to lowest are as follows:

- (a) By use of an efficiency or flow test determining the rate of production of the facility together with a device which accurately records the duration of operation of the facility within the reporting period.
- (b) By use of an efficiency or flow test determining the kilowatt hours of electrical power necessary to produce an acre foot or other quantity of water together with a device that accurately records the consumption of kilowatt hours within the reporting period.
- (c) By reference to a record of total kilowatt hours consumed by the facility and/or booster pump for the reporting period together with total head (defined as including depth to water, a determination of the drawdown, sprinkler operating pressure and line loss or lift), by use of the following alternative formulae:

Where pump efficiency is known the formula shall be:

$$\frac{\text{head in feet} \times .00314}{\text{pump efficiency} \times \text{motor efficiency}} = \frac{\text{kilowatt hours per 1,000 gallons produced}}{\text{efficiency}}$$

Where pump efficiency is unknown a total efficiency of pump and motor of 40 percent is assumed and the formula shall be:

$$\frac{\text{Kilowatt hours} \times .391}{\text{total head}} = \frac{\text{total acre feet of water produced}}{\text{water produced}}$$

(d) By reference to a crop factor, being the average of normal irrigation requirements per acre of the crop or crops irrigated by the facility in question, as shown in the current "Table of Water Factors" as adopted by resolution of the Board. In the case of a ground water producing facility producing water devoted in whole or in part to a domestic use, the domestic use portion of such production shall be determined by reference to a "Table of Average Uses" as adopted by resolution of the Board.

§ 3. Acquisition, installation and maintenance of meters by owner or operator

Each owner or operator of a ground water producing facility primarily producing (a) agricultural water or (b) water other than agricultural water in not less than amounts to be set for each said category by the Board of Directors for each fiscal year in which a ground water extraction charge is levied, shall acquire and install on each such facility a meter. The meter and its installation shall be satisfactory to the District. To be satisfactory such a meter shall be capable of recording to within approximately two percent of 100 percent accuracy. Where measurement of production cannot reasonably be determined without a meter the acquisition and installation of a satisfactory water meter or other appropriate device may be ordered in particular cases by the General Manager of the District without regard to the estimate of production hereinabove specified. Ground water producing facilities installed hereafter shall be installed equipped with meters if subject to this section; installation of meters upon existing facilities where required by this section shall be completed within thirty days of the effective date of this Ordinance or of receipt of a written direction by the General Manager so to do, subject, nevertheless to the provisions of Sec. 6 hereof. All meters or other devices used to base sworn statements of the production of a ground water producing facility shall be systematically and properly maintained by the owner or operator for accurate operation, failing which the record of production so disclosed shall have no presumption of accuracy and the District may cause an investigation and report to be made concerning such water producing facility as provided by law, a copy of test records supplied with new meters and at times of overhaul and retest shall be supplied by the owner or operator to the District.

§ 4. Acquisition, installation and maintenance of meters by district

Notwithstanding the foregoing any owner or operator who is required to acquire, install and maintain a meter pursuant to this Ordinance by reason of installation of a ground water producing facility or a reactivation or a change of use of such a facility, may request the District to acquire, install and maintain such meter and to relocate piping or do other associated connection work. The request will be denied if the District determines that:

- (a) The request was not made at a time long enough prior to installation or reactivation of a ground water producing facility to permit the acquisition of a meter and the installation thereof as part of the installation or reactivation of such facility, 30 days being deemed, in the absence of special circumstances, the minimum such period; or
- (b) The provision of a meter is not economically justifiable and other acceptable means of measuring production exist or the facility is to be deactivated in the reasonably near future.

Where the District has determined that the request was not timely the District may, nevertheless, acquire and deliver and maintain a meter at its cost but may install the same (including any necessary additional piping) at the expense of the owner or operator. In such a case the owner or operator may accomplish the installation if the work is done under District supervision and to District approval.

§ 5. District meter on abandoned facility

If the meter on any abandoned water-producing facility is owned by the District, the owner or operator of the water-producing facility shall, within 10 calendar days after said abandonment of such water-producing facility, notify the District in writing of the abandonment, and shall be responsible for and shall preserve such meter in a safe condition for 10 calendar days after written notice has been given to the District.

§ 6. Application for exceptions

Upon the application of any owner or operator of a water-producing facility, stating fully the grounds of the application and all facts relied upon by the applicant, the Board of Directors of this District may authorize exceptions from the provisions of this

Ordinance. In order for the application to come within this section it will be necessary for the applicant to show:

- (a) That the determinations of the District which are the subject of the application are not reasonably accurate, or
- (b) That there are special circumstances which make the application of this Ordinance unreasonable or unnecessary in relation to a particular water-producing facility or group of facilities; that the granting of the exception will not be detrimental to the orderly and economic collections of ground water charges; and that the granting of the exception will not be inconsistent with the intent of this Ordinance.
- (c) That any application relating to metering of water-producing facilities primarily producing agricultural water has first been presented to and considered by the Agricultural Water Advisory Committee of this District, and that said Committee has made its recommendation thereon.

The Board of Directors of this District in granting any exception may attach conditions thereto, including, but not limited to, requirements that the owner or operator of any unmetered water-producing facility keep and supply the District with regularly kept records and logs of information regarding the facility, including depth of water, electrical power consumption, the result of any efficiency tests made, measurements of pump output, hours of operation, time of operation and other data pertinent to determination of production, in addition to the requirements of Sec. 1 hereof.

§ 7. Violations a misdemeanor

Any owner or operator violating any of the provisions of Sections 3 or 5 of this Ordinance shall be guilty of a misdemeanor and is punishable by a fine not exceeding \$500 or by imprisonment in the County jail for a period of not to exceed 6 months or by both such fine and imprisonment.

§ 8. Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

PASSED AND ADOPTED by the Board of Directors of Santa Clara County Flood Control and Water District [now SANTA CLARA VALLEY WATER DISTRICT] this 13th day of January, 1970, by the following vote:

AYES: Directors J. Chiri,
 V. F. Corsiglia,
 M. E. Dullea,
 J. J. Lenihan,
 R. T. Sapp,
 R. J. Sturla,
 F. A. Wilcox

NOES: Directors NONE

ABSENT: Directors NONE

By: James Lenihan
 Chairman of the Board of Directors

ATTEST: Violet V. Enander
 Clerk of said Board of Directors

As amended 6/2/1987
Effective 7/4/1987