

**ORDINANCE NO. 1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY  
ADOPTING A WELL REGISTRATION PROGRAM**

**WHEREAS**, in September 2014 legislation was enacted creating the Sustainable Groundwater Management Act ("SGMA") recognizing that groundwater provides a significant portion of California's water supply and that groundwater resources are most effectively managed at the local or regional level [Water Code §§10720 - 10738] and which went into effect on January 1, 2015; and

**WHEREAS**, the intent of the SGMA is to provide for the sustainable management of groundwater basins through the actions of local government agencies to the greatest extent possible while minimizing state intervention, and to establish minimum standards for sustainable groundwater management. [Water Code §10720.1]; and

**WHEREAS**, the Montecito Groundwater Basin Groundwater Sustainability Agency ("Montecito GSA") is organized and existing under and pursuant to the SGMA and was declared by DWR as the exclusive groundwater sustainability agency for the Montecito Groundwater Basin ("Basin") in late 2018; and

**WHEREAS**, the mission of the Montecito GSA is to ensure a reliable and sustainable groundwater supply for the community through effective Basin management pursuant to the SGMA; and

**WHEREAS**, pursuant to the SGMA, the Montecito GSA is required to develop and implement a Groundwater Sustainability Plan ("GSP") for the Basin [Water Code §10727] which was prepared and adopted on May 19, 2023; and

**WHEREAS**, the GSP includes and supports the Montecito GSA's Sustainability Goal which is to prevent undesirable results and optimize long-term use of the Basin for the benefit of all stakeholders; and

**WHEREAS**, Montecito GSA's Sustainability Goal will be achieved through a collaborative, knowledge-based process informed by locally defined quantitative criteria, ongoing monitoring and modeling, and incremental, data-supported management actions as needed to prevent seawater intrusion and ensure sustainable groundwater levels, storage, and quality; and

**WHEREAS**, the Montecito GSA is authorized under the SGMA to adopt rules, regulations, ordinances, and resolutions for the purpose of complying with the SGMA and performing any act necessary or proper to carry out the purposes of the SGMA [Water Code §10725.2]; and

**WHEREAS**, the Montecito GSA is authorized under the SGMA to require registration of any groundwater extraction facility, such as groundwater wells, within its management area [Water Code §10725.6]; and

**WHEREAS**, to sustainably manage the Basin, the Montecito GSA requires information regarding the ownership, location, construction, and operational status of groundwater extraction facilities in the Basin management area; and

**WHEREAS**, the GSP states that management actions to be implemented by the Montecito GSA subsequent to GSP adoption include the registration of groundwater extraction facilities [GSP 4.1.6]; and

**WHEREAS**, to effectively and efficiently implement the GSP, the Montecito GSA finds it necessary and in the best interest of both the Basin and its stakeholders to adopt an ordinance requiring all landowners within the Basin to register with the GSA any and all groundwater extraction facilities on their property.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF DIRECTORS OF THE MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY AS FOLLOWS:**

**SECTION 1. Recitals Incorporated**

The above recitals are supported by substantial evidence, incorporated herein by this reference, and relied upon by the Board of Directors of the Montecito GSA in its adoption of this Ordinance.

**SECTION 2. Well Registration Rules and Regulations**

The Montecito GSA Board of Directors hereby adopts the “Montecito Groundwater Basin Groundwater Sustainability Agency Well Registration Rules and Regulations” (“Montecito GSA Well Registration Rules and Regulations”), attached hereto as Exhibit A, incorporated herein by this reference, and finds the Montecito GSA Registration Rules and Regulations are consistent with the GSP and shall promote implementation of the GSP in accordance with the SGMA.

**SECTION 3. Amendments and/or Modifications**

This Ordinance may be amended, modified and/or repealed by action of the Board of Directors through a subsequent action including by Ordinance, Resolution and/or Motion, in the discretion of the Board and as authorized under Water Code §30523, §10725.2 and §10726.8.

**SECTION 4. Effective Date**

This Ordinance shall become effective thirty (30) days after the second reading.

**SECTION 5. Administrative Authorization**

The Montecito GSA General Manager, or their designee, is hereby authorized and directed to take any such actions as may be necessary and appropriate to implement the intent of 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 resolution. The Montecito 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 Montecito GSA Board of Directors finds that adoption of this Ordinance, including the Montecito GSA Well Registration Rules and Regulations, is exempt from the California Environmental Quality Act pursuant to Sections 15306, 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 GSP 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.

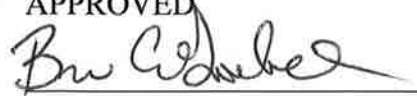
**PASSED APPROVED AND ADOPTED** by the Board of Directors of the Montecito Groundwater Basin Groundwater Sustainability Agency at a public meeting held this 11<sup>th</sup> day of April 2024 by the following vote:


**AYES:** Coates, Goebel, Hayman, Plough, Wicks

**NOES:**

**ABSTAIN:**

**ABSENT:**

APPROVED  
  
Brian Goebel, President

ATTEST  
  
Nicholas Turner, Secretary

## **Exhibit A of Ordinance No. 1**

### **Montecito Groundwater Basin Groundwater Sustainability Agency**

#### **Well Registration Rules and Regulations**

##### **SECTION 1. Definitions**

- A. For purposes of these Rules and Regulations, the following definitions apply:
1. "AF" means acre-foot.
  2. "APN" means the Santa Barbara County Assessor's Parcel Number for a property.
  3. "Montecito GSA" shall refer to the Montecito Groundwater Basin Groundwater Sustainability Agency.
  4. "Basin" shall mean the Montecito Groundwater Basin.
  5. "Groundwater Extraction Facility" shall mean a groundwater well or any device or method for extraction of groundwater within the Basin.
  6. "Operator" shall mean the person responsible for operating a Groundwater Extraction Facility. The owner of the property containing the Groundwater Extraction Facility shall be conclusively presumed to be the Operator unless otherwise declared on the Registration.
  7. "Property Owner" shall mean the fee title owner of land within the Agency's management area, or the owner's legal designee.
  8. "Registration" shall mean submission of the groundwater well registration information as specified in Section 2 of these Rules and Regulations to the Montecito GSA.

##### **SECTION 2. Groundwater Well Registration**

###### **A. Well Registration Form**

The Property Owner and/or Operator of each Groundwater Extraction Facility within the Basin shall provide the Montecito GSA with groundwater well registration information (to the extent known to the Property Owner and/or Operator at the time of registration and/or as subsequently determined) by submitting a completed Well Registration Form issued by the Montecito GSA to the Montecito GSA via hard copy or electronic format. The Property Owner and/or Operator of a Groundwater Extraction Facility must provide, in full, the information requested on the Montecito GSA's Well Registration Form, which may include the following

and which may be amended or changed by the Montecito GSA, from time to time, in its discretion:

1. Contact information for the Property Owner where the groundwater extraction facility is located;
2. Contact information for the Operator of the groundwater extraction facility (e.g. well), if different than the Property Owner;
3. Confirmation that the Property Owner does not have a Groundwater Extraction Facility located on their property, if applicable;
4. Type of Use (e.g. domestic, irrigation, agriculture);
5. Estimated amount of annual water use;
6. Location of the Groundwater Extraction Facility;
7. Well characteristics (e.g. well depth, screening interval);
8. Status of the Groundwater Extraction Facility (i.e. active, inactive, destroyed);
9. List of addresses that the Groundwater Extraction Facility serves;
10. Signature of the Property Owner.

**B. Existing Wells**

All existing Groundwater Extraction Facilities located within the boundaries of the Basin shall be registered with the Montecito GSA within sixty (60) days of receiving a Well Registration Form. The Montecito GSA reserves the right to require registration of wells in existence at the time of passage of this Ordinance and which are unknown to the Montecito GSA. Upon obtaining information about the existence of such unknown existing wells, the Montecito GSA will contact the Property Owner and/or Operator to initiate well registration pursuant to Montecito GSA Well Registration Rules and Regulations.

**C. New Wells**

All new Groundwater Extraction Facilities located within the Boundaries of the Basin shall be registered with the Montecito GSA, via the same form described above in Section 2.A, within sixty (60) days of well completion.

**D. Changes to Registration Information**

Any change to the information provided on a Well Registration Form, including but not limited to, a change to the Property Owner or Operator and the status of a Groundwater Extraction Facility must be reported within thirty (30) days of when the change takes effect.

## **E. Registration Confidentiality**

1. The Montecito GSA shall keep the information contained in a Registration confidential to the maximum extent permissible under applicable law. The Montecito GSA cannot be required to maintain confidentiality for any data or information that is in the public domain at the time of Registration.
2. The Montecito GSA will compile, manage, and maintain the information contained in the Registration in a manner to ensure confidentiality. Registration information shall be marked by the Montecito GSA as “confidential” and maintained in a secure location, and in a secure format.
3. The Montecito GSA may, from time to time, utilize information contained in a Registration to comply with SGMA requirements, including but not limited to consultation with other local, State or Federal agencies. The Montecito GSA may disclose Registration information to a public agency only if the public agency requires the information to perform its legally established duties, and the public agency is informed of the confidentiality requirements of Registration information under these rules and regulations and existing law and agrees to comply with such rules and regulations and existing law. The Montecito GSA may need to utilize Registration information for purposes of obtaining grant funding or complying with the requirements of grants awarded to the Montecito GSA.
4. Whenever Registration information is utilized by the Montecito GSA, or is required to be disclosed by law, the Montecito GSA will endeavor to disclose such Registration information in an anonymous or general manner and format that maintains the confidentiality of the Registration information.

## **SECTION 3. Compliance**

### **A. Failure to Comply**

Failure to comply with these Rules and Regulations may result in administrative and civil penalties, in accordance with Water Code Section 10732, as may be determined by the Board after providing notice and an opportunity for a hearing.

### **B. Reservation of Remedies**

Remedies identified in these Rules and Regulations are not intended to be exclusive. Any other remedy available to the Montecito GSA in law or equity may be employed at the discretion of the Board to address any circumstance related to the management of the Basin in accordance with SGMA, the GSP, or other Montecito GSA rules and regulations.