

Ordinance No. 48

AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING THE PROVISIONS OF THE DISTRICT REGULATIONS
TO REQUIRE THE INSTALLATION OF WATER METERS
ON LARGE PRODUCTION WELLS

FINDINGS

1. The Monterey Peninsula Water Management District (District) was formed, among other reasons, to provide integrated management of the ground and surface water resources within the Monterey Peninsula area, including the waters of the Carmel River.
2. On July 7, 1980, to further its management responsibilities, the District enacted Ordinance 3 to create a ground water zone under the authority of Section 344 of the District law (Chapter 527 of the Statutes of 1977). This zone extends throughout the District boundaries except for the incorporated area of Sand City whose City Council chose not to approve the zone. Formation of the groundwater zone triggered powers of the District to require water production facilities within the zone to be registered pursuant to Section 347.
3. Ordinance 3 enacted District Regulation V, Rules 50 through 59, setting forth well registration and well production reporting requirements. The owners of wells within the ground water zone are required to file reports with the District as to the quantity of water produced from those facilities.
4. The existing provisions of District Regulation V allow three alternate methods for a well owner to report water production from wells: a land use method for wells serving parcels of land smaller than 2.5 acres, a power consumption method, or a water meter method. Under existing law, selection of the reporting method is left to the owner of the well, and all expenses of the chosen method are borne by that owner. Of these three methods, the water meter method is the most precise.
5. Section 347 of the District law provides that the District may require water-producing facilities located within the boundaries of the groundwater zone to be measured with a satisfactory water-measuring device. Failure to register any water-producing facility in the manner required by the District constitutes a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

6. Section 360 of the District law makes it unlawful for any well owner to produce water from any water-producing facility unless such water-producing facility has been registered with the district and has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced. The violation of Section 360 (production without a required water meter) is punishable by a fine not to exceed five hundred dollars (\$500); each day of well operation in violation (i.e. without a meter) shall constitute a separate offense.

7. Enactment of this ordinance shall delete the existing option held by certain large water-producing facilities to report water production by the power correlation method, and shall require that those facilities be measured with greater precision by a water meter. Lesser water-producing facilities, irrespective of property size, may retain the use of the power consumption correlation method to report water production.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION ONE: AMENDMENT OF RULE 54 "REPORTING"

The following additions (in **bold face**) and deletions (in ~~strikeover~~) shall be made to Rule 54 of the District Rules and Regulations:

- A. **REPORTING REQUIRED** - Each owner and/or operator of a well shall file with the District an annual production statement of the form prescribed by the General Manager on or before the 31st day of July. The statement shall set forth the water production for the preceding twelve-month period excluding the month in which the statement is due.
- B. **REPORTING STATUS** - The reporting status of a well refers to the computation method selected for calculating production on the Annual Water Production Statement. There shall be three categories of reporting status:
 - (1) **LAND USE METHOD** - Every owner and/or operator of a well which is located on a parcel smaller than 2 1/2 acres or which has a discharge opening smaller than two inches shall report by the Land Use Method as described in Rule 55 unless the owner/and/or operator elects the water meter method.
 - (2) **WATER METER METHOD** - Every owner/operator of a well which is located on a parcel larger than 2 1/2 acres and which has a discharge opening larger

than two inches shall report by the Water Meter method as described in Rule 56. [unless that owner and/or operator elects the power consumption correlation method.]

- [(3) POWER CONSUMPTION CORRELATION METHOD - Any owner and/or operator of a well which is located on a parcel larger than 2 1/2 acres and which has a discharge opening larger than two (2) inches and which has a historic annual production of less than 20 acre-feet may continue to elect to report by the Power Correlation Method as described in Rule 57.]

- C. DECLARATION OF REPORTING STATUS - In accordance with Rule 52, the owner and/or operator of a well at the time of registration shall execute and file with the District or the District's delegated registrar, a Declaration of Reporting Status, or the form prescribed by the General Manager, which shall include among other things, a designation by the owner and/or operator of any well with a two (2) inch or less discharge opening who enlarges that opening to more than two (2) inches shall file an amended Declaration of Reporting Status.

SECTION TWO: AMENDMENT OF RULE 56 "WATER METER METHOD"

The following additions (in bold face) and deletions (in ~~strikeover~~) shall be made to Rule 56 of the District Rules and Regulations:

- A. WATER METER REQUIRED - Each owner and/or operator of a well which is located on a parcel larger than 2 1/2 acres, which has a discharge opening larger than two inches and which has a historic annual production greater than 20 acre-feet shall report by the Water Meter method as described in this rule; those owner and/or operators ~~[--who has chosen the water meter method in the Declaration of Reporting Status,--]~~ shall install an approved water meter on the well according to the time table set forth in this rule. It shall be the owner and/or operator's responsibility to install, maintain, and repair the meter required by this Rule.
- B. DESCRIPTION OF METHOD - Approximate water production of a well on which an approved water meter is installed will be computed by the District from the beginning and ending totalizer reading on the water meter during the period as reported on the Annual Water Production

Statement filed by the owner/operator of the well.

- C. WATER METER TYPE - Water meters satisfactory to the District shall be capable of recording to within an accuracy of plus or minus two percent. The General Manager shall maintain a list of meters satisfactory to the District. The water meter shall also be equipped with a totalizer, susceptible to correction only by changing mechanical gear equipment.
- D. CONFIGURATION OF WATER METER INSTALLATION - The water meter shall be installed so as to permit access for such inspection and testing as the District may, from time to time, deem necessary. The installation configuration shall be in accordance with good design practices and shall include the following elements to insure meter accuracy:
- (1) Eight (8) diameters of straight pipe (no bends or valves) both upstream and downstream of the water meter, in order to limit turbulence at the meter point; and
 - (2) A minimum of one (1) foot increase in elevation of the pipe from meter point to the discharge opening, in order to have a full pipe at the meter point.
- E. TIMING OF WATER METER INSTALLATION - In the case of an existing well for which the owner/operator is required to use ~~{--has elected--}~~ the Water Meter Method, the water meter shall be installed on or before July 1, 1990. ~~{--January 9, 1981.--}~~ In the case of a new well, for which the owner and/or operator has elected the Water Meter Method, the water meter shall be installed within one (1) month of the completion of the well. In either case, the installation of the water meter shall be scheduled in such a timely fashion as to permit inspection and approval of the meter and the meter installation by the District or the District's delegated registrar within the prescribed time period.
- F. MAINTENANCE OF ACCURACY - The owner/operator of a well electing the Water Meter Method shall maintain meter accuracy within approximately two (2) percent accuracy. It shall be the owner/operator's responsibility to repair or replace the meter. Such actions shall be taken as necessary or where it is shown by the District that the meter fails to comply with this specification.

SECTION THREE: EFFECTIVE DATE AND DEADLINE FOR WELL METER INSTALLATION

This ordinance shall take effect 30 days following its adoption on second reading. The installation of all water meters required by this ordinance shall be completed by the owner of each well on or before June 30, 1990. Thereafter, all production reports shall be based upon water meter readings.

SECTION FOUR: PROHIBITION AGAINST TAMPERING OR INTERFERENCE WITH WATER METERS

The following provision shall be added to Rule 56 as a new paragraph G, "Interference with Water Meters."

Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with, or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere or tamper with, any water-measuring device to improperly or inaccurately measure and record such water production, or any person who willfully does not file with the District a water production statement as prescribed and within the time required by this law, or any person who willfully removes or breaks a seal attached to an abandoned water-producing facility, or any person who, with intent to evade any provision or requirement of this ordinance, files with the District any false or fraudulent water production statement is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SECTION FIVE: PROHIBITION AGAINST PRODUCTION FROM A WELL WITHOUT THE INSTALLATION OF ANY REQUIRED WATER METER

The following provision shall be added to Rule 56 as a new paragraph H, "Prohibition of Well Production without Water Meters."

It shall be unlawful for any owner or operator of a well (1) which is located on a parcel larger than 2 1/2 acres, (2) which has a discharge opening larger than two inches and (3) which has a historic production of 20 acre-feet per year or greater to produce water from any water-producing facility unless such water-producing facility has been registered with the District and has a water-measuring device as required by this Regulation affixed thereto capable of registering the accumulated amount of water produced. The violation of this ordinance shall also be a violation of Section 360 of the District law (production without a required water meter) and shall be

punishable by a fine not to exceed five hundred dollars (\$500); each day of well operation in violation shall constitute a separate offense.

SECTION SIX: VERIFICATION OF WELL METER INSTALLATION

To implement the provisions of this ordinance, the General Manager or his delegated agent, acting in accord with the provisions of Section 362 (c) of the District law, may enter on to any land for purposes consistent with this ordinance and for the purpose of making investigations relating to water production. For such purposes, the authorized representative of the District, upon presentation of credentials, or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which a water-producing facility is located for the purpose of inspecting such facility, including verifying accuracy of water-measuring devices or any records required to be maintained in connection therewith by federal, state, or local law, order, ordinance, regulation, or rule.

SECTION SEVEN: CONJUNCTIVE APPLICATION

The provisions of this ordinance are intended to compliment and to be read conjunctively with the Rules and Regulations and other ordinances of the Water Management District. All definitions used in the District Rules and Regulations shall apply to this ordinance.

SECTION EIGHT: SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases may be declared invalid.

SECTION NINE: PUBLICATION

The provisions of this ordinance shall cause modifications to the published Rules and Regulations of the Water Management District.

On motion of Director Davis and second by Director Hekhuis the foregoing ordinance is duly adopted this 12th day of March, 1990, by the following votes:

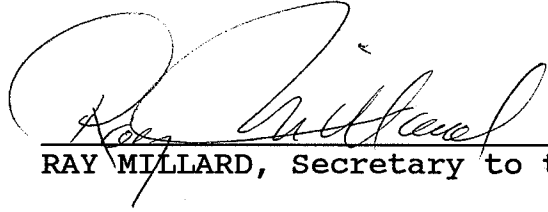
AYES: Directors Hekhuis, Heuer, Davis, Strasser Kauffman

NAYS: Director Hughes

ABSENT: Directors Fisher and Russell

I, Ray Millard, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of an ordinance adopted on the 12th day of March, 1990.

Witness my hand and seal of the Board of Directors this 13th day of March, 1990.



RAY MILLARD, Secretary to the Board