

**ORDINANCE No. 98-1**

**AN ORDINANCE OF THE  
PAJARO VALLEY WATER MANAGEMENT AGENCY  
PROHIBITING THE EXPORT OF WATER OUTSIDE THE AGENCY**

**FINDINGS:**

1. The Pajaro Valley Water Management Agency ("Agency") has been established to manage and protect the water supplies of the Pajaro Valley area. The Legislature has authorized the Agency to regulate, limit, or suspend (a) extractions of water from wells, (b) the construction of new wells, (c) the enlargement of existing wells, or (d) the reactivation of abandoned wells in the event limitation, control, or prohibition of that water use has been found by the Board of Directors to be necessary. Pajaro Valley Water Management Agency Act ("Act") Sections 711, 712 & 713. In addition the Act grants to the Agency the right to enjoin unreasonable uses or methods of use of water. Act Section 705. The Agency has prevailing authority over any special district within the boundaries of the Agency if such special district exercises any of the power of the Agency enumerated in the Act. Act Section 516.

2. The duly adopted Basin Management Plan indicates that two major inter-related problems affect groundwater supplies: Groundwater overdraft and seawater intrusion. The presence of seawater intrusion has been documented by the Agency's well monitoring network. Groundwater overdraft has been documented for over 30 years.

3. Each of the problems identified in Finding 2 is exacerbated by new or intensified groundwater extractions, particularly those for the purpose of exporting such water beyond the boundaries of the Agency. The Basin Management Plan is based upon the current and projected

future requirements for water within the Agency's jurisdictional boundaries. Exportation of water is not contemplated in the Basin Management Plan, which presently calls for the importation of water to solve the groundwater overdraft problem. Furthermore, exported water is unavailable for return flow recharge of the groundwater system.

Export of water constitutes an unreasonable use of water produced within the boundaries of the Agency.

4. Prohibition of the export of water is required to manage and regulate the groundwater resources of the Pajaro Valley, and is necessary to preserve the health and welfare of the people residing within the Agency.

5. The Pajaro Valley Water Management Agency, by this Ordinance, shall invoke those powers of the Agency as specified in Sections 711, 712, and 713 of the Act. This Ordinance shall prohibit any and all extractions of water used for export from the boundaries of the Agency. This Ordinance shall not limit or affect any uses of water which are derived from and remain wholly within the political boundaries of the Agency.

6. The Board of Directors adopts these findings in accord with Section 502 of the Act, and declares that this Ordinance is required by public necessity.

**ORDINANCE:**

**SECTION ONE.** Prohibition on the Export of Water from the Agency.

Water extracted or otherwise produced within the jurisdictional boundaries of the Pajaro Valley Water Management Agency ("Agency") shall not be exported outside the jurisdictional boundaries of the Agency.

**SECTION TWO.** Penalty for Violation.

Any person, including but not limited, for all purposes of this Ordinance, to public agencies, private corporations, firms, partnerships, joint ventures, limited liability companies, trustees, individuals and/or groups of individuals, who knowingly and intentionally violates this Ordinance shall be civilly liable to the Agency for the sum of One Thousand Dollars (\$1,000.00) per day for each day of that violation, in addition to any other penalties that may be prescribed by law, as authorized by Section 1108 of the Pajaro Valley Water Management Agency Act ("Act").

**SECTION THREE.** Non Application to Existing Uses.

This Ordinance shall not apply to the export of water for use outside of the Agency boundaries if (1) the actual export of water commenced prior to the date of adoption of this Ordinance or (2) the amount of exported water is not increased beyond (a) the number of connections and historical volume of usage as of the date of this ordinance, or (b) the amount of water committed by a binding contract entered into by the parties before the date adoption of this ordinance.

**SECTION FOUR.** Exemption by Action of Board of Directors.

The prohibition of the export of water for use outside of the Agency boundaries may be waived, on a temporary or permanent basis, by the Agency if the Board of Directors finds that such waiver is consistent with the Agency's duly adopted Basin Management Plan and is

necessary to preserve the health and/or safety of individuals living outside of the Agency boundaries.

**SECTION FIVE.** Severability:

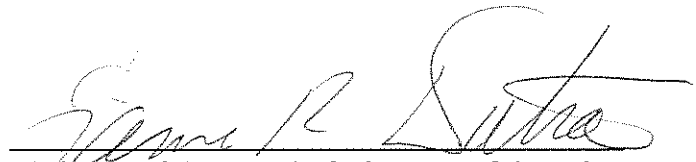
If any subdivision, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, or if this Ordinance is held to be invalid or unenforceable as to the exporting of water from the Agency boundaries by a particular person or persons, such holding of invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance or its valid application to other exports of water from the Agency boundaries. It is the Agency's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

The foregoing Ordinance was passed and adopted by the Board of Directors of the Pajaro Valley Water Management Agency at its regular meeting on February 18, 1998 by the following vote:

AYES: Directors: AmRhein, Bennett, Carroll, Friesell, Jensen, Mauthe, Dutra

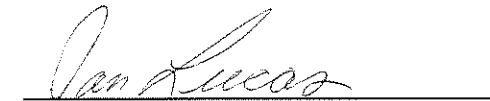
NOES: Directors: None

ABSENT: Directors: None



Chairman of the Board of Directors of the Pajaro  
Valley Water Management Agency

ATTEST:

  
Acting Secretary of said Board