

**MONTEREY COUNTY RESOURCE AGENCY
ORDINANCE NO. _____**

AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
PRESCRIBING RULES AND PROCEDURES FOR WATER ORDERS AND DELIVERIES FOR
THE CASTROVILLE SEAWATER INTRUSION PROJECT

County Counsel Summary

This Ordinance establishes rules and procedures for requesting water deliveries/or irrigated parcels in the Castroville Seawater Intrusion Project (Project) area. The procedures allow for irrigation water to be provided to a property owner and/or grower based on established request requirements to the Operator of the system. It is the intent of the Ordinance to allow the owner/grower within the project area to use irrigation water on an honor system which will allow the owner/grower to turn irrigation water on and off in accordance with an approved schedule and request.

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

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1.0 Findings and Declarations:

1.01 Based upon studies conducted by the Monterey County Water Resources Agency ("MCWRA"), and information gathered at public hearings, the Board of Supervisors has determined that the portion of the Salinas Valley Groundwater Basin underlying MCWRA Zone 2B is threatened with the loss of usable water supply due to seawater intrusion into that portion of the groundwater basin in each of the aquifers at all depths underlying Zone 2B.

1.02 Pursuant to the MCWRA Act, West's Water Code Appendix, Chapter 52, Section 52-22, the Board has taken steps to regulate the withdrawal of water from that portion of the Salinas Valley Groundwater Basin underlying Zone 2B in order to deter the further intrusion of

underground seawater in Zone 2B.

1.03 Upon the Board's determination that the threat of seawater intrusion exists, that continued groundwater extraction in the aquifer underlying Zone 2B will exacerbate the threat, and that prohibitions and restrictions on the pumping of groundwater are necessary in order to alleviate the seawater intrusion problem, the Board initiated the Castroville Seawater Intrusion Project ("Project").

1.04 The Project is a buried pipeline, well, and booster pump network designed to provide irrigation water from Project supplemental wells and tertiary treated water from the Salinas Valley Reclamation Project ("SVRP") to approximately 12,000 acres of land through approximately 112 turnouts near Castroville. The design of the Project and easements obtained in connection with the Project are such that Project responsibilities of the MCWRA end at each turnout.

1.05 By virtue of the Project components, there is insufficient flow and pressure availability to meet maximum water demand at all the turnouts simultaneously. To meet daily irrigation requirements, every attempt will be made to meet flow and pressure requirements in accordance with the water delivery orders.

1.06 In order to ensure that the objective of alleviating the seawater intrusion problem in the Project area is accomplished and the irrigation needs of all users are adequately met, rules and procedures for water orders and deliveries for the Castroville Seawater Intrusion Project shall be established.

1.07 An Environmental Impact Report ("EIR") was prepared and certified for the Project in compliance with the California Environmental Quality Act. As described in the EIR and as approved, the Project included and contemplated enactment of appropriate ordinances regulating the pumping of groundwater within the Project area. This Ordinance is within the scope of the Project described in the EIR, will cause no new environmental effects beyond those considered in the EIR, will require consideration of no new mitigation measures, and require no further environmental review.

1.08 In view of the foregoing findings and declarations, and to protect and promote the public health, safety, and welfare, it is necessary that this Ordinance be enacted.

2.0 Purpose. The purpose of this Ordinance is to alleviate the seawater intrusion problem in the Project area while adequately meeting the irrigation needs of all water users by providing a system of ordering water and operating the Project.

3.0 Applicability. This Ordinance shall apply to all turnouts receiving irrigation water from the Castroville Seawater Intrusion Project.

4.0 Definitions.

The definitions set forth in this section shall govern the construction of this Ordinance. Words used in any gender in this Ordinance include any other gender; the singular number includes the plural, and the plural, the singular. Words used in the present tense include the future as well as the present tense.

4.01 Agency Valve

"Agency Valve" means the subsurface Project valve that directly controls flow to the Customer valve.

4.02 Board of Directors

"Board of Directors" means the Board of Directors of the Monterey County Water Resources Agency.

4.03 Board of Supervisors

"Board of Supervisors" means the Board of Supervisors of the Monterey County Water Resources Agency.

4.04 Customer

"Customer" means a landowner, grower, or any other person or entity who receives Project water for purposes of agricultural irrigation, from a Project turnout.

4.05 Customer Valve

"Customer Valve" means the above-ground Project valve located at each Project turnout.

4.06 Design Flow or Design Flow Rate

"Design Flow" or "Design Flow Rate" means the maximum rate of water flow to be delivered to a turnout during normal Project operation.

4.07 General Manager

"General Manager" means the General Manager of the Monterey County Water Resources Agency.

4.08 Honor System

"Honor System" means a procedure where the Agency valve is left in the open position and Project water deliveries are controlled by the Customer using the Customer valve.

4.09 MCWRA

"MCWRA" means the Monterey County Water Resources Agency, the agency which owns the Project defined herein.

4.10 Operator

"Operator" means MCWRA personnel or contractor personnel authorized by the MCWRA to operate the Project.

4.11 Project

"Project" means the Castroville Seawater Intrusion Project---a network of pipelines, irrigation water wells, booster pump stations and appurtenances through which irrigation water is delivered to the turnouts.

4.12 Responsible Party

"Responsible Party" means authorized persons, as designated in writing by the landowner, who are authorized to order and accept water deliveries.

4.13 Standby Well

"Standby Well" means a well owned and operated by a Customer or other entity that can be used to provide an irrigation water supply under limited circumstances as defined in Ordinance No. 03790.

4.14 Storage Pond

"Storage Pond" means the pond located at the Salinas Valley Reclamation Project used for storing tertiary treated water and supplemental well water for delivery to the Project.

4.15 Supplemental Well

"Supplemental well" means any well maintained or operated by the MCWRA, or the Operator, as part of the Project.

4.17 Turnout

"Turnout" means the Project's above ground piping to which the Customer's onfarm irrigation system is physically connected for receipt of Project water.

5.0 Regulations.

5.01 Designation of Responsible Party

The owner of each parcel to receive Project water must designate authorized persons to act as a Responsible Party from whom the Operator will accept water deliveries. This designation must be received by the Operator in writing, signed by the landowner, and must include the turnout number(s) to which the designation applies. Responsible Party designations will be considered effective by the Operator until changed in writing by the landowner or grower or the designated Responsible Party. Responsible Party designations will be in writing using the responsible party designation form in Appendix A or as superseded.

5.02 Water Delivery Orders

Water delivery orders will be received by the Operator no later than 48 hours before the requested delivery starting date and time. Water delivery orders will be in writing using the water delivery form in Appendix B or as superseded. The form will be signed by the landowner or the landowner's designated Responsible Party, will specify the turnout number, the requested flow rate in gallons per minute (gpm), time of day from start to finish, starting date, ending date, frequency (e.g. daily, weekly, Monday, Wednesday, Saturday etc.), and duration in hours of delivery. The water delivery order will include a telephone number for confirmation and notification purposes. The written order is used to provide protection to the Customer and the Operator from miscommunications by having a written record. The water delivery orders are to be submitted to the Operator at the Operations Center. The Operations Center will be open 8 hours per day, 5 days per week (Monday through Friday, excluding holidays) and is located at:

Castroville Seawater Intrusion Project Operations Center
11420 - D Commercial Parkway
Castroville, CA 95012
Phone (831) 633-6465
Fax (831) 633-6560
or as superseded.

Faxed water delivery orders are considered written orders for purposes for this Ordinance.

Requested flow rates will be a minimum of 200 gallons per minute (gpm) with additions in multiples of 50 gpm. Flow rates at each turnout are limited by the capacity of the turnout as listed in Appendix C or as superseded. Requested delivery duration will be a minimum of 2 hours with additions in multiples of one (1) hour. Orders will not be accepted more than 14 days in advance of the requested delivery date.

Requests for changes in delivery will be made in writing and will specify the turnout number, the requested change (time and/or flow rate) and a telephone number or facsimile number for confirmation and notification purposes. Changed requests will be signed by the designated Responsible Party for the turnout. Notification of emergency requests need not be written. Change requests other than emergencies will be received at least twelve (12) hours prior to the requested change. The Operator will accommodate change requests in the following priority:

1. Emergency changes necessary to protect life and property.
2. Requests for early delivery terminations.
3. Requests for reduced delivery flow rates.
4. Restoration of requested deliveries following periods of proration deliveries.
5. Delivery orders delayed from the previous day.
6. Current delivery orders.
7. Requests for increased delivery flow rates.

5.03 Water Deliveries

A water delivery will be started on the date and time requested in the order received if water delivery capacity is available in the Project. Delivery may be reduced by the Operator if the Operator determines that the capacity is limited and the full requested delivery cannot be made. Under certain conditions of extraordinary demand and/or facility malfunction, sufficient Project water delivery capacity may not be available. When this occurs, the Operator will reduce rates and quantities in equal proportion to each Customer's request.

The Operator will confirm the initiation time with the Customer at least 12 hours in advance of the requested starting time or scheduled starting time, whichever is earlier, by telephone or facsimile.

The Operator will take available actions to modify Project operations in response to conditions threatening human life or property damage to Project facilities. In all cases, preservation of human life and prevention of personal injury will be the Operator's highest priority. The Operator will take available actions to modify Project operations to accommodate emergency water orders to protect property, such as frost protection of crops.

5.04 Valve Control under the Honor System

There are two Project valves located near each turnout. The first valve is an above-ground valve that in most situations will be under the control of the Customer. This valve is defined as the Customer valve. The second valve is a subsurface valve just upstream (in most cases no more than 20 feet) from the Customer valve and at all times will be under the control of the Operator. This valve is defined as the Agency valve. With the use of the honor system, the Operator will turn on the Agency valve and leave this valve in the open position. The Customer will control access to Project water by opening and closing the Customer valve. The Customer will not use or operate the Agency valve. The Agency valve will be under exclusive control of the Operator.

The water delivery system must operate under the control of the Operator. The honor system has been established at the request of the Customer. The Customer must follow the water delivery schedule as approved by the Operator otherwise the system will not be capable of providing water to area growers or operate properly. Violations of the honor system will require the Operator to place controls on the Agency valve.

5.05 Violations of the Honor System

A violation of the honor system is defined as the use of water that is not in accordance with water order provisions established in Section 5.02 Water Delivery Orders. The Operator will provide the Customer written notification of violations of water deliveries. After three violations of water deliveries at a particular turnout, the Customer will no longer be allowed to operate the turnout under the honor system. The Operator will inform the Customer in writing concerning the nature of the violation and once a total of three violations are issued against a particular turnout, the Operator will close the Agency valve and place a fine and a surcharge on the Customer.

5.06 Valve Control not under the Honor System

Water orders for a turnout that is not operated under the honor system will be processed in accordance with the procedures established in Section 5.02 Water Delivery Orders. However, the Agency valve will be turned on and off by the Operator in accordance with the approved water delivery order.

6.0 **Penalties.**

6.01 Violation

Failure to follow the prescribed rules and procedures for water orders and deliveries for the Castroville Seawater Intrusion Project set forth herein, is a violation of this Ordinance.

6.02 Fines and Surcharge for Violation

A turnout that is in violation of water deliveries shall be assessed a fine of \$1 ,000 per violation per turnout. Once three violations have occurred on a particular turnout, that turnout will no longer be allowed to operate under the honor system and the Agency valve will be closed. In addition to fines levied under this Ordinance, a surcharge of \$100 per acre-foot of irrigation water delivered will be charged for the next 12 months of operation once the turnout is removed from the honor system. Any person who does not pay the fine shall be liable for the cost of enforcement, which may include but not limited to the following:

1. Cost of investigation
2. Court costs