

ORDINANCE. NO. 2018-125

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF NIPOMO
COMMUNITY SERVICES DISTRICT ADDING SECTION 3.05.080
TO THE NIPOMO COMMUNITY SERVICES DISTRICT CODE
REQUIRING THE ABANDONMENT OF WATER WELLS UNDER
CERTAIN CIRCUMSTANCES**

WHEREAS, the Nipomo Mesa Management Area (“NMMA”) is the subject of water management requirements imposed and maintained by the Court pursuant to the Judgment in effect in *Santa Maria Water Conservation District v. City of Santa Maria, et al* (“the Judgment”);

WHEREAS, in order to protect and preserve the sustainability of NMMA groundwater resources, the Judgment specifies that this District purchase and transmit to the NMMA a prescribed amount of supplemental water pursuant to an agreement with the City of Santa Maria;

WHEREAS, the positive impact of the above-referenced project to NMMA groundwater resources would be diminished if this District’s water recipients also were able to produce well water on Property benefitted by the application of District water;

WHEREAS, the Judgment requires a person who proposes new urban uses within the District to obtain water to meet that demand from the District rather than satisfying that demand through independent well water production; and

WHEREAS, in accordance with the above stated facts, this Board desires to adopt this Ordinance No. 2018-125 to preclude well production from property which benefits or will benefit from District water service.

NOW, THEREFORE, the Board of Directors of Nipomo Community Services District does hereby find, determine and ordain as follows:

SECTION 1. This Board finds and determines that all of the facts stated above in this ordinance are true and correct.

SECTION 2. Section 3.05.080 hereby is added to the Nipomo Community Services District Code to read as follows:

3.05.080. District Water Users Required To Abandon Water Wells

A. Upon being directed to do so by this District’s General Manager or his or her designee, any person who owns a parcel or parcels of real property which receives District water service, or may receive District water service in accordance with an application filed or authorized to be filed by that owner, shall abandon and is precluded from drilling any and all water wells located on that parcel or parcels of real property.

B. The abandonment of any well pursuant to this section shall be commenced and completed no more than six (6) months after the District has set a meter to serve the parcel or parcels and

shall be accomplished in conformance with all applicable state, county, and District statutes, ordinances, resolutions, rules, and regulations.

C. The District shall not be required to serve any parcel or parcels of property with District water until the required water well abandonments are properly completed pursuant to this section.

D. Any parcel or parcels of property found to be in violation of this ordinance shall be disconnected from the District's water supply system and subject to all applicable fees and charges as defined in the District Code for disconnecting and reconnecting the service.


E. Exceptions. This section shall not apply to the following:

1. A parcel with both a connection to the District's water supply system and an operating well as of the effective date of this ordinance, for so long as the well remains operational.
2. The re-drilling of a well in existence and in use as of January 25, 2008, so long as the re-drilled well will not enable more water to be drawn from the well than was historically drawn prior to January 25, 2008, as determined by the District General Manager.
3. Any wells owned or operated by the District.

SECTION 3. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage, this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation with the District.

INTRODUCED at its regular meeting of the Board of Directors held on December 13, 2017 and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District and its regular meeting on the 10th day of January, 2018, by the following roll call vote, to wit:

AYES: Directors Gaddis, Armstrong, Woodson, Blair, and Eby
NOES: None
ABSENT: None
CONFLICTS: None

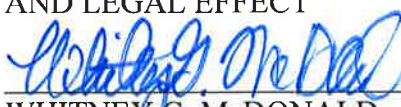


ED EBY
President, Board of Directors

ATTEST:



MARIO IGLESIAS
General Manager and
Secretary to the Board

APPROVED AS TO FORM
AND LEGAL EFFECT


WHITNEY G. McDONALD
District Legal Counsel