

ORDINANCE NO. 53

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BENITO COUNTY WATER DISTRICT
ESTABLISHING AN APPLICATION FEE FOR
GROUNDWATER EXTRACTION PERMIT APPLICATIONS**

WHEREAS, the County of San Benito (County) Code establishes a permitting requirement on conduct which consists of extracting groundwater from one parcel of land for use on another parcel or parcels of land when the other parcel(s) of land are not contiguous to, and under common ownership with, the parcel from which the groundwater is extracted; and

WHEREAS, the County Board of Supervisors, through Ordinance 778 adopted December 1st, 2004, appointed the San Benito County Water District (District) as the Enforcing Agency & Administrator and delegated the County's authority in implementing and enforcing groundwater extraction permitting to the District; and

WHEREAS, Section 15.05.007 of County Code provides for establishment of a groundwater extraction permit application fee by the Enforcing Agency.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District that:

1. A fee be established and required by the District for any groundwater extraction permit application, in the sum of \$800, and shall be made payable at the time of formal application for said permit by a prospective applicant.
2. All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.
3. Nothing shall preclude and prevent the District from requiring additional payment during application processing to offset the District costs of processing an application for a groundwater extraction permit, including, but not limited to, application environmental review.
4. Applicant payment of this fee is not a guarantee of project approval, and that any such fee payment is done with the knowledge by the applicant that said application may be denied, or approved with mitigation measures/conditions of approval that may add to the applicant's project costs.

- 5. In the event that any portion or provision of this ordinance shall be deemed by a court of law or other tribunal to be invalid or unconstitutional, such finding(s) of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.
- 6. This ordinance shall take effect immediately. Within 15 days after its passage, this Ordinance shall be published once in a newspaper of general circulation in the County of San Benito, State of California, together with the names of the members of the Board of Directors voting for and against same.
- 7. This Ordinance shall remain in full force and affect until changed by ordinance of the San Benito County Water District.

The foregoing Ordinance was passed and adopted at the regular meeting of the Board of Directors of the San Benito County Water District held on the 29th day of January, 2014, by the following vote:

AYES:	DIRECTORS:	Tobias, Tonascia, Bettencourt, Flores & Torquato
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

/s/John Tobias
John Tobias
President

ATTEST:

/s/Sara Singleton
Sara Singleton
Assistant Manager