

OHWD Groundwater Sustainability Regulatory Fee Corrections and Appeals

Corrections to and appeals of the Groundwater Management Fee shall be administered as follows:

Review of Land Use Data: District staff and/or consultants shall perform an annual review of the data sets identified in the 2021 Groundwater Fee Study, and shall update the fee levy to be submitted to the County as appropriate. Persons who have data corrections to provide in advance of the fee levy may provide that information for review and inclusion by staff no later than April 30th of each fiscal year.

Contest of Fee Levied: Should a Person wish to contest the number of Irrigated Acres upon which the Fee is charged, or the number of Connections upon which the Connection Fee is charged, the Person shall first be required to pay the Fee as charged.

Time to File: Following payment of the Fee, and no later than April 30th of the fiscal year the contested Fee's levy, the landowner paying the Fee may file an appeal of that levy, on a form approved by the General Manager, setting forth the basis upon which the appeal is made. The appeal will be considered timely filed if, within the time allowed, 1) the form is postmarked, United States first class mail, 2) delivered to the General Manager or Clerk of the Board of Directors by electronic mail, or 3) personally delivered to the General Manager.

Initial Review: Within thirty (30) days of filing the appeal, the General Manager shall review the appeal. The General Manager is authorized to grant the appeal, in whole or in part, or deny the appeal. The determination shall be made no later than fifteen (15) days following the meeting, and shall be in writing and delivered to the Person in the same manner as the filing of the appeal.

Appeal to the Board of Directors: If the person or entity who filed the appeal is dissatisfied with the determination of the General Manager, they may file an appeal to the Board of Directors within fifteen (15) days of delivery of the determination, setting out in writing the information supporting the appeal. The appeal will be placed on the agenda for the next available Board meeting for review and consideration. The Board shall receive evidence, and hear from the appellant and staff regarding the merits of the appeal. The determination of the Board shall be memorialized in writing, and shall be final.

Refund of Fees: If, as a result of the appeal process, the Board or General Manager determines that the Fee was levied in error, the appellant shall be entitled to a credit or refund of the erroneously paid amount, which shall be processed