

# Section 5

## Water Transfers During Drought

The State of California continues to look towards the Sacramento Valley as a source of additional water supply in drought years. The DWR publication, *Preparing for California's Next Drought – Changes since 1987-92* (July 2000) noted that changes in laws, regulations, and institutional conditions are limiting the ability to transfer water. For example, there is currently over 1 million acre feet of water that has been reallocated from urban and agricultural use to environmental use. In addition, county groundwater management ordinances have been enacted in about one-third of California's counties, including Butte County. This section reviews Butte County's ability to deal with transfers during drought contingencies in conjunction with State plans.

### 5.1 California's Critical Water Shortage Contingency Plan (CCWSCP)

The CCWSCP outlines a number of recommendations made by the Governor's Panel, which included Butte County Supervisor Jane Dolan. The Panel recommended that DWR develop a Critical Water Shortage Reduction Marketing Program (CWSRMP) that was an outgrowth of the State Water Bank. The Panel generally concurred that the CWSRMP should be a secondary tool used after water users had already made substantial efforts on their own behalf. The CWSRMP would establish a three tiered set of actions relating to water transfers, which are consistent to the three phases used in Butte County's Drought Plan.

- Tier 1 (consistent with Butte County's Phase 1) would largely develop guidelines, criteria, and action plans to increase the ability of local agencies to manage water shortages.
- Tier 2 (consistent with Phase 2) would be implemented in the early stages of a drought. Local agencies would make a declaration of impending critical water shortages and demonstrate they are maximizing their own resources.
- Tier 3 (consistent with Phase 3) would be implemented in the later stages of a drought, and be triggered by a declaration of emergency by a water agency, by a city or county, or by the Governor.

The Governor's Panel also recommended that integrated resource planning is an essential aspect of drought preparedness. The County is currently preparing an Integrated Water Resource Program, which includes the Drought Plan.

### 5.2 Chapter 33 of the Butte County Code

In 1996 Butte County passed Measure G, which is now Chapter 33 of the Butte County Code. Chapter 33 requires a permit to transfer groundwater outside of the County. Chapter 33 does not cover surface water transfers, unless groundwater

substitution is proposed. Surface water transfers are the purview of the State Water Resources Control Board. A transfer during a drought year can be viewed from two perspectives 1) a water-rich county helping others in the State, and 2) in-county agricultural and urban communities, and the environment have adequate drought supplies before the county considers groundwater transfers. Butte County will take into account both these perspectives when considering a water transfer in a drought contingency. It should be one of the activities of the DTF to examine the recommendations of the Governor's Drought Panel and ensure that Chapter 33 works efficiently during a drought emergency for the County and others in need.

### **5.3 BMO Ordinance**

The County Board of Supervisors enacted a Groundwater Management Ordinance (Ordinance 3869) in February 2004 that includes the development and monitoring of basin management objectives (BMOs) associated with groundwater levels, groundwater quality, and land subsidence. BMOs are locally-developed guidelines for groundwater management that describe actions to be taken by well owners in response to well-monitoring data. The emphasis of the BMO development process is local control, as representatives (including well owners) from each area will be developing their own BMOs. Each area can set its own BMO for one or more wells within the area and pursue its specific groundwater management goals as long as their actions do not negatively affect neighboring areas. The BMO concept overcomes many of the common difficulties associated with defining safe yield and overdraft in a groundwater basin.

### **5.4 Emergency Services Act**

Section 8550 et seq. of the California Government Code authorizes the Governor to proclaim a state of emergency because of drought. However, these conditions of emergency must be beyond the control of any city or county. Generally, the act is triggered by a local emergency proclamation, but the Governor can proclaim an emergency without a local request. The act gives the Governor the authority to respond by:

- Writing orders and regulations which have the force and effect of law;
- Suspending regulatory statutes;
- Commandeer or use private property;
- Exercising police powers; and
- Redirecting staff and equipment of State agencies.