

**GLENN COUNTY  
WATER ADVISORY COMMITTEE**

Glenn County Department of Agriculture  
720 North Colusa St., Willows, CA 95988  
Phone: 530.934.6501 FAX: 530.934.6503  
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**AGENDA**

**MEETING DATE:** Tuesday April 14, 2009  
**TIME:** 1:30 p.m.  
**PLACE:** Glenn-Colusa Irrigation District  
344 East Laurel Street  
Willows, CA 95988

**I. INTRODUCTIONS:**

**Water Advisory Committee Members:**

David Alves	Princeton-Codora-Glenn Irrigation District
Jack Baber	Reclamation District No. 1004
Mark Lohse	BOS District 5 Private Pumpers
Gene Clark	Reclamation District No. 2106
Ted Trimble	Western Canal Water District
Larry Domenighini	Glenn County Farm Bureau
Leigh McDaniel	Glenn County Supervisor
Wade Danley	Kanawha Water District
Donnan Arbuckle	Resource Conservation District
Ken Sullivan	Orland Unit Water Users Association
Larry Maben	BOS District 3 Private Pumpers
Mike Vereschagin	Orland-Artois Water District
Del Reimers	West Colusa Basin Private Pumpers
James Weber	East Corning Basin Private Pumpers
Thad Bettner	Glenn-Colusa Irrigation District
Bob Coruccini	Willow Creek Mutual Water Company
Jere Schmitke	City of Orland
Elwood Weller	Provident Irrigation District
Vacant	Stony Creek Water District
Vacant	West Corning Basin Private Pumpers
Joel Mann	Glide Water District
Rosanna Marino	City of Willows

**Technical Advisory Committee Members:**

Lance Boyd	South
Kelly Staton	Department of Water Resources
Allen Fulton	UC Cooperative Extension
Randy Murphy	Planning and Public Works Agency
Kevin Backus	Environmental Health
Ben Pennock	Central
Mark Black	Agricultural Commissioner
Andrew Farrar	East
George Wilson	North

**II. APPROVAL OF MINUTES:**

Approval of the Minutes from the meeting of February 18, 2009.

### **III. AGENDA ITEMS:**

#### **A. Public Comment:**

Any person wanting to address the Water Advisory Committee on any item NOT ON TODAY'S AGENDA may do so at this time. The Water Advisory Committee will not be making decisions or determinations on items brought up during Public Comment.

#### **B. Discussion and/or Action Items:**

1. Continue Discussion on Strategic Planning for Water Resources.
  - 1) Water Transfer Guidelines Review by TAC. Recommendation to BOS.
2. Winter Groundwater Levels.
  - 1) Spring DWR Measurements.
  - 2) Spring BMO Compliance Discussion
  - 3) Fall BMO Compliance Discussion
3. Drought Water Bank
  - 1) Fallowing, Substitution, etc ....
  - 2) Local Pumping Programs
4. Water Supply Forecast Changes
  - 1) CVP Settlement Contractors
  - 2) CVP Service Contractors
  - 3) State Contractors

#### **C. Communications:**

#### **D. Member Reports:**

At this time WAC members are encouraged to discuss upcoming or ongoing activities that may be of interest to the committee.

### **IV. NEXT MEETINGS:**

The next Water Advisory Committee meeting will be scheduled today.

The next TAC meeting will be scheduled at a later date.

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**MINUTES**

Meeting Date: February 18, 2009

Time: 1:30 pm

Place: Glenn-Colusa Irrigation District  
344 East Laurel Street  
Willows, CA 95988

**Water Advisory Committee Members Present:**

Thad Bettner	Glenn-Colusa Irrigation District
Gene Clark	Reclamation Dist # 2106 & 1004
Larry Domenighini	Glenn County Farm Bureau
Leigh McDaniel	Glenn County Supervisor
Mark Lohse	BOS District 5 P P
Larry Maben	BOS District 3 Private Pumpers
Del Reimers	West Colusa Basin P P
Jere Schmitke	City of Orland
Ted Trimble	Western Canal Water District
Mike Vereschagin	Orland-Artois Water District
James Weber	East Corning Basin P P
Elwood Weller	Provident Irrigation District

**Water Advisory Committee Members Absent:**

David Alves	PCGID
Donnan Arbuckle	Resource Conservation District
Jack Baber	Reclamation District No. 1004
Bob Coruccini	Willow Creek Mutual Water Co.
Wade Danley	Kanawha Water District
Joel Mann	Glide Water District
Rosanna Marino	City of Willows
Ken Sullivan	Ouwua

**Technical Advisory Committee Members Present:**

Mark Black	Glenn Co. Dept. of Agriculture
Lance Boyd	PID/PCGID
Andrew Farrar	East Area
Kelly Staton	Department of Water Resources
Ben Pennock	Central Area
Kevin Backus	Glenn Co. Environmental Health

**Others in Attendance:**

Tina Brothers	WAC/TAC Secretary
Paul Gosselin	Butte County
Stacy Kavanaugh	USDA-NRCS
Eugene Massa Jr.	CBDD
Lester Messina	Glenn Co. Dept. of Agriculture
Bill Menke	GCID
Jeff Sutton	TCCA

- I. INTRODUCTIONS: Those in attendance introduced themselves.
  
- II. APPROVAL OF MINUTES: The minutes from December 9, 2008 meeting were approved as mailed.

III. AGENDA ITEMS:

**A. Public Comment:**

1. Lester introduced Leigh McDaniel as the new Glenn County Board of Supervisor representative.
2. Jere Schmike mentioned that the consultant for the proposed bottled water facility is drilling a test well in the Orland area, west of the TC at Road 200 to a depth of about 600 feet.

**B. Discussion & Action Items:**

**1. Continue Discussion on Strategic Planning for Water Resources**

- 1) Fee Process Development- There was a short discussion on initiating an increase to well permit fees in an effort to support ongoing groundwater monitoring and/or data logger replacement. That discussion led to a continuation of water transfer fees as a component of the next agenda item.
- 2) Evaluate Water Transfer Guidelines – Prior to the meeting, the committee was provided with the most recent water transfer guidelines developed by the subcommittee. After a lengthy discussion a motion was made to provide an additional week for comments prior to the guidelines being forwarded to the TAC for a level of review. After a TAC review, the guidelines will come back to the WAC at the April 14, 2009 meeting for further discussion and/or recommendation to the Board of Supervisors for their consideration. All were in agreement.

**2. Winter Groundwater Levels**

- 1) January DWR Measurements - Kelly provided a handout with comparisons of January 2008 to January 2009 groundwater level measurements retrieved from continuous data logger readings of the 78 zones monitored in Glenn County. The overall average Countywide was 4.5 feet lower in 2009 vs. 2008.
- 2) Well Count by Section Maps-Four maps showing all wells, domestic and Ag by number per section and by depth per section in the County were developed by DWR Northern District. By seeing the counts and depths of the well types it was easier to determine how pumping interference can occur. There were a few graphs detailing the numbers of well completion reports filed with DWR over the years. One graph in particular shows the number of permits issued by the County in comparison to the number well completion reports submitted to DWR. The discrepancy of permits pulled and reports filed varies from year to year. Northern District is updating the process on how records are kept. There was some discussion on how the County can be more active with drillers in completing and submitting their reports.

3. **Groundwater Replenishment Discussion**-Eugene Massa, General Manager of the Colusa Basin Drainage District (CBDD) gave an update on their role in groundwater replenishment and to actively pursue groundwater recharge or subsidence projects. CBDD is looking at several projects, one being to utilize the gravel pit adjacent to the Orland/Artois Water District as a spreading pond for flood waters as a recharge facility. A feasibility study is needed and the CBDD Board approved \$250,000 of a pending Prop. 13 grant to complete that study. Another \$250,000 was approved for work in conjunction with the Glenn County Department of Agriculture to install a minimum of two multi-completion monitoring wells in support of groundwater replenishment in the district. CBDD has no intent to charge or manage the use of that water. CBDD is waiting for DWR to approve the budget and then they can move forward with their projects.

CBDD, realizes the need to educate landowners and others in the area regarding how the conjunctive management purposes of the recharge facilities are going to work. Based on that, CBDD and UC Cooperative Extension are holding a public meeting on April 1, 2009 at the Maxwell Inn.

4. **Butte County Lower Tuscan Recharge Research Project** - Paul Gosselin, Butte County Director of Water and Resource Conservation informed the committee on the Prop. 50 grant project to do a recharge assessment and focusing on the different aspects of the Lower Tuscan aquifer system. There will also be a component for a 4 county effect for outreach and education. It took a while to get the contracting going, however in 2008 they were able to do an initial study to look at the scope of work and the preparation of a CEQA document. There is a lawsuit pending against Butte County filed by the Butte Environmental Counsel which has put everything on hold since January 21, 2009. This project was to take three years to complete and they will probably be able to install an additional 8 to 10 dedicated monitoring wells.
5. **Drought Water Bank-Comment letter to DWR** – A comment letter was prepared and submitted to DWR regarding the addendum to the Environmental Water Account for the 2009 Drought Water Bank.
6. **Water Supply Forecasts**- Regional water managers gave the committee this update:
  - a) Ted Trimble, General Manager for WCWD feels there is a good chance for a full supply under their agreement.
  - b) Thad Bettner, General Manager of GCID mentioned that their contract is based on the water in the Shasta reservoir of 3.2 million acre feet. The current allocation from USBR is 75%, which will require GCID to implement strict water conservation measures, tiered pricing, and some groundwater pumping to maintain full deliveries to its customers. If inflows into Shasta increase above projections, GCID's allocation could be increased to 100%.
  - c) Jeff Sutton, General Manager of the TCCA stated as of today the level of Shasta Reservoir is 1.55 million acre feet, last year at the end of March the reservoir level peaked at 2.99 million acre feet, resulting in a final allocation of 40% for the TC CVP contractors.
7. **Draft Salmon/Sturgeon Biological Opinion** - Jeff Sutton discussed the biological opinion on anadromous fish species (salmon, steelhead, and newly listed green sturgeon) that was supposed to be completed per court order by March 2, 2009; however a 90 day extension was requested by NMFS and the USBR, and granted by the court. Plaintiffs have requested more details about operations of the Red Bluff Diversion Dam that were proposed in the court documents that would remain in place until June 2, 2009 when the BO is produced. It has been proposed that the RBDD gates not go down until June 15<sup>th</sup> and be raised by September 1<sup>st</sup>, reducing recent operations that had been from May 15<sup>th</sup> to September 15<sup>th</sup>. This reduction in gate operations leaves the TCCA contractors unable to meet demand from May 15<sup>th</sup> to June 15<sup>th</sup>, as such, a temporary pumping plant and fish screen system is being installed to provide an additional 500 cfs of fish friendly water (when combined with the Research Pumping Plant, diversion capability equals 965 cfs after this installation for diversions of fish friendly water when the gates are not in). Peak irrigation during this time can reach as high as 1600 cfs. Jeff has great concerns with this extension relating to further requests by Plaintiffs for injunctive relief for interim remedies until such time as the biological opinion is completed. It is anticipated that the Plaintiffs major focus would likely be the Red Bluff Diversion Dam operations, Shasta operations related to coldwater carryover, and Delta exports.

**C. Communications:**

**NRCS-Agricultural Water Enhancement Program** - Stacy Kavanaugh, NRCS informed everyone this is a new program that was developed last year. The applications need to be turned in by March 2, 2009. There is \$58.4 million dollars available nationwide. It a ranking process similar to the EQUIP program.

**D. Member Reports:**

1. Mike Vereschagin mentioned that he has been re-working some of his wells and found they are down 30 feet from the historical levels. One well he is trying to take out of retirement was pumped for 5 minutes and it starting sucking air.

The next WAC Meeting is scheduled for April 14, 2009 at 1:30 pm.

The next TAC Meeting at this date has not been scheduled.

Adjourned at 3:30 pm.

Sincerely submitted by,

Tina Brothers, WAC/TAC Secretary

## GLENN COUNTY WATER TRANSFER GUIDELINES

### **Part 1: Background**

The Preliminary Plan for Groundwater and Coordinated Water Management (Plan) was approved by the Glenn County Water Advisory Committee (WAC) in 2004 and adopted by the Glenn County Board of Supervisors (Board) in May 2006. Items presented in the Plan identified the “next steps” that should be undertaken as components of a program to facilitate the management of water resources by local entities within Glenn County. Below is the text from the Plan as Item G) Evaluate Water Transfer Guidelines:

#### ***Evaluate Water Transfer Guidelines***

*Glenn County, by virtue on its physical and hydrologic setting and foresight of its residents in the past, enjoys an enviable water supply situation in relation to many counties in California. The fact that water transfers within and/or outside the county can be considered is a fortunate circumstance. As stewards of the water resources available to Glenn County the resource should be managed to meet the needs of Glenn County, the Sacramento Valley, and California, to the extent practicable. Water law and guidelines or parameters for water use exist. It would be helpful to the community to have guidelines documented that represent established water law and water use parameters that represent the basis for particular types of water transfers.*

*Types of water transfers that should be considered include:*

- *Surface water with groundwater substitution.*
- *Surface water with fallowing.*
- *Groundwater.*
- *Surface water originating in Glenn County (Recommended March 10, 2009)*

*To the extent water transfers are configured consistent with adopted guidelines, there should be no need for discussion of a mitigation fund or third party impacts. Having water transfer guidelines in place can facilitate the management of water resources within the county.*

At the March 11, 2008 WAC meeting a motion was made to begin the process of evaluating transfer guidelines with the intent of developing a clear policy that will be agreeable to all parties.

A presentation was made to the Board on August 5, 2008 discussing the need for the development of a strategic planning process. From that meeting the Department was directed to bring forward practical options that would be necessary to achieve the objectives presented. The first goal of this process would be to identify a secure and sustainable funding source.

A proposal was submitted to the Board on November 4, 2008 that provided some background in methods that can be put in place to provide secure funding. As you are aware, this proposal was not popular and did create some level of concern regarding the

intentions of the Department and staff. The Board decided to revisit the proposal presentation on a later date when all supervisors would be present.

On December 16, 2008 the presentation was brought back to the Board and open discussion followed. As a result of that presentation the Board directed staff to begin the process of developing sustainable funding sources. Of the options identified, two were selected to move forward in the short term that would not require a Proposition 218 "Engineers Report". They are: 1) Additional well permit fees for domestic and agricultural well installation, with consideration for other existing permitted activities, and 2) A per acre foot fee on groundwater substitution and a dollar per acre fee on land fallowing programs associated with out-of-County transfers. Discussion on Option 1 is not relevant to this document and will be addressed at a later date.

At this time, neither of the options currently being considered would provide a sustainable funding source as requested pursuant to Minute Order 31 of the December 16 Board meeting. In the future it is anticipated that a County-wide Benefit Assessment may be recommended to be adopted by the citizens of the County.

The option that discussed placing a fee on transfers was presented as:

Water transfer fees consist of fees that the County imposes on out-of-County groundwater or groundwater substitution transfers. The fees are imposed to offset the County's cost in insuring that the water resources of the County are not transferred in a manner that harms the health and safety of the citizens of Glenn County. The water transfer fees will provide the following benefits to transferors: ~~benefits of water transfer fees are:~~

1. The County's groundwater management activities include reviewing environmental documentation for water transfer ~~environmental documentation~~ and ongoing monitoring during water transfers to effectively enforce the Basin Management Objectives ~~during water transfers~~. Consequently, the County incurs groundwater management significant costs as a result of water transfers as a responsible agency reviewing proposals, and as a regulatory agency monitoring transfers to ensure that water resources needed to protect the health and welfare of the citizens of Glenn County are not jeopardized. so it is fair. ~~Therefore it is necessary that transfer a schedule of fees be imposed are used~~ to offset these costs and to insure that these costs are not imposed on the general citizenry of Glenn County.
2. ~~If the~~ The County will use the proceeds to offer clear transfer guidelines and monitoring services as part of the transfer fee, it will simplify transfers for water districts within the County and bring business to the County.
3. ~~Transfer fees should be paid by the buyer, so cost would not be passed on to local participants.~~

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~~The drawbacks of water transfer fees are:~~

1. ~~The amount of revenue that could be generated from imposing fees on water transfers is unknown and will probably fluctuate from year to year.~~

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~~2. Imposing a water transfer fee without providing clear benefits could encourage buyers to seek transfers from other Counties, potentially driving business away from the County. (First, I don't know why they want to put in the drawbacks. Second, I don't think driving business away is a problem)~~

### **Current Requirements**

Currently the minimum requirements for reporting from County Code 20.03 are:

**20.03.110 (E).** The Water Advisory Committee shall collect the following data from any district (and) or person engaged in a groundwater substitution program or groundwater export program: the weekly amounts of groundwater extracted from each well, the precise location of the wells, all pumping and non-pumping groundwater level measurements made during the groundwater substitution period, the time periods during which the groundwater substitution program will occur, and all required environmental documentation (Note: environmental documentation is only prepared by a lead agency. If a public agency is involved in the transfer, it'll be lead agency, and this works. If it's a person, corporation, or other than a public agency, the County, as a permitting agency, is likely to be the lead agency.) It shall be the responsibility of the district and (or) person involved in the groundwater substitution program to provide this information to the Water Advisory Committee including any monetary costs of providing such data.

These requirements are very basic and they are in place from the efforts of a dedicated group of County citizens committed to preserving their water rights.

### **Conflict Resolution**

Incorporated in to County Code 20.03 is the procedure for all water users in the county to register abnormal groundwater level reports for the purposes of determining its cause. The process begins when a report is received and reviewed by the Technical Advisory Committee who then prepares an initial investigation report and notifies the local sub-watershed Water Advisory Committee member(s). Local groundwater information is assembled and committee representatives make site visits, collect and assemble additional data, and prepare and present their findings and recommendations to the Water Advisory Committee for action. County Code 20.03 and the adopted Basin Management Objective (BMO) concept have provisions for the County's authority to intervene in a tiered fashion that include the implementation of an adaptive management program or the cessation of pumping from wells involved in substitution programs or other agricultural wells.

### **Monitoring**

Incorporated into these water transfer guidelines will be program specific components of the Sacramento Valley Water Resource Monitoring, Data Collection, and Evaluation Framework (developed by the Department of Water Resources, DWR) and the Preliminary Plan Comprehensive Groundwater Monitoring Plan (Glenn County). The Framework document was developed in 2007 by the DWR staff with valuable assistance from a panel of local and regional water resource scientists and engineers that have a vast knowledge of the region. The Comprehensive Groundwater Monitoring Plan was completed in 2007 as part of an AB 303 Local Groundwater Assistance grant with the

work performed by Wood Rodgers Inc. Specific monitoring requirements will be identified, discussed, and agreed upon by the County and sellers. Every effort will be made to design program monitoring which is intended to gather information that will be beneficial to overall water resource planning and designed in a manner that promotes sound coordinated water management activities.

### **Mitigation**

All water transfers require a mitigation plan that needs to address factors that may arise as a result of the transfer. The monitoring program required of each transferor is an important component of the mitigation plan. The level of detail in the mitigation plan will be a factor in determining the success of the transfer. The County will assume the lead role for conflict resolution. Specific mitigation factors will be identified, discussed, and agreed upon by the County and sellers. Every effort will be made to design a mitigation plan that is intended to adequately address responsibility, response, finances, and methods of avoiding third party impact or injury.

### **Legal Principles to be Addressed as Part of the Water Transfer**

California laws contain numerous protections that apply to water transfers. However, there are three fundamental principles that typically apply: (1) no injury to other legal users of water, (2) no unreasonable affects to fish, wildlife or other in-stream beneficial uses of water, and (3) no unreasonable affects on the overall economy or the environment in the counties from which the water is transferred. The Project Agencies will not support or participate in any water transfer where these basic principles have not been adequately addressed.

### **Part 2: Guidelines and Principles**

The following water transfer principles and guidelines are the most recent version (August 2008) developed by State and Federal Project Agencies, the DWR and the Bureau of Reclamation (USBR). In some instances, transfers can be developed between buyers and sellers outside of an organized program sponsored by DWR and USBR, where they become their own Project Agencies. Glenn County will consider adopting this edited version to be specific to Glenn County based upon thorough review by its WAC and TAC. Their input will be incorporated into the following guidelines prior to adoption:

Glenn County, in collaboration with Project Agencies, recognizes the importance of local leadership in making decisions on how best to manage their local and regional water resources. Accordingly, the County and these agencies will work cooperatively with local water associations, their member agencies, other regional local governments in the Sacramento Valley, and others to assure that local interests have the opportunity to manage their resources in a manner that meets their local objectives. Sellers will be required to contact the County Board of Supervisors and inform them of their intent to sell water for transfer out of the county as soon as discussions on commitments are negotiated.

Before suppliers voluntarily sell and transfer water out of the county, it is recommended that supplies be made available for others in the county if feasible. (I don't think that this can be mandated at the county level, unless studies showed that the transfer has a direct effect on the "others in the county" that need the water. Again, the county's regulation has to be directed to protection of the public health and safety.) There needs to be assurance that critical local ~~water needs are public health and safety needs met before~~ not be adversely affected by water ~~is being~~ transferred out of the county. The project agencies will work with local water agencies and associations and other local interests in the Sacramento Valley and other regions to assure that supplies are reasonably available to meet local needs in those regions.

Glenn County believes strategies for making water supplies available need to be locally driven and developed in cooperation with local public leaders. It is expected that the Project Agencies will respect the right of individual local water entities determining the best way in which local water purveyors can make water available for local, regional, and statewide use. Such local programs shall be in compliance with all applicable laws, including local ordinances. California law recognizes transfers as a beneficial use of water and protects the underlying water rights involved in a transfer.

Water transfers in Glenn County are to be made without injuring other legal water users and without unreasonably affecting fish, wildlife, or other in-stream beneficial uses, and shall be designed to avoid unreasonable effects on the overall economy or the environment in the county. No more than 20 percent of the crop land can participate in transfers unless additional evaluations are conducted related to both the economic and environmental impacts. Investment of local income from water transfers typically goes back into normal business operations and improvements of local water supply systems. Coordination with the transferring water district, and, as necessary, county government representatives to help identify actions that may become necessary if the cumulative economic effects of water transfers in those counties appear to the Project Agencies to reach unreasonable levels. Water transfer programs need to establish effective mechanisms to ensure that injury to other legal water users is identified and avoided or mitigated. In addition, evaluations of possible economic and environmental effects of the transfer at the countywide level need to be identified. Real-time monitoring programs will be developed to trigger corrective actions that help avoid possible impacts as they may develop. This is especially important for groundwater substitution transfers in where a well defined mitigation program is required that specifies the actions the Seller will take, to prevent injury from occurring.

Actions to develop additional supplies for water users need to be implemented in a manner that is compatible with ongoing environmental protection and

restoration programs. Examples of such programs include the Ecosystem Restoration Program and the Central Valley Project Improvement Act implementation efforts as well as any local actions to protect environmental resources. In fulfilling its obligations, the Project Agencies recognize that it must represent the interests of all parts of the State, both those areas needing additional supplies and those that can make supplies available.

### **Types of Water in Glenn County That Can Be Transferred**

**Groundwater Substitution** – Reduction in surface water use which is offset with additional groundwater pumping. A groundwater substitution transfer generally consists of the following components:

- The location and characteristics of the wells that will be pumped
- The volume and schedule of transfer-related groundwater pumping
- Monitoring plan designed to assess the effects of the ~~transfer~~groundwater pumping
- Mitigation measures to alleviate possible injury issues

When developed, Project Agencies will review and evaluate groundwater substitution transfer proposals to determine whether they meet the following objectives:

- Transfer will have no significant unmitigated environmental effects
- Potential adverse effects to other legal users of water are minimized
- Proposal provides a process for review and response to reported third party effects
- Proposal shows that a monitoring and mitigation strategy is in place prior to the transfer
- Transfer operations will result in providing the agreed upon amount of transferable water

Before beginning transfer operations, the water transfer proponent will develop a groundwater substitution transfer proposal and provide it to the Project Agencies and the County. The proposal will include a detailed description of any transfer-related changes to water management operations and a description of the facilities used in the operation. The details of the proposed water management operations will be included as contractual commitments in the water purchase agreement with the seller or agent of the seller. The proposal shall include a description of the following program components:

- Surface water source that will be replaced by groundwater pumping
- Location and construction details of wells that will be pumped
- Schedule and volume of water to be pumped
- Baseline from which the additional pumping will be measured
- Method of measuring and reporting the volume of water pumped
- Monitoring program
- Mitigation measures

The seller will be responsible for assessing and mitigating significant adverse effects resulting from the transfer within the transfer source area. In addition to the details of the water transfer operations, the seller's proposal shall provide an assessment of potential adverse effects due to transfer-related operations.

**Cropland ~~idling~~Idling/Crop Shifting** – Reduction in surface water use resulting from a reduction in the evapotranspiration (ETAW) of applied water to agricultural crops that would have occurred in the absence of the water transfer. (See section titled “Water Transfers Based on Crop Shifting and Idling for DWR’s 2009 Drought Water Bank and Bureau of Reclamation’s Water Acquisition Program” for ETAW values of crops.)

#### **Types of Water Transfers Not Allowable**

**Direct Pumping of Groundwater** – Water Code Section 1220 establishes significant barriers to the export of groundwater outside the Sacramento Valley. The Project Agencies are not interested in facilitating the direct transfer of groundwater from one area to another.

**Transfers that Injure Legal Users of Water or Cause Unreasonable Effects to the Environment** – Water transfers that simply reclassify existing stream flows from one category to another, making these flows no longer available to historic downstream users, have the potential to injure other legal users of water and cause harm to the environment. Water transfers should focus on either making new surface flows available or reducing surface water use in such a way as to expand the availability of surface water resources for use by others. (This is a tough one, because the determination of who are “legal users of the water” that could be harmed is not within the county’s jurisdiction. Also, the first sentence is unclear. What is meant by reclassifying “... existing stream flows from one category to another...”? Note, these findings are required to be made under state law. So, if the Board is approving the transfer, it addresses these findings, and the County really can’t duplicate it. Could be preempted by the Board )

**Long-Term Transfers** - Arrangements for long-term programs related to cropland idling may be developed if the situation arises. This documentation will determine the number of years acceptable for such a program is intended to help protect the local farm economy and to avoid some environmental impacts.

### **Environmental Documentation**

~~In some water transfer instances, programmatic~~ CEQA/NEPA environmental review will be considered adequate if it meets all the requirements of the Project Agencies legal requirements to the extent they assure that the proposed transfers and related actions are in compliance with applicable federal and state laws to prevent unreasonable environmental impacts. In instances of groundwater substitution, a greater level of site specific review may be required. Glenn County will be a responsible agency for any project under CEQA, and will comment and request mitigation measures as appropriate.

### **Verification and Reporting**

Verification of the actions taken to make water available in a crop shifting or cropland idling program will be conducted by the Project Agencies and participating districts and provides the information to Glenn County staff. Sellers must allow access to fields by staff for verification purposes. Water transfers are based on estimates of water made available through cropland idling/ shifting. A mutually agreeable program needs to be developed for each proposed transfer that allows for monitoring of appropriate field data that can be used to verify the water that was actually made available by the transfer action(s) and to modify future guidelines if warranted. Accurate reporting of the activities undertaken as part of a crop shifting and cropland idling program is an essential provision of any water transfer program agreement. Reporting is the responsibility of the seller and needs to be acceptable to the Project Agencies. Reporting requirements will be outlined in the contracting process and communicated to Glenn County staff.

## **Part 3: Proposed Water Transfer Fees**

Water transfer fees being developed will be consistent with the adopted Glenn County Groundwater Management Plan (Ordinance 1115) adopted in February 2000 (codified as County Code 20.03) and local irrigation and water district policies. As a result of actions by the Board, it is now necessary for the County to impose fees on out-of-County groundwater substitution transfers and out-of-County land fallowing transfers. (This suggests the fee is imposed on the in county seller. I don't see how they'll get it on the Buyer, unless the Buyer volunteers.) The benefits of these types of water transfer fees are necessary because the County will incur groundwater management costs as a result of some types of transfers. The County's groundwater management activities include reviewing environmental documentation, performing additional monitoring, and if necessary, enforcement of the Ordinance. So, as a result, it is only fair that transfer fees cover those costs. It is the County's responsibility to offer clear transfer guidelines and monitoring services to justify any transfer fee. Transfer fees will be paid by the buyer with no added cost to participants. Imposing an excessive water transfer fee without providing clear benefits could encourage buyers to seek transfers from other Counties, potentially driving business away from the County. These fees are in no way to

considered part of any level of mitigation for third party impact or injury. (Ted, I'm not sure of the nexus between the County's jurisdiction and the fee imposed on Buyers. I assume it's in Ordinance 1115, or it should be. If I'm going to fallow my land, and get reimbursed, what is the lever upon which the county relies to extract the fee from my Buyer? Do he need a county permit to fallow land? Is the County the lead agency under CEQA? Have impacts been identified that must be mitigated with fees? Perhaps the fee reflects the cost of the county's program maintenance. The logical leverage point is CEQA, but I'm not sure the County has a basis for charging anyone other than the Seller anything under these rules.)

### **Protection of Water Rights**

California law protects the underlying water rights of those parties who wish to transfer a portion of their surface water supply to others. California Water Code Section 1745 et seq. protects the underlying water rights from forfeiture for water transfers. Any water transfer agreement between the buyer and seller for water purchases needs to expressly recognize the legal protections afforded the seller's underlying water rights in a water transfer. (Note, this would apply to a holder of water rights, not to the landowner selling, unless they're one and the same.)

### **Trust Fund**

All funds received by the County from these transfers will be ~~placed in a special trust fund and~~ utilized only for groundwater and coordinated water management activities in the County. (Why complicate their lives. Commit to the limited use, not to a trust fund. That just complicates it.)

### **Proposed ~~Fees-Fees~~ Are As Follows:**

#### **Substitution**

For each acre foot of groundwater extracted in the County that is replacing an acre foot of surface supply that is not utilized in the County or District there will be a fee of **\$5.00 per acre foot** surcharge paid to the County by the buyer.

#### **Fallowing**

For each acre of ground fallowed, that is associated with an out-of-County transfer of surface supply that is not utilized in the County, there will be a fee of **\$1.00 per acre foot** surcharge paid to the County by the buyer.

#### **Option Fees**

Option fees and dates are usually developed by the buyer and the seller during their negotiations. When an option date and option fee to purchase water is determined by the buyer and the seller, and the buyer exercises the option, there will be a **\$1.00 per acre foot** surcharge paid to the County by the buyer, regardless of the ability of the buyer to receive the water from a completed transfer.

## GLENN COUNTY

### Spring 2008 to Spring 2009

#### GWE\* Change Statistics by Well Depth

	All Well Depths	0 - 200	201 - 600	601 - 1500	Unknown
<b>Glenn</b>					
Max Increase In GWE (ft)	1.9	1.9	0.1	0	0
Max Decrease In GWE (ft)	-18.1	-18.1	-15.8	-12.5	-6.4
Avg Change In GWE (ft)	-3.5	-2.7	-3.4	-6	-2.6
Total Wells	136	54	54	24	4

#### GWE\* Change Statistics by Well Use

	All Well Uses	Domestic	Irrigation	Observation	Other
<b>Glenn</b>					
Max Increase In GWE (ft)	1.9	1.2	1.6	1.9	0
Max Decrease In GWE (ft)	-18.1	-18.1	-15.8	-14.9	-8.7
Avg Change In GWE (ft)	-3.5	-2.9	-4.5	-3.3	-3.4
Total Wells	136	20	32	77	7

\* Groundwater Elevation

-- Criterion included in report, but data not found for analysis

N/A Criterion not included in report or table element not applicable

#### Well Counts by Well Use, Depth

	All Well Depths	0 - 200	201 - 600	601 - 1500	Unknown
<b>Glenn</b>					
Domestic	20	17	3	0	0
Irrigation	32	8	17	4	3
Observation	77	25	32	20	0
Other	7	4	2	0	1
Total Wells	136	54	54	24	4

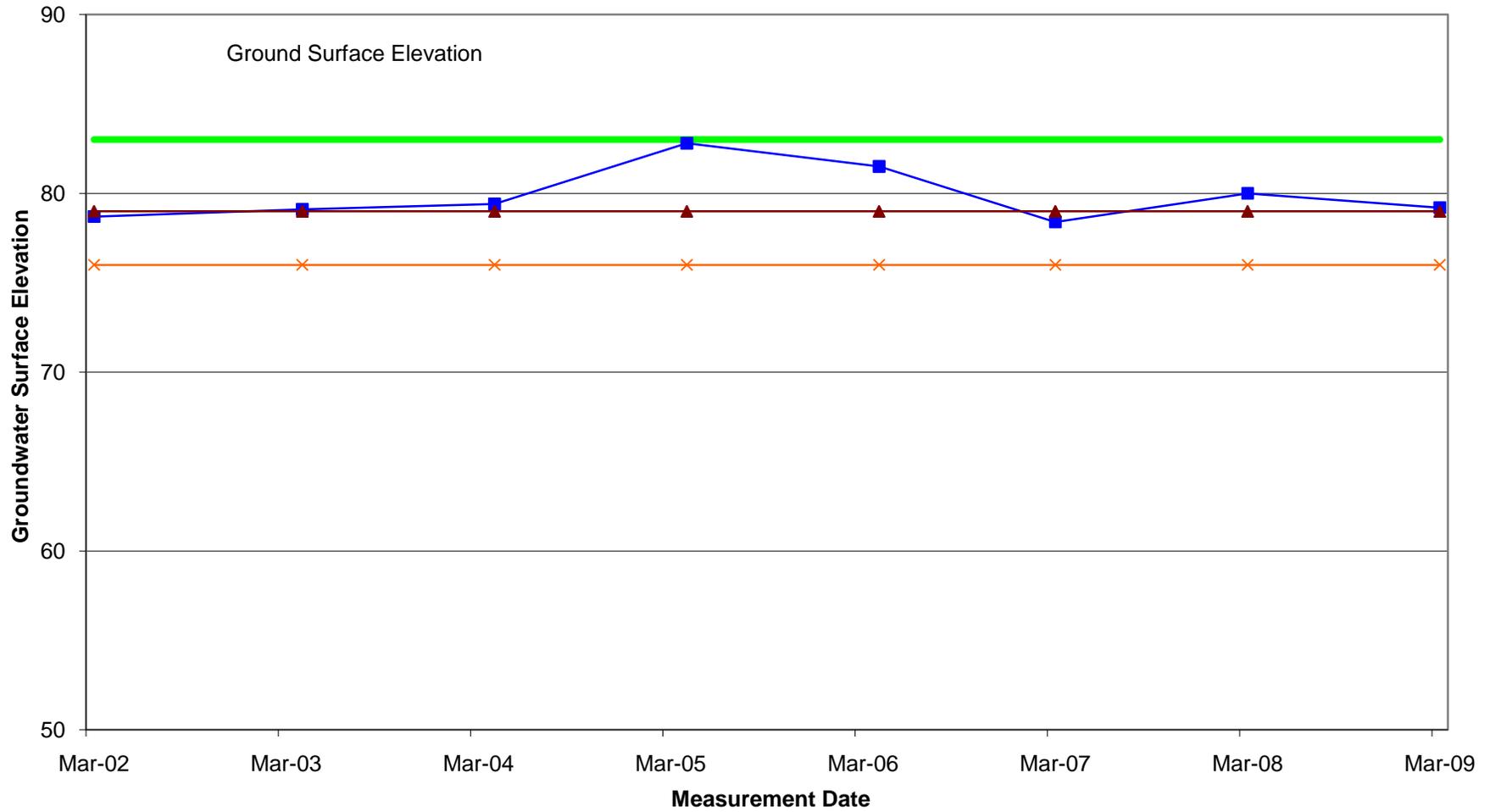
-- Criterion included in report, but data not found for analysis

N/A Criterion not included in report or table element not applicable

GLENN COUNTY SPRING 2009 GROUNDWATER LEVEL MEASUREMENTS									
			GROUND	DEPTH				BMO	BMO
	MEASURE	REF PT	SURFACE	BELLOW	QM	NM	SPRING 09	LEVEL	LEVEL
SWN	DATE	ELEV	ELEV	REF PT	CODE	CODE	WSE*	A	B
<b>Orland/Artois</b>								A	B
21N03W31H01M	3/25/2009	187.5	187	65.2			122.3	123	
20N03W07K03M	3/25/2009	166	166	33.8			132.2	113	
20N03W17P01M	3/25/2009	154.5	153	17.9			136.6	120	
20N04W12F02M	3/25/2009	187.5	187	41.8			145.7	129	
21N03W31R02M	Discontinued								
21N03W18B02M	3/25/2009	222	221.6	104.6			117.4	139	119
21N04W24A02M	3/25/2009	231.5	230	110.9			120.6	129	
21N03W20D02M	Discontinued								
22N02W31C01M	3/23/2009	204	203	19.4			184.6	183	
21N03W12C02M	3/25/2009	204	202	39.4			164.6	172	
21N03W11G01M	3/25/2009	200.3	200	34.4			165.9	170	
22N03W34A01M	3/23/2009	233.5	233	14.7			218.8	218	
21N03W22H01M	3/23/2009	202	202	63.7			138.3	150	139
21N02W09M02M	3/25/2009	179.5	179	39.4			140.1	144	
21N03W24P01M	3/25/2009	178.5	178	50.4			128.1	137	
21N02W20B01M	Discontinued								
<b>Glenn-Colusa</b>									
19N02W29Q01M		90	90	3.6			86.4	85.1	
19N03W26P01M	3/25/2009	101	98	3			98	94.7	
20N02W02J01M	3/25/2009	125.5	125	9.8			115.7	115.9	
20N02W05A01M	Discontinued								
20N02W11A01M	3/25/2009	123.5	123	6.4			117.1	114.6	
20N02W11A02M	3/25/2009	123	123	12.1			110.9	108.7	
20N02W11A03M	3/25/2009	123.5	123	18.1			105.4	96.5	
20N02W13G01M	3/25/2009	113.4	113	4.9			108.5	107.5	
20N02W29G01M	3/25/2009	117.5	117	7.9			109.6	109.2	
<b>BOS Dist 3</b>									
20N03W23G02M	3/25/2009	147	146	25.4			121.6	118.7	
20N03W33J01M	3/25/2009	137.3	136	10.5			126.8	114.4	
CAL Water 002-01	3/25/2009	134	134	20			114	116.1	
<b>East Corning Basin</b>									
21N01W04N01M	3/25/2009	135.3	135	22.5			112.8	115	
22N02W11Q01M	3/23/2009	165	164	24.2			140.8	140	
22N01W29K01M	3/23/2009	142.3	142	16.8			125.5	120	
<b>Provident ID</b>									
19N02W13J01M	3/25/2009	86.6	86	11			75.6	78	
18N02W36B01M	3/26/2009	73.6	73	10.9			62.7	65	
19N02W34F01M	3/25/2009	84.5	83	5.3			79.2	79	
19N02W36H01M	3/25/2009	82.4	81.4	9.4			73	75	

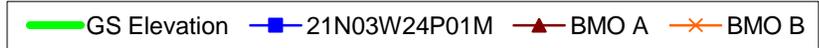
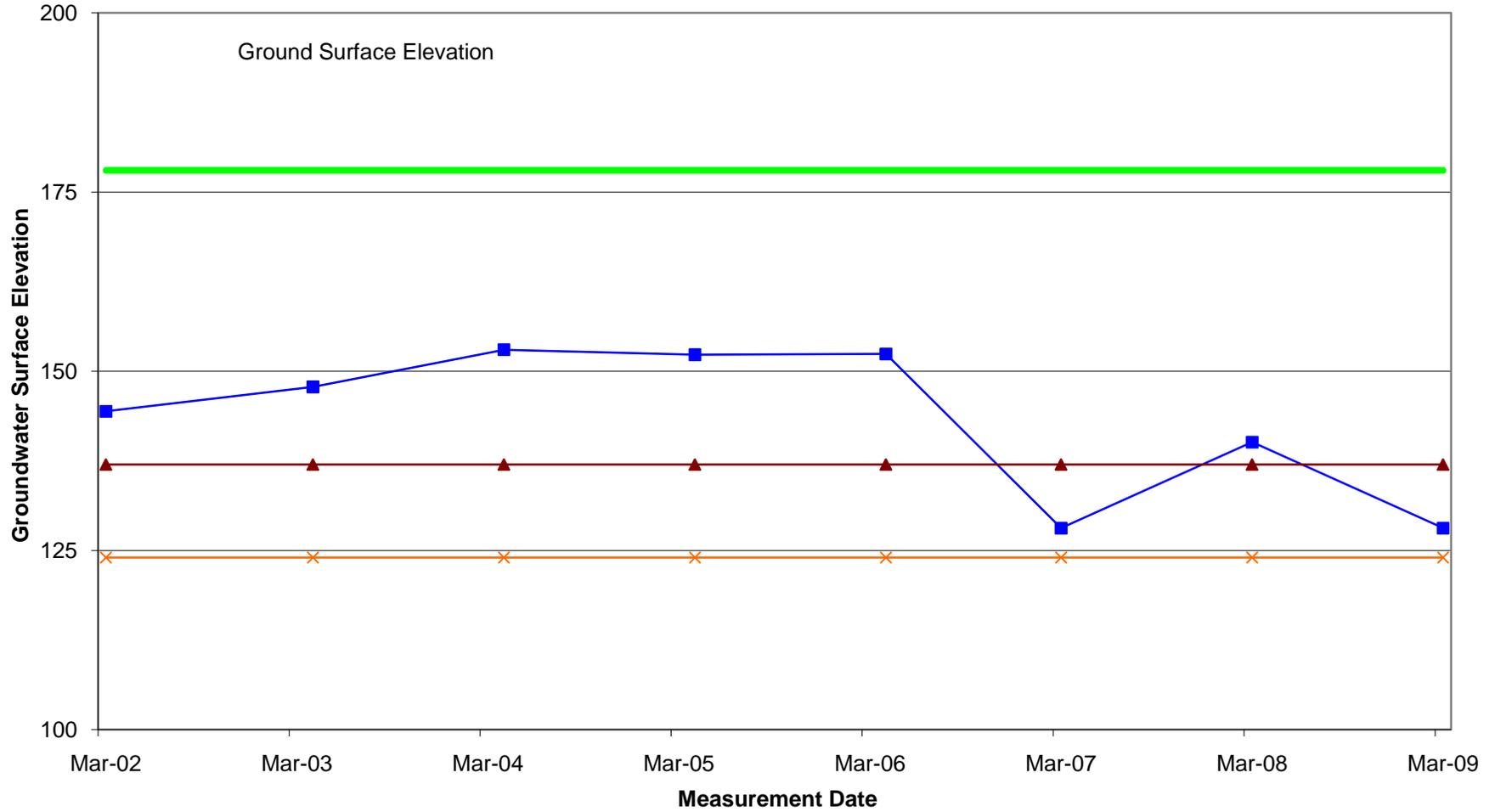
<b>Princeton-Codora-Glenn ID</b>							
19N02W13J01M	3/25/2009	86.6	86	11		75.6	78
18N02W36B01M	3/26/2009	73.6	73	10.9		62.7	65
19N02W34F01M	3/25/2009	84.5	83	5.3		79.2	79
19N02W36H01M	3/25/2009	82.4	81.4	9.4		73	75
<b>Kanawha Water District</b>							
KWD-1		154.3	154	15		139.3	
KWD-2		161.35	160	8		153.35	
KWD-3		140.4	139	12		128.4	
<b>Glide Water District</b>							
GWD-1		156.75	156	29		127.75	
GWD-2		158.2	158	26		132.2	
GWD-3		174.75	174	22		152.75	
<b>RD 2106 &amp; 1004</b>							
19N01W15D01M	3/26/2009	93.4	91	12.8		80.6	78
19N01W27R01M	3/26/2009	81.5	81	12.5		69	67
18N01W17G01M	3/26/2009	79	79	17		62	61
18N01W22L01M	3/26/2009	70.5	70	6.7		63.8	63
<b>Western Canal</b>							
18N01E05D01M		75	75			75	64
19N01W13Q01M		85.9	85.9			85.9	80.9
<b>Orland Unit Water Users Association</b>							
22N03W03D01M	3/23/2009	268.5	268	79.9		188.6	186.6
22N03W17E01M	Discontinued						
22N03W12Q03M	3/23/2009	230.5	230	31.7		198.8	185.5
22N03W21F02M	3/23/2009	263	262	22.8		240.2	239.5
22N03W30C01M	3/23/2009	285.5	285	98.1		187.4	174.9
22N02W20Q01M	3/23/2009	199.5	199	16.2		183.3	184.2
22N02W21D01M	3/23/2009	198.5	198	24.3		174.2	171.3
22N03W34A01M	3/23/2009	233.5	233	14.7		218.8	218.1
* WSE = REF PT- DEPTH BELOW REF PT (above sea level)							

# 19N02W34F01M

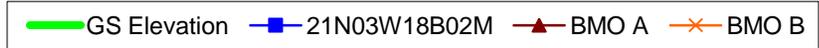
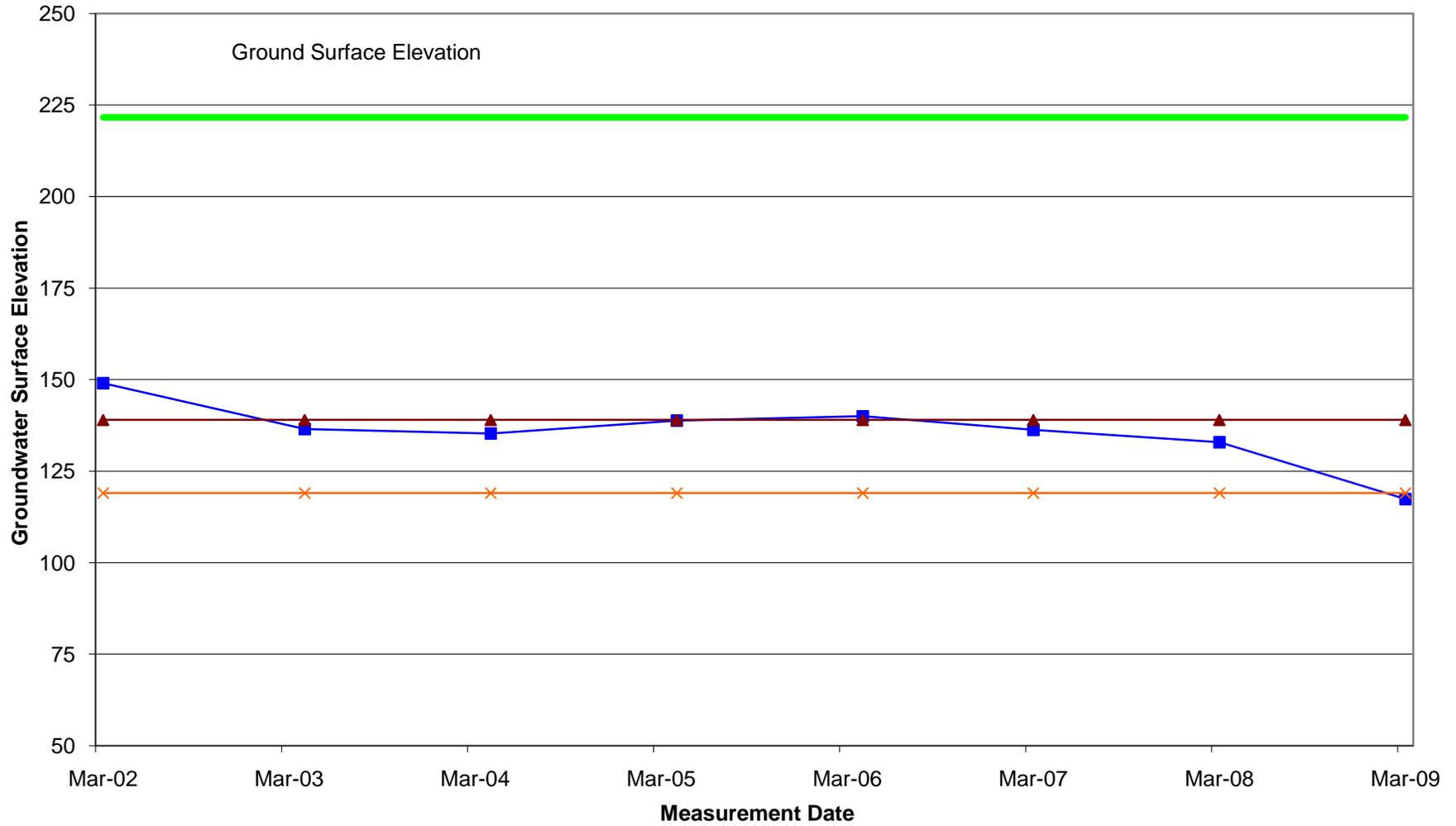


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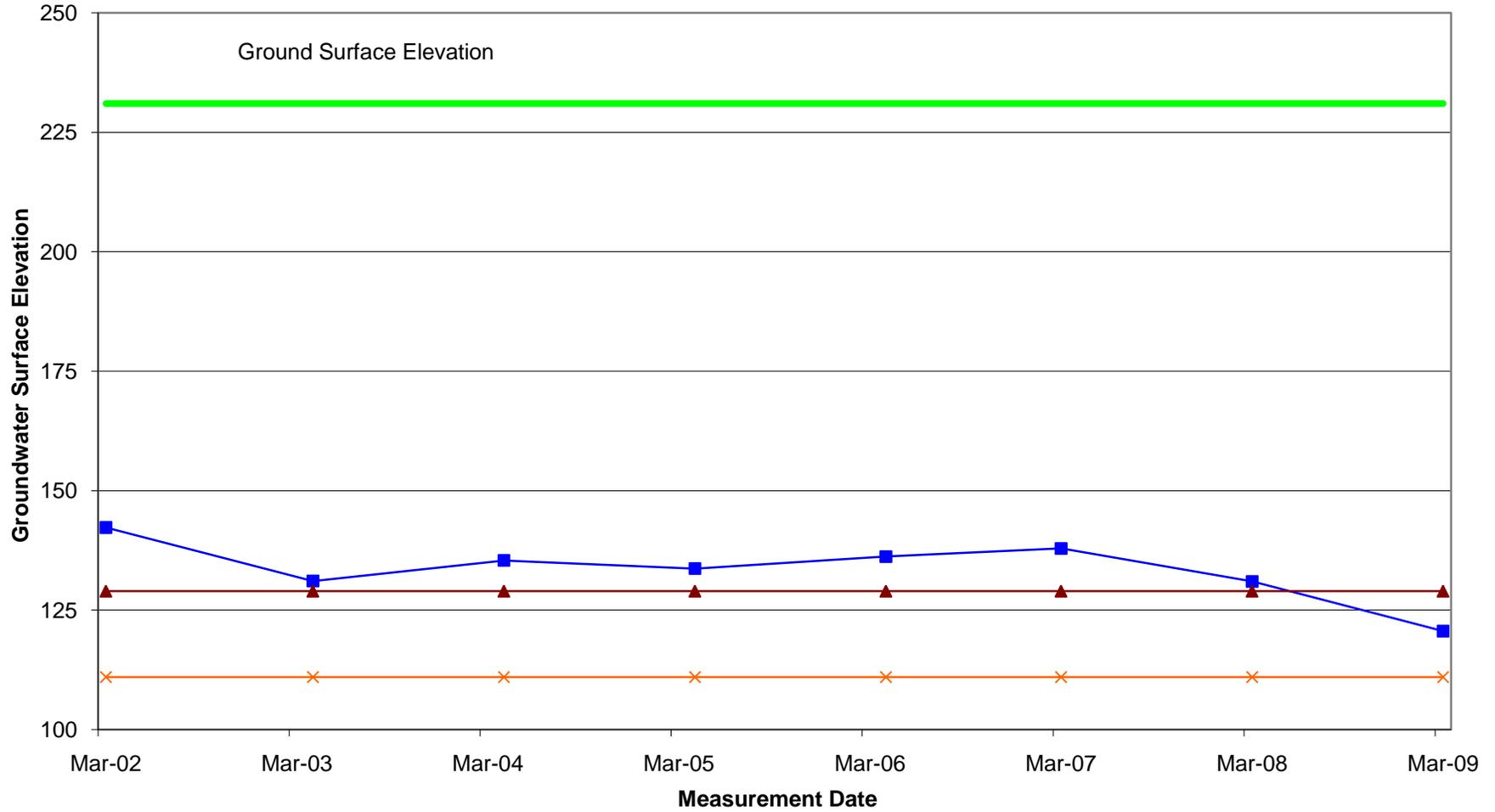
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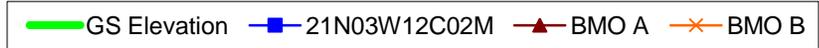
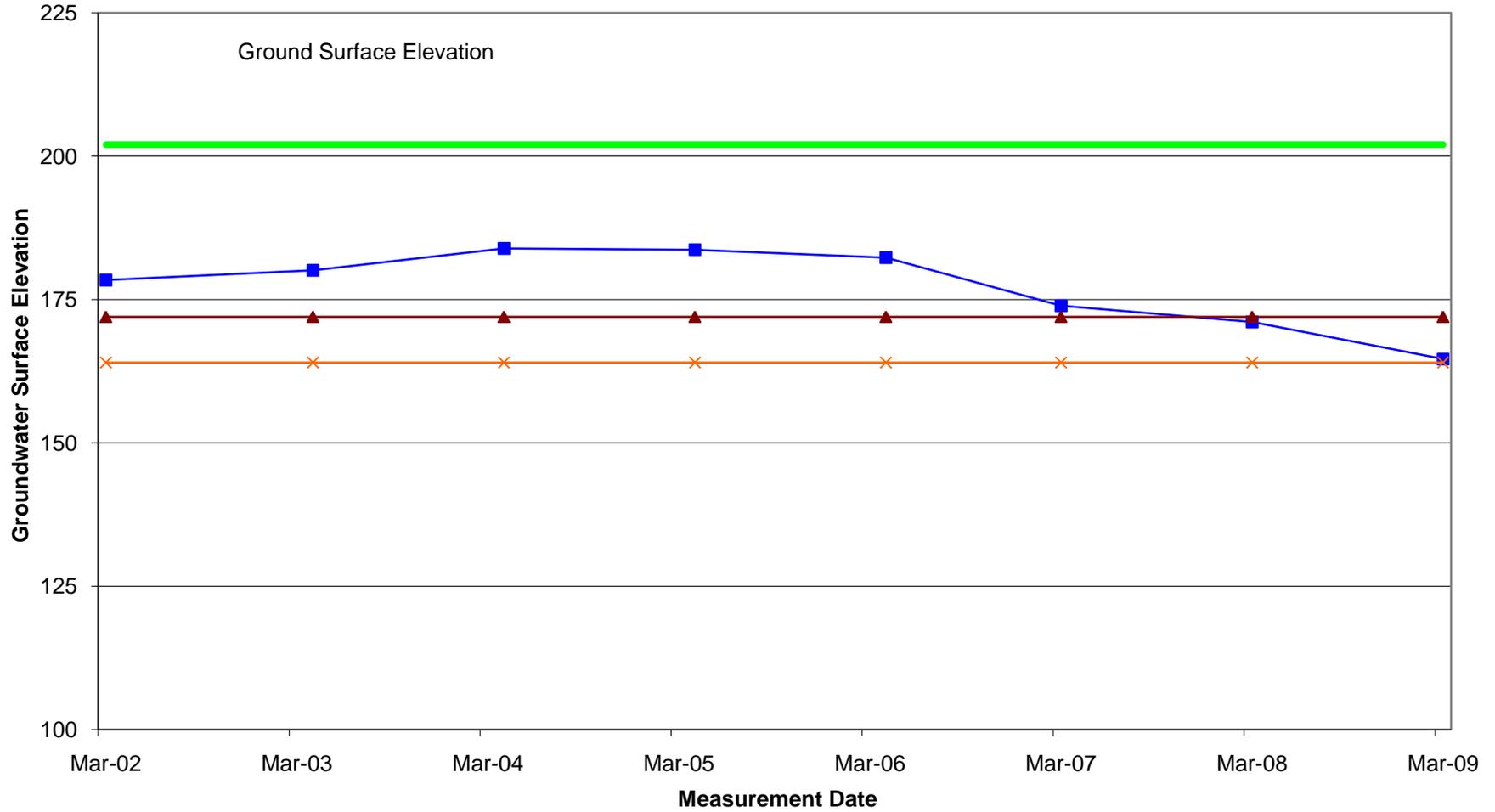


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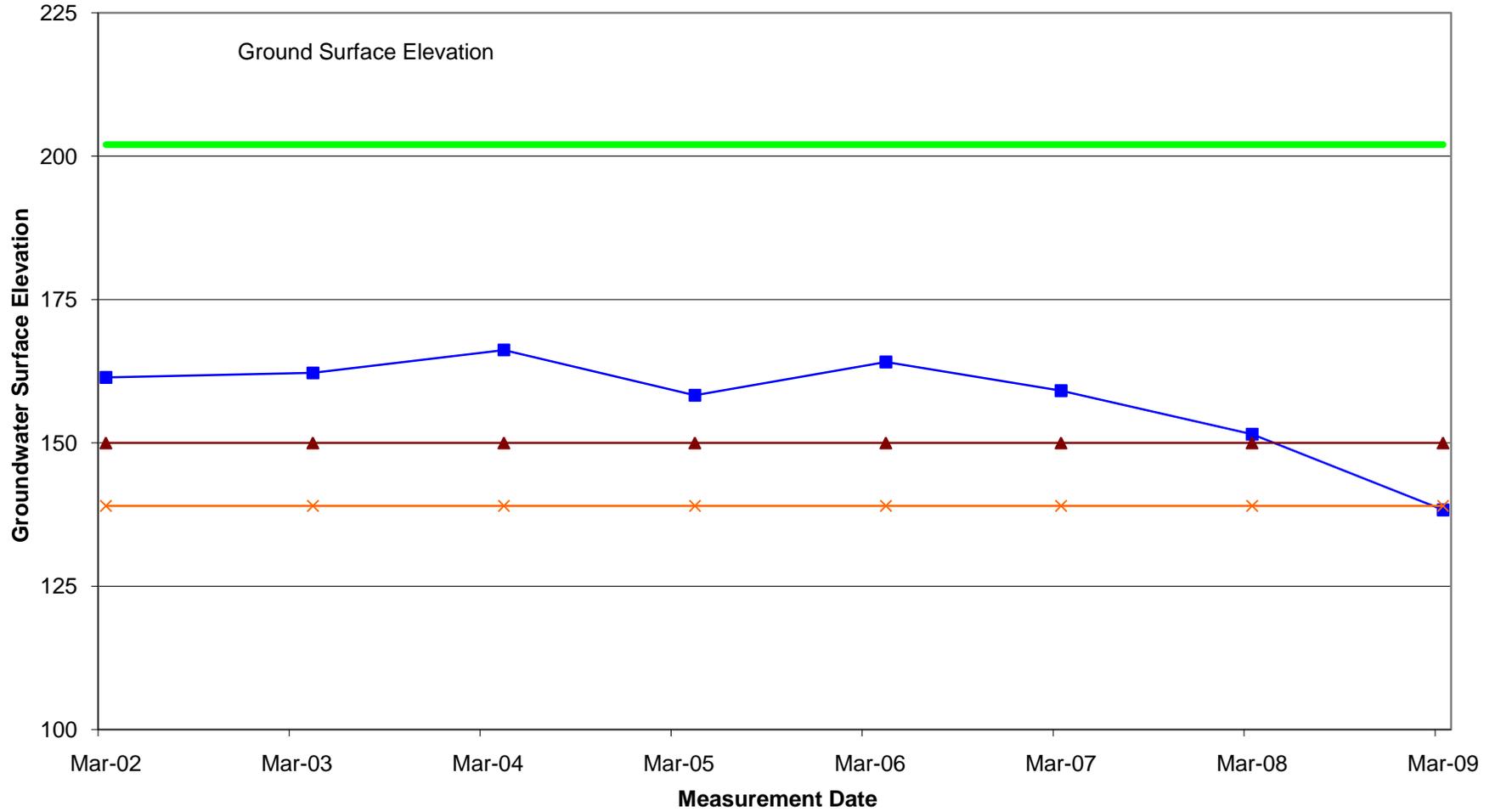


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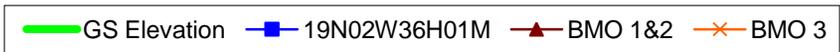
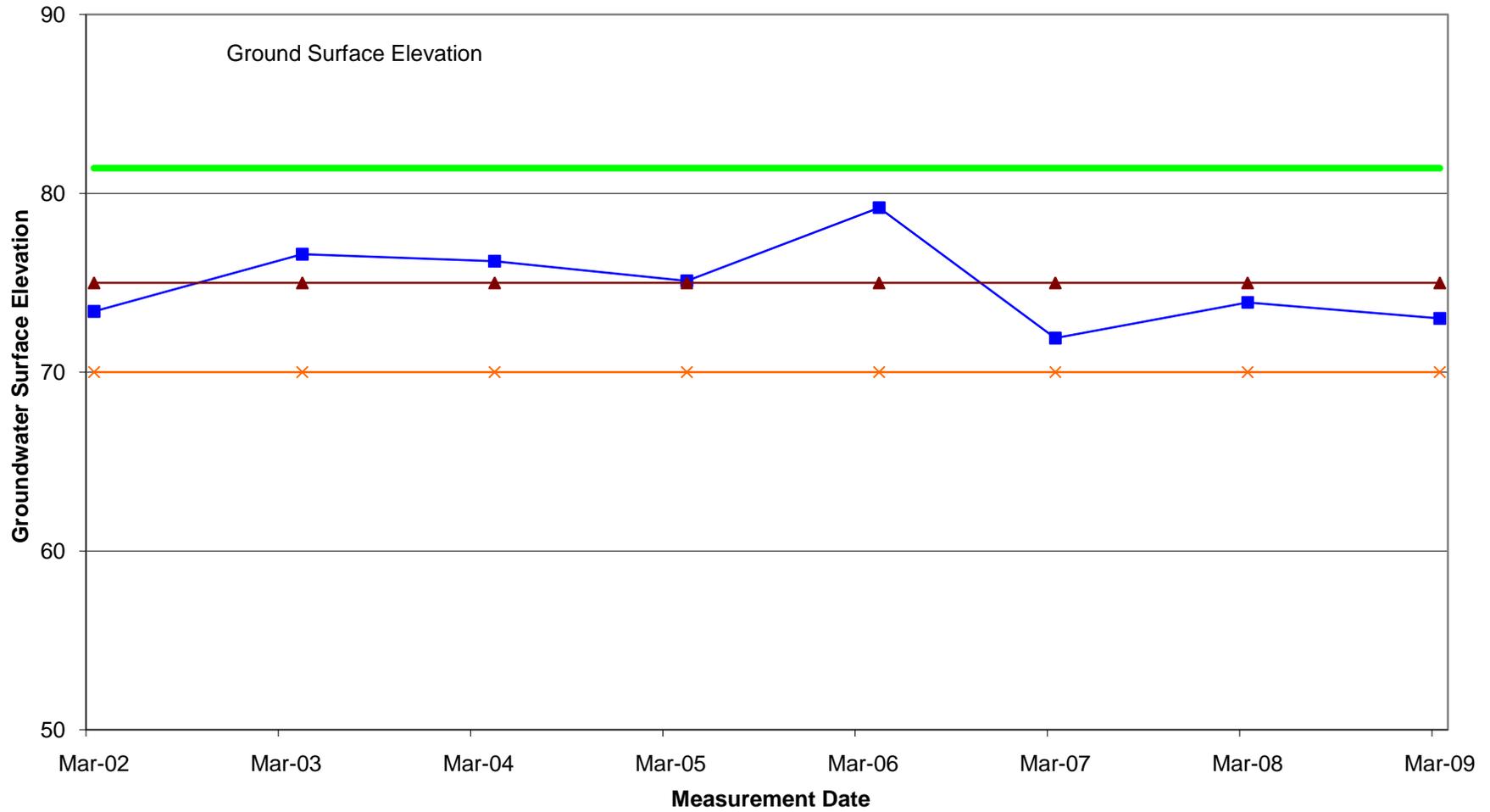
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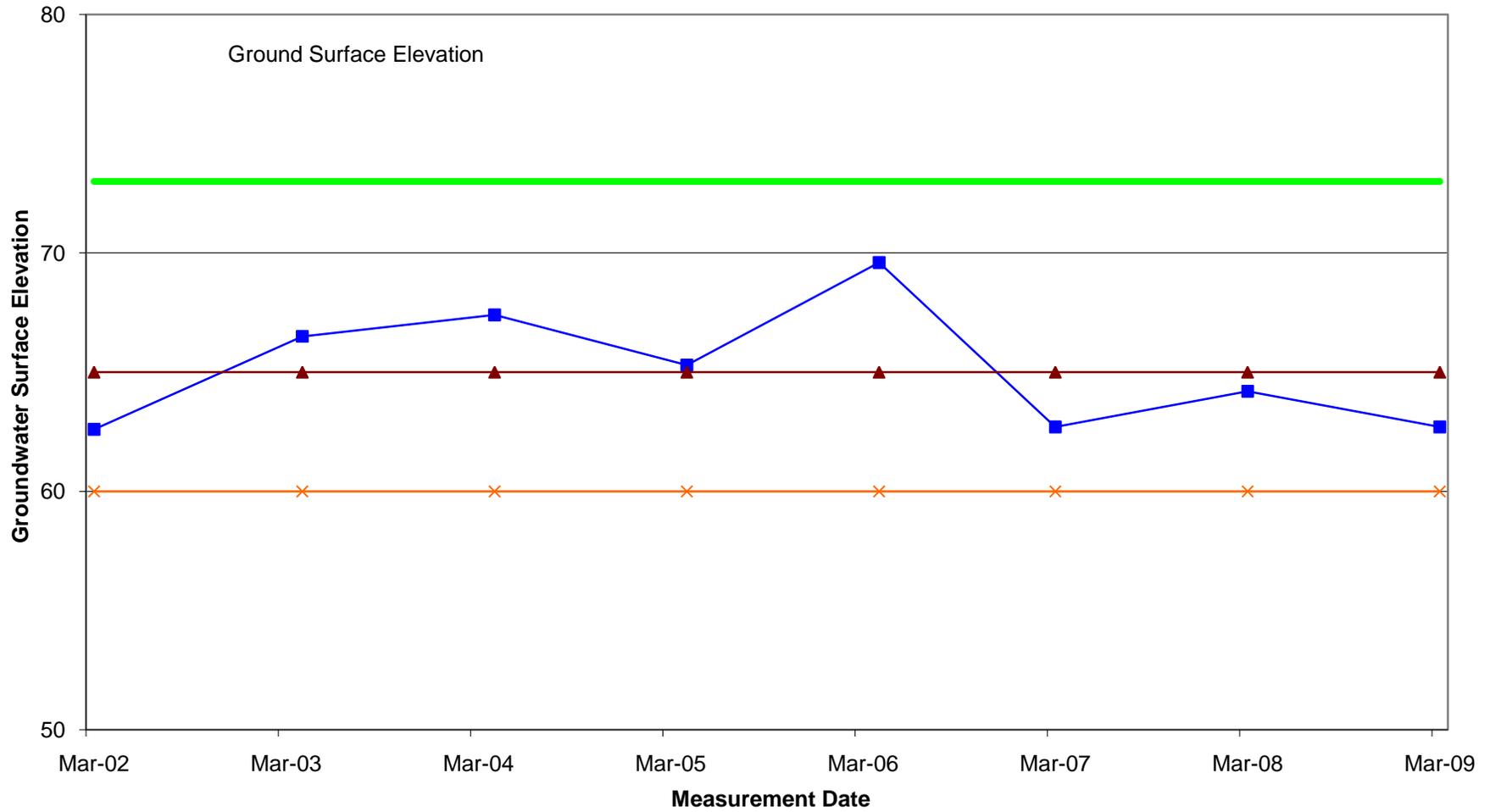
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# 19N02E36H01M

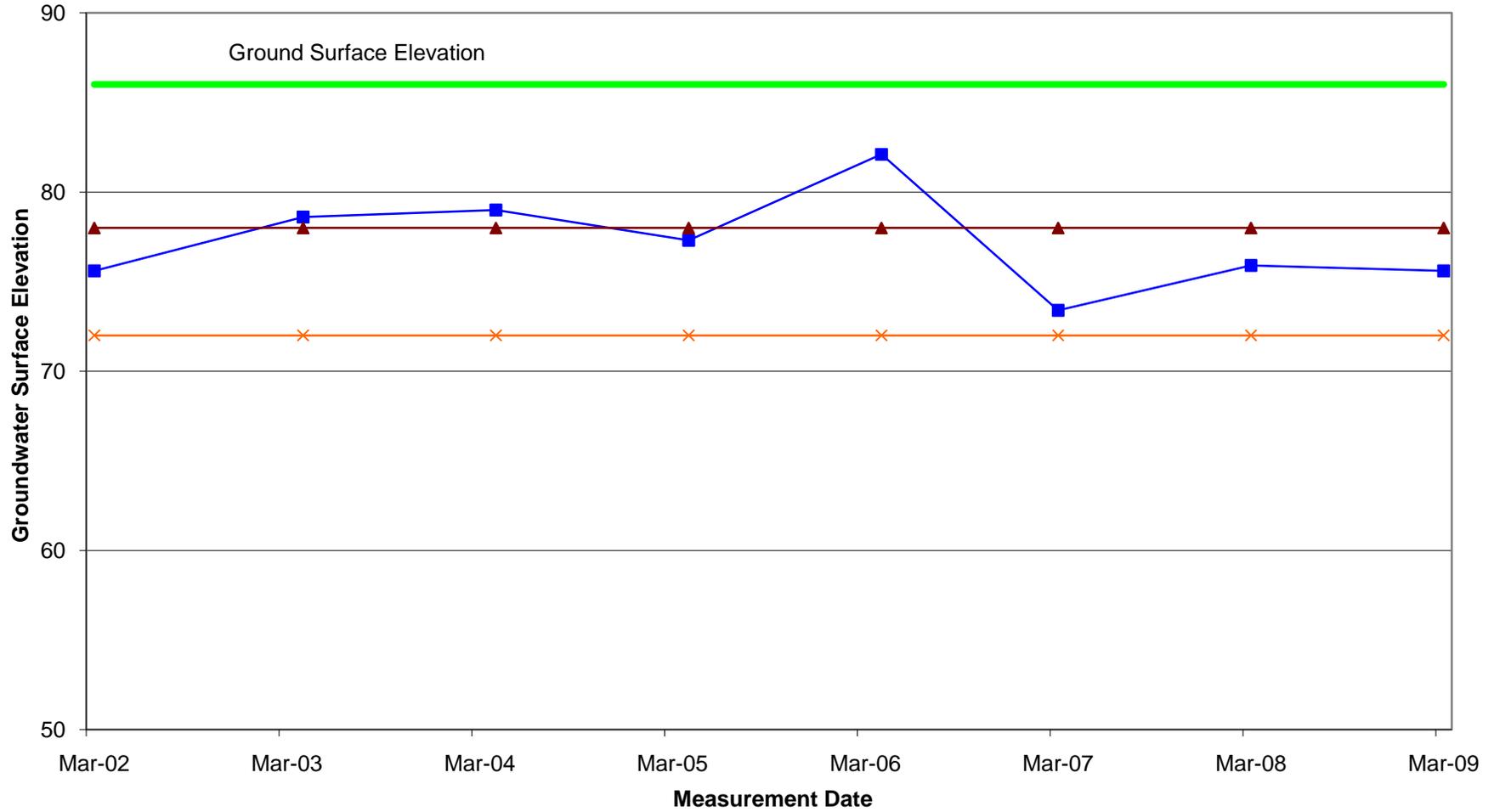


# 18N02W36B01M



GS Elevation 18N02W36B01M BMO 1&2 BMO 3

# 19N02W13J01M



— GS Elevation — 19N02W13J01M — BMO 1&2 — BMO 3

**Glenn County Fall BMO's for Groundwater Level**

in feet above sea level

	Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	Stage 3	Current	1977	Stage 2 or 3
									Removal
<b>Sub-Area 9</b>									
21N02W02B02	10/20/2008 3/25/2009	163.0	162.6	35.2 25.1	127.8 137.9	121	Stage 2**	121.0	132.0
21N02W09M02	10/20/2008 3/25/2009	179.5	179.0	53.9 39.4	125.6 140.1	125	Stage 2**	119.2	133.0
21N02W23G01	10/20/2008 3/25/2009	152.5	152	35.9 27.2	116.6 125.3	117	Stage 3*	114.9	132.2 132.2
<b>Sub-Area 10</b>									
21N03W33A04	10/21/2008 3/25/2009	174.0	174.0	67.3 50.3	106.7 123.7	104	Stage 2**	96.8	123.0
21N02W31M01	10/20/2008 3/25/2009	162.1	161.0	43.8 34.8	118.3 127.3	115	Stage 2**	107.6	122.0
20N03W12C01	10/20/2008 3/25/2009	160.0	159.0	44.6 35.0	115.4 125.0	115	Stage 2**	106.1	120.0
20N03W03D02	Discontinued								

\* A Stage 3 alert may be rescinded if the following Spring measurement indicate that the groundwater surface elevation has recovered to the average Spring elevation for the corresponding BMO well.

\*\* A Stage 2 alert may be rescinded if the following Spring measurement indicate that the groundwater surface elevation is above the A line.