

96-281

Valley Water Protection Association
7399 Hwy. 99
Oroville, CA 95965
October 3, 1996

Ms. Mary Scoonover
CAL/FED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mary:

I'd like to respond for your request for written input on the "Concerns" list generated by staff for the October 2, Assurances meeting. In light of the Assurance Work Group's defined role, our response is limited to the Solution Principle that there will not be a shift of problems from one area to another. A second general concern is the "shelf life" mentioned in today's meeting. Our firm view is that any new policies in water should take at least a 100 year view since growth and development will be predicated on those new supply reliabilities the program seeks. It is clear to us that once water is reallocated it never comes home. Adaptive management will evolve; however, we need to be accountable for the actions we set in motion for at least that 100 year time span.

The issue of Conjunctive Use / and Banking Programs involving out-of-basin transfers in the Storage Component call for further scientific study before inclusion in any program due to the lag time involved in the potential risks. In that regard we welcomed the suggestion that Scientists be brought to the table. We think that this is critical.

To deal with the distilled concern list which your hard work generated, we have included specific notes.

Thank you for the opportunity to comment.

Sincerely,



Linda Cole

Part II - Concerns

III. That program costs **and risks** will be affordable, predictable, and equitably allocated. [commiserate with benefit received]. From our perspective the risks of environmental damage have never been allocated to those receiving the benefits of existing project waters. We anticipate significant damage from the discretionary pumping implied by the conjunctive use strategy due to extraction pressures. The magnitude may well be hidden for a decade. History tells us that problems of this magnitude will be shifted to the entire state when in fact only the importing regions are reaping the benefits. There can be no cap on the scope of these costs.

IV. "That water rights, **both surface and groundwater**, will be protected." Traditionally these meetings deal with surface water rights only. I suggest you are infringing on what is a basic water right when you launch into reallocation of groundwater whether directly or through the vale of groundwater substitution. To define the criteria for permissibility as anything short of overdraft, denies the time value of water for the groundwater user. Using the water year for recovery levels effectively allows the shift of any summer shortfalls to people in exporting areas. You threaten reliability and economic availability for users in the area of origin by setting catastrophic standards to trigger concern. Additionally, the whole concept of Area of Origin assurances become muddied with commingling privately controlled surface water rights with the public trust need for water both for environment and for regional buildout. Recent discussions where pre 1914 water diversion rights are factored into a regional water budget but are exempt from regional management criteria with water district 3030 plans take the intent of area of origin security out of the hands of the region and place it with the district decisions. These challenges will need clarification before any policy regarding out of basin conjunctive use programs can avoid infringement on the groundwater rights of regional landowners.

V. "That local economies **and environments** will be protected from the [significant] adverse impacts of out of basin water transfers." It is critical that objective criteria be developed though public input within a broad coordinated water management plan. Without that clear information commonly known there will be no confidence in water security in export areas. Anything involving out-of-basin transfers will potentially effect the entire basin and therefore cannot be undertaken unilaterally based on a private water right. As was mentioned at the meeting, significance is in the eye of the beholder and certainly regional differences should be honored. The criteria should relate to clearly published figures in groundwater levels, economic impact and environmental impact.

VI. "That improvements in water use efficiency will be achieved" **without causing secondary economic and environmental damage.**

Part III Needs and Objectives

I. 4. b. "Habitat acquisition and enhancement"

The economic ramifications of land retirement for habitat restoration or enhancement on tax base and employment along with related economic activity can be significant for rural areas. This has to be compensated by equivalent redirected economic development with guaranteed distribution. I suggest additional language be added to VII, Financing, which will deal with this.

III. C. "That any mitigation required for water transfers will be implemented" and that there be identified provision to eliminate the burden on third parties seeking that mitigation.

VI. "Storage Facilities and Programs" -

B. "That the water supply benefits of new storage, in quantity and reliability, will be realized" without contributing to the unreliability of groundwater resources in the exporting regions.

D. "That new storage facilities or new conjunctive use and banking programs will not impair existing water rights, both surface and groundwater.

VII. Financing

B. "That the costs and risks of the program will be spread equitably and commensurate with the benefit received.

C. That compensatory economic development be part of any habitat acquisition before any lands are taken off local tax rolls. (see comment I., C. 4. b.)