

Summary of Meeting
BDAC Water Transfers Work Group
November 21, 1997
Fourth Meeting

Key Points

- Gary Brown of Western Canal Water District and Linda Cole of Valley Water Protection Association both provided an overview of the complexity of groundwater protection issues during transfers. Several potential measures were offered that would help avoid or provide mitigation for impacts if future groundwater substitution transfers were attempted.
- Increased levels of public participation and disclosure are necessary in order to gain the trust of the non-party interests for any proposed transfer.
- A range of solutions were offered to overcome third party impact and groundwater protection issues. These will be narrowed during the next meeting.
- Use of an “information clearinghouse” may help provide a process to assist local decision makers and interested parties in analyzing the benefits and adverse impacts of transfers.

Discussion Overview

- Mike Heaton provided the group with an overview of groundwater issues. This included discussion of pertinent laws and regulations and potential benefits of groundwater transfers as well as highlights of issues surrounding the use of groundwater in transfers, either directly or through substitution. It was noted that a recent paper co-authored by David Guy of the California Farm Bureau does a good job providing the legal context for groundwater issues. David said he would bring copies of this to the next meeting.
- Gary Brown provided an overview of Western Canal Water District’s involvement in the 1994 Drought Water Bank. The district believes there is potential to transfer water through groundwater substitution without adverse impacts to the groundwater basin. Questions remain, however, about how much can safely be used. An answer to this as well as a need for greater stakeholder involvement are both necessary prior to proceeding with future transfers. The following points were made:
 - the District learned a lot through participation in the Bank, including what can be improved in the future.
 - local ordinances have been passed since the 1994 Bank to resolve some of the issues, especially public disclosure.
 - the Butte Basin (referring to the groundwater basin) adequately recharges each year, even after the 150,000 acre-feet of additional pumping that occurred as a result of the 1994 groundwater substitution program. The entire basin, excluding that pumped during the Bank, annually pumps about 600,000 acre-feet of groundwater.
 - the District views the groundwater basin as a storage facility. If they experience a shortage in surface supplies in the future, the District will use groundwater as a substitute. Their groundwater substitution program operated in 1994 was viewed as a similar situation, taking advantage of natural storage and recharge conditions.

- some of the proceeds from the water sales was used to finance recent environmental improvements in Butte Creek
- local, upslope groundwater users have accused the District of adversely impacting their groundwater during the 1994 Bank as a result of groundwater substitution. This resulted in some claims filed against the District.
- Gary felt the following improvements are necessary
 - schedule substitution pumping when other groundwater users are not pumping
 - do extensive groundwater monitoring before, during and after program operates
 - establish agreed upon baseline information
 - publicly disclose the plans, explain anticipated impacts and mitigation strategies
 - define what impacts can be claimed and procedures to submit/process claim
- A question was raised whether Western Canal W.D. felt it could increase the amount of groundwater substitution. Gary's response was that 100, 000 acre-feet seemed to be a safe value at this time. Because more is not known about the groundwater basin and its interaction with surface waters, the District would be hesitant to do more. Gary also stated that, because of a 2 mile distance to the rivers, the affect on stream accretion/depletion was assumed to be negligible. However, further investigations are warranted.
- Linda Cole of the Valley Water Protection Association provided an overview of the concerns of other groundwater users in the basin but outside of Western Canal Water District. This concerns arose because of the District's groundwater substitution programs. Important elements of her presentation included:
 - the groundwater substitution program operated within political boundaries, not within basin boundaries as it should have. This resulted in no participation or input by local groundwater users outside the District, even though they stood to be impacted.
 - Western Canal Water District did not have an AB 3030 groundwater plan in place, nor were groundwater models complete that provided a good sense of potential impacts.
 - having DWR act as monitor of groundwater levels at the same time as buyer of water was a conflict of interest and lead to mistrust of DWR by local groundwater users regarding data collection and interpretation.
 - DWR's Drought Water Bank EIR outlined mitigation measures that were never implemented or acknowledged by Western Canal.
 - the County passed a well drilling moratorium because of dropping groundwater levels in domestic wells in and around the town of Durham. Several domestic wells had to be shut down because of dropping water levels and water quality concerns (in some instances, degraded water was unknowingly consumed as domestic wells pumped from the top 1-foot of the dropping water level).
 - in addition to Gary's necessary improvements listed above, Linda stated that:
 - programmatic EIR's cannot be used for groundwater substitution programs
 - need to evaluate the growth inducement in the buying region from a transfer
 - need to enforce buying areas to be efficient prior to approving transfers
 - need to evaluate the trade-offs of doing more conservation instead of transfers
- It was noted by a Sacramento Valley agricultural water user that groundwater management is integral to improved water management. Conjunctive use should be included, but must address the issues Linda raises. Linda concurred that conjunctive use or some type of groundwater program that generates more water may be viable given no environmental impacts and that all stakeholders are involved in the process and impacts avoided or

mitigated.

- A point was raised that groundwater quality and domestic well contamination are an important issue also, especially when water levels begin to vary such that your well is drawing from the top of the aquifer (as the water level drops) where contaminants can be more concentrated.
- A San Joaquin Valley agricultural representative stated that areas along the eastside of the Tulare Basin regularly operate groundwater basin in a conjunctive manner. Those who rely solely on groundwater have the ability, through negotiated arrangements, to curtail groundwater extraction by surface users (occurring during dry years) if water levels drop too low. Otherwise, though, these people are used to fluctuating water levels and have installed their wells and pumps accordingly.
- General concern was expressed about the notion of “shipping economic benefit” to other basins at the current or future detriment of the source basin. Conjunctive use or other groundwater use practices that result in shipping water out of the basin can leave the source area at risk, it was felt.
- The group was prompted to brainstorm ideas that could solve the issues related to both groundwater use/protection and third party impacts (discussed at the October 22 meeting). Mary Selkirk made it clear that all ideas were to be included at this time. At the next meeting, the group will work on narrowing some of the ideas to help provide advice to CALFED on a range of potential solution options. Ideas expressed by the group included (in addition to those expressed by Gary Brown and Linda Cole during their presentations):
 - have better public notice of specific transfers, possibly using existing County and/or City processes - transfer proponents would provide information to the County or City for their further disclosure
 - establish local monitoring and provide financial support for independent monitoring of groundwater levels
 - need public accountability of decision makers
 - have decisions made with all stakeholders present, not in isolated (independent) forum (i.e., do not let a water district or other single entity decide on issues that affect a broader geographic range of interests)
 - separate the functions of the State Water Project from the Department of Water Resources
 - do not allow the Department of Water Resources to function as a water transfer broker
 - have transfer proponents pay for and implement public disclosure for specific transfers
 - establish accountability/tracking of funds received by sellers to ensure local expenditure within the source area economy
 - establish a technical advisory committee to review and disclose data collected by others
 - broaden conflict of interest laws to include local entities, such as districts, so they cannot have sole approval if they could gain from transfers
 - establish a transfer tax that sets aside a specific dollar amount into a mitigation fund upon each transfer
 - develop a set of priorities or guidelines on transfers which could be used by decision makers (i.e., priority may be 1) intra-district, 2) intra-basin, 3) instream, 4) out-of-basin)

- use CVPIA transfer rules
 - establish a limit on the quantity of water transferred from any one region or political entity (district)
 - establish limits on the quantity for each specific transfer proposal
 - have CALFED develop baseline research, especially with regard to groundwater and groundwater/surface water interaction
 - establish basin-wide planning goals
 - define how a market is accessed, the criteria for selling, and the range of transfers needed for a CALFED solution
- Mike Heaton provided comments on the possibility of using an “information clearinghouse” to provide local decision makers with information regarding potential beneficial and adverse impacts as well as to possibly provide a public disclosure forum (i.e., hold public hearings, etc.). This entity, whether operated through an existing agency, a new joint powers authority, or a non-profit organization, could collect information and provide analysis of proposed transfers. It would objectively indicate the potential impacts (including cumulative) and provide recommendations for mitigation. The concept of a clearinghouse will be further developed in a discussion paper made available at the next meeting. It is possible that many of the concepts offered during this meeting can fall within the clearinghouse’s role. This entity, however, would not have any authority for making decisions. Local water rights holders would still need to make their decision based on information generated through a clearinghouse, and live with the positive or negative consequences.
 - Generally, the concept of a clearinghouse was well accepted by the work group, though many questions remain, such as who operates it, how does it operate, where does it operate, and who pays.

The next meeting of the BDAC Water Transfer Work Group is scheduled for:

December 17, 1997 from 9:30 a.m. to 12:30 p.m. in the Resources Building (exact room to be determined). Discussion will focus on refining the ideas generated at this meeting as well as further discussion of a possible “clearinghouse”.