

ORDINANCE NO. 2014-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
BROWNS VALLEY IRRIGATION DISTRICT
ENACTING A WATER EMERGENCY RESPONSE AND WATER CONSERVATION
POLICY AND REPEALING AND REPLACING ORDINANCE NO. 2008-01**

BE IT ORDAINED by the Board of Directors of the Browns Valley Irrigation District as follows:

Section 1. Authority

This ordinance is enacted pursuant to Water Code sections 22075, 22076, 22078, and 22257 and other applicable provisions of law.

Section 2. Intent and Findings

- (a) In order to ensure that the Browns Valley Irrigation District can maintain adequate water supplies in situations that are deemed to constitute a Water Emergency, the Board of Directors hereby enacts this ordinance. This ordinance provides the Board of Directors with authority to declare a Water Emergency by resolution when it deems proper and to require District staff to implement mandatory water conservation measures. While the District may rarely experience a water emergency, the Board deems it prudent to have measures in place which allow the District to restrict the amount of water used by each District customer to ensure the most effective and equitable use of limited water supplies and to prevent the waste of water that would further limit the availability of such limited water supplies.
- (b) The Board of Directors finds and determines that:
 - (i) Water is a precious resource and it is in the best interests of the District and its customers to conserve and avoid any unreasonable or wasteful uses of water.
 - (ii) In Drought and other emergency conditions, conservation measures may be required to permit the District to maximize the availability of water for its customers' uses and to ensure that all customers receive their fair share of available water supplies.
 - (iii) The District's maximum water demands occur in April through October, when irrigation demands for crops, pasture and landscaping are at their highest.
 - (iv) The maximum demands on water supplies from Collins Reservoir are already closely matched to maximum available supplies in most water year types. In times when Collins Reservoir does not fill, there is a significant chance that the District will be required to impose the water conservation measures detailed in this ordinance on customers in the area served by Collins Reservoir in order to ensure that each customer receives the maximum quantity of water

that the District can safely make available and still ensure a reasonable level of carryover storage for the succeeding year.

- (v) The water supplies from the Yuba River, although adequate in most water year types, may be reduced in the driest years or become strained under maximum demand during a drought condition. During such a condition, there is a chance that the District will be required to impose water conservation measures detailed herein on customers in the area served by the District's Yuba River water supplies in order to ensure that each customer receives the maximum quantity of water that the District can safely make available.
- (vi) Because the District has two separate major water sources and two separate distribution systems for such sources, it may be necessary to declare a Water Emergency in one service area and not in the other service area. While the District will make every effort to move available water supplies from a service area with surplus supplies to the service area in deficit, nothing in this ordinance obligates the District to transfer surplus water supplies between service areas if such a transfer is not physically, economically and/or legally possible.

Section 3. Criteria for Declaring a Water Emergency

The Board will consider a number of criteria to determine if a Water Emergency exists. These criteria include but are not limited to:

- (a) **Maintaining and Adequate Supply of Water to Meet Demand.** The District continually monitors the water storage facilities that serve its distribution systems. Water availability to meet projected demand for each service area is then estimated based on required releases and reservoir levels.
- (b) **Catastrophic Loss of Supply.** A major main break, loss of a distribution facility, or failure or loss of other District facilities results in a reduction in available water supplies.
- (c) **Drought Forecast.** A Water Emergency is declared due to an actual or forecasted drought.
- (d) **Actual or Projected Inflow.** The Board will consider whether a declaration of a Water Emergency is warranted in any year when the actual or projected inflow into Collins Reservoir, New Bullards Bar Reservoir and/or at the Marysville Gage on the Yuba River is expected to result in a reduction of available water supplies.
- (e) **Local, State or Federal Proclamation.** The Board will consider whether the declaration of a Water Emergency is warranted to coincide with similar emergency proclamations by the President of the United States, the Governor of the State of California and/or the Yuba County Board of Supervisors.

- (f) **Estimated Duration of a Water Emergency.** The causes, nature and duration of a water shortage will influence whether a Water Emergency is considered short or long term and what conservation measures the Board may deem necessary to address the situation.

Section 4. Conservation Measures

If a Water Emergency is declared, the Board of Directors will impose the water conservation measures that it deems appropriate in the circumstances and direct and empower the General Manager staff to carry out the designated measures. The Board will select those water conservation measures that it determines will most effectively utilize the limited water resources available during a Water Emergency. The selected conservation measures may be modified by the Board of Directors as needed to suit the conditions then facing the District. The following are some possible conservation measures that the Board may choose to impose to address a Water Emergency:

- (a) This ordinance automatically enacts a “No Spill” policy when the Board adopts a resolution declaring a Water Emergency. This policy prohibits water customers from intentionally or unintentionally spilling or otherwise wasting water purchased from the District. For purposes of this ordinance, spilling consists of:
 - (i) Permitting water to leave the premises for which it was purchased by any means other than evaporation or being absorbed into the ground; or
 - (ii) Transferring water purchased from the District from one water user to another water user or waterway.
 - (iii) Allowing water purchased from the District to overflow from ponds or water features or otherwise rise above six inches below the top of the defined banks of those structures.
 - (iv) Agricultural field spillage or field drainage is prohibited for the entire irrigation season during a Water Emergency unless the District receives a verifiable, written recommendation from a Pest Control Advisor or County Agricultural Commissioner that it is necessary to drain and/or re-flood a field to alleviate crop stress due to poor water quality.
- (b) The District may terminate water deliveries to out-of-District customers who normally receive water from a District ditch or pipeline if the water the customer would normally receive originates within a service area that is affected by a Water Emergency.
- (c) During a Water Emergency, the District may adjust the delivery schedule in order to ensure the conservation of water within the affected service area. Such schedule changes may be applied to either a portion of or the entire District depending on the conditions and nature of the Water Emergency.

- (d) In order for the District to ensure the conservation of limited water supplies, water rationing may be implemented. This may include a schedule that shuts off a portion of the delivery system one or more days each week.
- (e) To address capacity constraints on water deliveries from the Yuba River diversion, the District may impose a waiting list for Pumpline Canal customers requesting water on the acre-feet rate for production agriculture based on criteria set forth by the Board in a resolution or policy. The waiting list will apply to each service connection or turnout. Customers with more than one service will be required to apply for each service to be put on the waiting list and the entire area to be irrigated by said service must meet the following criteria:
 - (i) The area to be irrigated must be fully prepared and ready to receive water immediately;
 - (ii) The area must be devoid of any equipment or labor otherwise associated with the preparation of the area to be irrigated; and
 - (iii) Applicants not meeting the preceding criteria will not be put on the waiting list until such time the conditions are met.
- (f) After declaring a Water Emergency, the Board will allow new services within the District to receive irrigation water, provided that any such new service shall be limited to no more than one (1) unit during that Water Emergency.
- (g) During a Water Emergency, existing customers shall not receive any additional units or increases in service beyond their current allocation.

Section 5. Prohibition on Water Waste

(a) **Waste of Water Defined.** Allowing water to escape from any premises on to public property or another person's property is a waste of water and is prohibited. This includes irrigation runoff as well as overflow from ponds that are not located in live drainages. (A live drainage is a creek or ravine that conveys drainage water, on a year round basis, onto and through a parcel and is not water that is purchased by the water user of that parcel.) Tampering with or bypassing water meters or water metering devices is prohibited. The intentional spilling or wasting of water shall also be considered waste of water for the purpose of this Ordinance in a Water Emergency.

(b) **Penalties for Water Waste.** During a declared Water Emergency, District staff will enforce the prohibition against waste of water whenever such waste is directly observed or confirmed after receiving a report of water waste from any person or entity. District staff will document each incident of observed or confirmed water waste and such written reports will be filed with and kept by the General Manager or his or her designee. The following enforcement measures will be used:

- (i) Upon each of the first and second confirmed incidents of water waste by a customer, the District will issue a warning letter describing the incident

and specifying the penalties if the customer does not terminate the waste of water.

- (ii) Upon the third confirmed incident of water waste, the District will terminate water service to the customer engaging in the water waste for a 30 day period.
- (iii) Upon the fourth confirmed incident of water waste, the District will terminate water service to the customer engaging in the water waste for the remaining balance of the irrigation season.

Section 6. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 7. Effect of Headings

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 8. Inconsistency and Repeal

To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinance, motion, resolution, rule or regulation governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed. The Board hereby specifically repeals and replaces in its entirety Ordinance No. 2008-01, which will be void and of no further effect.

Section 9. Notice


The District General Manager is directed to post a copy of this Ordinance in the customary place for posting and on the District's website within 5 days after its adoption. If the Board declares a Water Emergency, it shall do so by resolution stating the reasons for the declaration and will direct the General Manager to provide notice in the manner designated by the Board to all water users affected by such declaration.

Section 10. Effective Date

This Ordinance shall take effect and be in full force immediately.


PASSED AND ADOPTED by the Board of Directors of the Browns Valley Irrigation District on the 27th day of March, 2014, by the following roll call vote:

AYES: Bordsen, Lowe, Wheeler, Woods
NOES: None
ABSENT: Winchester
CONFLICTS: None



Bob Bordsen
President, Board of Directors

ATTEST:



Walter Cotter
Secretary, Board of Directors