

**ORDINANCE NO. 2008-01**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE BROWNS VALLEY IRRIGATION DISTRICT  
PROVIDING A WATER CONSERVATION POLICY**

**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 approves this Water Conservation Policy Ordinance. This Ordinance provides the Board of Directors with authority to declare a Water Emergency when it deems proper and to require District staff to implement mandatory water conservation measures. While the District may never experience a water emergency, the Board deems it prudent to have measures in place that allow the District to restrict the amount of water used by District customers to ensure the most effective use of limited water supplies and to prevent 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 water conservation measures 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.

- (v) 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 an Adequate Supply of Water to Meet Demand.** The District continually monitors the water storage facilities that serve its distribution system. 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) 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.

**(e) Drought Forecast.** A Water Emergency is declared due to an actual or forecasted drought.

**(f) Actual or Projected Inflow.** The Board will consider whether declaration of a Water Emergency is warranted in any year when the actual or projected inflow into Collins Reservoir or at the Marysville Gage on the Yuba River is expected to result in a reduction of available water supplies.

### **Section 4. Conservation Measures**

If a Water Emergency is declared, the Board of Directors will impose those water conservation measures that it deems appropriate in the circumstances and direct and empower the General Manager and 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)** 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.

(b) 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.

(c) 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.

#### **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.

(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.**

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.

**Section 9. Notice.**

The District General Manager is directed to post a copy of this Ordinance in the customary place for posting 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 10<sup>th</sup> day of April, 2008, by the following roll call vote:

AYES: Lowe, Bordsen, Woods, Wheeler, Winchester

NOES: None

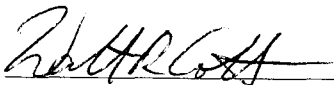
ABSENT: None

CONFLICTS: None



President, Board of Directors

ATTEST:



Secretary, Board of Directors