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Water Shortage Allocation Policy

When Butte Water District is notified of a water deficiency by the Department of Water Resources (DWR) and/or in the opinion of the Board of Directors of Butte Water District there is a water shortage, the water will be apportioned on a pro-rata basis in accordance with this policy to all primary acreage for which a standby fee is paid, is capable of receiving Districts supply, and for which a timely and complete application is filed. Secondary acreage, acreage without necessary water distribution facilities to receive District water, and out-of-district acreage will not receive any water from the District.

The Board will require applications for water use to be due on or before **April 15, 2022**. Should no application be made at the proper time and in the proper manner, no water will be served, except upon direction of the Board, for that parcel for the irrigation season pursuant to Water Code section 35453.

The District's current rules regarding water allocations and use during the **2022** irrigation season are set forth below. Be advised, that these rules are subject to amendment by the Board of Directors at any time.

A. Surface Water Allocation

- a. District will deliver water only to Applicants who have timely and completely filed out an application. Applications will be due no later than **April 15, 2022**.
- b. District reserves the right to increase or decrease water allocations at any time based on new information or changed circumstances. The District will notify all Applicants concerning any amendments to their allocation.
- c. The District will not supply water in excess of each Applicant's allocation. The District will cease or reduce diversions if it the Applicant has exceeded or appears likely to exceed their respective surface water allocation.
- d. **Surface Water Allocation – 50% Reduction**
 - i. Rice: Rice acreage will be determined based on the current trends of water usage for rice. For the 2022 irrigation season, water will be provided to 47% of rice acreage.
 - ii. Orchards: Four irrigations for the season if flood irrigated on cultivated ground. Orchards with permanent sod may divide irrigations (e.g. irrigating odd and even rows at different times) upon request and approval of District. Allowed to transfer up to a max of 6 irrigations.
 - iii. Orchards: No reduction if micro-jet irrigated; solid set sprinklers are allowed 16 irrigations – at District discretion.
 - iv. Row Crops: four irrigations for the season, allowed to transfer up to a max of 6 irrigations.
 - v. Pasture: six irrigations for the season, allowed to transfer up to a max of 8 irrigations.
 - vi. Alfalfa: five irrigations for the season, allowed to transfer up to a max of 7 irrigations.
 - vii. Ponds: zero allocation for the season.
 - viii. No post-harvest irrigations unless the District has water available.

e. Assignments of Surface Water

- i. Upon notice to the District, any Applicant may assign all or a portion of their allotment of irrigations, or in the case of rice, acreage to another block or field within the District that are owned or leased by the same Applicant, provided that the assigning field has been historically irrigated within the last 2 years.
- ii. Applicants may assign all or a portion of their allotment of irrigations, or in the case of rice, acreage to another landowner/grower within the District, provided:
 1. The Applicant and the assignee complete a District assignment form and pay the District's rate for water and a onetime administrative fee of \$200.
 2. Completed assignment forms may be approved by the General Manager at any time. If the General Manager denies a request for assignment or, due to unique circumstances, is unwilling to approve or deny the request, the assigning landowner may seek reconsideration by the Board of Directors. Requests for reconsideration must be received on the Friday before the District's regular monthly board meeting (the second Tuesday of each month) so that an item may be placed on the agenda for consideration by the Board of Directors.
- iii. Conditions applicable to all assignments:
 1. An Applicant may assign water from one crop to a different crop, with fees to be based on an acre-foot basis.
 2. Applicants wishing to assign must provide the District with a map showing where the water will be assigned from one block to another. The assigning Applicant must provide acreage and crops (including varieties) for each field or block.
 3. The District will not consider or approve assignments of less than 1 irrigation or, in the case of rice, less than 50 acres.
 4. The District reserves the right to deny assignment requests for any reason, including without limitation, inadequate capacity to wheel the water through the District's facilities.

f. Irrigation Practices

- i. Irrigation must be done in a timely manner, at the discretion of staff. Water volume cannot change during the irrigation period.
- ii. Landowner will provide a minimum of a 48-hour notice to the ditch tender for water orders.
- iii. In order to conserve water and avoid spilling, water will be run on a 24-7 basis, as directed by staff. If a landowner does not comply, he will be moved to the end of the list.
- iv. Growers will take water when available and directed by staff no matter the time of day or night. If a grower does not take the water at a designated time and water spills he will be subject to a fine or be required to pump back into District facilities a like amount of water that spilled and revert to the bottom of the irrigation list.
- v. Wet dry ditches will be used on a rotating group basis or as directed by staff.
- vi. Single Flood Criteria: Single flood only allowed on land that is growing a crop.
- vii. Draining: During periods of drought, District will strictly enforce a no-spill policy. Failure to comply will result in the water being immediately shut off. In addition, the landowner will lose one full irrigation or offender may be subject to replacing water through a District designated pump at the offenders cost.

B. Use of Private Wells

- a. An Applicant wishing to commingle their surface water allocation with groundwater must complete an Agreement to Use Groundwater.
- b. An Applicant who wishes to use District facilities to wheel water from Applicant's private well to the same Applicant's other fields located within the District shall:
 - i. Execute an Agreement for Use of District Facilities to Wheel Groundwater for consideration of the District; and
 - ii. Provide an existing encroachment permit or complete and execute a new encroachment permit for consideration of the District.
- c. All agreements governing the use of wells and groundwater are available at the District office. Completed forms may be approved by the General Manager at any time. If the General Manager refuses to approve the use of groundwater, the Applicant may seek reconsideration by the Board of Directors. Requests for reconsideration must be received on the Friday before the District's regular board meeting (the second Tuesday of each month) so that an item may be placed on the agenda for consideration by the Board of Directors.
- d. The District reserves the right to grant or deny any agreement for any reason.

C. There will be no inter-district transfers or assignments of surface water except upon application and prior approval of the Board of Directors. Nor will inter-district transfers or assignments of groundwater be permitted if using District facilities.

- D. Unlawful Taking of Water During a curtailment, either intentionally or unintentionally is prohibited. Examples of unlawful taking of water include failure to shut down gate after irrigation, or taking water without permission from the ditch tender. The District may impose any or all penalties available at law, including without limitation:
- a. Under Penal Code § 592, unauthorized taking of water is a misdemeanor and persons doing so will be prosecuted.
 - b. First offense: Water shut-off until the next regular scheduled board meeting and may impose a fine up to \$500.
 - c. Fines may apply and are at the discretion of the District
 - d. Landowner may be required to pay back unauthorized use of water by pumping.
 - e. Fee to have water turned back on.
 - f. Installation by landowner of a meter to track inflow and outflow of water.