



Adopted: February, 2003
Updated: June, 2007
Updated: September, 2013

Lower Tule River Irrigation District Groundwater Export Policy

Background

One of the primary goals and purposes of the Lower Tule River Irrigation District is to enhance the groundwater resources that underlie the District. The District overlies the Tule Subbasin Groundwater Basin, which is in a state of critical overdraft. The District has endeavored since its creation in 1950 to import as much surface water as possible to offset the use of groundwater for irrigation purposes and to replenish the aquifer through direct recharge via sinking basins, river channels and unlined canals. The District's efforts are funded through assessments and water charges paid by landowners in the District.

The District intends that all water that is delivered to the District, whether from local or foreign (imported) supplies, be used solely by District landowners for beneficial irrigation purposes on lands within the District. California law provides that water that has been imported into an area and is stored directly or indirectly in the underground aquifer may be recaptured by the importer. Imported water that is part of the underground aquifer is therefore an asset to which the District has a right to protect, and for which the District has a right to determine the use.

The District has determined that it is in the best interest of the District to allow landowners in the District to recapture imported supplies through operation of private groundwater wells used to supply water to landowner's lands within the District. The District has also determined that it is in the best interest of the District to protect imported water supplies from exportation out of the District so that these supplies remain available to District landowners for use within the District.

The following policy is intended to further these goals. The policy was originally adopted in 2003 and updated in 2007. It is being updated again in 2013 for clarification purposes only. The intent of the policy remains unchanged.

Findings

- 1) For the purpose of this policy, the term "export" of groundwater refers to the conveyance of groundwater pumped from a groundwater well located on land within the District to land outside of the District.

- 2) For purposes of this policy, the term “groundwater” refers to any water located underneath the ground and pumped from a well located on land within the boundaries of the District.
- 3) It is the policy of the District, consistent with California law, that all water delivered to the District, whether from local or foreign (i.e. imported) supplies, and whether delivered as surface water or as water recharged to the groundwater, be available only for use by District landowners for beneficial irrigation purposes on lands within the District.
- 4) The District’s efforts, funded by landowner assessments and charges, have caused a significant amount of water to be recharged into the groundwater basin underlying District lands.
- 5) The protection of imported water supplies against exportation out of the District is in the best interests of the District and its landowners.
- 6) Because it is difficult or impossible to segregate native groundwater from imported groundwater and because the groundwater basin underlying the District is in a state of critical overdraft, the interest of protecting imported water supplies is best served by adoption of a policy against exportation of any groundwater out of the District by District landowners, except in certain limited circumstances.
- 7) There may be limited circumstances in which a District landowner may have an urgent need to use groundwater developed from wells within the District on lands owned by that landowner outside of, but immediately adjacent to, the District boundaries. Exportation of groundwater in such limited circumstances is not likely to unduly burden the ability of other landowners to enjoy the benefit of access to imported groundwater supplies because the use will be temporary, of a limited quantity and conditioned for consistency with the District’s policy

Consistent with these findings, the Board of Directors of Lower Tule Irrigation District therefore adopts the following Policy to be effective immediately:

Policy

- 1) Groundwater for In-District Use: It is the policy of the Lower Tule River Irrigation District that all groundwater pumped by agricultural landowners within the District be utilized for irrigation-related beneficial uses on lands within the District.
- 2) Exports Prohibited: It is further the policy of the Lower Tule River Irrigation District to protect the District’s investment in imported water stored underground by prohibiting the export of groundwater except in limited circumstances, by permit, as set forth in this policy.

- 3) Export Permit: There may be limited circumstances in which an exception to the policy prohibiting the export of groundwater should be allowed. Landowners may apply to the District Board of Directors for a permit to export groundwater. Issuance of a permit to export groundwater is a discretionary action of the Board. The Board will consider applications for a permit on a case by case basis, using the following criteria:
- a. The proposed use must involve the use of exported groundwater for agricultural purposes on lands adjacent to the District's jurisdictional boundaries.
 - b. The applicant must be a District landowner and the proposed use must be on lands owned by the same landowner as the land from which the groundwater will be pumped.
 - c. The proposed use must be on lands that overlie the Tule Subbasin (Groundwater Basin Number 5-22.13) as defined in the California Department of Water Resources Bulletin 118.
 - d. The applicant must establish a right under California law to pump and export groundwater, that the export will not injure other legal users of water and that the proposed use of the water is reasonable and beneficial.
 - e. The exportation must be a one-time event and will not be ongoing or long-term.
 - f. The applicant must establish the exportation is necessary for the protection of economic interests on the receiving lands due to extraordinary circumstances, such as drought conditions or unexpected well failures.
 - g. Permission to export groundwater shall be granted within the calendar year only. Allowances for exporting groundwater shall expire on January 1st of each calendar year and must be subsequently renewed thereafter.
 - h. Individual landowners shall be allowed to pump no more than 1,000 acre-feet, or one acre feet per acre of the exporting lands, whichever is less, for export purposes within each calendar year. Further, the landowner must also demonstrate that for each acre-foot requested to be pumped, that they have one acre of land within the District boundaries that will not be receiving groundwater.
 - i. The landowner shall reimburse the District the total of the then published Class One water rate, including all related CVPIA charges, plus a fee of \$25 per acre-foot for each acre-foot extracted for export purposes. Said cost is representative of the annual average cost to the Lower Tule River Irrigation District for the recharging of groundwater.

- j. All exports shall be consistent with applicable regulations and subject to California law relating to the establishment and the limitation of the right of overlying landowners to extract groundwater. Any approval of a proposed export shall be considered null and void if the export is determined through a court of law to be without right.
 - k. The landowner shall notify the District office prior to the commencement of the export and shall allow District staff access to the well sites at all times.
- 4) Enforcement. The District may take any action in law or equity, including a civil action seeking injunctive relief, to stop the export of groundwater in violation of this policy. The District may also deny surface water service to any landowner found to be exporting groundwater in violation of this policy.