

# Mountain Democrat

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## My Turn: Opposition to permanent water conservation regulations

By [John Kingsbury](#) [From page A4](#) | April 26, 2017  
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In a hand-carried letter to each California senator and Assembly member in Sacramento, the Mountain Counties Water Resources Association took a strong stand to oppose the process and legislation being proposed in the governor's budget trailer Bill 810. A trailer bill is one that is attached to the state's budget to bypass the regular legislative process. If signed into law, it will establish permanent urban water conservation rationing in communities across the state.

As proposed, there will likely be new water-use standards including a water-use target methodology based on some calculated formula for all indoor water use (55 gallons per day, per person) and outdoor landscape based on data collected per parcel from landscape imaging systems. Existing imaging systems allow mapping professionals to examine both natural and manmade environments, including rural landscapes.

Make no mistake, once fully implemented, targets and standards will be ratcheted downward for both indoor and outdoor usage by subsequent state mandates. Water districts will be required to calculate their unique water use targets based on customer household population, residential landscape area by parcel, landscape age, an applied evapotranspiration adjustment and other factors.

As California recovers from the past man-made drought, it is troubling that there is a push by certain interest groups to move legislation by adding language to a trailer bill with the objective to establish permanent water conservation mandates. It seems that these groups are focused more on their ideology or political agenda than on the real impacts that such a permanent "state of emergency" will have on other people's lives and livelihoods.

This draconian, invasive and arbitrary rationing legislation will trample upon the personal rights of individuals to make choices on their beneficial use of water, adversely affect local control over land use decisions, wildlife and aquatic habitats, recreation, tourism, our economies and the quality of life people enjoy in this region. The proposed standards in the trailer bill have the potential to increase fire-prone vegetation, tree mortality and the risk of catastrophic fire in the wildland-urban interface, which characterizes the mountain counties region.

If this legislation becomes law it would erode the state's water rights priority system and area-of-origin water right assurances in this region. There are several longstanding state assurances, that are paramount to this region's quality of life and should be honored unequivocally such that no

state and/or federal agency exert authority to hinder or reallocate area-of-origin and/or watershed-of-origin water supplies that lays harm to the communities and eco-systems in the mountain counties area.

This erosion of water rights serves to function as a back door to allow a junior water right to take from a senior water right. Someone looking to overturn the priority principle of California water rights could hardly have designed a cleverer takings strategy.

The state would greatly benefit from a more strategic approach to water management than what is being proposed in Sacramento. There are several questions that come to mind:

1. Why the need for permanent regulations on urban uses when 90 percent of the statewide water use comes from other uses?
2. Why not resolve the regulatory and environmental impediments to increase water supply, thus lessening the urban and agricultural water demand issues?
3. Why does the state encourage local control yet seeks to expand regulatory authority to execute the recommendations in the framework?
4. Why impose indoor and outdoor targets/standards on water agencies that have demonstrated responsible stewardship, invested for the future and created a water supply portfolio that provides water reliability and resiliency for their ratepayers?
5. Why not act in a way so the next generation will be able to thrive rather than only survive with permanent rationing?

The California Water Action Plan, originally released by the administration of Gov. Brown in January 2014 and updated in 2016, is a roadmap for the first five years of the state's journey toward sustainable water management. The plan has 10 action items. "Making conservation a California way of life" and "manage and prepare for dry periods" are two of the 10 action items. So why does the state not address the other eight action items with as much vigor?

It is inconceivable why hundreds of thousands of acre-feet of water are dumped into the ocean annually while other parts of the state are parched for lack of water.

- Why has the state not expedited Proposition 1 bond funds approved by the voters in 2014 to add surface storage to increase supply, reduce flooding and take pressure off the fragile levee system?
- Why is it acceptable to let the ecosystems of the Sierra Nevada and Delta die? Does it not warrant an executive order as an emergency by the governor?

Yet legislators look to establish permanent conservation rationing and excessive and costly control over California water purveyors and their ratepayers.

The state should adjust its priorities and focus on and rectify the regulatory and environmental impediments to implement all the action items in the Water Action Plan. Then the state should encourage and assist struggling water-short communities, provide funding to improve drought resiliency, encourage new water-use efficiency technology development and provide other incentives such as water transfers from this region of conserved water, rather than legislate with a blunt instrument to mandate permanent water rationing in our rural communities.

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