

Governor Brown Fast-Tracks Voluntary Water Transfers to Ease Drought Hardships on Agriculture

The 2012-2013 water year has shaped up to be exceptionally dry. With near record-low precipitation over the critical winter months, the latest estimates place the Sierra snowpack at around 17 percent of normal going into the summer. Faced with both reduced supplies and legal requirements prioritizing environmental uses of water, the State Water Project anticipates being able to meet only 35 percent of requested water deliveries this growing season. Customers of the federal Central Valley Project will likely fare even worse, receiving as little as 20 percent of their requested water.

In light of this situation, on May 20, 2013, Governor Edmund G. Brown issued an executive order intended to help California's agricultural sector cope. The order, [Executive Order B-21-13](#), directs the Department of Water Resources and the State Water Resources Control Board, which together share control over the temporary water transfer process, to expedite processing of voluntary, short-term water transfers. Similar measures were taken in 2008, when then-Governor Arnold Schwarzenegger issued [Executive Order S-06-08](#) directing the Department of Water Resources to facilitate emergency transfers in response to the first official state-wide drought since 1991.

While the order does not create any enforceable guarantees of a speedier process, and the usual requirements of avoiding harm to existing water users and environmental interests still apply, the two state agencies now have a mandate to actively prioritize and facilitate all one-year water transfers in 2013. Pre-1914 water rights, though generally exempt from state agency permitting authority, may also benefit from this executive order because transfers of water through state infrastructure like the California Aqueduct or Delta pumps would still require state agency approval regardless of the antiquity of the underlying water rights. On the other hand, transfers between neighboring agricultural users may not require any state agency involvement at all where the water rights, whatever their vintage, are sufficiently similarly situated such that the transfer does not involve a change in the recorded place or manner of use.

Whether done with or without facilitation from the state, short-term voluntary transfers can help improve flexibility in water allocation and thus minimize the overall economic and

environmental impact of droughts. Willing sellers receive financial compensation, while those with the greatest needs have additional options to obtain the water necessary to preserve long-term agricultural investments like orchards and vineyards.

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