

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

### Groundwater Management Initiative

**This measure is an initiative to amend Chapter 13 of Title 3 of the Siskiyou County Code, which regulates extraction of groundwater from certain defined basins in Siskiyou County for use outside the basin from which the water is extracted. If approved by a majority of the voters, this ordinance will extend the requirement to obtain a groundwater extraction permit to extraction of other groundwater sources in the County not defined as basins, but only when the groundwater extracted is for use outside of the County. This ordinance will also remove a permitting exemption for commercial water bottling enterprises that bottle groundwater in Siskiyou County.**

**Existing law requires a permit for the extraction of groundwater from groundwater basins underlying Siskiyou County, if extraction is for the purpose of using the groundwater outside the basin from which it is extracted. This permit requirement is limited to basins identified by the California Department of Water Resources in its Bulletin No. 118, as amended from time to time. This measure would extend the permit requirement to groundwater sources not designated as basins by the Department of Water Resources, but only if the groundwater is being extracted for use outside of Siskiyou County.**

**Existing law exempts from the permit requirement groundwater extracted from groundwater basins for bottling or transport, if the water is bottled within Siskiyou County by a commercial bottling water enterprise. This measure would delete the bottling exemption and require a commercial bottling water enterprise to obtain a permit to extract groundwater on the same basis as any other user.**

**This measure defines "groundwater source" as water below the water table, not including water flowing in known and definite channels, that is outside of a Bulletin 118 designated basin, that is in soil completely saturated with water, which may be extracted by drilling a well or tapping a spring. a body of groundwater that may be extracted by drilling a well or tapping a spring. This measure also modifies the definition of "safe yield" by extending the criteria used to define "safe yield" in basins to "groundwater sources".**

**Through existing law the Board of Supervisors has found and declared that basins underlying Siskiyou County have provided water for multiple uses likely to increase in importance in the future, that conserving water in basins serves residents, that basins must be managed in trust, and that a permit process is essential for information gathering and monitoring purposes. This measure would extend the Board's findings on groundwater basins to all groundwater sources that underlie Siskiyou County.**

**A "yes" vote on this measure favors extension of the County's groundwater extraction permit requirement to the extraction of all groundwater sources in the County for use outside the County and favors the removal of the groundwater permitting exemption for commercial water bottling enterprises.**

**A "no" vote on this measure opposes extension of the County's groundwater extraction permit requirement to extraction of all groundwater sources in the County for use outside the County and opposes removal of the groundwater permitting exemption for commercial water bottling enterprises.**

#### Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Siskiyou for the purpose of amending the Siskiyou County Water Ordinance to apply extraction permit requirements to the entire county (not only designated groundwater basins) and remove the exemption for water bottling and require an extraction permit.

#### Proponent:



Angelina Cook / 236 S. McCloud Ave. / McCloud, CA 96057

#### Section 1. Purposes

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

- A. Water is essential for human life and economic activity.
  - B. California faces unprecedented challenges associated with recovering from the historic drought of 2012-2015. While periodic drought is characteristic of its climate, several years of average precipitation will not replenish the extreme water deficits currently threatening economic and ecosystem health in the state.
  - C. California enacted the Sustainable Groundwater Management Act (SGMA) into law in 2015 that aims to replenish aquifers and secure groundwater supplies through sustainable management.
  - D. Volcanic groundwater sources, such as those located in Siskiyou County, can be highly productive but are not as susceptible to the "basin" concept because of high permeability. California Groundwater Bulletin 118 does not identify volcanic aquifers and other high-elevation recharge zones as groundwater basins, rendering SGMA virtually powerless in protecting these sources of groundwater. Groundwater from the Mount Shasta region and surrounding volcanic aquifers contributes nearly half the annual inflows into Shasta Reservoir via spring-fed rivers. Therefore, protection of these groundwater sources is required at the local level to serve the health, safety and welfare of residents of Siskiyou County.
- Therefore be it resolved that Siskiyou County (1) Extend the groundwater extraction permit requirement to apply to all groundwater resources in the county, not only specifically designated groundwater basins; and (2) Remove the exemption that enables the water bottling industry to extract and export unlimited amounts of water from Siskiyou County without a permit.

## Section 2. Amendment to County Code

The people of the County of Siskiyou hereby adopt the following amendments to Article 1, Article 2 and Article 3 of Title 3, Chapter 13 of the Siskiyou County Code. Amendments are included in Article 1, Section 3-13.101; Article 2, Section 3-13.201; and Article 3, Sections 3-13.301, 3-13.302, 3-13.307 and 3-13.309. New text is **underlined and in bold** (changes to section headings are underlined); deleted text is shown by ~~strikeout~~. The remaining Sections of Article 3, and all of Articles 4, 5 and 6 of Chapter 13 shall remain unchanged:

### CHAPTER 13. - GROUNDWATER MANAGEMENT

#### Article 1. - Declaration of Findings and Purpose

##### Sec. 3-13.101. - Regulation of the extraction of groundwater for use outside the basin from which it was extracted or for use outside the county for groundwater sources not designated as basins.

The Board finds and declares:

- (a) The groundwater basins underlying Siskiyou County—including the Klamath River Valley Basin, the Butte Valley Basin, the Shasta Valley Basin, and the Scott River Valley Basin **and all other groundwater sources in the county not designated as basins**—have historically provided the people and lands of Siskiyou County with water for agricultural, domestic, municipal and other purposes that are likely to increase in importance in the future.
- (b) The Board recognizes the principle of correlative rights developed in the case law of California, providing that water may be appropriated from a groundwater basin only if the groundwater supply is surplus and exceeds the reasonable and beneficial needs of overlying users.
- (c) Siskiyou County has a paramount right and duty to govern the management and extraction of groundwater resources within its jurisdiction in order to protect the health, welfare, and safety of the residents of the County. It is essential for these purposes, and for the public benefit of the State, that groundwater resources of Siskiyou County be protected from harm resulting from the excessive extraction of groundwater ~~for use outside the basin from which it was extracted~~, until such time as needed additional surface water supplies are obtained for use on lands of the County, or overdrafting is alleviated, to the satisfaction of the Board. Conserving the water resources in ~~the all~~ **groundwater basins sources** underlying Siskiyou County, to avoid overdrafts and maximize the long-term beneficial use of groundwater resources, best serves the health, safety and welfare of residents of Siskiyou County.
- (d) Much of the economic production of the County depends upon the use of groundwater.
- (e) The groundwater of Siskiyou County also provides a significant amount of water for domestic uses throughout the County.
- (f) The groundwater of Siskiyou County has been and will continue to be a vital part of the economic well-being and stability of the County.
- (g) Because of the need for increased water supply to meet future needs within the County, and because surface water supplies obtained in the future may need to be used conjunctively with available local groundwater for reasonable and beneficial local uses, it is vital that the County's groundwater supply and quantity be preserved.
- (h) The County will undertake as resources permit to develop a County water plan to more specifically address water availability, needs and usages in an attempt to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts.
- (i) It is essential for information gathering and monitoring purposes, and for the protection of the County's groundwater resources, that the County adopt a permit process addressing the excessive extraction of groundwater for use outside the basin from which it was extracted **as well as for extraction of groundwater from sources outside a designated basin for use outside of the county.**
- (j) In adopting and codifying this groundwater management ordinance the County does not intend to limit other authorized means of managing Siskiyou County groundwater, and intends to work cooperatively with interested local agencies to further develop and implement joint groundwater management practices.
- (k) The groundwater ~~basins~~ **sources** underlying Siskiyou County form significant water resources that must be managed in trust, and must be conserved so that they may be placed to the reasonable and beneficial uses of all potential users, while avoiding the waste and unreasonable use of these resources.
- (l) Siskiyou County is the only local agency overlying all of the groundwater ~~basins~~ **sources** within the County.

#### Article 2. - Definitions

##### Sec. 3-13.201. - Definitions.

"Aquifer" means a geologic formation that stores, transmits and yields significant quantities of water to wells and springs.

"Board" means the Board of Supervisors of Siskiyou County.

"Commission" means the Siskiyou County Planning Commission.

"County" means the County of Siskiyou.

"Director" means the Planning Director or his designee.

"District" means a District wholly or in part located within the boundaries of the county, which is a purveyor of waters for agricultural, domestic, or municipal use.

"Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

"Groundwater basin" means any basin identified in the current edition of the California Department of Water Resources' Bulletin No. 118, including any amendments, but does not include a basin in which the average well yield, excluding any domestic wells supplying water to a single unit dwelling, is less than 100 gallons per minute. Groundwater basins underlying Siskiyou County include the following: the Klamath River Valley Basin, the Butte Valley Basin, the Shasta Valley Basin, and the Scott River Valley Basin.

**"Groundwater source" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, not including water that flows in known and definite channels, that may be extracted by drilling a well or tapping a spring outside of designated basins identified in Bulletin 118.**

"Groundwater Management Act" means Water Code Section 10750 et seq.

"Historical practice" means the consistent or predominant practice of an applicant within seven (7) years preceding the operative date of this chapter.

"Hydraulic gradient" means the slope of the water table.

"Hydrology" means the origin, distribution, and circulation of water through precipitation, stream flow, infiltration, groundwater storage, and evaporation.

"Overdraft" means the condition of a groundwater supply in which the amount of water withdrawn by pumping exceeds the amount of water replenishing the supply over a period of time and also the point at which extractions from the supply exceed its safe yield plus any temporary surplus.

"Percolation" means the movement of water through the soil to the groundwater table.

"Permeability" means the capability of the soil or another geologic formation to transmit water.

"Piezometric surface" means the surface to which the water in a confined aquifer will rise.

"Porosity" means voids or open spaces in alluvium and rocks that can be filled with water.

"Recharge" means flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.

"Safe yield" means the maximum quantity of water which can be withdrawn annually from a groundwater supply under a given set of conditions without causing overdraft or adverse water quality conditions. Specifically safe yield is the amount of water which can be withdrawn without:

- (1) Exceeding in any calendar year the long-term mean annual water supply of the basin **or groundwater source** (considering all sources of recharge and withdrawal);
- (2) Lowering water levels so as to make further drilling of water wells uneconomical;
- (3) Causing water pumped from the basin **or groundwater source** to deteriorate below drinking water standards;
- (4) Violating water rights or restrictions in pumpage in the groundwater basin **or groundwater source** as established by court adjudication or application of state or federal law;
- (5) Producing other threats to health and safety or producing other environmental damage.

"Specific capacity" means the volume of water pumped from a well in gallons per minute per foot of drawdown.

"Spreading water" means discharging native or imported water to a permeable area for the purpose of allowing it to percolate to the zone of saturation. Spreading, artificial recharge and replenishment all refer to operations used to place water in a groundwater table.

"Transmissivity" means the rate of flow of water through an aquifer.

"Usable storage capacity" means the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.

"Water table" means the surface or level where groundwater is encountered in a well in an unconfined aquifer.

"Water year" means the year beginning March 1 and ending the last day of the following February.

"Zone of saturation" means the area below the water table in which the soil is completely saturated with groundwater.

#### Article 3. - Permit Process

##### Sec. 3-13.301. - Permit required for groundwater extraction for use outside the basin from which it was extracted; **Permit required for groundwater extraction from non-basin groundwater sources for use outside of the County.**

It is unlawful for any person, firm, corporation, or governmental agency (except an agency of the United States, to the extent, if any, that federal law preempts this chapter) to extract groundwater by any artificial means from any of the groundwater basins **or other groundwater sources** underlying the County, directly or indirectly, for use outside the basin from which it was extracted, **or for use outside the County in the case of groundwater sources not designated as basins,**

without first obtaining a written permit as provided in this chapter. This chapter shall not apply to the extraction of groundwater (1) for use within the District boundaries of a District which is in part located within County and in part in another County (or Counties) where such extraction quantities and use are consistent with historical practices of the District, or (2) for extractions to boost heads for portions of District facilities, consistent with historical practices of the District, ~~or (3) for bottling or transporting bottled water by a commercial bottling water enterprise, or both.~~ The applicant shall have the burden of supporting an assertion of an historical practice with competent evidence. ~~This exemption for commercial bottled water does not create an exemption for water that is extracted and exported for bottling at a location other than in Siskiyou County.~~

**Sec. 3-13.302. - Application for a permit.**

An application for a permit shall be filed with the Director on forms provided by the Director and shall contain all information required by the Director. Concurrently, a request for environmental review shall be filed as required by applicable County guidelines. The application for a permit and request for environmental review shall be accompanied by the fees which shall be established from time to time by the Board. The information the Director requires of an applicant must include, but is not limited to, the following:

- (a) Location, maximum extraction rate, depth and all other information required in the Water Well Drillers' Report (California Water Code, section 13751) of each well, including observation wells owned by the extractor;
- (b) Location, planned monthly extraction rate, and depth of each well proposed for operations;
- (c) Delineation of the time periods ~~within the applicable groundwater basin in~~ which each well is proposed for operation;
- (d) Description of the adverse environmental effects of the extraction, by individual well, groups of wells (if applicable), and by the extractor's entire operation's cumulative effects;
- (e) Description of any proposed or feasible uses designed to mitigate any adverse environmental effects of the extraction;
- (f) Intended beneficial uses of the extracted groundwater and related surface supplies, by individual well, groups of wells (if applicable), and by the extractor's entire operation;
- (g) Description by quantification and location of each end use of the needs of the extractor which the extraction is designed to meet;
- (h) Description of alternatives available to the extractor to meet the needs for which the extraction is proposed, including any available types and amounts of water conservation.

**Sec. 3-13.307. - Challenge to approved permit.**

- (a) Any interested party or public entity may challenge the continuation of the Board approved permit during the term of the permit when information exists that:
  - (1) There is a violation of the conditions of the permit; or,
  - (2) The permit was not issued in accordance with the procedure requirements of this chapter; or
  - (3) Extraction of groundwater pursuant to this permit:
    - (i) Causes or increases an overdraft in the basin or groundwater source, or
    - (ii) Brings about or increases salt water intrusion, or
    - (iii) Adversely affects the long-term ability for storage or transmission of groundwater, or
    - (iv) Exceeds the safe yield of the groundwater, or
    - (v) Operates to the injury of the reasonable and beneficial uses of overlying groundwater users, or,
    - (vi) Is in violation of Water Code Section 1220, or
    - (vii) Results in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization, or
    - (viii) Produces other environmental damage.
- (b) A challenge pursuant to this section is commenced by filing a written request with the Director which alleges any of the above situations and generally describes the supporting facts for such allegation. In such event, the Director shall within ten (10) days of receipt of such challenge, give notice of the challenge to the Commission, the permittee, appellant, to any interested party who filed a written request for such notice within the past twelve (12) months, and also the Districts and Cities, within the County, which have boundaries overlying or immediately adjacent to the location of the permitted extraction. The Commission's decision may be to deny the challenge, grant the challenge and terminate the permit, or to establish modified conditions to the permit.
- (c) The standard for review shall be substantial evidence. The burden of proof is upon the person or entity extracting the groundwater.

**Sec. 3-13.309. - Limitation of permit.**

- (a) The permit process of this chapter is not to be construed as a grant of any right or entitlement but rather the permit evidences that the health, welfare, and safety of the residents of the County will not be harmed by the extraction of groundwater from any of the groundwater basins and sources underlying the County for use outside the basin from which it was extracted or for use outside the county for groundwater sources not designated as basins.
- (b) The permit does not waive compliance with any other applicable provision of federal, state or local laws or regulations.
- (c) Upon the adoption of a groundwater management plan or similar plan affecting a particular groundwater basin or aquifer within Siskiyou County, as approved by the Board of Supervisors, compliance with the provisions addressing extractions authorized pursuant to that plan shall be deemed to comply with the permitting requirements of this chapter.
- (d) No permit should be denied where that denial would cause an unreasonable use or waste of water, an unconstitutional taking without just compensation, or any other violation of the United States or California Constitutions.
- (e) The permitting requirements of this chapter shall be waived when applying them would delay effective response to a general emergency declared by the Governor or the Siskiyou County Board of Supervisors. "General emergency," as used herein, refers to a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or other essential public services.

**Section 3. Implementation of this Initiative**

As provided by Elections Code section 9122, this Initiative shall take effect ten days after the date on which the election results are declared. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the Siskiyou County Code.

The County shall amend all other regulations, procedures and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between the provisions adopted by this Initiative and other County procedures.

Upon the effective date of this Initiative, County staff is directed to promptly take all administrative and clerical steps as may be required to implement this Initiative, including but not limited to revising the County Code or other County regulations, procedures and policies.

**Section 4. Severability and Interpretation**

A. This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

B. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

**Section 5. Amendment or Repeal**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of Siskiyou County.

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### NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER, YOU HAVE THE RIGHT TO ASK.

1	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
2	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
3	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
4	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
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6	Print Your Name	Residence Address Only	
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	Your Signature as Registered to Vote	City, State	Zip

8	Print Your Name	Residence Address Only	
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9	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
10	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
11	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
12	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
13	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
14	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
15	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
16	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
17	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
18	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
19	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
20	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
21	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip

**DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION  
(MUST BE IN CIRCULATOR'S OWN HANDWRITING)**

1. My residence address is \_\_\_\_\_  
Physical address including street number, city and state

2. I personally circulated the attached petition for signing.

3. I witness each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and

4. The appended signatures were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_ inclusive.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_ California  
Date City

\_\_\_\_\_  
Signature