

Information Sheet

State of California, Department of Water Resources

Water Wells Constructed in the Truckee River Basin after May 1, 1996

The Truckee-Carson-Pyramid Lake Water Rights Settlement Act, Public Law 101-618 (1990), may soon establish additional requirements for the siting and construction of wells drilled in the Truckee River Basin in California. Section 204(c)(1)(B) of the Settlement Act provides that, "...all new wells drilled after the date of enactment of this title shall be designed to minimize any short-term reductions of surface streamflows to the maximum extent feasible." Although the Settlement Act was enacted in 1990, it does not become effective until an operating agreement has been signed to implement the legislation. A complete draft of this operating agreement, known as the Truckee River Operating Agreement (TROA), has been prepared, but, before it may go into effect, is subject to the National Environmental Policy Act, the California Environmental Quality Act, and approval by the Court. Copies of the draft TROA are available at:

http://www.usbr.gov/mp/troa/final_oa/01_TROA%20Agreement_b.pdf

The Draft TROA interprets the Settlement Act to apply only to wells drilled after May 1, 1996, and it specifically exempts all domestic wells, as defined in TROA. It would also establish a conclusive presumption that wells in Special Zones, which comply with specific siting and construction standards, meet the requirements of the Settlement Act. Alternatively, if a well is drilled outside of one of the Special Zones, or if it does not meet the Special Zone standards, it would remain subject to the "short-term reductions of surface streamflows" provision in the Settlement Act. Article Ten of TROA establishes these Special Zones and provides for compliance through notice and enforcement provisions.

During this interim period before TROA is implemented, anyone who has constructed a well in the Truckee River Basin since May 1, 1996, or who is planning to construct a well in the near future, has an opportunity now to have the well submitted to the TROA Parties to check compliance with the requirements of the Settlement Act, after which it would be submitted to the TROA Administrator as presumed to comply with the "short-term reductions of surface streamflows" provision of the Settlement Act.

The Department of Water Resources, can provide further details on this interim process and on the well provisions in the Settlement Act and TROA. Please contact John Headlee at 916 653-5488, jheadlee@water.ca.gov, CA Dept. of Water Resources, Div. of Planning & Local Asst., Central Dist.; PO Box 942836, Sacramento, CA 95814 if you have any questions.

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