

# Drought administrative actions, drought statutory laws and the Permanent Drought Commission in the Júcar River Basin Authority

J. Ferrer\*, M.A. Pérez\*\*, M.A. Honrubia\*\*\* and F. Perez\*\*\*

\*Hydrological Planning Department, Jucar River Basin Authority,  
Av. Blasco Ibáñez 48, 46010 Valencia, Spain

\*\*Polytechnic University of Valencia, Camino de Vera s/n, 46022 Valencia, Spain

\*\*\*Technical Drought Department, c/ Ramón Gordillo 7, 46010 Valencia, Spain

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**SUMMARY** – The Permanent Drought Commission (CPS), from its constitution, has been a decisive organ in the management of the river basin at times of droughts, and could be considered as a forum for the discussion and evaluation of environmental policies in which the water administration authorities, responsible for decision making, take into account the allegations and opinions expressed by the members, experts and observers that are present during the Commission's Plenary Session. The Permanent Drought Commission approved the Procedural Plan for the Mitigation of Drought Effects on 13th February 2006, based on the Jucar River Basin Authority's Drought Protocols before presenting the Special Procedural Plan for Situations of Alert and Temporary Drought (PES), which contemplates a series of activities classified as: environmental protection activities, management and control, water saving and for the generation of additional savings. As a result of the persistent situation of water uncertainty in which the Jucar System is submerged, this Drought Effect Mitigation Plan continues to be in effect and the mentioned actions will be extended for as long as the situation persists.

**Key words:** Drought, public participation, administrative measures.

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The Jucar River Basin Authority (CHJ), in compliance with Law 10/2001, 5th July, National Hydrologic Plan, approved the Special Drought Plan, by means of Order MAM/698/2007, 21 st March, by which the special performance plans in alert and possible drought situations in the scopes of the Hydrological Plans of inter-communitarian basins are approved.

The Special Plan's water resources management system for periods of water shortage is composed of the following elements:

(i) During normal and pre-alert situation, the management functions correspond to the River Basin Authority, through the intervention of the Reservoir Commission, in accordance with article 33 of the Revised Text of the Water Law, which holds responsibility for the deliberation and formulation of proposals to the President of the CHJ in relation to the most suitable procedure for filling and emptying reservoirs and aquifers, bearing in mind the concessional rights of the different users. During Normal scenarios, the Hydrological Planning Department (OPH) is responsible for monitoring the evolution of the drought indicators and remitting information to the Reservoir Commission. The results are made available to the public via the Authority's website.

(ii) In Alert scenarios, the monitoring tasks carried out during Normal and Pre-alert scenarios are transferred from the Hydrological Planning Department to the Technical Drought Department (OTS), composed of technicians from the OPH. The Reservoir Commission, in addition to informing of the situation through the River Basin Authority's website, has the obligation to publish, via Presidency, any communication with the Ministry of Environment, the Spanish Regions present in the River Basin, and the local Administrations and Organisations responsible for urban supply to populations of more than 20,000 inhabitants, or any other type of communication or consultation considered opportune.

(iii) In 2005, the Júcar system enters emergency, and it is in this status when the Statutory Law 1265/2005, 21 st October is approved, by which exceptional administrative measures for the management of the hydraulic resources are adopted to correct the drought effects in the Júcar, Segura and Ebro river basins (Statutory Law 1265/2005, 21st October), which aimed at providing the

hydraulic Administration with the legal instruments necessary to proceed to the resources arrangement in the most convenient way for the general interests.

Among the requirements established by Statutory Law 1265/2005, 21st October mention may be made of the following:

(i) To grant to the Governing Bodies of the River Basin Authorities extraordinary faculties, including the authorising of the River Basin Authorities to modify the conditions of use of the Public Hydraulic Domain (DPH), independently of the legal right that has given rise to the previous use, and to establish the necessary reductions in water supply in order to obtain a fair, rational distribution of the available resources. Additionally, the Presidents of the River Basin Authorities are authorised to agree upon the execution of any waterflow control measures necessary in order to improve water distribution, as well as to execute abstraction, transport or infrastructure improvement works.

(ii) The procedures associated to the execution of the statutory law have been declared as urgent in nature, in accordance with article 50 of Law 30/92, 26th November, Legal Regulations of the Public Administrations and the Common Administrative Procedures.

(iii) All the drought mitigation activities are to be considered urgent in character and declared of public utility.

(iv) The sanctioning regulation will be increased for infractions committed in relation to the exceptional measures included in the statutory law in order to provide the competent bodies with faculties in accordance with the gravity of the situation and in benefit of the public interest.

The Statutory Law was created to cover the period from 26th October 2005 until 31st December 2006.

Another Statutory Law approved during the drought period was, the Statutory Law 9/2006, 15th September, by means of which urgent measures are adopted to palliate the effects produced by the drought in the populations and irrigational agricultural operations in certain river basins. With this Statutory Law the possibility was opened of making Public Supplies of Acquisition of Water Rights by environmental reasons, and to prorogue the use, for one more year, of Statutory Law 1265/2005, 21th October.

During the Ministerial Cabinet of 5th October 2007, the Statutory Law 9/2007, 5th October was approved, by means of which urgent measures are adopted to palliate the effects produced by the drought in certain hydrographic river basins, that again prorogued the use until the 30th November of 2008, of Statutory Law 1265/2005, 21th October.

## **Constitution of Permanent Commission**

The Permanent Drought Commission constituted in December 2005, following the indications of Statutory Law 1265/2005, 21st October 2005, in the area covered by the Júcar River Basin, required the support of a Technical Drought Department in order to coordinate the studies and reports necessary for the monitoring of the activities included in the Alert and Temporary Drought Procedural Plan.

It is a collegial organisation in which the discussion and approval of agreements is carried out with the participation of environmental representatives.

In this way, through the citizen participation, the opinion of the decision-making organisation is complemented and public participation may be considered as an additional instrument aimed at improving the efficacy and quality of the water resources management.

The Permanent Drought Commission of the Governing Body is constituted, in accordance with Statutory Law 1265/2005, 21st October. The responsibility for these carrying out these measures corresponds to the representatives of the Central, Regional and Local Administrations, Ecological

Associations, Social and Business Organisations, Professional Agricultural Organisations, Unions and members of the Technical Drought Department.

Through the Statutory Law 1265/2005, 21st October the Water Administration is granted a series of extraordinary faculties in order to combat situations of extreme drought. Since its constitution on 1st December 2005, meetings have been held on a monthly basis. Thus, the agreements have been:

(i) 21st December 2005. The activities in the four lines of work that have been systematically followed were defined: environmental protection; management and control; saving of resources and generation of resources.

(ii) 25th January 2006. Focus was placed on savings in irrigation and the concepts of alternative sources of supply for Valencia and the use of existing wells for Albacete.

(iii) 13th February 2006. The Procedural Plan was approved and the irrigational saving scenarios were specified - between 43% of traditional irrigation methods in the Ribera and 60% of less extended methods, such as the substitution of pumping and irrigation area of the Júcar-Turia Canal. The alternative supplies proposed for the Valencia and Albacete Councils were also quantified.

(iv) 15th March 2006. Permanent Drought Commission monitoring meeting.

(v) 18th April 2006, focus was placed on the monitoring of the mid-stretch of the Júcar, the problems of connection and disconnection related to the aquifer and losses. A systematic line of monitoring for the Albufera Lake was initiated in relation to the output at "Gola de Pujol" and the levels of the lake itself.

(vi) 22nd May 2006. Independently of the habitual procedure, two important agreements were approved. On the one hand, an agreement relative to economic indemnities for those users of the mid-section of the Júcar in Albacete who were requested to cease their irrigation activities, independently of the previous reduction of 45%. On the other hand, an economic indemnity was approved for damages occasioned as a consequence of the cultivation activity carried out to date. The authorisation of drought wells and drought re-pumping facilities was also approved. It was agreed to distribute 39 hm<sup>3</sup> between 108 wells, 14 drought re-pumping facilities and users essentially of the Júcar's River.

(vii) 27 June 2006. The revision of the economic compensation agreement with the agricultural operations was approved, with a total reduction in water usage. Additionally, the revision of the authorisation for the use of drought wells and re-pumping facilities was approved.

(viii) 19th July 2006. The Revision of the drought wells and re-pumping facilities Agreement was approved.

(ix) 24th August 2006, ordinary monitoring Commission.

(x) 12th September 2006. A request for exemption from the water usage tariff quotas and regulation tax established in article 114 of the Revised Text of the Water Law, approved by Statutory Law 1/2001, 20th July, as well as the rustic property tax.

(xi) 28th September 2006, prorogation of the monitoring system in relation to the Technical Drought Management Department and the collaboration with the Spanish Geological and Mining Institute (IGME).

(xii) 15th November 2006. Information on the Special Procedural Plan for Situations of Alert and Temporary Drought, currently in the consultation phase, and its relationship with the Drought Protocol.

(xiii) 15th December 2006. Approval of the Proposal Agreement for the Public bid for the Acquisition of Water Rights (OPAD) in the mid-section of the Júcar basin for environmental reasons.

(xiv) 15th February 2007. Approval of the proposal of additional 20% reduction of subterranean operations located in the territorial area of the Public bid for the Acquisition of Water Rights.

(xv) 20th April 2007. Authorisation of the use of drought wells and approval of the objective volumes in the reservoirs at the conclusion of 2007 campaign. Approval of the proposal for the Resolution of the proceedings affected by the application of the exceptional measures (Article 3, RD 1265/2005, 21st October)

(xvi) 18th July 2006. Ordinary monitoring Commission.

(xvii) 17th September 2007 (Albacete). Before the end of the hydrologic year, the Permanent Drought Commission met in Albacete in order to review the situation following the summer period.

(xviii) 31th October 2007. Ordinary monitoring Commission.

(xix) 12th December 2007. Extension of drought wells utilisation in the Júcar system, in the framework of the agreement reached by the Permanent Commission of the Governing Body of 20 April 2007, and propose and approval of the Public bid for the Acquisition of Water Right in the mid-section of the Júcar river for environmental reasons.

(xx) 15th February 2008. Proposal and approval of the new Public bid for the Acquisition of Water Rights in the mid-section of the Júcar for environmental reasons (Fig. 1).



Fig. 1. Permanent Drought Commission held in Albacete, on 15th February 2008.

## References

Order MAM/698/2007, 21st March, by means of which approval is given to the Special Alert and Temporary Drought Plans in the context of the inter-regional river basin plans. Ministry of the Environment. Júcar River Basin Authority.

Statutory Law 1265/2005, 21st October, by which exceptional administrative measures for the management of the hydraulic resources are adopted to correct the drought effects in the Júcar, Segura and Ebro river basins.

## Acronyms

CHJ, Júcar River Basin Authority (Confederación Hidrográfica del Júcar).

CPS, Permanent Drought Commission (Comisión Permanente de Sequías).

DPH, Public Hydraulic Domain (Dominio Público Hidráulico).

IGME, Spanish Geological and Mining Institute (Instituto Geológico y Minero de España).

OPAD, Public Bid for the Acquisition of Water Rights (Oferta Pública de Adquisición de Derechos).

OPH, Hydrological Planning Department (Oficina de Planificación Hidrológica).

OTS, Drought Technical Department (Oficina Técnica de Sequías).

PES, Special Alert and Temporary Drought Plan in the Júcar River Basin (Plan Especial de Alerta y Eventual Sequía en la Confederación Hidrográfica del Júcar).