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An informational newsletter for water users and landowners in the San Joaquin River Exchange Contractors' service area.

EXCHANGE p e r s p e c t i v e

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More hydrology is needed; SWRCB action spurs lawsuit

Any euphoria associated with recent storms sweeping across California is being tempered with the realization that wet weather needs to continue in order to provide any real relief for farmers in the San Joaquin Valley, including the SJREC-WA.

"The hydrology we've received, thus far, is delivering a mixed message," commented Executive Director Steve Chedester. "Recent storms have been a good sign but a lot more hydrology is needed."

"How much water will we eventually receive through our contract with the Bureau of Reclamation? We're still waiting for that answer."

Authority initiates formation of Groundwater Sustainability Agency to safeguard supply

Safeguarding the availability of groundwater has spurred the San Joaquin River Exchange Contractors Authority to submit a notice of intent to form a Groundwater Sustainability Agency (GSA) in response to a 2014 law calling for sustainability in groundwater use.

"Groundwater plays an important role for the farmers of our member agencies," said Steve Chedester, Authority executive director. "The new law targets that use and we want to continue to be a part of the process that determines the rules governing the local use of groundwater."

The Sustainable Groundwater Management Act of 2014 (SGMA) was approved by the Legislature in response to drought impacts gripping the state.

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The Bureau announced on Friday, Jan. 22, that water in its reservoirs throughout the state held a million acre-feet less than at the same time last year. Typically, by mid to late February the Bureau of Reclamation provides an updated forecast based on DWR's February 1 snow surveys, and their initial water supply allocation for the entire CVP is made available. This year, even with better hydrology, determining how all of the Delta regulatory constraints will impact the movement of Exchange Contractors' water through the Delta through the

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The formation of a GSA is the first step in the process, followed by the adoption of a Groundwater Sustainability Plan.

The Authority submitted one application covering all of the Authority's members, which is part of the Delta-Mendota Subbasin.

"We still have a long way to go before finalizing a Groundwater Sustainable Plan but the process has started," added Chedester.

A goal of the Authority in establishing a GSA is to establish a local entity that would interact with farmers and avoid the need for the State Water Resources Control Board from stepping in and filling a void where a GSA does not exist.

Moving water through the Delta remains difficult

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irrigation season is proving to be very difficult.

Apart from the natural weather conditions, Chedester explained that “moving water through the Delta is still very constrained.”

“Last year the Sacramento River Temperature Plan held cold water in Shasta Reservoir to protect winter-run Chinook salmon. That water would have otherwise been released into the river for uses downstream, including our farmers. But federal fishery agencies and the SWRCB prevented that water from flowing.”

The development of last year’s temperature plan was a result of a Temporary Urgency Change Petition (TUCP) that was submitted by State and federal agencies to regulate the flow of water in the Sacramento River. The decision to approve and even modify the TUCP rests with the State Water Resources Control Board. The life span of a TUCP is six months and can be extended upon request by the petitioners.

This process took a turn in mid-December when the SWRCB conducted a Board meeting to respond to a request by its executive director to extend the TUCP and add further restrictions to the flow of water down the river.

“We’ve been concerned and confused with the State Water

Bureau releases draft study on project to deliver water to Red Top area

SJRECWA member agencies Central California Irrigation District and San Luis Canal Company have been coordinating with Red Top landowners to develop water supply options in order to reduce subsidence impacts that are occurring in the area to the agencies’ water delivery system and the region’s flood control system.

Facilities proposed by the Bureau of Reclamation as part of the two districts’ efforts would connect CCID’s Poso Canal to pumping and conveyance facilities in Red Top and facilitate a 10-year transfer and exchange of recaptured San Joaquin River Restoration Flows.

The purpose of the proposed action is to reduce reliance on deep aquifer groundwater pumping in the Red Top area, according to a Reclamation press release announcing the public comment period for the proposal.

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Board taking this action absent a request from either the Department of Water Resources or the Bureau of Reclamation,” Chedester said. “It is startling that the State Board is assuming power that it is not charged with, especially without a formal public hearing.”

The decision by the Board taken at the December meeting to extend the previous TUCP included several factors that were absent in last year’s petition.

Recommendations from Board staff would have established carryover water targets for Shasta and Folsom reservoirs as of Oct. 31, 2016. Those targets would be



Decisions were made last year by farmers as to which fields would be planted and others would remain fallow because of a reduction in water supplies. The lateness in announcing available water supply last year by State and federal agencies due to regulatory and drought conditions resulted in some farmers abandoning fields that had already been prepared for planting.

1.6 million acre-feet in Shasta and 200,000 acre feet in Folsom.

“Fortunately the number for Shasta was reconsidered and the Board decided to make that number a goal instead of a requirement,” Chedester explained. “It is still troubling that the Board made the extension decision and included a mandatory requirement for Folsom and a goal for Shasta without an evidentiary hearing.”

The Shasta storage number is critical in setting a temperature management plan for the Sacramento River, which in turn affects the amount of water received by the Exchange Contractors Authority from the Delta.

“We will continue to closely monitor the actions of the State Water Board in relation to those regulations that have a direct impact on our water supply,” he added.

Lawsuit ---

Authority asks court to overthrow Water Board decision

A flurry of challenges have been rolled into a lawsuit targeting the State Water Resources Control Board's action in conducting a Board meeting and ruling to continue last year's Temporary Urgency Change Petition pertaining to the operation of the State and federal water projects.

The result of the Dec. 15 Board meeting was the adoption of an Order that established a carryover storage total for

'Water board failed on several fronts in taking this action' -- Chedester

Folsom Reservoir and a "target" for Shasta Reservoir. The action took water users by surprise since the announced agenda for the workshop did not include the action.

"The Water Board failed on several fronts in taking this action," commented Executive Director Steve Chedester. "The Board assumed authority that is not entrusted to it in adopting its ruling and that is not something that we, as water users, can allow to take place."

The San Joaquin River Exchange Contractors Water Authority and its four member units filed the Jan. 14 lawsuit that asks the Superior Court to rule the Board's action as null and void.

The filing reads: "At all times described herein, Thomas Howard was the Executive Director of the Board and adopted and implemented the requirements of the Temporary Urgency Change Petitions (TUCP) adopted in 2015 prior to the Board's action on December 15, 2015."

Chedester explained that the new Order was drafted prior to the Dec. 15 meeting with the alleged intent to place Board-instituted control over water stored in Shasta and Folsom. The result of the order will be a further restriction of available water to the Authority and its members due to the requirement to hold even more cold water in Shasta Reservoir for salmon, as part of a Sacramento River Temperature Management Plan.

"The only entities that can request a continuation of a TUCP are the original filers, the Department of Water Resources or the U.S. Bureau of Reclamation," Chedester said. "Neither requested a continuation or the drafting of a new Order to replace the Order that was to expire on Dec. 31, 2015."

"Many of us were surprised at the Dec. 15 Board meeting

when the new Order began to unfold."

Part of that surprise resulted from the Water Board's failure to identify the measure on its agenda that is publicly published in advance, a failure that the lawsuit singled out.

The lawsuit requests that the Court rules "that actions taken (the adoption of the Order) purporting to extend (or renew) the TUCP is null and void for failure to include an agenda item notifying the public of that potential act pursuant to Section 11130.3."

Chedester noted that the California Courts had already determined that if changes to any existing permit condition were required, such as a TUCP, that those changes should be implemented by evidentiary hearings, decisions and all adjudicative processes.

"It is very clear that the Water Board did not follow the rules set down by the Courts," he said. "The action taken by the Board is contrary to established rules set forth by the Courts and cannot be allowed to stand."

Chedester is uncertain when the Superior Court will schedule a hearing on the request by the Authority and its member entities.

Working with the media brings mixed results for ag industry

Spending hours of one's time with reporters developing a story never guarantees that the final result is anything envisioned by the individual.

That was a common theme from presenters at a "Wrestling with the media" panel at last month's Mid-Pacific Region Water Users' Conference in Reno.



Cannon Michael

Cannon Michael of Bowles Farming (photo), Dan Keppen of the Family Water Alliance and Mike Wade of the California Farm Water Coalition recounted their experiences in working with the media.

Despite the uncertainty of how the story will be written, the speakers emphasized that if farmers do not tell their story then no one will.



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Dan provided a commitment that benefitted all

*By Steve Chedester
Executive Director*

Dan Nelson stepped away at the beginning of this year as Executive Director of the San Luis & Delta-Mendota Water Authority, marking 24 years of service to the organization's members and the farmers they serve. Those 24 years were marked with accomplishments that benefitted those of us in the water industry.

When I first met Dan I immediately realized that he was an individual committed to his job. He was aware of the issues surrounding our local water scene after first working with San Luis Canal Company and later Broadview and San Luis water districts before joining the Authority.

Dan demonstrated the ability to analyze an issue before issuing directions or responses that would best serve the Authority. He was always open and willing to listen to viewpoints by others, including the Exchange Contractors Authority. Our relationship with Dan is one that has always placed the water users first.

Many of Dan's public comments through the media exhibited a genuine concern for the people of the communities served by the various water districts. He continually referenced the effects that low water deliveries had on the rural communities as surrounding farms were forced to cut back on planted acreage and, subsequently, reduce employment numbers.

Dan was a frequent traveler to our nation's capital and Sacramento where he testified on behalf of local water interests. If he was not testifying before committees he could be found sitting in a conference room and speaking to elected and government officials.

Fortunately, Dan will continue in an advisory role as Jason Peltier takes over as the Authority's Executive Director.

I'm sure Dan will be spending quality time with his wife and family and I, along with many others with the Exchange Contractors Authority, say "THANKS" and best wishes.