



2023  
Q3 Newsletter

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

# EXCHANGE perspective

SEPTEMBER 2023

## Message from Executive Director Chris White

**A**s we emerge from a season of historic rainfall and snowpack, we are reminded once again of how quickly our weather patterns can shift in California. Just last year we were facing an equally historic drought, but we now face the challenges posed at the opposite extreme. We have already seen flooding that has caused severe damage to our communities. The reemergence of Tulare Lake and other long-dormant waterways have reshaped our landscapes, and we know that the melting of the massive snowpack that is ongoing has tested our infrastructure.

All of this highlights our continued need for investment in our water systems, to not only capture and store as much water as we can both above and below ground, but also manage flood flows and protect our communities.



The Exchange Contractors will continue to play a vital role on the operations side of these challenges and advocate for a water system that is resilient, prepared for our changing climate realities, and reliable for all the water users in our region.

## Legislative Update

**C**alifornia's water rights system is the foundation of the vast series of investments and infrastructure that has made the Central Valley the agricultural powerhouse it is today. It supports our local communities and economies, but it is facing increasing threats in Sacramento. Thankfully, the most harmful proposals in the legislature this year were not successful, due in part to the united advocacy of water users throughout the state.

While we opposed a handful of harmful bills this year, we are always open to

conversations and proposals to strengthen the state's water supply, increase investments in storage, transfer, and recharge projects, and prepare California for the future. However, some of the proposals from this legislative session were aimed at fundamentally overturning the underlying system of water rights.

Assembly Bill 1337 would have granted the State Water Resources Control Board new, unprecedented powers to restrict water agencies from diverting water from rivers and other waterways at any time. Such expansive new enforcement powers

would undermine the reliability of longstanding water rights, which have existed since before the State Water Board was even created, and over which it does not have authority.

There should have been room for compromise. Members of the water users community were ready to engage in a dialogue to enhance enforcement and ensure those that divert illegally are penalized. We support expediting enforcement actions and increasing fines against illegal water diverters. We should not tolerate bad actors who cheat the system, and their neighbors, by taking scarce water they are not entitled to. Moreover, we need to modernize how we manage water, including adding stream gauges and digitizing records to modernize our longstanding systems of water management.

But AB 1337 would have granted sweeping authority beyond mere enforcement, instead providing the state Water Board with the ability to overhaul the entire system of water rights, under the guise of enforcement, while causing massive uncertainty to local agencies, communities, and water users.

Another proposal, Assembly Bill 460, was aimed at disincentivizing illegal water diversions after high-profile examples of such actions last year. However, instead of simply increasing fines to create a financial disincentive for groups that break the law, the bill would have granted

authority for the Water Board to issue injunctions even in cases when organizations were acting legally. If a group appealed, the appeal would be heard by the Water Board itself rather than an independent third party, making them both prosecutor and judge in the hearing. Essentially the Water Board would have had the ability to decide the future of California's water rights, through their ability to reject any appeals to their decisions.

Thankfully, both bills were not successful in this legislative session, but they should serve as a warning to water users throughout California for future legislative sessions.

We will continue to work collaboratively with stakeholders in Sacramento on common-sense proposals, and we believe that we can accomplish many of the goals that the legislators were hoping to achieve. But we need a collaborative process that tries to find consensus rather than pit groups against one another. We should be finding ways to improve our water system for all users, rather than overturn the entire system of water rights that has existed for over a century. We certainly should not risk the uncertainty and chaos that would bring to urban, agricultural, and environmental water uses, and we do not have the time or resources to collectively waste on the litigation that would inevitably continue for years as a result.

We commit to work together, reach consensus, and make smart, targeted changes to improve our water system. We can get it right next time around, together.

## ***Water Supply and Flood Control***

**T**his has been an incredible rainfall season in California. In a short time frame this spring, record precipitation fell, and record snowpack accumulated particularly in this part of the state. This enormous volume of precipitation followed a three-year period of extreme drought, during which time we were all fearful of a continued drought with the limited tools available to us. The 2022 drought was broken with an extraordinary string of precipitation events, and we went from a drought extreme to the present, where flood flows continued in the San Joaquin and Kings Rivers well into July. Local areas along the rivers and the flood bypass system, enabled by Governor Newsom's emergency declaration, were able to recharge flood water to replenish over drafted aquifers and store water for the future.

In addition, the water levels within the State of California major water supply reservoirs have benefited greatly from

the change to wet conditions. Shasta Reservoir, Folsom Reservoir, Millerton Lake, and San Luis Reservoir are at a 137%, 136%, 140% and 213% of their historic averages for this time of year. And for the first time since 2017, the Exchange and Settlement Contractors, west and east side CVP Ag Service Contractors, Refuges, and M&I Contractors have all been allocated 100% of their contract supplies. All of this is reason to be optimistic for the next 2024 water year, however, climate extremes are obviously the norm in California. Those extremes, combined with the current regulatory environment, make providing reliable long term water supplies for all water users throughout the state very challenging. Environmental, urban, and agricultural water users need more tools to be able to adaptively manage through these extremes if we ever hope to develop a truly drought resilient water supply.

# Groundwater Sustainability Plan

**A**s part of the Sustainable Groundwater Management Act (SGMA), the Exchange Contractors were responsible for submitting one of six Groundwater Sustainability Plans (GSPs) for the larger Subbasin, which encompasses the region from San Joaquin/Stanislaus County lines in the north to Tranquility in the south.

The Department of Water Resources did not review our plan by itself. Instead, they evaluated the entire Subbasin as one overall plan and found the collection of GSPs to be inadequate. This was due to the fact that they contained inconsistent findings and varied too widely in methodologies and groundwater strategies.

As a result, we have taken several steps to address their findings and rectify the situation. First, we have developed an Executive Committee to meet with the State Water Board staff to understand how to correct the deficiencies.

Second, we have hired a consultant to standardize the methodologies and findings within our Subbasin's multiple plans.

Third, we are scheduling meetings with the State Water Board and will be involved in an iterative process with them to come to a resolution over the upcoming months.

We have a long history of managing groundwater within the Exchange Contractors' boundaries and have worked proactively with the communities of Mendota, Firebaugh, Dos Palos, Los Banos, Gustine and Newman in jointly managing groundwater sustainability with these partners.

Our groundwater management began in the early 1950s when the districts began drilling wells to supplement groundwater supplies. Due to the reliable water supply provided in our region under the Exchange Contract, our service area is not in a state of overdraft.

Based on our in-depth knowledge of the local groundwater aquifers surrounding our communities, we have jointly identified projects in our GSP to support our joint reliance on this resource.

It is important to note that if our plans continue to be found inadequate, the Subbasin will be put on probationary status for one year to fix the deficiencies. During this time, the current groundwater management policies will remain the same as they have historically.

If the deficiencies are not fixed after one year, the State Water Board can adopt its own plan to manage the Subbasin and impose their own strategies to manage groundwater.

We are working diligently to bring the entire basin into compliance so we can avoid additional costs being imposed on water users, including the potential for the State Water Board to charge a fee on groundwater pumping.

We understand that there is concern about the impact this will have on pumping in our region. The State Board has indicated that we will continue to operate under our current programs even during a potential year probationary status. However, if the State Board must adopt its own plan, everyone will be subject to restrictions imposed by the State Board.

We must have a renewed sense of urgency to achieve sustainability over the next year. We expect some limitations on groundwater pumping to occur in the Subbasin.

The Exchange Contractors are not in a state of overdraft, and we will be pursuing consistent standards across the Subbasin to provide the flexibility we need to farm during Shasta-critical years.

Our priorities are to achieve or maintain sustainability for our local farms and our communities and come into harmony with the other GSPs in our Subbasin. We are working closely with our partner organizations within our Subbasin to forge a resolution.

We'll continue to update the public in the coming months about the progress that's been made, along with any potential impacts it could have on water users in our region.



***It was our pleasure to host Congressman John Duarte for a tour of water infrastructure in our region, including the Los Banos Creek projects and Del Puerto Canyon Reservoir.***



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***Celebrating the groundbreaking of the Orestimba Creek Recharge & Recovery Project, which is expected to capture up to 3,500 acre-feet per year of stormwater flows for irrigation while reducing flooding risks to nearby disadvantaged communities.***