

Water Wrights



Friant Water Authority January 16, 2020

By Don A. Wright

The **Friant Water Authority** board of directors met at the Visalia Convention Center on Thursday, January 16, 2020. I don't know why the meeting was a week early this month and at a venue different from the World Ag Expo in Tulare. Could be the Expo is coming up next month and they need the space to get ready. The **FWA** board met in closed session at 8:30am. At 10:00am Chairman **Chris Tantau** called the open session portion of the meeting to order. Under public comment it was announced **Harvey Bailey** retired from Friant after 27 years and **David Brown** will take over. This will be Bailey's last meeting. He's always been polite, friendly and honest with me and I will miss his presence. Madera Irrigation District Director **Carl Jansen** said MID is holding an anniversary ceremony later today. Chowchilla Water District used to be a part of MID and without MID Friant Dam wouldn't be here and we wouldn't be gathered together. Friant Dam is located on property that used to belong to MID.



Action Items

Under action items **Johnny Amaral** was elected to represent FWA on ACWA Regions 6 & 7. Amaral and **Doug DeFlicht** will represent FWA on the San Joaquin Valley Infrastructure Authority on those rare occasions when Friant CEO **Jason Phillips** can't make the monthly meeting; which, according to Phillips, only happens once a month.

Phillips lead the review of the recent board retreat. It was actually an intense and thoughtful retreat by the sound of it. Non-FWA members were invited and there was a good turnout and dialog. Topics such as repairing the Friant Kern Canal and taking title of it from the US Bureau of Reclamation. One of the suggestions is finding a better venue for the board and executive committee meetings. Starting next month FWA will meet at the Southern California Edison Ag Tech facilities across the street from the World Ag Expo. There was also a suggestion board meetings occasionally be held in Madera and Kern Counties. One of the most talked about ideas was how to bring more Friant contractors back into the FWA. There were many attempts in the past to bring reconciliation between Friant Contractors in the past. I've seen Friant splinter into four groups in the past 20-years. But whether or not it comes back together and water still flows down the canal. May that never change.

Operations & Management costs and general fund costs are two different matters that directly impact governance. Phillips said while not universal there is a good deal of support for everyone to have a vote on O&M if they're pay O&M. Also under consideration is Madera ID and Chowchilla WD have their own canal to deal with. Phillips pointed out there hasn't been an executive committee meeting since the retreat and would like to have some consensus on the O&M vote for the board by

next month's meeting. Tantau said he's been receiving a lot of interests on this matter as it is consensus building so all of Friant can work in unity. Director **Matt Leider**, Teapot Dome WD said he'd like to see more of the non-FWA districts make an effort to attend the Friant meetings which they are invited to attend. He said it's not productive to not show up and complain. Pixley ID had a director present who agreed there needs to be this kind of cooperation.

Fixing the Kink

DeFlitch began the capacity corrections update saying the feasibility report and the environmental and cultural studies are underway. He said there was a public outreach meeting in Porterville that was sparsely attended but that box can be checked off. Attorney **Don Davis** said the notices to landowners are being prepared. He urged anyone in the easement path selling or buying land to be gentle with the prices as appraisals are not yet final.

Phillips said the Bureau wants to see plans for the FKC to be at design capacity in 2070. Interesting, yes? So that will take some "over engineering" to take the immediate capacity correction to that standard and could add \$50 million to the overall cost. The Army Corps of Engineers wants to claim the FKC as Water of the US. Davis said ACE will be reminded of maintenance and construction on canals and the FKC shouldn't be classed as WOTUS. He believes the USBR will side with Friant on this as they don't want ACE involved in their business either. I didn't feel that Davis was too upset but there is a political solution also. Phillips said the Bureau has some money, about \$20 million if I heard correctly thanks to **Shelley Abajian** help. She's Senator **Diane Feinstein**'s eyes and ears on the ground in the Central Valley. So, there is some money coming to the rescue for the canal. It was said the average government lawyer can get creative when trying to figure out how much money a piece of legislation grants to a project and that creativity doesn't always flow towards the beneficiary of the bill. The EPA isn't interested in seeing the feasibility if it doesn't have at least a 35-year O&M agreement with the Bureau. This is a sticking point for a special type of loan – it sounded like a "Withia" loan.

Title Transfer

Next the transfer agreement was discussed and Davis apologized for filling half the packet with the proposed contract with the Bureau. It's more than 80 pages long if I recall. Davis said the length reflects the need to update standard legal terms that have been in use since the original contract was drawn. He said the fed contract is terrible for indemnifying government employees from misconduct. Davis said even the Bureau was somewhat shocked by what they could get away with and leave Friant on the hook for. There's more negotiation to resolve the liability problem. Phillips said all the Friant contractors were notified about this discussion and if they were not able to attend they are welcome to submit comments. Phillips said there is an interested parties list that will be maintained.

Attorney and Louisiana native **John Bezdek** said he's worked with a group of folks including engineer Dennis Keller on closing the loop on as many title transfer questions as possible. He expects an hour long report next month to show the progress. Phillips said like anything else under the sun there are no guarantees.

CVPIA True Up

Alex Biering updated the board on the recent meeting here in Visalia with Friant, the public and the Bureau regarding the Central Valley Project Improvement Act. Phillips pointed out www.WaterRights.net did do a report and I appreciated the shoutout. Biering said she'd attended other CVPIA true



up meetings and didn't see the interaction that took place with Friant. It is a very complicated. Arvin Edison WSD's Steve Collup was at the meeting and said one of the key elements is the Bureau claims the CVP is completely integrated therefore the costs incurred by Friant can be distributed throughout. Phillips said the Bureau has spent about \$2 billion in funds; one billion from CVP contractors and one billion by taxpayers. The Gov wants the CVP contractors to pay back the billion. In the midst of this presentation it was officially announced **Jeff Payne** has been kidnapped by the Bureau's **Ernst Conant**. Stantec Engineering's **Ian Buckley** will come on board with FWA next week to help pick up the slack. Phillips said having Payne at the Bureau will be good for Friant. Also, **Ron Milligan**, former USBR CVP director is now with MBK Engineering and will be very helpful.

SJV Water Blueprint

Amaral reported on the Blueprint progress saying Dr. **David Sunding** of UC Berkeley is about to wrap up an economic report that will show where the Valley will be if SGMA loses and other surface supply cutback scenarios take plus. At least one million acres would have to be fallowed with tens of billions of dollars lost in production with 65,000 jobs lost in the Valley. It will be closer to 85,000 jobs lost when the statewide ripple impact takes place.

Amaral said **Mike Wade** will chair the roll out efforts to educate the public, elected officials and really everyone who lives in the Valley and the state who eat food. This is information that can not be ignored. Phillips said Sunding said this impact, the job loses and productivity is a permanent situation. This is a loss that won't come back and more than double the unemployment in the area. Other businesses won't be moving in because there isn't enough water. Phillips said the analysis took in a conservative figure of 40 percent unimpaired flows, not the 60 percent possible.

Phillips said the Blueprint isn't just identifying problems but solutions are being looked at also. There is a need for two million more a/f annually and there are 22 million a/f flowing out to sea annually that isn't needed for any environmental or regulatory purpose. Capturing that water is the challenge and it must go beyond filling up San Luis Reservoir. Amaral said getting the message out that there is 22 million a/f available above and beyond what is needed will be a challenge. The canals and recharge facilities needed will be a moot point if the Delta can't be tapped. This water is available but we don't have the infrastructure to get it where it is needed. Phillips said the connection has to go beyond the idea of the Valley and include the Delta.

A foundational need for the Blueprint is new biological opinions. The State of California is threatening lawsuits against adopting the new biops. Phillips said there is a million acres in the Valley of white area that needs to get in the fight and now has a way to do so by supporting the Blueprint. Phillips said **Bill Lyons** has been an advocate with Governor **Gavin Newsom**. Newsom has shown independent thought and action as his willingness to take a few arrows as demonstrated by SB 1.

Phillips said some other reason for hope is the project side has been identified. However, it will cost money.

External Affairs

Biering gave the latest on the Sacramento shenanigans. The governor has come up with a \$222 billion budget. That's a lot. There will be funding requests and a since of revenue after April's taxes. Then in May there will be the budget review, all before granting wishes if I understood. There are three water bonds out there and Biering believes this will melt into one bond at some point. Efforts to fund the NASA Airborne Snow Observatory are also underway. Biering said the Friant Waterline is being published again but online. Everyone's welcome to sign up.

Amaral gave the federal side and said the USBR Mid Pacific Region Conference will take place in Reno soon. He said Phillips will moderate a SGMA panel with **Karla Nemeth** of DWR and **Joaquin Esquivel** of the State Board will be on the panel and you should attend. He also encouraged

everyone to keep in touch with their federal elected officials. Phillips said there will be another panel called Make California Water Great Again. He didn't name it. There will be discussions on the biological opinions and voluntary agreements.

Operations

Phillips started this report saying since Payne isn't here he's kind of lost. The Bureau wasn't present either as they are having dam safety training in Sacto. He said Milligan will start giving water reports next month. This will be an amalgamation of weekly allocation reports.

DeFlicht reported on O&M matters and said a lot of copper sulfate was needed to fight weeds. There will be a dewatering coming up. The meeting then went into closed session to determine Phillip's fate.

Evidently the board decided to give Phillips another chance and they fed us good beef. And that was that.

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FRIANT WATER AUTHORITY

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The Friant Water Authority is a Joint Powers Agreement with 15 districts to operate and maintain the Friant Division of the Central Valley Water Project. Water from the San Joaquin River is diverted at Friant Dam at Millerton Lake to the Madera/Chowchilla Canal to the north and the Friant/Kern Canal to the south. More than one million acres of mostly family farms and numerous communities get their surface supplies from the Friant Division. Staff: CEO Jason Phillips, COO Doug DeFlicht, CFO Don Willard, Superintendent Chris Hickernell and Attorney Don Davis.