

Meeting Reports

South Delta Water Agency May 6, 2020

By Don A. Wright

The **South Delta Water Agency** held its Wednesday, May 6, 2020 by teleconference. The meeting was scheduled to start at 1:30pm. And for once I called in early to hear who else was participating. I used to go to **SDWA** every month and I haven't been in a few years. I can tell you they are very kind people. My car once broke down there. The front right wheel went from perpendicular to parallel with the road. It was right before the July 4th weekend, repair shops were closed, I was wearing a heart monitor and it was hot as blazes. I didn't know anyone there and they didn't know me. But like farmers and ranchers do, they helped me. I was able to get a tow and get home because they knew who to call. Just so you'll know my heart's fine but I didn't know that at the time. It was stressful and **SDWA** has been one of the best meetings I've attended over the years because of the people there.



General Manager

and attorney **John Herrick** kicked things off on time. There were introductions and Herrick said website took longer than planned but the lady hired to design it's five year old almost died from coronavirus. We pray he's doing fine now. The minutes were approved and Herrick went over communications and he said water quality has been compromised.

Under reports Herrick said the current water levels are very poor with water levels so low pumping has become undoable. He said without sounding snide or judgmental but conditions are serve, as bad as he's seen. The DWR and the State Board could install barriers in the needed channels to alleviate the situation. Director **Mary Hildebrand** said with Vernalis running at 1,600 cfs this shouldn't be happening. Herrick said Westside Irrigation District had its pumps cavitating as early as last month.

Herrick reported New Mellones Reservoir is at 80 percent of average and the snowpack doesn't look like it will be able to meet the needs of all concerned. Water quality in the South Delta is measured by 30-day averages on the Old San Joaquin River channel and standard EC of .07 has been violated.

Legal matters have gotten to the point a closed session will be needed today. In the meantime Herrick reported on the coordinated curtailment case, still awaiting a decision in the Tanaka case. If this is the case I think it is; it's been dragging on for years. There is a case called the SED Challenge regarding changes of standards on the SJR that is moving slowly. He said Westlands Water District has been trying to get its new CVP contract expedited that brought on many legal challenges. Every litigant to the case but South Delta and Central Delta Water Agencies have been found to file too late.

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The bios suit has been entered into by South Delta on the side of the state. He said now that the State has issued an environmental report another gaggle of lawsuits have erupted. There will be more about this in closed session.

Delta conveyance, the single tunnel is still slowly progressing. Comments are being made. **Eric Vink** with the Delta Stewardship Council reported Dr. **Laurel Larsen** was hired as a scientist. Delta levees prioritization based on lidar Governor **Gavin Newsom** appointed a political operative Daniel Zingale to the Council. **Michael George** said DSC won its appeal on the Delta plan. He said it was a resounding conformation of the plan. The court of appeal didn't certify the opinion for publication and there will be an effort to get the ruling certified so it will become precedent.

George said the Voluntary Agreement process has bogged down and there is a nest of litigation pending or in process. These lawsuits are meant to vindicate the opposing groups' view of which is right, the Fish & Wildlife Incidental Take Permit or the Biological Opinions as the best way to operate the Delta. This will take several years most likely. Consolidated cases are being tried in Fresno. State Attorneys General **Xavier Becerra** has requested a preliminary hearing on May 19th. Becerra has to prove the likelihood the biops won't stand when challenged in the future, the impacts will amount to irreparable harm to an endangered species and it is in the public interest to do so. This will give a hint to how the ultimate case will be decided and upcoming national election will have more of an impact long before the actual trial winds down.

Next was legislation but there was no update. The costs of the voluntary participation for the assessments of Irrigated Lands Program will be going up. There is some chemical in the Delta that is killing bugs but it may not impact the South Delta.

The Levee JPA met and the Resource Conservation District is receiving some grant funds for the Paradise Cut Update. This project won't move forward until the amount of dredging is decided. Herrick is working on some draft legislation and if I heard correctly in conjunction with **Frances Mizuno** of the San Luis Delta Mendota Water Authority. Good for them. Herrick didn't have much good to say about the Central Valley Salts program's ability to solve any problems.

George reported on the Diversion Measurement Regulations Reporting. He said they've decided efforts trying to do measuring by individual meters has been replaced by satellite ET data and ground truthing. He anticipates by 2022 planting season there will be some options for growers in the Delta to choose from. He said annual reports should be much simplified. Good for him.

The next item was a purchase of Term 91 Water from South San Joaquin ID to a diverter. SDWA often works as go-between for SSJID water sales. The buyer is a landowner named Trinitos Corporation (sp?). SSJID doesn't like to sell to individuals so South Delta makes the purchase and resells to the non-agency entities and individuals. As I understand it Term 91 Water is water that would have been through Delta flows but you'd better do as I intend to do and look that up. The board approved appointing Herrick to represent SDWA in this matter.

The Eastern San Joaquin Groundwater Sub Basin has a small portion of South Delta in its boundaries. There has been a legal reverse validation action taken by Cal Sportfishing Protection Alliance. Once again I've met an acronym I don't recognize. Herrick said attorney Dean Ruiz is working on it. South Delta does have members who pump such a small amount of water as to have no bearing on the matter Herrick said the financial burden is all out of proportion. Central Delta Water Agency is in the same boat. If I understood correctly neither South Delta nor Central Delta most likely are safe from any large costs.

Next was the financial reports and some much of it had to do with legal fees. There were some modeling costs on a study on Tom Pain Slough that can be helpful in getting some better pumping conditions for growers. San Joaquin County thinks Central and South Delta each owes \$10,000 for

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GSA assessments. South Delta didn't think so, so it paid \$5,000. The county has billed them for the rest and it was up to the board whether or not to pay or fight. Central ended up paying the whole amount which kind of blew the unity stance. Chairman **Jerry Robinson** said he'd like to have someone from the county to come and explain this charge. He and Hildebrand agreed that this bill should be held over for another month. These costs are not to solve the problem but to pay the county's administration costs. The board agreed to pay its bills with the exception of the county.

There was a public comment period where George said there is a proposed solution being discussed with the State Board about notices on an action to be taken that he will notify Herrick before that drops in the mail. San Joaquin County's **Mike Callahan** said he'll let folks at his office know about South Delta's concerns with SGMA bills. He also said there are GSP plans being prepared for comment. I know, for a many of us it sounds like the timeline is out of whack. But there's a good chunk of the land in the Delta designated under the 2022 deadline as a medium priority basin. And finally there were congratulations on South Delta's new website. I agree it looks good.

The meeting then went into closed session and that was that.

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SOUTH DELTA WATER AGENCY

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Board: Jerry Robinson-Chair, Paul Marchini, Natalino Bacchetti--Vice Chair, Jack Alvarez & Mary Hildebrand

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www.southdeltawater.org