

Water Wrights

Exchange Contractors August 7, 2020

By Don A. Wright

The **Exchange Contractors** board of directors met remotely on Friday, August 7, 2020 from its Los Banos headquarters. The meeting was on GoToMeeting and I couldn't get in to see what was happening. Obviously I wanted to see the good folks but I also wanted to see any documents that might be placed on screen. Had I looked a little closer I would have seen the notice on the agenda – the meeting would rely on telephone audio only. So I called in a little late and missed the open ceremonies. Since I've been attending **Ex Con** about 20-years, longer than any other meeting I think I can make a pretty good guess as to what happened before I tuned in.

The meeting typically begins with a flag salute. One of the things I like about reporting on water in the Valley is; the folks here know the difference between the separation of church and state – two institutions of great influence – and religion and politics; two topics available for the opinions of all at all times in a free society. I

like how many of these meetings begin with a pledge of allegiance or a prayer. Both recognize how the human brain may be great, but it isn't the greatest thing in existence.

Since Ex Con is pretty good about following an agenda I have experiential reason to believe the meeting began with Chairman **James O'Banion** kicking things off with a flag salute, followed by approving the agenda and minutes from last months meeting. After that the public would be invited to comment – I don't know if anyone had anything to say or not. This is where I often offer a lame joke received by polite chuckles.

The board would then listen carefully to **Joanne White** give the financial report and most likely approve it.

Water Master **Adam Hoffman** just ending his report when I got access to the conversation. Fortunately Hoffman provided a written report I can cherry pick from. Total Ex Con demand is taking 1,990 cfs from the Mendota Pool and 581 cfs from the Delta Mendota Canal. San Joaquin River releases at Friant Dam are 443 cfs. Current storage at Millerton Lake is 249,736 a/f or about half of the lake and 79 percent of average for this time of year. San Luis Reservoir has 953,097 a/f in storage, also about half its capacity and that's 97 percent of its average for this time of year. Of that amount 196,983 a/f is federal water and the rest state water. Lake Shasta has 2,626,961 a/f, almost 60 percent of storage



capacity and 82 percent of it's average for this time of year. There is 12,221 cfs inflow to the Delta and total exports of 6,300 cfs state and federal pumping.

Executive Director Report

Executive Director **Chris White** paused a moment to welcome some late arrivals and said there hasn't been much progress on the San Joaquin River Restoration program. He's been in contact with Ernest Conant from the US Bureau of Reclamation. He said much of the problem lays in lack of real estate. The necessary infrastructure can't be built without the land to build it on. There will be more in closed session.

The Temperance Flat project looks like it is going on hold for now. White said part of this problem has to do with the band width of the contractors. Problems like the Friant Kern Canal repairs has placed a multi-billion dollar dam project on the back burner. Temp Flat isn't dead but rather lurking in the background waiting for a better time and situation.

Later in the meeting there will be talk about transferring 5,000 a/f from Rosedale Rio Bravo Water Storage District to Triangle T Water District. White said there are three grants pending; one for subsidence in the Red Top area, the Orestimba Creek Project and the Del Puerto Reservoir if I understood correctly. These are FEMA grants and where denied but being appealed. This will be brought back to the board as it develops.

White said the feasibility study on the Del Puerto Canyon Reservoir has received a good deal of attention. He said attorney **Paul Minasian** has written a white paper on the ability to incorporate Ex Con water supplies in the project.

White also said the State Board has approved the Bureau's Shasta temperature control plan and that was characterized as a victory as was the agreement on the joint/point plan between the Bureau and DWR.

White invited **Jeff Bryant** to speak on the new Grasslands Drainage JPA. **Dave Cory** spoke saying there is a new manager, **Palmer McCoy** getting things up and rolling. Good for him. Cory said McCoy is a familiar name and he is. McCoy brings a wealth of experience with him. Bryant said things are starting to fall in place and the preliminary work with the USBR is going well.

Jarred Martin, General Manager Central California ID was invited to speak and reported there are some cost savings being realized from a couple of Bureau grants for GSP plans dealing with subsidence. Firebaugh Canal Water District Director **Mike Stearns** asked about Madera and Merced Counties' progress. Madera ran into a major roadblock on GSP approval when one of the GSAs wouldn't sign on to the sub basin wide cooperation agreement. Martin said in effect things are moving forward with discussions.

Policy Report

Steve Chedester, Director of Policy and Programs gave his report and said the some of the needed facilities for SJR restoration are in design. The fish screen control structure and the reverse flow facilities for San Luis Canal Company deliveries are located near Sac Dam. He said the Mowry Bridge structure is on schedule but not much else. There has been a push to get a meeting between the Bureau and FCWD before design gets out ahead of the on the ground reality. It sounded to me Chedester didn't have much hope for the majority of the facility completion in the SJR Restoration Project will be on finished on schedule.

Chedester said he's been talking with **Scott Hamilton** from the San Joaquin Valley Water Blueprint about some interesting infrastructure to convey water east and west in the Valley. Of course that depends on Delta supplies but the groundwork is beginning.

Water Transfers

White spoke about some of the water transfers taking place and some that were delayed. There's a fairly extensive checklist that has to be satisfied before a transfer can take place. There is a 143 a/f going from CCID to San Luis Water District. There is a maximum of 20,500 a/f from 2019-2023 allowed. SLWD has been a district that has learned from necessity how to cut a transfer deal. Its surface supplies wouldn't be called great so it's found ways to provide its growers more water by transfer. Good for them.

White explained the already mentioned water recharge/transfer/exchange with Rosedale Rio Bravo WSD and the Triangle T WD. Rosedale is offering better terms for a longer agreement period. White said he wants to look into the deal in greater detail. He's had input from Martin and SLCC's GM **John Wiersma**. FCWD Director **Kim Brown** said something I thought sounded optimistic regarding this deal. The board must have agreed as they approved the transfers.

Water Resources Plan

White reported first on the Del Puerto Canyon Reservoir plan saying there will be a meeting with Bureau after this meeting to discuss comments received on the EIR. It looks like this can be wrapped up by the Del Puerto WD September meeting. The Ex Con board will also be asked to sign off on it.

The reservoir will require moving power lines and possibly other utility structures. A consultant was hired to redo the very expensive plans provided by PG&E.

Bay Delta Regional Water Quality

Cory gave his report saying the Water Coalitions formed to deal with in part with the nitrate in groundwater concerns the state legislature has – is now being reported to the Regional Board on a township by township basis. The leaching of nitrates past the root zone into different soil types and climates vary by location. There is an educational outreach by the coalitions to the Regional Board staff and the NGOs so a "one size fits all" approach won't become the standard.

There is a deadline to formalize a model that will be flexible enough to deal with the varying measurements by township. Once this is established growers will be required to figure out the most viable nitrogen usage. Cory said there is the possibility to impact some growers a great deal.

Minasian commented that Ex Con has a better and more reliable water supply than most other areas. Likewise Ex Con has had a better time with nitrate problems. He asked Cory if he things that will remain the case. Cory said Ex Con is not a Priority One Area and in better shape than many other areas of the Valley. But there are locations north of Los Banos that exceed the (I believe he said) 10mg parts per liter standards. He sees having to work with others like dairies and food processors.

White said this would be a good time to work with **Mike Henry**, California Farm Water Coalition to get a report on this in the next newsletter. SLWD Director **Bill Diedrich** asked about the impact on drinking water. Cory said there are areas with natural groundwater quality not suitable for drinking water standards that may be targeted for nitrates. Now this water is fine for crops and there are no domestic use – should this area have to meet the same nitrate standards as an area supplying drinking water? What good does that do?

Cory continued his report and spoke about the Central Valley Salts Program. This effort started 10-years ago and the attention was hijacked by nitrate fears. He said things are circling around to salts again.

Government Matters

White said consultants are reporting the Big Marxist Virus has had a major impact on slowing down the state and federal legislation process. Not much happening on the state side at this time. On the federal side BMV has also moved the focus to dealing with the pandemic. The WIIN Act is still available for some infrastructure funding. I believe I heard White say the Bureau has to submit some

environmental study before that money is freed up. Any Bureau folks reading this? If so you're welcome to explain it to me. The Senate has heard Senator Diane Feinstein's water infrastructure bill where **Audrey Bettencourt** and **Dan Keppen** of the Family Farm Alliance testified.

Attorney Report

Minasian said the settlement of the temperature control may be a shift to reduce CVP supplies from the Sacramento River. He said this is the first instance he's aware of where the State Board paid an environmental group to not sue therefore clearing the air for its decisions. More in closed session. That's very interesting.

Minasian also spoke about the comments on federal projects involving hydroelectric projects that could spill onto the Del Puerto Dam project. The State Board was put on notice by the federal 9th Circuit Court it had a one year time period to comment or it will lose its standing to comment on hydroelectric projects and issuing certification. So many permits and reviews from various other state agencies are required the State Board can't cut through the red tape in a year's time.

The State Board's response was to issue a certification past the one year time limit that highly favored an environmental community project on the American River. And the State Board sued. It sounded to me like Minasian thought this a risky legal maneuver. I believe he said the 9th's ruling was pretty solid and if the State Board's suit fails it could be left without the ability to have a say in hydroelectric matters. He also said this is an interesting situation in that California's enviro laws may have hamstrung its ability to set enviro laws it can comply with.

Managers Reports

Martin reported demands are dropping in August.

Randy Houk, GM Columbia Canal Company said July was average on deliveries and like Martin's report there is a battle with aquatic weeds. He said the district's preparing for harvest and that's about it.

Bryant said demands in July were average and things are tapering off now as harvest approaches and demands are met. He is looking for a grant to line three miles of canal as the next phase. He said he's been spending time with McCoy at the GDJPA.

Wiersma reported July demands were average and starting to taper down. He said aquatic weeds are a challenge. The district is hiring for some job opening and ramping up to get the downtime maintenance and construction together.

Informational

White said there are old maps from 1913 discovered that trace the SJR from the Delta to the Sierra Range. He showed examples I couldn't see but things have changed a good deal since then. More than a hundred years have gone by. They used to ship grain by the river to ports further north.

The meeting then went into closed session at 10:30am and that was that.

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SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY

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The Exchange Contractors cover almost a quarter of a million acres in Fresno, Madera, Merced and Stanislaus Counties.

Mission Statement

The Exchange Contractors Water Authority mission is to effectively protect the Exchange Contract and maximize local water supply, flexibility and redundancy in order to maintain local control over the members' water supply.

Board

James O'Banion-Chair Central California Irrigation District, Chris Cardella-Vice Chair Columbia Canal Company, James L. Nickel-Treasurer San Luis Canal Company, Mike Stearns-Director Firebaugh Canal Water District

Staff

Chris White-Executive Director, Steve Chedester- Director Policies & Programs, Adam Hoffman-Water Resources Specialist, Joann White-Director Finance and Human Resources, Patty Baldini-Office Assistant, Darlene O'Brien- Administrative Assistant, Paul Minasian-Attorney

History

From the Exchange Contractors' website: www.sjrecwa.net The San Joaquin River Exchange Contractors hold some of the oldest water rights in the state, dating back to the late 1800s. The rights were established by Henry Miller of the legendary Miller and Lux cattle empire. In 1871, Henry Miller constructed canals to divert water from the San Joaquin and North Fork of the Kings Rivers for irrigation of his vast acreage. Today, several of the original Miller and Lux canals are operated by the Exchange Contractors.

Although Henry Miller's canals served the irrigation needs of his estate in the western portion of Fresno, Madera, Merced, and Stanislaus counties, in order for more growth on the east side of the San Joaquin Valley to occur, more water was needed. In 1933, the United States Department of Interior undertook the Central Valley Project, a vast undertaking to build dams throughout the great Central Valley including the Sacramento, American and San Joaquin Rivers. When construction of the Friant Dam (north of Fresno) was under consideration, feasibility studies showed that irrigation development of the Friant Project between Chowchilla and Bakersfield depended upon water being diverted from the San Joaquin River at Friant Dam and brought to the east side of the valley, via the Friant-Kern Canal.

To accomplish this, the government asked the heirs of Miller and Lux to agree to "exchange" where they receive their pre-1914 appropriate and riparian water from the San Joaquin and Kings Rivers for guaranteed deliveries of "substitute" water from the Sacramento River by means of the Delta-Mendota Canal and other facilities of the United States. This agreement, known as the "Exchange Contract," along with the accompanying "Purchase Contract," were reached in 1939 and that led to the name "San Joaquin River Exchange Contractors." In normal years, the Exchange Contractors are guaranteed 100% of their contractual water allotment (840,000 acre feet) and in critical years the amount is 75% (650,000 a/f).

The Exchange Contractors, however, did not abandon their San Joaquin River water rights. Instead, they agreed not to exercise those San Joaquin and Kings Rivers' water rights if guaranteed water deliveries continued through the Delta-Mendota Canal or other facilities of the United States.