

**MINUTES  
OF THE REGULAR MEETING OF THE  
SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY  
HELD FRIDAY, DECEMBER 13, 2019 AT 9:00 A.M.**

The Board of Directors of the *San Joaquin River Exchange Contractors Water Authority (SJRECWA)* met in Regular Session on Friday, December 13, 2019 in the Board Room of the *San Joaquin River Exchange Contractors Water Authority*, 541 “H” Street, City of Los Banos, County of Merced, State of California. The following persons were present:

**REPRESENTATIVES:**

**Central California Irrigation District (CCID):**

James O’Banion, Chairman

**San Luis Canal Company (SLCC):**

David Pruitt, Alternate Director; John Wiersma, Manager (departed 11:32 a.m.)

**Firebaugh Canal Water District (FCWD):**

Mike Stearns, Director; Jeff Bryant, Manager

**Columbia Canal Company (CCC):**

Chris Cardella, Director; Randy Houk, Manager

**STAFF MEMBERS:**

Chris White, Executive Director; Steve Chedester, Director of Policy & Programs (departed 10:30 a.m.); Joann White, Director of Finance and Administration; Darlene O’Brien, Administrative Assistant and Adam Hoffman, Water Resources Specialist

**PRESENT:**

Andrew McClure, Minasian, Meith, Soares, Sexton & Cooper LLP; Andy Neal, Woodard & Curran; Nikki Griffin, Landowner; Kim Brown, CCC Director; Rick Iger, Provost & Pritchard Consulting Group; Michael Peters, Kaweah Pump & Well Drilling; David Cory, Consultant; Russ Callejo, U.S. Bureau of Reclamation’s Deputy Regional Manager (arrived 10:50 a.m.); Tom Berliner (via teleconference 10:00 a.m. – 10:30 a.m.), Paul Minasian, Minasian, Meith, Soares, Sexton & Cooper LLP (via teleconference 11:25 a.m. – 11:37 a.m.)

**CALL TO ORDER:**

Chairman O’Banion opened the meeting at 9:02 a.m. and asked Chris Cardella to lead the Pledge of Allegiance. The Executive Director asked to move agenda #9 pending Russ Callejo’s arrival.

**APPROVAL OF MINUTES:**

The unapproved minutes from the November 1, 2019 Board meeting were presented. A motion was made by Director Cardella to approve the minutes as mailed. The motion was seconded by Director Stearns and unanimously carried.

**PUBLIC PARTICIPATION:**

The Executive Director introduced and welcomed members of the public.

**APPROVAL OF EXPENDITURE LIST:**

Joann White presented the November 2019 Expenditure List for review.

Director Stearns made a motion to approve the Expenditure List as presented. The motion was seconded by Alternate Director Pruitt and passed unanimously.

**FINANCE COMMITTEE UPDATE:**

Joann White provided the November 2019 Financial Report and highlighted the revenue and expenses for the General, Water Transfer, Water Resources Plan, and San Joaquin Valley Drainage Authority Budget Comparisons. An outline of the Cash Activity Report was then presented.

Following the report, Director Stearns made a motion to approve the Financial Report as presented. The motion was seconded by Alternate Director Pruitt and passed unanimously.

The Finance Committee meeting minutes of October 28, 2019 were provided for informational purposes.

**WATER REPORT:**

Water Resources Specialist, Adam Hoffman provided the Four Entities Water Report which included the following data: Exchange Contractors' total demands: 267 c.f.s., with 242 c.f.s. from the Mendota Pool and 25 c.f.s. from the Delta Mendota Canal (DMC). He then reported that the Friant Dam releases into the San Joaquin River are 410 c.f.s., with 246 c.f.s. at Gravelly Ford. Currently, there is 171 c.f.s. entering the Mendota Pool from the San Joaquin River, with 138 c.f.s. going past Sack Dam as part of the San Joaquin River Restoration Program flows.

Mr. Hoffman next reported on various reservoir storages: Shasta – 3,268,879 a.f.; Millerton – 233,853 a.f.; and San Luis Reservoir – 1,005,574 a.f., noting that the Federal share in the San Luis Reservoir is 287,277 a.f., with the State project water at 718,297 a.f. Pine Flat is 438,919 a.f. of storage and the Los Banos Creek Detention Dam is at 20,501 a.f.

The Upper San Joaquin Basin combined storage is 309,999 a.f., which is about 122% of average. The accumulated full natural flow into Shasta Lake is 81% of average.

The following Delta Operations data was then provided: inflows are 29,944 c.f.s.; Jones Pumping Plant is at 3,500 c.f.s., with Banks Pumping Plant running 6,674 c.f.s. The Outflow Index is at 24,267 c.f.s and 33% of Inflow Diverted, noting the controlling factor being United States Army Corps of Engineers' (USACE) permits and available plant capacity.

The following additional data was included for informational purposes: Current Reservoir Conditions, San Luis Reservoir Storage Levels, Shasta Dam Operations, Millerton Lake Daily Operation's Report, and Daily CVP Water Supply Report.

**EXECUTIVE DIRECTOR'S REPORT:**

**San Joaquin River Restoration Program (SJRRP)** – The Executive Director stated that the Director of Policy and Program would give an update on the 30% design process and the CCID and CCC easement process during his report. After meeting with the U.S. Bureau of Reclamation (Reclamation) at ACWA, we were informed that they are committed to procuring engineering services on the CCC siphon under the river. There is a meeting with Reclamation scheduled for December 20<sup>th</sup> to follow up on this matter. The Memorandum of Agreement (MOA) will be discussed later in the agenda.

Manager Wiersma gave a report on the Sack Dam progress, noting that the design phase has been put on hold. SLCC attended a meeting with the Executive Director, the managers, the Deputy Regional Director and other Reclamation staff to address the Operations and Maintenance (O&M) costs in which it was verified that any Reclamation-owned facility, Reclamation will be responsible for the O&M expenses. He also added that it was proposed that SLCC consider analyzing a pumping plant as an alternative to the Sack Dam raise. A follow up meeting has been scheduled with a need for written confirmation from Reclamation and to get clarity on the path forward including subsidence related issues.

Following, Manager Houk gave a brief summary on the recent meeting with Reclamation's Land Acquisition team.

**Operations** – Executive Director White discussed the current operations status explaining that we are working with Reclamation to figure out operations under the new Biological Opinion (BiOP) and have made some progress. The State of California (State) has announced that they don't agree with the reinitiation process and in fact though, at this time, they haven't filed anything yet, they intend to file legal action against the BiOP. Reclamation is proceeding as operating under the new BiOP, and if the State ends up with a different alternative, they will have a separate set of operating rules. If this disagreement evolves into a lawsuit between Federal and State, it may lead to uncertainty for future operations.

**Legislative** – The Executive Director reported that Congressman Costa will introduce a water bill after January 1<sup>st</sup>, however, he added that Congressman Cox introduced his water bill last week which addresses two items: upgrading the Friant-Kern Canal system and additional appropriations for the SJRRP. A tour with Assembly member Heath Flora is scheduled for Wednesday, December 18<sup>th</sup>.

**Sustainable Groundwater Management Act (SGMA)** – Comment letters were drafted and sent to Chowchilla and Madera subbasins. A meeting has been scheduled for next week with a group of

Madera and Chowchilla representatives to go over some of their planned projects to combat subsidence issue. Manager Wiersma then gave a brief summary of the recent coordination committee meeting with Merced explaining that this is a regional problem and not just a GSA issue and are willing to work together to address this matter. Manager Wiersma also stated that CCID and SLCC have drafted a letter to Connley Clayton outlining the seriousness of the issues. A meeting is being scheduled to present and review the letter directly with Mr. Clayton.

**Water Transfers** – Exchange Contractors met with Valley Water during the ACWA conference and were able to work out the details on the agreement to transfer 2,000 AF in December. Mr. White also stated that the transfer to Rosedale Rio-Bravo Water Storage District and the Triangle T Water District will be completed during the month of December. Concluding, he said a Water Transfer Committee meeting will be scheduled in January to discuss the upcoming 2020 Water Transfer Program.

**Water Resources Plan (WRP)** – The Executive Director reported that a call is being scheduled with CalOES and available dates have been provided relative to the FEMA funds.

**Other Items –**

- *Merced County Spring Fair* – Manager Wiersma has reached out to the managers to put together a project for the upcoming Spring Fair in Los Banos.

**DIRECTOR OF POLICY & PROGRAM REPORT:**

Steve Chedester provided a report on the following issues:

**San Joaquin River Restoration Program (SJRRP) –**

- *State Lands Commission* – Received a cost estimate from Jacobs Engineering and obtained confirmation from Reclamation that there is funding for the mitigation measures for the levee stability downstream of Mendota Dam; will begin the process of amending the CEQA document and lease.
- *Mendota Pool Bypass* – 30% design plan workshop is scheduled for that afternoon with the implementing agencies in Sacramento, progress is being made with hopes of moving forward to the 60% design.
- *Land Acquisitions* – Currently working on obtaining Temporary Entry Permits (TEP) on various properties to be able to move forward in January. The easement language has been agreed upon and is consistent throughout all documents.
- *Financial Assistance Agreement (FAA)* – A formal modification to the FAA was submitted on December 6th. The modification includes changes to the scope of work only, not the dollar amount.

**Temperance Flat Reservoir Authority (TFRA)** – The Memorandum of Understanding (MOU) group dissolved at the end of November 2019. All Temperance Flat issues will now be handled through TFRA.

**Re-Initiation of Consultation on Long Term Operations (ROC on LTO)** – Update on the current timeline for the ROC on LTO process:

- National Marine Fishery Services (NMFS)/United States Fish and Wildlife Services (USFWS) Biological Opinion (BiOP) released October 22, 2019
- Final Environmental Impact Study (EIS) Record of Decision (ROD) to be approved January/February 2020
- State Environmental Impact Report (EIR) released November 2019
- Environmental Groups filed litigation against BiOP in early December
- State of California provided a 60-day notice of intent to sue the Federal Government in late November.

**Voluntary Settlement Agreements (VA):** The preliminary analysis and modeling were released in November by the State, but the analysis provided was not clear or useful. The CVP users have agreed to jointly review the four different models and are asking for a 30-day extension to provide comments to the State team in January.

**San Joaquin Valley Water Blueprint** – No updates at this time.

**Mendota Pool Group** – The Exchange Contractors and Wonderful Orchards are jointly providing written comments on the final EIR/EIS. Westlands Water District intends to adopt the EIR at their December 17<sup>th</sup> board meeting.

**Water Resources Plan (WRP)** – Mr. Chedester attended the kickoff meeting for the Los Banos Creek project with the Director of State Parks, Reclamation and Department of Water Resources (DWR). The pilot project continues on budget with Exchange Contractors sharing a third of the costs.

**SAN JOAQUIN RIVER RESTORATION PROGRAM (SJRRP):**

Staff and legal counsel have worked with the SJRRP in developing a Memorandum of Agreement (MOA) between Reclamation and the Exchange Contractors and its member entities regarding the SJRRP Reaches 2B and 3 improvements and projects. Executive Director White introduced Russ Callejo, Reclamation’s Deputy Regional Director. At this time, Mr. Callejo gave a brief summary on his work history and some of his own personal history, specifically his role in an agricultural family. Mr. Callejo discussed the need for partnering and getting things done, which is where the MOA comes in between Reclamation and the Exchange Contractors. Attorney Tom Berliner, via teleconference, discussed the major points of the MOA which is that it is a non-binding partnering agreement with Reclamation and it is also about putting together agreements to work together with a project management team to get projects delivered.

After some discussion, the Executive Director asked that the Board to adopt the MOA contingent on Manager Wiersma taking the final draft back to SLCC’s board for approval.

A motion was made by Director Stearns and seconded by Director Cardella to adopt the Memorandum of Agreement between the Exchange Contractors and Reclamation contingent upon obtaining SLCC’s board approval. The motion was unanimously carried.

**WATER TRANSFER PROGRAM:**

The Executive Director presented a draft agreement to transfer water to and from the Exchange Contractors and Santa Clara Valley Water District, and provided a summary of the provisions included in the agreement, and a recap of the discussions with Reclamation in order to move forward with the agreement, and in potentially getting the water returned.

Director Stearns made a motion to approve the Water Transfer Agreement between Exchange Contractors and Santa Clara Valley Water District. The motion was seconded by Alternate Director Pruitt and unanimously carried.

**WATER RESOURCES PLAN (WRP) – UPDATE:**

**Del Puerto Creek Reservoir Project:** The Executive Director asked Andy Neal of Woodard and Curran to provide an update on the recent activities with the reservoir project:

- Public Outreach Workshop was held in Patterson on December 11<sup>th</sup> to inform the community of project facts in advance of release of the Administrative Draft EIR.
- The Administrative Draft EIR was released for public review on December 12<sup>th</sup> with a 45-day comment period.
- Press briefing with local newspapers on the project was held at the beginning of November.
- Pre-application meeting with Reclamation and the USACE to discuss compliance was held November 7<sup>th</sup>.
- Independent Technical Review 3-Day Workshop with Reclamation’s technical team was conducted in November to present the project objectives and the process for determining feasibility for a State-led project under WIIN Act.
- Ongoing coordination with Stanislaus County with road relocation and with PG&E on utility relocations.
- Division of Safety of Dams (DSOD) introductory meeting scheduled for December 17<sup>th</sup>.

**BAY-DELTA WATER QUALITY AND REGIONAL WATER QUALITY CONTROL BOARD (RWOCB) REPORT:**

**Grassland Bypass Project:** On December 5<sup>th</sup>, the Central Valley Regional Water Quality Board (CVRWQB) approved the extension of the Waste Discharge Requirements (WDR) to allow storm related flows to continue to be discharged through the San Luis Drain. Continuation of this permit allows the discharges to bypass sensitive wetland supply channels and prevents uncontrolled ponding of storm water at the lower end of the Grassland Drainage area. The permit requires the CVRWQB to hold annual public meetings with interested stakeholders to review and discuss monitoring and management strategies.

**LEGISLATIVE REPORT:**

**Federal:** The Executive Director presented Nancy Williams’ report, which discusses the current impeachment hearing indicating that this was causing a delay in the FY20 Appropriations being passed. Congress passed a CR to extend government funding through December 20<sup>th</sup> and another one expected to extend into January 2020.

**State:** Executive Director White discussed Dominic DiMare’s monthly report, noting specifically the need to spend the next years guarding against possible incursions against our system of water rights in California.

**ATTORNEY’S REPORT:**

Legal counsel reviewed the following issues and noted that some of the discussions will take place in Closed Session:

- Biological Opinions/Coordinated Operating Agreement
- PG&E Bankruptcy
- DWR issued proposed changes to the White Paper on Water Transfers

**FOUR ENTITIES’ MANAGER REPORTS:**

**Firebaugh Canal Water District:**

Manager Bryant reported that FCWD had normal November deliveries and will continue to irrigate through Christmas. The canal lining will not take place this year, could not get the environmental work completed. The Drainage JPA continues and they are currently working on staffing and a budget process with expectation of a startup date for the independent JPA by March 1<sup>st</sup>. Manager Bryant also announced the Water Users Conference in Reno, stating that Executive Director White and Manager Martin would be on one of the panel discussions.

**San Luis Canal Company:**

Manager Wiersma reported that November deliveries were above average for this time of year. Currently working on five construction projects going out to bid with outside contractors and also some in-house projects including gate repairs at Midway Canal and coffer dams on the Arroyo Canal. They also began their preemergence program.

**Columbia Canal Company:**

Manager Houk stated that CCC’s big project has started with McElvany Construction at the Central Canal and completed three crossings. CCC held a SGMA meeting with Madera County which included a presentation by Manager Martin. The eastside of the district has been completely shut

down due to silt removal in the lined canals. Deliveries to Triangle T Water District will continue through the end of the year.

**Central California Irrigation District:**

In Manager's Martin's absence, Chairman O'Banion gave an update on the Russell Avenue Bridge construction.

**BOARD MEETING CHANGE:**

Due to the holiday season, staff is recommending to move the January board meeting to Friday, January 10, 2020.

Director Cardella made a motion to move the January board meeting to Friday, January 10, 2020. The motion was seconded by Director Stearns, and unanimously carried.

**INFORMATIONAL:**

Chairman O'Banion acknowledged thank you cards from the family of Myrna Narcisso and Patty Baldini that were included in the Board packets.

**Important Dates to Remember:**

- Assembly Member Flora Tour – December 18, 2020
- DPCR EIR Public Meeting in Patterson – January 15, 2020
- Water Users Conference – January 22-24, 2020
- State Water Board Tour – February 21, 2020

**CLOSED SESSION:**

Chairman O'Banion adjourned the meeting to Closed Session and called for a short recess at 11:18 a.m. Chairman O'Banion reconvened the meeting to Closed Session at 11:25 a.m.

The Chairman returned the meeting to Open Session at 11:37 a.m. There being no further business, the meeting was adjourned at 11:37 a.m.

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JAMES O'BANION, CHAIRMAN

Attest a true record of proceedings had  
And taken at the foregoing meeting, our  
Presence thereat and our consent thereto.

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CHRIS WHITE, SECRETARY

(Signatures Continue on Following Page)

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DAVID PRUITT, ALTERNATE DIRECTOR

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MIKE STEARNS, DIRECTOR

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CHRIS CARDELLA, DIRECTOR