

**MINUTES
OF THE REGULAR MEETING OF THE
SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY
HELD FRIDAY, APRIL 9, 2021**

The Board of Directors of the *San Joaquin River Exchange Contractors Water Authority (SJRECWA)* met in Regular Session on Friday, April 9, 2021 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:

San Luis Canal Company: James Nickel, Director

STAFF MEMBERS:

Chris White, Executive Director; Steve Chedester, Director of Policy and Program; Joann White, Director of Finance and Administration; Adam Hoffman, Water Resources Specialist; and Darlene O’Brien, Administrative Assistant

In accordance with the Governor’s Executive Order (N-29-20) and the declared State of Emergency as a result of the threat of COVID-19, the following members of the Exchange Contractors’ Board of Directors and staff, and members of the public participated via teleconference:

REPRESENTATIVES:

CCID: Kirk Jensen, Alternate Director; Jarrett Martin, Manager
San Luis Canal Company (SLCC): John Wiersma, Manager
Firebaugh Canal Water District (FCWD): Mike Stearns, Director; Jeff Bryant, Manager
Columbia Canal Company (CCC): Chris Cardella, Vice-Chairman; Randy Houk, Manager

OTHERS:

Andrew McClure, Minasian, Meith, Soares, Sexton & Cooper LLP; Kim Brown, CCC Director; David Cory, Consultant; Chris Medeiros, CCID Director; Chase Hurley, Water, Land & Solutions, LLC; Sarah Woolf, Waterwise; Lauren Layne, Baker, Manock & Jensen; Rick Iger, Provost & Pritchard Consulting Group; and Don Wright, Journalist

CALL TO ORDER:

Vice-Chairman Cardella opened the meeting at 9:00 a.m. The Executive Director proceeded to take roll call of the Board members in attendance via teleconference.

Executive Director White recommended a change to the order of the agenda in which Item 10.) Water Transfer Program will move to Item 17 with two items being addressed in Closed Session.

Director Stearns made a motion to approve the changes to the agenda. The motion was seconded by Director Nickel. Upon a roll call vote, the motion was passed by a 4-0 vote.

APPROVAL OF MINUTES:

The unapproved minutes from the March 5, 2021 Board meeting were presented. Director Nickel made a motion to approve the minutes as presented. The motion was seconded by Director Stearns. Upon a roll call vote, the motion was passed by a 4-0 vote.

PUBLIC PARTICIPATION:

There was no public participation presented.

BOARD TO APPROVE THE MARCH 2021 EXPENDITURES AND FINANCE COMMITTEE REPORT:

Joann White presented the March 2021 Expenditure List and Financial Report and provided highlights of 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. Ms. White noted that the revised Water Resources Plan 1st Quarter Dues invoices had been sent out to the entities.

Following the report, a motion was made by Director Stearns and seconded by Director Nickel to approve the Expenditure List and Financial Reports as presented. Upon a roll call vote, the motion was passed by a 4-0 vote.

The Finance Committee meeting minutes of March 2, 2021 were provided for informational purposes.

WATER REPORT:

Water Resources Specialist, Adam Hoffman provided a review of his water report that included the following data: Exchange Contractors' total demands: 672 c.f.s., of that, 480 c.f.s. from the Mendota Pool and 192 c.f.s. from the Delta Mendota Canal (DMC). He then reported that releases from Friant Dam into the San Joaquin River are 305 c.f.s., with 115 c.f.s. at Gravelly Ford. Currently, there is 42 c.f.s. entering the Mendota Pool from the San Joaquin River, with 35 c.f.s. going past Sack Dam as part of the San Joaquin River Restoration Program (SJRRP) flows.

Mr. Hoffman next reported on the following current reservoir storage: Shasta – 2,394,211 a.f.; Millerton – 180,016 a.f.; and San Luis Reservoir – 1,100,548 a.f., observing that the Federal share in the San Luis Reservoir is 432,295 a.f., with the State project water at 668,253 a.f. Next, he stated that Pine Flat is 276,675 a.f. of storage and the Los Banos Creek Detention Dam is at 19,634 a.f. The Upper San Joaquin Basin combined storage is 297,671 a.f., which is about 103% of average, and the accumulated full natural flow into Shasta Lake is 42% of average.

The Delta Operations data was then provided as follows: inflows are 9,976 c.f.s and exports are 1,021 c.f.s. The outflow index is at 7,155 c.f.s and 8% of inflows diverted, noting the controlling factor for this is the delta outflow/X2 requirement.

Mr. Hoffman concluded his report with an update of the current water year forecasting from Department of Water Resources (DWR).

The additional data was included in Mr. Hoffman's report 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) – Executive Director White stated that Steve Chedester, Director of Policy and Program, would be giving an update on the SJRRP projects and has been working diligently with SLCC and CCID on advancing the projects.

Operations – The Executive Director reported that staff continues to track water operations very carefully, adding that the U.S. Bureau of Reclamation's (Reclamation) current operation's plan provides delivery of the Exchange Contractors' water supply from the Delta-Mendota Canal (DMC) this year.

Legislative – We are currently working with the local legislative offices on our infrastructure projects and have been focused on the Los Banos area projects under the Community Project Funding which is being supported by the valley delegation.

SGMA/Groundwater – Executive Director White reported that our annual groundwater report has been submitted to DWR.

Water Transfer Program – A Water Transfer Committee meeting was held on April 8th to review several proposals from the entities and the recommendations will be presented to the Board later in the agenda.

Water Resources Plan – The Executive Director referred to Andy Neil's report included in the Board packet regarding the Del Puerto Canyon Reservoir (DPCR) project noting that we are currently in the process of finishing up the Environmental Impact Statement (EIS) with Reclamation and selecting our consultants for the dam design, P.G.&E, and road relocation work.

DIRECTOR OF POLICY & PROGRAM REPORT:

Steve Chedester provided a report on the following issues:

San Joaquin River Restoration Program (SJRRP) –

- *State Lands Commission* – Received an extension in the litigation and anticipate, with coordination with Reclamation, an actual report by next month; should have a cost estimate by the end of summer.
- *Mendota Pool Bypass* – The 60% design on the reverse flow facility has been put on hold until we reach the 30% design milestone on the fish screen and control structure at the end of the month. Jacobs made a presentation in March to the Fisheries Technical Team on the fish screen performance, noting a positive response was received.

- *Sack Dam, Fish Passage and Arroyo Canal Fish Screen* – The Technical Service Center (TSC) has taken over the design of the fish screen and passage alternatives and presented a 10% design package on all the alternatives. TSC recommended that an in-river flat plate and cylindrical T-screen alternatives be taken to 30% design. We are anticipating a 30% design package by October 2021.
- *Miscellaneous* – Construction continues at Mowry Bridge after CCID and Water Resources Specialist Hoffman worked through some head differential issues at the temporary coffer dams.

Orestimba Creek Recharge and Recovery Project – The project is at 30% design, the NEPA/CEQA process has started and currently conducting cultural and biological surveys. The cost reimbursement agreement with Reclamation is completed and working on the lease option provisions to purchase approximately 80 acres. There is \$6.4 million in grant money for this \$8 million project under the condition of completing the NEPA/CEQA in a year.

Los Banos Creek Recharge and Recovery Project – The write-up of the 2020 program has been submitted to Lisa Holmes at Reclamation and requested we hold off on pursuing the long-term permit until mid-April. The project partners are organizing an effort to have 2,000 to 4,000 acre feet released from the reservoir for diversion into the DMC for the benefit of San Luis Water District (SLWD) and Grasslands Water District (GWD).

MENDOTA POOL GROUP (MPG):

Executive Director White reported that the Exchange Contractors, Wonderful Orchards and the Mendota Pool Group (MPG) met for their annual meeting. Consultants, Dr. Kenneth Schmidt on behalf of the Exchange Contractors and Luhdorff & Scalmanini on behalf of MPG, jointly put together a groundwater report for the current program. They also developed a new 25-year environmental document for the program, with new requirements for water quality monitoring in the Mendota Pool. Mr. White noted that the document also requires MPG to recharge as mitigation and if no recharge is done in a specific year, then the MPG pumping is limited for the next year. In conclusion, the Executive Director discussed the various well pumping in the MPG and recommended approval of the 2021 program as proposed.

Director Stearns made a motion to approve the Mendota Pool Group program as presented. The motion was seconded by Director Nickel. Upon a roll call vote, the motion was passed by a 4-0 vote.

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

Consultant, David Cory gave an update on the following activities:

CV-SALTS: The Central Valley Regional Board Executive Director approved the CV-SALTS Work Plan for the Prioritization and Optimization Study required by the salt control program of the basin plan. The Westside Coalition has elected to comply under the Alternative Salinity Permitting approach. Participants in the alternative approach are only committing to participate in Phase 1 of a three phase Salt Control Program.

Irrigated Lands Regulatory Program (ILRP): The Westside Coalition has posted a link to a video that all growers must watch to comply with their 2020 annual meeting requirement. The coalition has also sent growers the ILRP forms that are required by the State. Failure to return the forms will result in Water Board enforcement actions.

Groundwater Protection Formulas, Values and Targets: The coalitions are working to generate the Groundwater Protection Values for each high vulnerability township in the Central Valley by the July 19th deadline. It is expected that the formula, value and target process will evolve as coalitions gain more experience implementing the program.

LEGISLATIVE REPORT:

The Director of Policy and Program reported that the Legislative Committee had met and voted to recommend that the Board consider adopting positions on the following Federal and State Legislation:

Federal:

- H.R. 737 (Valadao) – RENEW WIIN Act – **SUPPORT**
- H.R. 644 (Calvert) – REBUILD Act – **SUPPORT**
- H.R. 866 (Calvert) – FISH Act – **SUPPORT**

State:

- SB 559 (Hurtado) - DWR Water Conveyance Systems; Canal Conveyance Capacity Restoration Fund – **SUPPORT**
- AB 315 (Stone) – Streamlining Critical Habitat and Ecosystem Restoration Projects – **SUPPORT**
- AB 377 (Rivas) – California Clean Water Act – **OPPOSE**
- AB 1500 (Garcia/Mullin) – Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 – **WATCH**
- SB 45 (Senators Portantino, Allen, Hurtado, and Stern) – Wildfire Prevention, Safe Drinking Water, Drought Preparations, and Flood Protection Bond Act of 2022 – **WATCH**

Mr. Chedester then reported that after the posting of the agenda, Senator Feinstein’s office reached out to the Exchange Contractors looking for support of a new proposed bill that she will be co-sponsoring. The bill is called the STREAM Act and would authorize significant funding for water infrastructure and habitat restoration in Reclamation states, while establishing a consistent process to expedite Congressional authorization of federal and/or major projects. Staff is recommending a position of support for this bill.

A motion was made by Director Nickel and seconded by Director Stearns to adopt the positions as recommended by the Legislative Committee and staff. Upon a roll call vote, the motion passed 4-0.

State: Executive Director White presented Dominic DiMare’s report which was a summary of the Legislative Committee’s recommendations.

Federal: The Executive Director referred to Nancy Williams’ report which discusses the 2022 budget process; the Infrastructure Proposal; the two H.R. bills trying to extend the WIIN Act, and the appointments of Deb Haaland, the new Department of Interior Secretary, and Camille Touton, the new Deputy Commissioner.

ATTORNEY’S REPORT:

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

- SGMA Litigation – Received a favorable ruling from the California Supreme Court but still on the issue of what is the proper court for the validity of the Groundwater Sustainability Plans (GSPs) to occur in.
- DPCR Litigation – Exchange Contractors and Del Puerto Water District produced the Administrative Record documents for the pending CEQA challenge to the DPCR EIR.
- Shasta Temperature Management Plan
- Court of Claims – Friant Litigation

FOUR ENTITIES’ MANAGER REPORTS:

Firebaugh Canal Company:

Manager Bryant reported that the 2.5 miles of canal lining is now complete and operational. Water deliveries were below average. Currently working on obtaining bids for the new office and preparing for a critical water year.

Central California Irrigation District:

Manager Martin reported there was about 25,000 AF in water sales for March. He is staying in close coordination with the City of Los Banos over various projects to make sure CCID stays ahead of any impacts to District facilities and growers. Lastly, CCID has been making some progress in an attempt to clean up the hyacinth in the Mendota Pool and has been successful in getting the Division of Boating and Waterways to assist. Fresno County has indicated they cannot begin spraying until June.

San Luis Canal Company:

Manager Wiersma reported SLCC delivered about 10,000 AF to their growers in March; held their Annual Meeting via Zoom; currently filling some vacant positions and gearing up for critical year operations.

Columbia Canal Company:

Manager Houk stated that growers are sticking with their critical year allotment with not much demand at this time but expecting that to change as temperatures rise.

WATER TRANSFER PROGRAM:

The Executive Director gave a brief review of the recent Water Transfer Policy changes and stated that all required documentation for the proposals had been submitted as requested. Mr. White

referred to the summary sheet of the 2021 water transfer proposals which were presented to the Water Transfer Committee, with two of the proposals to be discussed in Closed Session.

Executive Director White provided a brief overview of the recommended proposals by entity:

CCID:

- Groundwater Exchange Transfer – Maximum of up to 20,500 AF (2019 – 2023). Transfer from CCID of up to 1,077 AF to Panoche Water District; up to 368 AF to Pacheco Water District; up to 1,063 AF to San Luis Water District; up to 6,258 AF to Del Puerto WD; and up to 2,935 AF to Westlands Water District for a total of up to 11,701 AF
- Landowner to Self in San Luis Water, Panoche Water, and Westlands Water District Following Transfer Proposal – Redfern Ranches – up to 3,269 AF
- Landowner to Self in Westlands Water District Following Transfer Proposal – Britz, Inc. – up to 724 AF
- Landowner to Self in Westlands Water District Following Transfer Proposal – S3 Group – up to 634 AF

SLCC:

- Landfalling Transfer Proposal to Semitropic Water Storage District – up to 7,770 AF
- Landowner to Self in San Luis Water District Following Transfer Proposal – Jim Vincent – up to 81 AF
- Water Transferred from SLCC to Panoche Water District under the Eastside Conveyance Project – up to 5,000 AF

FCWD:

- Landowner to Self in Panoche Water District Following Transfer Proposal – A-Bar Ag – up to 576 AF
- Landowner to Self in San Luis Water District Following Transfer Proposal – Three Star Farms – up to 600 AF
- Landowner to Self in Panoche Water District Following Transfer Proposal – Turlock Fruit Company – up
- Landowner to Self in San Luis Water District Following Transfer Proposal – Bill Diedrich – up to 348 AF
- Landfalling Transfer Proposal to Westlands, San Luis and Panoche Water Districts – up to 482 AF
- Landowner to Self in Westlands Water District Following Transfer Proposal – Coburn Ranch – up to 57 AF
- Landowner to Self in Panoche Water District Following Transfer Proposal – Hammonds Ranch – up to 1,412 AF
- Landowner to Self in San Luis Water District Following Transfer Proposal – Empresas Del Bosque, Inc. – up to 158 AF
- Landowner to Self in Westlands Water District Following Transfer Proposal – S3 Group (Sran) – up to 360 AF

The Executive Director concluded by stating that the proposals had been presented to the Water Transfer Committee and were being recommended to the Board for approval.

Director Nickel made a motion to approve the Water Transfer Committee’s recommendations as presented with the exception of the Hammonds Ranch proposal. The motion was seconded by Director Stearns and upon a roll call vote, the motion passed 4-0. Director Nickel made a motion to approve the Hammonds Ranch proposal with Director Stearns abstaining from the vote due to conflict of interest. The motion was seconded by Director Jensen. Upon a roll call vote, the motion passed 3-0.

CLOSED SESSION:

Vice-Chairman Cardella adjourned the meeting to Closed Session at 10:17 a.m.

The Chairman returned the meeting to Open Session at 12:05 p.m. and announced that direction was given to staff and legal counsel. There being no further business, the meeting was adjourned at 12:05 p.m.

CHRIS CARDELLA, VICE-CHAIRMAN

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

CHRIS WHITE, SECRETARY

JAMES NICKEL, DIRECTOR

MIKE STEARNS, DIRECTOR

KIRK JENSEN, ALTERNATE DIRECTOR