

**DO YOU REMEMBER....?**

Do you remember the State of California's Bay-Delta Water Quality Control Plan (Phase I) that was adopted back in December of 2018? We in the Central Valley called it the "State's Water Grab." Do you remember that the intent of that Plan was to take 40% of the unimpaired flow (UIF) of all the waters of the Stanislaus, Tuolumne and the Merced Rivers between February 1<sup>st</sup> and June 30<sup>th</sup> and send it out to the ocean for fishery benefits in the Delta? The State's hope was to improve San Joaquin River salmon runs by 1,103 fish or about 300 more salmon for the Stanislaus River. Do you remember in my May Newsletter I told you it would take years until anything was resolved surrounding the litigation that had been filed against the State's misguided plan? Apparently we entered a time warp since then. In a recent Appellate Court ruling in *Stanford Vina Irrigation District vs. the State Water Resources Control Board (SWRCB)*, new life and broader authorities over stream and river flows have been handed to the SWRCB.

This legal victory granted the SWRCB broad authority to issue "unreasonable use" regulations in deciding how the waters of a stream can be used. The court decision has provided an easy path for the SWRCB to implement the 40% UIF criteria without a time-consuming and resource intensive adjudicatory hearing. If crafted carefully, the SWRCB could issue a regulation determining that it is a "waste and unreasonable use of water" to continue diversions to agriculture that would cause flows on the Stanislaus, Tuolumne and Merced Rivers to fall beneath a 40% UIF. Thereafter, per the regulation, the SWRCB could issue curtailment notices if instream flow levels dipped below 40% UIF. The irrigation districts on all three rivers have filed an "Amicus Letter" urging this Appellate Decision to be heard by the State Supreme Court or at the very least be de-published to prevent it from being a precedent setting ruling. While we wait and hope the Supreme Court sees the gravity of their potential impact on the State's water rights system, the Water Board is moving forward.

**THE SWRCB's PRESS FORWARD**

It's no secret in Sacramento now that the SWRCB staff is gearing up to begin the implementation of Phase I of their UIF objective in March of next year with an implementation deadline for completion in 2022. Phase II of the UIF for the Sacramento River will be out at the end of this year. That will take 60% of the UIF from the north Sacramento Valley and its tributaries and send it to the ocean.

**IT'S NOT REALLY 40% UIF...IT'S MORE!**

While the State talks about 40% UIF from February to June, they purposefully omit the amount of water that already flows to the ocean between July and January. All totaled, 60% of the San Joaquin River's annual water supply goes out to the ocean in the "hopes" of improving fisheries. Again, all this for 1,103 more fish. Per the latest 2020 salmon counts off the coast of California, conducted by the National Marine Fisheries Service, there are over 430,000 salmon swimming around waiting to come upstream.

**POTENTIAL IMPACTS TO OUR REGION**

With mandated releases of such large quantities of water from the Stanislaus River, modeling shows New Melones will be going empty (yes, empty) 12 times over the next 95 years. That's statistically once every 8 years. Once empty, it could take 2-3 years to refill the reservoir to a reasonable level for recreational purposes again.

This is a major concern for the Bureau of Reclamation who operates the New Melones federal facility. In July of 2018 Reclamation objected to the State's UIF Plan due to its significant impacts to storage. They believe the State's actions interfere with the Federal purpose of storage, irrigation, recreation and hydropower upon which Congress approved funding to build New Melones Dam.

OID and SSJID stand to lose 120,000 acre feet on average from their 600,000 acre feet senior water right entitlement, thereby netting each Districts about 240,000 acre feet annually.

For reference, OID will divert 244,000 acre feet during the 2020 water season. While on average a 40% UIF does not appear to be a big hit, I must remind everyone, we don't farm on averages. In 23% of the years, OID's allocation will be reduced to 180,000 acre feet and in 9% of the years that allocation drops to 115,000 acre feet. Compare those numbers to this year's 244,000 acre feet diversion and you see the problem and our challenge.

**WHERE DO WE FIND THE WATER WE'LL NEED TO FARM?**

Simple, as agriculture has always done, it improvises, it adapts and it finds answers to its challenges, and OID has a framework solution in place to meet that challenge.

**OID's WATER PORTFOLIO**

**(Data from OID's 2016 Ag Water Mgt. Plan)**

Sound water resource management is akin to managing a business portfolio. One must understand its "Inflows" and "Outflows" in order to determine opportunities to improve, so let's do that.

Current Inflows of Water to OID:

Diversions from river (average)	230,300 af
OID groundwater pumping	8,400
Private groundwater pumping	23,100
Recycled water (private)	3,200
Precipitation in water season	<u>51,200</u>
Total "Inflow" Water:	316,200 af

Current Outflows of Water from OID:

Knights Ferry water	2,600 af
Annual local contracts (Ag)	4,600
Drain water outflow from OID	48,600
Canal/drain seepage	42,100
Deep percolation of applied water	27,500
Deep percolation-precipitation	13,600
Riparian ET/and Evaporation	3,800
Crop ET of applied water	138,400
Crop ET of precipitation	<u>33,700</u>
Total "Outflow" Water	314,900 af

Of interest to all should be the aquifer recharge contribution from; Canal/drain seepage, Deep percolation of applied on-farm water and Deep percolation of precipitation. These **Outflows** represent 83,200 af of aquifer recharge.

Groundwater pumping in the OID service area, which are **Inflows** to OID's water supplies, include all OID and Private Ag pumping, total just 31,500 af making OID a net positive recharger of the aquifer to the tune of about 51,700 af (83,200-31,500).

**BALANCING RECHARGE WITH EXTRAC-TIONS IN OID FOR SGMA COMPLIANCE**

Balancing resources and making decisions based on long term groundwater sustainability is important going forward. That said, assuming in 31% of the year's (23%+9%) there will be shortfalls in irrigation water availability, and if OID can reduce recharge (i.e. more pumping) and invest (\$\$) in recapturing the 48,600 af of Drain water **Outflow** from OID, we could generate about 100,000 af more in those fringe years for irrigation (51,700+48,600).

Add this water to OID's allocation in the 9% of worst years under an UIF and we're back to water availability levels OID saw in the 2012-2017 drought of record. That period of time wasn't pleasant but OID survived and can do so again. Unfortunately it will require continued investments (\$\$\$) in conservation and modernization to get there, and this new water will be expensive water to develop and conserve.

Since 1999 OID has invested \$75 million of water transfer revenues and \$30 million in bond money into modernization. This foresight by OID has significantly improved OID's water security to the benefit of its constituents. Continuing this path will keep OID water rates low and its water reliability high.



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