



**Notice of San Luis & Delta-Mendota Water Authority
Board of Directors Regular Meeting
Thursday, May 4, 2023, 9:30 a.m.**

**SLDMWA Boardroom
842 6th Street, Los Banos
(List of Member/Alternate Telephonic Locations Attached)**

Public Participation Information

Join Zoom Meeting

<https://us02web.zoom.us/j/89110712785?pwd=Z3VxWncvL3hBN0R0WEZtdG9uL0tldz09>

Meeting ID: 891 1071 2785

Passcode: 159043

One tap mobile

+16699006833,,89110712785#,,,,*159043# US (San Jose)

+16694449171,,89110712785#,,,,*159043# US

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+1 669 900 6833 US (San Jose)

+1 669 444 9171 US

Meeting ID: 891 1071 2785

Passcode: 159043

Find your local number: <https://us02web.zoom.us/j/89110712785?pwd=Z3VxWncvL3hBN0R0WEZtdG9uL0tldz09>

NOTE: Any member of the public may address the Board concerning any item on the agenda before or during its consideration of that item, as appropriate. For each item, public comment is limited to no more than three minutes per person. For good cause, the Chair of the Board may waive this limitation.

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

Agenda

1. Call to Order/Roll Call
2. Board to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.
3. **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Section 54956.9

- A. Natural Resources Defense Council, et al. v. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207; 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Conant, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599 (PCFFA v. Glaser or GBP Citizen

- Suit)
- C. City of Fresno, et al. v. United States, U.S. Court of Appeals for the Federal Cir., Case No. 22-1994; U.S. Court of Federal Claims, Case No. 1:16-cv-01276 (2014 Friant Div. Operations)
 - D. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002852; Third District Court of Appeal, Case No. C093513 (Waste Discharge Requirement Cases)
 - E. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002898, Third District Court of Appeal Case No. C097948 (Delta Plan Amendment Cases)
 - F. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced Co. Superior Court, Case No. 19CV-04989; Fifth District Court of Appeal, Case No. F085972 (GBP Long-Term Storm Water Management Plan)
 - G. Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431 (ROC on LTO BiOps)
 - H. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426 (ROC on LTO BiOps)
 - I. CDWR Water Operation Cases, Sacramento Co. Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al., Fresno Co. Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
 - J. AquAlliance, et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878 (Long-Term Water Transfers EIS/EIR)
 - K. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
 - L. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
 - M. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)
4. Return to Open Session / Report from Closed Session, if any Required by Government Code Section 54957.1
 5. Opportunity for Public Comment – Any member of the public may address the Board concerning any matter not on the agenda, but within the Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Board may waive this limitation.

Consent Calendar

Note: All matters listed on the Consent Calendar are considered to be routine and non-controversial and will be acted upon by a single action of the Board of Directors, unless a Board Member requests separate consideration of the item. If such a request is made, the item may be heard as an action item at this meeting.

6. **Board of Directors to Consider Approval of April 6, 2023 Meeting Minutes, and April 17, 2023 Workshop Minutes**
7. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**
8. **Board of Directors to Consider Finance & Administration Committee Recommendation to Board of Directors to Accept the Treasurer's Report for the Quarter Ending March 31, 2023**
9. **Board of Directors to Consider Acceptance of Staff Reports:**
 - a. **O&M Budget to Actual**
 - b. **Operations & Maintenance**
 - c. **Science Program**
 - d. **Activity Agreements**
 - e. **Procurement Activity**

Action Items

10. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Appointment of Representatives to State and Federal Contractors Water Agency Board of Directors, Barajas**
11. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Adoption of Staff Recommendation for Positions on Legislation, Petersen**
 - a. H.R. 872 (Calvert), Federally Integrated Species Health (FISH) Act
 - b. H.R. 2419 (Costa), Canal Conveyance Capacity Restoration Act

- c. H.R. 2671 (Costa), To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.
 - d. AB 939 (Pellerin), Santa Clara Valley Water District
 - e. AB 1469 (Kalra), Santa Clara Valley Water District
 - f. AB 1594 (Garcia), Medium- and heavy-duty zero-emission vehicles: public agency utilities
 - g. AB 345 (Wilson), Habitat Restoration: flood control: advance payment
 - h. SB 493 (Min), Air pollution: alternative vehicles and electric and hydrogen infrastructure
 - i. SB 550 (Grove), Water markets
 - j. SB 659 (Ashby), California Water Supply Solutions Act of 2023
 - k. AB 754 (Papan), Water management planning: automatic conservation plan
 - l. AB 1205 (Bauer-Kahan), Water rights: sale, transfer, or lease: agricultural lands
12. **Board of Directors to Consider Water Resources and Finance & Administration Committee Recommendations Regarding Adoption of Resolution Authorizing Award of Contract, Execution of Construction Agreement for O’Neill Pumping-Generating Plant Power Transformer Rehabilitations, and Expenditure of up to \$3.2 Million from the FY22 and FY23, EO&M Budgets; CEQA Exemption, Martin/McNeil**
 13. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding OM&R Rate Setting Methodology/Practice, Tarka**
 14. **Board of Directors to Consider Acceptance of Delta-Mendota SGMA Coordination Committee Recommendation Regarding \$225,200 Increase to Activity Agreement (Fund 63) Budget for SGMA Support Services for the Delta-Mendota Subbasin, Petersen**

Report Items

15. Report on State and Federal Affairs, Petersen/Dennis Cardoza/Kristin Olsen
16. Executive Director’s Report, Barajas (May include reports on activities related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities)
17. Chief Operating Officer’s Report, Martin
(May include reports on activities related to 1) OM&R; 2) Infrastructure Projects; 3) Water transfers, exchanges, and release program)
18. Update on Water Operations and Forecasts, Bureau of Reclamation
19. Committee Reports:
 - a. Water Resources Committee Activities, Bourdeau
 - b. Finance & Administration Committee Activities, Hansen
 - c. O & M Technical Committee Activities, White
20. Outside Agency/Organization Reports:
 - a. State and Federal Contractors Water Agency
 - b. Family Farm Alliance
 - c. Farm Water Coalition
 - d. Association of California Water Agencies
 - e. San Joaquin Valley Water Blueprint Effort
 - f. San Joaquin Valley Collaborative Action Program
 - g. Central Valley Project Water Association
21. Board Member Reports
22. Reports Pursuant to Government Code Section 54954.2(a)(3)
23. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org. Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

SLDMWA BOARD OF DIRECTORS REGULAR MEETING
TELEPHONIC LOCATIONS
May 4, 2023

2180 Enrico Avenue
Firebaugh, CA 93622

HQ. Building Boardroom
5700 Almaden Expressway
San Jose, CA 95123

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD OF
DIRECTORS REGULAR MEETING
MINUTES APRIL 6, 2023**

The Board of Directors of the San Luis & Delta-Mendota Water Authority convened at approximately 9:30 a.m. at 842 6th Street in Los Banos, California, with Chair Cannon Michael presiding.

Directors and Alternate Directors in Attendance

Division 1

Dave Weisenberger, Director
Bobby Pierce, Director
Anthea Hansen, Director
Ed Pattison, Director - Lea Emmons, Alternate

Division 2

Ross Franson, Director
William Bourdeau, Director
Beau Correia, Director - Ara Azhderian, Alternate

Division 3

Chris White, Alternate for Dan McCurdy
Jarrett Martin, Director
Cannon Michael, Director
Ellen Wehr, Alternate for Rick Gilmore

Division 4

John Varela, Director - Aaron Baker, Alternate
Jim Beall, Alternate for Richard Santos
Steve Wittry, Director
Joe Tonascia, Director - Joyce Machado, Alternate

Division 5

Bill Pucheu, Director
Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Rebecca Akroyd, General Counsel
Rebecca Harms, Deputy General Counsel
Scott Petersen, Water Policy Director
Ray Tarka, Director of Finance
Bob Martin, Facilities O&M Director (via ZOOM)
Cindy Meyer, Special Programs Manager (via ZOOM)
Stewart Davis, IT Officer

Others in Attendance

Mike Wade, Farm Water Coalition (via ZOOM)
Dana Jacobson, Valley Water

Vince Gin, Valley Water
 Chase Hurley, Pacheco Water District
 Dennis Cardoza, Foley & Lardner, LLP (via ZOOM)
 Bill Ball, Foley, Foley & Lardner, LLP (via ZOOM)
 Kristin Olsen, Calstrat (via ZOOM)
 Kevin Assemi, Westlands Water District
 Russ Freeman, Westlands Water District (via ZOOM)
 Steve Stadler, San Luis Water District
 Sarah Woolf, Water Wise

1. Call to Order/Roll Call

The meeting was called to order by Chair Cannon Michael and roll was called.

2. Board to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.

Item 17 was moved up to Item 4.

3. Opportunity for Public Comment

No public comment.

4. Agenda Item 17: Board Member Reports

Alternate Director Ara Azhderian announced that he was leaving Panoche Water District for a new position with Monterey County Water Resources Agency beginning April 24, 2023, and was thanked for his service.

CONSENT ITEMS

5. Agenda Items 4-6: Board to Consider: a) March 9, 2023 Meeting Minutes, b) Acceptance of the Financial & Expenditures Reports, c) Staff Reports.

On a motion of Director Joe Tonascia, seconded by Director William Bourdeau, the Board accepted the March 9, 2023 Meeting Minutes, Financial Expenditures Reports, and Staff Reports. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, Correia, White, Jarrett Martin, Michael, Wehr, Varela, Beall, Wittry, Tonascia, Pucheu, Amorelli
NAYS:	None
ABSTENTIONS:	None

ACTION ITEMS

6. Agenda Item 7: Board of Directors to Consider Water Resources Committee Regarding Adoption of Staff Recommendation for Positions on the following Legislation:

- a. SB 366 (Caballero), The California Water Plan: long-term supply targets
- b. AB 422 (Alanis), Natural Resources Agency: statewide water storage tracking
- c. AB 557 (Hart), Open meetings: local agencies: teleconferences
- d. AB 735 (Berman), Workforce development: utility careers
- e. AB 460 (Bauer-Kahan), State Water Resources Control Board: interim relief
- f. AB 676 (Bennett), Water: general state policy
- g. AB 1337 (Wicks), State Water Resources Control Board: water shortage enforcement
- h. SB 389 (Allen), State Water Resources Control Board: determination of water right

On a motion of Alternate Director Chris White, seconded by Director John Varela, the Board adopted the staff-recommended support and favor positions on legislation (SB 366 - Support, AB 422, 735, 557 - Favor). The vote on the motion was as follows:

AYES: Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, Correia, White, Jarrett Martin, Michael, Wehr, Varela, Beall, Wittry, Tonascia, Pucheu, Amorelli

NAYS: None

ABSTENTIONS: None

On a motion of Alternate Director Chris White, seconded by Director John Varela, the Board adopted the staff-recommended oppose positions on legislation (AB 460, 676, 1337, SB 389 - Oppose). The vote on the motion was as follows:

AYES: Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, Correia, White, Jarrett Martin, Michael, Wehr, Varela, Wittry, Tonascia, Pucheu, Amorelli

NAYS: None

ABSTENTIONS: Beall

7. Agenda Item 8: Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Ratification of Purchase of Front End Loader and Related Expenditure of \$217,662 from FY24 EO&M Budget.

Chief Operating Officer Pablo Arroyave reported that the Fiscal Year 2024 EO&M Budget adopted by the Authority Board of Directors in January 2023 includes funds (\$231,750) for the purchase of a front end loader. Arroyave reported that staff utilized cooperative purchasing agreement procurement through Sourcewell to obtain quotes from John Deere (\$217,662) and Caterpillar (\$247,336). Arroyave reported that all Sourcewell contracts have been previously competitively solicited. Arroyave reported that the John

Deere product was chosen because it met all of the requirements of the Authority and was priced lower than the Caterpillar option.

On a motion of Director John Varela, seconded by Alternate Director Bill Pucheu, the Board approved ratification of purchase of Front End Loader and related expenditure of \$217,662 from FY24 EO&M Budget. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, Correia, White, Jarrett Martin, Michael, Wehr, Varela, Beall, Wittry, Tonascia, Pucheu, Amorelli
NAYS:	None
ABSTENTIONS:	None

8. Agenda Item 9: Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Authorization to Purchase of Dump Truck and Related Expenditure of Up To \$230,000 from EO&M Budgets.

Chief Operating Officer Pablo Arroyave reported that the acquisition of heavy equipment and vehicles for the Authority has become increasingly difficult due to supply chain issues and the prices of equipment have increased between 20% to 30%. Arroyave reported that during FY23, Authority staff made several attempts to enter into a contract with vendors for the purchase of a dump truck, however, staff was advised on several occasions that there was no availability due to supply chain issues. Arroyave reported that in March 2023, one of the Authority’s regular vendors notified staff that they had a model year 2024 dump truck available with government pricing discounts; the total price is approximately \$227,000, which is approximately \$42,000 (23%) over the projected and budgeted cost of \$185,000. Arroyave reported that although the anticipated expenditure represents an increase of \$42,000 over the budgeted line item, there will be no impact to the overall FY24 EO&M budget. Arroyave reported that the increase will be paid for using unused EO&M funds collected for heavy equipment and vehicle purchases over the last 3 fiscal years. Staff responded to questions regarding used versus new equipment purchases and EO&M funds.

On a motion of Director Anthea Hansen, seconded by Director Dave Weisenberger, the Board authorized purchase of Dump Truck and related expenditure of Up To \$230,000 from EO&M budgets with an amendment to search for a used dump truck if possible. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, White, Jarrett Martin, Michael, Wehr, Varela, Beall, Wittry, Tonascia, Pucheu, Amorelli
NAYS:	Correia
ABSTENTIONS:	None

9. Item 10: Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Second Adjustment to Water Year 2023 OM&R Water Rates.

Executive Director Federico Barajas reviewed the memo included in the packet. Barajas reported that on March 28, Reclamation increased allocations to agricultural contractors from 35% to 80%. Barajas reported that since this was a significant increase, staff presented two options to the Finance & Administration Committee and the Committee is recommending approval of second adjustment to Water Year 2023 OM&R Water Rates using the 80% Ag allocation. Finance Director Ray Tarka reviewed the second revised WY2023 OM&R water rates as calculated on the 80% Ag allocation, 100% M&I allocation applied retroactively to deliveries made on or after March 1, 2023. Barajas noted that the anticipated Ag increase in April would not have a drastic impact on water rates.

On a motion of Director William Bourdeau, seconded by Director Beau Correia, the Board approved the second adjustment to the OM&R Water Rates. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Hansen, Pattison, Franson, Bourdeau, Correia, White, Jarrett Martin, Michael, Wehr, Varela, Beall, Wittry, Tonascia, Pucheu, Amorelli
NAYS:	None
ABSTENTIONS:	None

REPORT ITEMS

10. **Agenda Item II: Report on State and Federal Affairs.**

Water Policy Director Scott Petersen reported that staff is currently working on the development of a second education and advocacy trip to Washington, DC, and are targeting June for this trip. Petersen reported that the Authority is planning to incorporate member agencies in this trip and please reach out if your agency is interested in coordinating/participating for this trip.

Petersen reported that President Joe Biden last month released his FY 2024 \$6.9 trillion budget request that seeks a 3.3% increase in defense spending and a 6.5% increase for nondefense discretionary programs, requesting increases for most major departments and agencies. Petersen reported that Reclamation has requested a \$1.7 billion budget for FY 2024. Petersen reported that Reclamation's budget request includes \$200.3 million to fund long-term, comprehensive water supply solutions for farmers, families, and communities in California.

Petersen reported that the Biden Administration sent a proposed rule determining how federal agencies manage the ESA, from listing decisions to critical habitat designations, to the White House Office of Information and Regulatory Affairs for their review last month.

Petersen reported FWS recently published a proposed rule on Endangered and Threatened Wildlife and Plants; Enhancement of Survival and Incidental Take Permits. Petersen reported that the intent is to promote species conservation through voluntary agreements and make the process clearer, easier and more efficient. Petersen reported that comments are due April 10, and Authority staff worked in coordination with external stakeholders through coalitions to ensure that member agency interests

were incorporated.

Petersen reported that on March 28, the House Subcommittee on Water, Wildlife and Fisheries held an oversight hearing titled, “Why We Need to Store More Water and what’s stopping us?”, with the Authority’s Vice Chair William Bourdeau providing testimony related to multi-purpose water managed and the necessity of water storage and conveyance in increasing resilience to the cycles of drought and flooding that Authority members have experienced. Petersen thanked Vice Chair Bourdeau for making himself available on short notice and also provide thanks to Westlands for their work assisting with testimony preparation and ongoing coordination.

Petersen reported that there will be a field legislative hearing at the Tulare World Ag Expo at 2:00 p.m. on April 11, 2023 on H.R. 215, the Water for California Act, and H.R. 872, the FISH Act.

Petersen reported that Appropriations hearings have begun with the release of the President’s budget request. Petersen reported that Community Project Funding (earmark) and programmatic funding and language requests have predominantly closed. Petersen reported that staff worked with our partners and the Authority delegation to put a few pieces in play related to canal subsidence correction funding, as well as coordinating with various member agencies on community project funding requests.

Bill Ball provided additional information on federal affairs.

Petersen reported that Jay Ziegler was announced as the new Delta Watermaster, and began his new position on April 3, 2023.

Petersen reported that California tax withholdings took another hit in March, falling \$450 million short of the Department of Finance’s January budget forecast, and are now \$2.2 billion below projections since January, according to numbers analyzed by the Legislative Analyst’s Office Tuesday.

Petersen reported that on April 4, the SWRCB announced that all orders imposing water right curtailment and reporting requirements issued pursuant to the emergency curtailment and reporting regulation for the Sacramento-San Joaquin Delta watershed are rescinded.

Petersen reported that last week, the Department of Water Resources held a workshop on the California Water Plan Update 2023. Petersen reported that the March 29 workshop provided a public forum on the draft chapter content for Update 2023. Petersen reported that the posted materials include a workbook with summaries of each chapter. Petersen reported that comments on the draft chapter content can be emailed to the California Water Plan team through Wednesday, April 12.

Petersen reported that the State Legislature’s policy committees are now in full swing taking up the more than 2,600 bills introduced in 2023. Petersen reported that Authority staff and consultants continue to analyze, track, and educate policymakers about legislation.

Kristin Olsen provided additional information on state affairs.

II. Agenda Item 12: Executive Director’s Report.

- a. ACWA/JPIA- Executive Director Federico Barajas reported that there will not be an

ACWA/JPIA refund check this year, and that a memo from the JPIA is included in the packet with more information.

- b. **Strategic Plan Update** – Executive Director Federico Barajas reminded Board members to make sure to schedule their interviews with Martin Rauch before the upcoming Strategic Plan Workshop later this month.
- c. **Rate Setting Discussion** – Executive Director Federico Barajas reported that minimum participation discussions are continuing to occur during the Finance & Administration Committee meetings.
- d. **New Board Member Tour** – Executive Director Federico Barajas reported that staff is coordinating a new board member tour in the coming weeks.

12. **Agenda Item 13: Chief Operating Officer’s Report**

Chief Operating Officer Pablo Arroyave reported staff continues to work with our upper DMC partners to reduce, and hopefully eliminate sending any additional water into the Mendota Pool.

Arroyave reported that the last Jones Pumping Plant rewind is expected to be completed by July 8, 2023.

Arroyave reported that on Tuesday the Authority hosted Arvin-Edison on a tour of the pumping plants.

13. **Agenda Item 14: Update on Water Operations and Forecasts**

Chief Operating Officer Pablo Arroyave introduced Liz Kiteck from the Central Valley Operations Office (CVO) of the Bureau of Reclamation to provide an overview of CVP water operations and the latest forecasts. Kiteck stated that despite low storage levels at Trinity Reservoir, the water year type per the Trinity Record of Decision is trending above normal to wet. Based on recent inflow, it now appears Shasta Reservoir will get close to filling and American River releases are holding steady at 7,000 cfs. With the continuation of strong storms throughout March, snowpack remains extremely high throughout the state. Specifically, March precipitation was 200% of normal in the northern Sierra, 240% of normal in the central Sierra and 300% of normal in the southern Sierra. Kiteck further reported that New Melones Reservoir is expected to approach 2MAF of storage and San Luis reservoir is full as of today. JPP is at 2-units and will be adjusted as needed to meet upper DMC demands and to keep San Luis Reservoir full as long as possible, which is expected to be possibly throughout May. Kiteck does not see any temperature concerns either in the Sacramento or American Rivers and sees no need for temperature-based flow restrictions. Lastly, Kiteck stated that updated allocations and forecasts were expected before the end of April.

14. Agenda Item 15: Committee Reports.

- a. **Water Resources Committee** – Chair William Bourdeau reported that the committee met and addressed agenda items.
- b. **Finance & Administration Committee** – Chair Anthea Hansen reported that the committee met and addressed agenda items.
- c. **O&M Committee** – No report.

15. Agenda Item 16: Outside Agency/Organization Reports.

- a. **State and Federal Contractors Water Agency (SFCWA)** – Executive Director Federico Barajas reported that the next SFCWA meeting has been postponed from April to June 2023. Barajas reported that the Authority is looking for an additional SFCWA representative.
- b. **Family Farm Alliance (FFA)** – Report included in the packet.
- c. **Farm Water Coalition** – Mike Wade reported that they are taking part in an ACWA Water Rights Legislation Workgroup, and discussed the “California Water For All” campaign.
- d. **Association of California Water Agencies** – Director John Varela reported that the DEI Foundation has been formed. Director Jim Beall provide a brief update on an apprenticeship scheme.
- e. **Water Blueprint for the San Joaquin Valley (WBSJV)** - Water Policy Director Scott Petersen reported that the Blueprint Board met on February 15, 2023, approving the execution of a contract with the Hallmark Group for association management services and authorizing the Communications Committee to work with the Advocacy Committee to develop a Communications Plan to guide communications for the organization.
- f. **SJV CAP** - Water Policy Director Scott Petersen reported that on April 4, 2023, around 30 members of CAP participated in a tour of various projects on the west side of the Valley, hearing from various representatives about the importance of multi-agency collaboration, the interactions between surface and groundwater storage and why both are necessary components of solutions to address groundwater overdraft for this region, and about the distinct geological differences between the west side and other portions of the Valley. Petersen expressed special appreciation to the Exchange Contractors, Grasslands, San Luis and Del Puerto Water Districts, and Bowles Farming for their participation at various stops along the tour.
- g. **CVPWA** – Director Anthea Hansen reported that CVPWA sent a formal letter to the Regional Director requesting reengagement on reconciliation of CVPIA activity funds. Hansen reported they held a workshop with the Regional Director present on March 22, 2023.

16. **Agenda Items 18-19: Closed Session Report.**

Chair Cannon Michael adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:03 a.m. Upon return to open session at approximately 11:59 a.m., Chair Cannon Michael stated that no reportable actions were taken.

17. **Agenda Item 20: Reports Pursuant to Government Code Section 54954.2(a)(3)**

No report.

18. **Agenda Item 21: Adjournment.**

The meeting was adjourned at approximately 12:00 p.m.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
SPECIAL WORKSHOP OF THE BOARD OF
DIRECTORS MEETING MINUTES FOR APRIL 17, 2023

The Special Workshop of the Board of Directors convened at approximately 9:00 a.m. at Hotel Mission D Oro, 13070 State Hwy 33, Santa Nella, California with Chair Cannon Michael presiding.

Board of Directors and Alternate Directors Present

Division 1

Dave Weisenberger, Director
Anthea Hansen, Director
Ed Pattison, Director - Lea Emmons, Alternate

Division 2

Ross Franson, Director
William Bourdeau, Director
Bill Diedrich, Director

Division 3

Chris White, Alternate for Dan McCurdy
Jarrett Martin, Director
Cannon Michael, Director

Division 4

Richard Santos, Director
Steve Wittry, Director - Doug Williams, Alternate
Joe Tonascia, Director - Joyce Machado, Alternate

Division 5

Kirk Teixeira, Director
Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Rebecca Akroyd, General Counsel
Scott Petersen, Water Policy Director
Ray Tarka, Director of Finance
Rebecca Harms, Deputy General Counsel
Laures Stiles, Director of H.R.
Bob Martin, Facilities O&M Director
Cheri Worthy, Executive Secretary

Others in Attendance

Martin Rauch, Rauch Communication Consultants Inc.
Steve Stadler, San Luis Water District
Vince Gin, Valley Water
Dana Jacobson, Valley Water

1. **Call to Order/Roll Call**

The meeting was called to order by Chair Cannon Michael at approximately 9:00 am.

2. **Corrections to the Agenda**

No corrections.

3. **Opportunity for Public Comment**

No public comment.

REPORT ITEMS

4. **Discussion regarding Strategic Plan Update**

a. **Review of 2019 Strategic Plan, Implementation** – Executive Director Federico Barajas reviewed the memo from March 9, 2023 Workshop regarding the Strategic Plan Implementation Progress.

b. **Discuss Strategic Plan Updates** – Martin Rauch reviewed the process for developing an updated Strategic Plan and the agenda for the workshop. Rauch reported that the two main purposes of today’s workshop are: 1) establish continuity with 2019 Strategic Plan as a starting place, and 2) develop a shared understanding of strategic issues facing the Authority currently and in coming years. Rauch then reviewed guidelines for the workshop.

Following review of the process, Rauch guided the workshop participants through small group and large group exercises in which participants discussed and evaluated issues and challenges facing the Authority today and in coming years.

c. **Overall Process and Next Steps** – Executive Director Federico Barajas reported that a total of three workshops are planned for the Strategic Plan update process. Barajas reported that the information gathered today, information from the interviews, and the Authority’s mission, vision, and values will be compiled and organized for the next workshop. Barajas also reported that an ad hoc committee will review the information before the next workshop. Barajas reported that the next workshop will be May or June.

5. **Executive Director’s Report, Barajas**

Executive Director Federico Barajas reported that BIL funding in the amounts of \$25 million for Jones Pumping Plant and \$25 million for the DMC have been made available. Barajas reported that Chief Operating Officer Pablo Arroyave is coordinating with the Reclamation on the type of agreement needed, and next steps.

Barajas reported that the state legislative visits last week were very successful. Water Policy

Director Scott Petersen summarized items discussed during the visits.

6. Closed Session Report.

Chair Cannon Michael adjourned the open session to address the items listed on the Closed Session Agenda at approximately 12:48 p.m. Upon return to open session at approximately 12:52 p.m., Chair Cannon Michael stated that no reportable actions were taken.

7. Reports Pursuant to Government Code Section 54954.2(a)(3).

No reports.

8. Adjournment.

The meeting was adjourned at approximately 12:53 p.m.



MEMO

TO: Board of Directors

FROM: Darlene Neves, Supervisor of Operational Accounting
Raymond Tarka, Director of Finance

SUBJECT: May 2023 BOD Meeting Report - Finance
Fiscal Year - March 1, 2023 through February 29, 2024

DATE: May 4, 2023

Attached are the Financial & Expenditures Reports.

San Luis & Delta-Mendota Water Authority
Receivable Activity Report (Does Not Include Water Payment Transactions)
Month Ending March 31, 2023

	MEMBERS	OTHER	TOTAL RECEIVABLE
RECEIVABLE BALANCE FEBRUARY 28, 2023	\$ (78.00)	\$ 826,941.66	\$ 826,863.66
Billings:			
ACWA/JPIA - Claim reimbursement		7,663.10	7,663.10
Cobra - Various Employees		2,789.08	2,789.08
Miscellaneous - Employee Reimbursement		222.34	222.34
Membership - FY24 1st Installment	2,478,685.53		2,478,685.53
US Bank - Interest		6,572.35	6,572.35
Volta Wells PG&E Costs - Various Districts		152.12	152.12
TOTAL BILLINGS	\$ 2,478,685.53	\$ 17,398.99	\$ 2,496,084.52
Collections:			
ACWA/JPIA - Vehicle Repair Reimbursement		7,663.10	7,663.10
Cobra - Various Employees		3,685.37	3,685.37
DMC Pump Back Project		34,751.92	34,751.92
Los Banos Property Mgmt. Services		112.00	112.00
Milepost - Various Districts		13,208.94	13,208.94
Miscellaneous - Employee Reimbursement		222.34	222.34
Membership - FY24 1st Installment	1,485,369.89		1,485,369.89
Los Vasqueros Reservoir Expansion Project - Various Districts		656,400.00	656,400.00
NOD Water Transfers - Various Districts		808.74	808.74
San Joaquin Valley Drainage Authority		4,860.89	4,860.89
US Bank - Interest		6,572.35	6,572.35
USBR - Volta Wells services		115,902.88	115,902.88
Volta Wells PG&E Costs - Various Districts		152.12	152.12
TOTAL COLLECTIONS	\$ 1,485,369.89	\$ 844,340.65	\$ 2,329,710.54
RECEIVABLE BALANCE MARCH 31, 2023	\$ 993,237.64	\$ -	\$ 993,237.64

**San Luis & Delta-Mendota Water Authority
A/R Aging Summary-Sorted by Category
As of March 31, 2023**

ID	Customer	Current	(30)	(60)	(90)	(>90)	Category	Total
CAMP-MEMB	CAMP-MEMB Camp 13 Drainage District	\$0.00	\$26,093.50	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$26,093.50
EFWD-MEMB	EFWD-MEMB Eagle Field Water District	\$0.00	\$1,083.51	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$1,083.51
FARMERS WD-MEMBE	FARMERS WD-MEMBER Farmers Water	\$0.00	\$53,758.50	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$53,758.50
FRESNO CO-MEMB	FRESNO CO-MEMB Fresno County	\$0.00	\$48,202.00	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$48,202.00
PATTERSON-MEMB	PATTERSON-MEMB City of Patterson	\$0.00	\$1,994.00	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$1,994.00
PDD-MEMB	PDD-MEMB Panoche Drainage District	\$0.00	\$231,983.66	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$231,983.66
PERE M	PERE M Madeline Pereira	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	MEMBERSHIP	(\$1.00)
PERR AMK	PERR AMK AMK Pereira, LLC	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	MEMBERSHIP	(\$1.00)
PWD-MEMB	PWD-MEMB Pacheco Water District	\$0.00	\$61,952.01	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$61,952.01
SLWD-MEMB	SLWD-MEMB San Luis Water District	\$0.00	(\$10.00)	\$0.00	\$0.00	\$0.00	MEMBERSHIP	(\$10.00)
WID LLC-MEMB	WID LLC-MEMB Widren LLC	\$0.00	\$2,352.00	\$0.00	\$0.00	\$0.00	MEMBERSHIP	\$2,352.00
WWD-MEMB	WWD-MEMB Westlands Water District	\$0.00	\$565,903.46	\$0.00	\$0.00	(\$73.00)	MEMBERSHIP	\$565,830.46
Total		\$0.00	\$993,312.64	\$0.00	\$0.00	(\$75.00)		\$993,237.64

**San Luis & Delta-Mendota Water Authority
Cash Activity Detail Report - Operational
For Month Ending March 31, 2023**

Daily Interest Rates:		0.00%	0.00%	0.75%	0.75%	4.11%	3.33%	4.80%	4.62%	4.64%	2.87%			
Type of Account:	Cash	CVCB	CVCB	CVCB	CVCB	Cal Trust	Cal Trust	Cal Trust	Cal Trust	Cal Trust	LAIF	Petty	Total	
Account #:	on Hand	Checking	Payroll	Transactional	Emergency Reserve	2510 Short Term 201	2510 Medium Term 202	2510 Blck Rck Fed 205	2510 Liquidity 203	2510 Blck Rck LEAF 204	4-006	Cash		
		0471	0489	0463	4858									
Cash Balance as of 2/28/2023		0.00	(94,205.80)	8,850.00	4,904,075.88	1,955,478.69	511,395.11	470,693.27	7,035,023.67	7,044,365.34	7,045,926.47	4,599,046.87	1,000.00	33,481,649.50
Date	Receipts - Remote Deposit													
03/01/23	Deposit	0.00	0.00	0.00	112.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	112.00
03/06/23	Deposit	0.00	0.00	0.00	808.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	808.74
03/07/23	Deposit	0.00	0.00	0.00	6,572.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,572.35
03/09/23	Deposit	0.00	0.00	0.00	23,680.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23,680.32
03/14/23	Deposit	0.00	0.00	0.00	11,478.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,478.58
03/16/23	Deposit	0.00	0.00	0.00	190,254.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	190,254.31
03/20/23	Deposit	0.00	0.00	0.00	607,878.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	607,878.31
03/21/23	Deposit	0.00	0.00	0.00	7,663.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,663.10
03/22/23	Deposit	0.00	0.00	0.00	285,646.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	285,646.94
03/27/23	Deposit	0.00	0.00	0.00	302,433.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	302,433.48
03/28/23	Deposit	0.00	0.00	0.00	2,201.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,201.04
03/29/23	Deposit	0.00	0.00	0.00	14,763.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,763.51
03/30/23	Deposit	0.00	0.00	0.00	6,875.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,875.81
03/31/23	Deposit	0.00	0.00	0.00	55,504.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	55,504.50
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	1,515,872.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,515,872.99
Date	Receipts - Wires & ACH													
03/09/23	WWD-LVR Expansion	0.00	0.00	0.00	218,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	218,800.00
03/10/23	Panoche WD-LVR Expansion	0.00	0.00	0.00	218,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	218,800.00
03/14/23	SLWD-SF O&M	0.00	0.00	0.00	133,648.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	133,648.73
03/15/23	Panoche WD-SF O&M	0.00	0.00	0.00	16,180.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,180.14
03/15/23	Panoche DD-FY24 1st Installment	0.00	0.00	0.00	115,991.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115,991.84
03/15/23	WWD-SF O&M	0.00	0.00	0.00	1,201,545.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,201,545.67
03/16/23	BBID-SF O&M	0.00	0.00	0.00	17,332.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,332.26
03/23/23	FWA-SF O&M	0.00	0.00	0.00	493,202.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	493,202.23
03/27/23	USBR-Volta Wells service 3/1-2/28/23	0.00	0.00	0.00	115,902.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115,902.88
03/29/23	SJRIP-FY24 1st Installment	0.00	0.00	0.00	16,062.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,062.00
03/30/23	Charleston DD-FY24 1st Installment	0.00	0.00	0.00	27,648.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,648.50
03/30/23	Panoche DD-FY24 1st Installment	0.00	0.00	0.00	112,866.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	112,866.50
03/30/23	Panoche WD-FY24 1st Installment	0.00	0.00	0.00	49,825.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49,825.55
03/31/23	BBID-SF O&M	0.00	0.00	0.00	24,070.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,070.92
03/31/23	SBCWD-FY24 1st Installment	0.00	0.00	0.00	25,288.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,288.52
		0.00	0.00	0.00	2,787,165.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,787,165.74
Date	To/From Operational / DHCCP													
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Date	To/From Grant Funds-Trans													
03/08/23	Funding AP	0.00	0.00	0.00	53,119.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,119.11
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	53,119.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,119.11
Date	Checks Written													
03/01/23	Accounts Payable	0.00	(103,943.63)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(103,943.63)
03/02/23	PR-SPA Awards	0.00	0.00	(3,850.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(3,850.00)
03/02/23	Accounts Payable	0.00	(29,013.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(29,013.00)
03/09/23	Accounts Payable	0.00	(747,227.24)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(747,227.24)
03/10/23	PR-SPA Awards	0.00	0.00	(700.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(700.00)
03/15/23	Accounts Payable	0.00	(1,542,991.76)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(1,542,991.76)
03/22/23	Accounts Payable	0.00	(210,210.87)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(210,210.87)
03/29/23	Accounts Payable	0.00	(208,237.30)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(208,237.30)
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	(2,841,623.80)	(4,550.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(2,846,173.80)
Date	ACH Payments													
03/06/23	Visa payment	0.00	(27,199.45)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(27,199.45)
03/10/23	ICMA-02/18-03/03/23	0.00	(89,589.92)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(89,589.92)
03/10/23	EE Assoc. 02/18-03/03/23	0.00	(425.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(425.00)
03/24/23	ICMA-03/4-3/17/23	0.00	(93,041.43)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(93,041.43)
03/24/23	EE Assoc. 03/4-3/17/23	0.00	(420.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(420.00)
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	(210,675.80)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(210,675.80)
Date	Transfers													
03/08/23	Funding SPA Awards	0.00	0.00	700.00	(700.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	700.00	(700.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

**San Luis & Delta-Mendota Water Authority
Grant and USBR Funds Cash Activity Detail Report
For Month Ending March 31, 2023**

Non-Interest Bearing Account		CVCB Checking Grants	CVCB Checking DMC Subsidence Correction Funding	CVCB Checking USBR Rewind	CVCB Checking IRWM P1R1	Total
Account #:		8778	1787	8751	0659	
Cash Balance as of 2/28/2023		296,463.02	0.00	0.00	73,914.84	370,377.86
Date	Receipts - Remote Deposit					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Date	Receipts - Wires & ACH					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Date	Checks Written					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Date	Wires In from					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Date	Transfers From					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Date	Transfers Out - To Transactional Acct					
03/08/23	Funding AP	(53,119.11)	0.00	0.00	0.00	(53,119.11)
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
		(53,119.11)	0.00	0.00	0.00	(53,119.11)
Date	Bank Fee/Bank Error/Adjustments					
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00
Cash Balance as of 3/31/2023		243,343.91	0.00	0.00	73,914.84	317,258.75

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04/12/23

CC: RT, DN

San Luis & Delta-Mendota Water Authority
Cash Activity Detail Report - JPP Unit Rewinds Bond 2021A
For Month Ending March 31, 2023

Account Information:		US Bank Bond 2021A	Total
Cash Balance as of 2/28/2023		459,246.70	459,246.70
Date	Payment Receipts		
		0.00	0.00
		0.00	0.00
		0.00	0.00
Date	To/From CAR - Operational		
		0.00	0.00
		0.00	0.00
		0.00	0.00
Date	Incoming / Outgoing Funds		
		0.00	0.00
		0.00	0.00
		0.00	0.00
Date	Interest Earned / Adjustments		
03/01/23	Interest Earned	1,443.19	1,443.19
03/01/23	Distributions	(6,532.20)	(6,532.20)
		(5,089.01)	(5,089.01)
Cash Balance as of 3/31/2023		454,157.69	454,157.69

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04/12/23

San Luis & Delta-Mendota Water Authority
SLDMWA
A/P Register
March 1, 2023 - March 31, 2023

Account Type	Date	Document	Vendor	Paid
ACCOUNTS PAYABLE				
Vendor Bill Payment	3/1/2023	37961	1141 AFLAC	\$993.00
Vendor Bill Payment	3/1/2023	37962	1154 AIRGAS USA, LLC	\$1,352.30
Vendor Bill Payment	3/1/2023	37963	1268 AT&T 831-001-0165 694	\$2,254.68
Vendor Bill Payment	3/1/2023	37964	1267 AT&T 831-001-0165 911	\$2,116.92
Vendor Bill Payment	3/1/2023	37965	1269 AT&T 831-001-0448 912	\$1,079.00
Vendor Bill Payment	3/1/2023	37966	2362 CALTRONICS BUSINESS SYSTEMS	\$234.54
Vendor Bill Payment	3/1/2023	37967	2250 CDW GOVERNMENT	\$668.39
Vendor Bill Payment	3/1/2023	37968	9602 CORE & MAIN LP dba R&B COMPANY	\$765.34
Vendor Bill Payment	3/1/2023	37969	2631 D8A COMMUNICATION TECHNOLOGIES	\$282.75
Vendor Bill Payment	3/1/2023	37970	7560-EMPLOYEE	\$94.32
Vendor Bill Payment	3/1/2023	37971	7582 PETTY CASH LBAO	\$139.90
Vendor Bill Payment	3/1/2023	37972	7583 PETTY CASH LBFO	\$80.00
Vendor Bill Payment	3/1/2023	37973	25627-EMPLOYEE	\$59.00
Vendor Bill Payment	3/1/2023	37974	25669 FMT CONSULTANTS, LLC	\$3,468.75
Vendor Bill Payment	3/1/2023	37975	4544 HACH COMPANY	\$357.75
Vendor Bill Payment	3/1/2023	37976	4605 HOMEWOOD SUITES	\$2,756.40
Vendor Bill Payment	3/1/2023	37977	5047 INDUSTRIAL SCIENTIFIC CORP.	\$844.36
Vendor Bill Payment	3/1/2023	37978	5509 JIM MOORE ENTERPRISES	\$3,799.58
Vendor Bill Payment	3/1/2023	37979	25518 LOS BANOS PROPERTY MANAGEMENT SERVICES	\$8,524.80
Vendor Bill Payment	3/1/2023	37980	7083 MSC INDUSTRIAL SUPPLY CO. / 00300038	\$30.38
Vendor Bill Payment	3/1/2023	37981	7529 NEW YORK LIFE INSURANCE	\$767.87
Vendor Bill Payment	3/1/2023	37982	7005 PACIFIC VALLEY COFFEE	\$110.80
Vendor Bill Payment	3/1/2023	37983	8583 PANOCHE DRAINAGE DISTRICT	\$10,024.66
Vendor Bill Payment	3/1/2023	37984	25529 PG&E 0664015301-8	\$152.12
Vendor Bill Payment	3/1/2023	37985	25531 PG&E 2125628853-7	\$879.85
Vendor Bill Payment	3/1/2023	37986	25530 PG&E 8833159983-2	\$2,456.55
Vendor Bill Payment	3/1/2023	37987	25681 PHOENIX ROOFING CO., INC.	\$125.00
Vendor Bill Payment	3/1/2023	37988	15015 PRINCIPAL LIFE INSURANCE COMPANY	\$5,968.97
Vendor Bill Payment	3/1/2023	37989	25637-EMPLOYEE	\$94.32
Vendor Bill Payment	3/1/2023	37990	9620 RESA POWER, LLC	\$2,427.00
Vendor Bill Payment	3/1/2023	37991	10129 SANTOS FORD, INC.	\$79.82
Vendor Bill Payment	3/1/2023	37992	10184 SPRAYTEC	\$579.91
Vendor Bill Payment	3/1/2023	37993	10069 SUMMERS ENGINEERING, INC.	\$46,953.42
Vendor Bill Payment	3/1/2023	37994	10625 THE OFFICE CITY	\$174.87
Vendor Bill Payment	3/1/2023	37995	12116 WALMART	\$376.19
Vendor Bill Payment	3/1/2023	37996	12111 WARDEN'S	\$1,789.80
Vendor Bill Payment	3/1/2023	37997	12096 WEX BANK	\$869.04
Vendor Bill Payment	3/1/2023	37998	25654 WILLE ELECTRIC SUPPLY CO., INC.	\$211.28
Vendor Bill Payment	3/2/2023	37999	MERCED COUNTY	\$3,941.00
Vendor Bill Payment	3/2/2023	38000	OAK FLAT WATER DISTRICT	\$991.00
Vendor Bill Payment	3/2/2023	38001	ORO LOMA WATER DISTRICT	\$2,493.00
Vendor Bill Payment	3/2/2023	38002	SANTA NELLA COUNTY WATER DISTRICT	\$3,135.00
Vendor Bill Payment	3/2/2023	38003	STANISLAUS COUNTY	\$15,317.00
Vendor Bill Payment	3/2/2023	38004	WIDREN WATER DISTRICT	\$3,136.00
ACH	3/6/2023		VISA PAYMENT	\$27,199.45
Vendor Bill Payment	3/9/2023	38005	1041 ACWA/JPIA - Insurance Premiums	\$204,451.64
Vendor Bill Payment	3/9/2023	38006	1256 ALISO WATER DISTRICT	\$3,832.25
Vendor Bill Payment	3/9/2023	38007	1169 ALL INDUSTRIAL ELECTRIC SUPPLY, INC.	\$2,714.44
Vendor Bill Payment	3/9/2023	38008	6006 APPLIED INDUSTRIAL TECHNOLOGIES INC.	\$341.83
Vendor Bill Payment	3/9/2023	38009	1671 BAKER MANOCK & JENSEN	\$10,408.99
Vendor Bill Payment	3/9/2023	38010	1679 BIG T HYDRAULIC INC.	\$246.85
Vendor Bill Payment	3/9/2023	38011	1667 BLANKINSHIP & ASSOCIATES, INC.	\$855.00
Vendor Bill Payment	3/9/2023	38012	1519 BUCKLES-SMITH INC.	\$492.46
Vendor Bill Payment	3/9/2023	38013	2294 CABELA'S LLC / BASS PRO SHOPS LLC	\$606.22
Vendor Bill Payment	3/9/2023	38014	2332 CALIFORNIA FARM WATER COALITION	\$24,227.95
Vendor Bill Payment	3/9/2023	38015	25568 CALIFORNIA STRATEGIES & ADVOCACY, LLC	\$15,000.00
Vendor Bill Payment	3/9/2023	38016	2407 CDM SMITH INC.	\$21,743.15
Vendor Bill Payment	3/9/2023	38017	3086 EKI ENVIRONMENT & WATER, INC.	\$5,940.48
Vendor Bill Payment	3/9/2023	38018	3620 FARMERS WATER DISTRICT	\$2,186.65
Vendor Bill Payment	3/9/2023	38019	3610 FASTRAK	\$7.00

Vendor Bill Payment	3/9/2023	38020	3597 FOLEY & LARDNER LLP	\$32,000.00
Vendor Bill Payment	3/9/2023	38021	3618 FRESNO COUNTY	\$3,728.02
Vendor Bill Payment	3/9/2023	38022	25652 GB AUTO SERVICE, INC. dba BRUCE'S TIRE & AUTC	\$1,592.06
Vendor Bill Payment	3/9/2023	38023	25591 GOODWAY TECHNOLOGIES CORPORATION	\$646.08
Vendor Bill Payment	3/9/2023	38024	4031 GRASSLAND WATER DISTRICT	\$9,560.64
Vendor Bill Payment	3/9/2023	38025	4017 GRAYBAR	\$346.70
Vendor Bill Payment	3/9/2023	38026	4500 HOLT OF CALIFORNIA	\$434.25
Vendor Bill Payment	3/9/2023	38027	6026 KRONICK MOSKOVITZ ET AL	\$3,878.07
Vendor Bill Payment	3/9/2023	38028	7008 MARFAB INC.	\$347.34
Vendor Bill Payment	3/9/2023	38029	10262 MATRIX SCIENCES INTERNATIONAL INC./SOUTH D/	\$7,776.00
Vendor Bill Payment	3/9/2023	38030	25636 MIZUNO CONSULTING, INC.	\$3,075.00
Vendor Bill Payment	3/9/2023	38031	7570 NAPA AUTO PARTS-LOS BANOS / 15111	\$82.64
Vendor Bill Payment	3/9/2023	38032	8000 OFFICE SUPPLY EXPRESS	\$22.24
Vendor Bill Payment	3/9/2023	38033	8583 PANOCHE DRAINAGE DISTRICT	\$13,960.51
Vendor Bill Payment	3/9/2023	38034	15074 PLATT	\$4,807.93
Vendor Bill Payment	3/9/2023	38035	6805 RELX INC. DBA LEXISNEXIS	\$200.00
Vendor Bill Payment	3/9/2023	38036	10164 SAN JOAQUIN RIVER EXCHANGE CONTRACTORS V	\$33,811.55
Vendor Bill Payment	3/9/2023	38037	25548 TERRACON CONSULTANTS, INC.	\$320,725.00
Vendor Bill Payment	3/9/2023	38038	12063 THOMSON REUTERS	\$144.64
Vendor Bill Payment	3/9/2023	38039	10601 TURLOCK IRRIGATION DISTRICT	\$100.09
Vendor Bill Payment	3/9/2023	38040	11552 VERIZON WIRELESS	\$190.56
Vendor Bill Payment	3/9/2023	38041	12057 WINDECKER. INC.	\$16,743.01
ACH	3/10/2023	24016	5004 ICMA RETIREMENT TRUST	\$89,589.92
ACH	3/10/2023	24017	25536 SLDMWA EE ASSOCIATION	\$425.00
Vendor Bill Payment	3/15/2023	38042	10048 ALHAMBRA / LBFO 9459721	\$65.42
Vendor Bill Payment	3/15/2023	38043	1169 ALL INDUSTRIAL ELECTRIC SUPPLY, INC.	\$1,951.49
Vendor Bill Payment	3/15/2023	38044	25598 APPLIED BEST PRACTICES	\$2,900.00
Vendor Bill Payment	3/15/2023	38045	25683 ASSOCIATED COMPRESSOR & EQUIPMENT, LLC	\$4,996.44
Vendor Bill Payment	3/15/2023	38046	10195 AT&T 960 758 3850 555 7	\$1,521.95
Vendor Bill Payment	3/15/2023	38047	10196 AT&T LONG DISTANCE BAN:806492911	\$79.01
Vendor Bill Payment	3/15/2023	38048	1647 BAY AREA AIR QUALITY MGMT DIST	\$6,588.00
Vendor Bill Payment	3/15/2023	38049	2217 C.A. SHORT COMPANY, INC	\$1,284.34
Vendor Bill Payment	3/15/2023	38050	2407 CDM SMITH INC.	\$95,878.77
Vendor Bill Payment	3/15/2023	38051	2250 CDW GOVERNMENT	\$4,463.21
Vendor Bill Payment	3/15/2023	38052	25667-EMPLOYEE	\$295.00
Vendor Bill Payment	3/15/2023	38053	2290 CONTRA COSTA WATER DISTRICT	\$1,094,000.00
Vendor Bill Payment	3/15/2023	38054	2248 CPUTREND	\$4,000.00
Vendor Bill Payment	3/15/2023	38055	2631 D8A COMMUNICATION TECHNOLOGIES	\$853.00
Vendor Bill Payment	3/15/2023	38056	2639 DHR HYDRO SERVICES INC.	\$59,160.50
Vendor Bill Payment	3/15/2023	38057	2629 DK ENTERPRISES INC. dba KINGS ROOFING	\$1,923.22
Vendor Bill Payment	3/15/2023	38058	3542 FGL ENVIRONMENTAL, INC.	\$298.00
Vendor Bill Payment	3/15/2023	38059	25669 FMT CONSULTANTS, LLC	\$6,431.25
Vendor Bill Payment	3/15/2023	38060	25550 GILTON SOLID WASTE MANAGEMENT INC. / LBFO	\$73.16
Vendor Bill Payment	3/15/2023	38061	4004 GILTON SOLID WASTE MANAGEMENT INC. / O'Neill	\$97.08
Vendor Bill Payment	3/15/2023	38062	12019 GRAINGER INC.	\$4,162.58
Vendor Bill Payment	3/15/2023	38063	25626 HALLMARK GROUP	\$41,145.66
Vendor Bill Payment	3/15/2023	38064	4500 HOLT OF CALIFORNIA	\$896.08
Vendor Bill Payment	3/15/2023	38065	6049 KAHN, SOARES & CONWAY, LLP	\$9,327.67
Vendor Bill Payment	3/15/2023	38066	10310-EMPLOYEE	\$1,069.28
Vendor Bill Payment	3/15/2023	38067	6801 LUHDORFF & SCALMANINI CONSULTING ENGINEER:	\$692.50
Vendor Bill Payment	3/15/2023	38068	10262 MATRIX SCIENCES INTERNATIONAL INC./SOUTH D/	\$9,755.50
Vendor Bill Payment	3/15/2023	38069	7009 MERCED COUNTY REG. WASTE MGMT AUTHORITY	\$65.00
Vendor Bill Payment	3/15/2023	38070	7182 MERCED TRUCK & TRAILER, INC.	\$70.02
Vendor Bill Payment	3/15/2023	38071	7027 MODESTO WELDING PRODUCTS INC.	\$8,259.48
Vendor Bill Payment	3/15/2023	38072	8071 ORACLE AMERICA, INC.	\$31,937.87
Vendor Bill Payment	3/15/2023	38073	8595 PACIFIC ECO-RISK LAB. INC.	\$3,554.32
Vendor Bill Payment	3/15/2023	38074	7005 PACIFIC VALLEY COFFEE	\$110.80
Vendor Bill Payment	3/15/2023	38075	8511 PG&E 7262165466-3	\$3,070.11
Vendor Bill Payment	3/15/2023	38076	15042 PIONEER LAW GROUP, LLP.	\$6,820.23
Vendor Bill Payment	3/15/2023	38077	15074 PLATT	\$93.78
Vendor Bill Payment	3/15/2023	38078	8581 PREMIER URGENT CARE/DBA PATEL, PULLIAM & HU	\$100.00
Vendor Bill Payment	3/15/2023	38079	9579 RAMOS OIL COMPANY, INC.	\$6,924.99
Vendor Bill Payment	3/15/2023	38080	10164 SAN JOAQUIN RIVER EXCHANGE CONTRACTORS V	\$6,493.42
Vendor Bill Payment	3/15/2023	38081	4592 SGS NORTH AMERICA, INC.	\$357.00
Vendor Bill Payment	3/15/2023	38082	10119 SNAP ON INDUSTRIAL	\$3,136.62
Vendor Bill Payment	3/15/2023	38083	10002 SORENSEN'S ACE HARDWARE	\$197.25
Vendor Bill Payment	3/15/2023	38084	10180 SWRCB - Waste Discharge	\$110,557.00
Vendor Bill Payment	3/15/2023	38085	25662 UNITED SITE SERVICES / ACT-00908631	\$81.30
Vendor Bill Payment	3/15/2023	38086	12119 WIENHOFF DRUG TESTING	\$85.00

Vendor Bill Payment	3/15/2023	38087	25675 YORKE ENGINEERING, LLC	\$7,053.17
Vendor Bill Payment	3/15/2023	38088	13600 ZOOM IMAGING SOLUTIONS INC.	\$115.29
Vendor Bill Payment	3/22/2023	38089	1154 AIRGAS USA, LLC	\$1,759.60
Vendor Bill Payment	3/22/2023	38090	25523 ALHAMBRA / LBAO 9459657	\$175.78
Vendor Bill Payment	3/22/2023	38091	25551 ALHAMBRA / OPP 4945111	\$130.83
Vendor Bill Payment	3/22/2023	38092	25552 ALHAMBRA / SLDM PUMP 4914649	\$361.00
Vendor Bill Payment	3/22/2023	38093	1268 AT&T 831-001-0165 694	\$2,254.68
Vendor Bill Payment	3/22/2023	38094	1267 AT&T 831-001-0165 911	\$2,126.46
Vendor Bill Payment	3/22/2023	38095	1189 AUTOMATION PRODUCTS GROUP, INC.	\$1,514.70
Vendor Bill Payment	3/22/2023	38096	1607 BLX GROUP, LLC	\$1,500.00
Vendor Bill Payment	3/22/2023	38097	2250 CDW GOVERNMENT	\$1,631.25
Vendor Bill Payment	3/22/2023	38098	2267 COKER PUMP & EQUIPMENT COMPANY	\$2,108.42
Vendor Bill Payment	3/22/2023	38099	25669 FMT CONSULTANTS, LLC	\$956.25
Vendor Bill Payment	3/22/2023	38100	25591 GOODWAY TECHNOLOGIES CORPORATION	\$126.05
Vendor Bill Payment	3/22/2023	38101	4610 H.T. HARVEY & ASSOCIATES	\$9,446.25
Vendor Bill Payment	3/22/2023	38102	4531 HIXCO	\$4,736.51
Vendor Bill Payment	3/22/2023	38103	5056 IDN WILCO	\$1,227.20
Vendor Bill Payment	3/22/2023	38104	25524 JDH CORROSION CONSULTANTS, INC.	\$13,535.00
Vendor Bill Payment	3/22/2023	38105	15078-EMPLOYEE	\$61.31
Vendor Bill Payment	3/22/2023	38106	25518 LOS BANOS PROPERTY MANAGEMENT SERVICES	\$502.92
Vendor Bill Payment	3/22/2023	38107	7030 MCMASTER-CARR	\$71.15
Vendor Bill Payment	3/22/2023	38108	25636 MIZUNO CONSULTING, INC.	\$4,950.00
Vendor Bill Payment	3/22/2023	38109	5555 MLJ ENVIRONMENTAL	\$7,424.00
Vendor Bill Payment	3/22/2023	38110	25547 O'REILLY / LOS BANOS 1068974	\$1,627.49
Vendor Bill Payment	3/22/2023	38111	25614 S.P. KINNEY ENGINEERS, INC.	\$28,989.00
Vendor Bill Payment	3/22/2023	38112	10116 STOCKTON PIPE & SUPPLY, INC.	\$9,621.91
Vendor Bill Payment	3/22/2023	38113	10069 SUMMERS ENGINEERING, INC.	\$29,844.88
Vendor Bill Payment	3/22/2023	38114	11015 UNITED EQUIPMENT CO.	\$6,769.47
Vendor Bill Payment	3/22/2023	38115	11060 UNWIRED BROADBAND INC. A00015979	\$799.97
Vendor Bill Payment	3/22/2023	38116	25521 UNWIRED BROADBAND INC. A00019063	\$249.98
Vendor Bill Payment	3/22/2023	38117	25561 WILLEY PRINTING CO., INC.	\$437.97
Vendor Bill Payment	3/22/2023	38118	12123 WOODARD & CURRAN INC.	\$74,248.26
Vendor Bill Payment	3/22/2023	38119	13605 ZORO TOOLS, INC.	\$124.03
Vendor Bill Payment	3/22/2023	38120	2028 COUNTY OF FRESNO	\$27.00
Vendor Bill Payment	3/22/2023	38121	2629 DK ENTERPRISES INC. dba KINGS ROOFING	\$871.55
WIRE	3/22/2023	24018	1628 BUREAU OF RECLAMATION	\$58,456.00
WIRE	3/22/2023	24019	10327 SHEPHERD OU	\$9,907.50
ACH	3/24/2023	24020	5004 ICMA RETIREMENT TRUST	\$93,041.43
ACH	3/24/2023	24021	25536 SLDMWA EE ASSOCIATION	\$420.00
Vendor Bill Payment	3/29/2023	38122	1141 AFLAC	\$993.00
Vendor Bill Payment	3/29/2023	38123	5508-EMPLOYEE	\$150.00
Vendor Bill Payment	3/29/2023	38124	6006 APPLIED INDUSTRIAL TECHNOLOGIES INC.	\$1,559.73
Vendor Bill Payment	3/29/2023	38125	1269 AT&T 831-001-0448 912	\$1,079.00
Vendor Bill Payment	3/29/2023	38126	25610 AT&T MOBILITY 287312990252	\$1,012.86
Vendor Bill Payment	3/29/2023	38127	1647 BAY AREA AIR QUALITY MGMT DIST	\$1,199.00
Vendor Bill Payment	3/29/2023	38128	1602 BILL'S MOWER & SAW	\$209.47
Vendor Bill Payment	3/29/2023	38129	1667 BLANKINSHIP & ASSOCIATES, INC.	\$967.50
Vendor Bill Payment	3/29/2023	38130	2217 C.A. SHORT COMPANY, INC	\$1,305.00
Vendor Bill Payment	3/29/2023	38131	2424 CALTEST ANALYTICAL LABORATORY	\$388.80
Vendor Bill Payment	3/29/2023	38132	2362 CALTRONICS BUSINESS SYSTEMS	\$40,111.30
Vendor Bill Payment	3/29/2023	38133	2297 CAPITOL ENQUIRY INC.	\$49.40
Vendor Bill Payment	3/29/2023	38134	25667-EMPLOYEE	\$295.00
Vendor Bill Payment	3/29/2023	38135	2427 CORRPRO COMPANIES INC.	\$3,407.30
Vendor Bill Payment	3/29/2023	38136	2212 COUNTY OF MERCED	\$2,430.00
Vendor Bill Payment	3/29/2023	38137	7584 PETTY CASH TFO	\$264.26
Vendor Bill Payment	3/29/2023	38138	1670-EMPLOYEE	\$41.51
Vendor Bill Payment	3/29/2023	38139	25669 FMT CONSULTANTS, LLC	\$8,850.00
Vendor Bill Payment	3/29/2023	38140	4544 HACH COMPANY	\$245.99
Vendor Bill Payment	3/29/2023	38141	4528 HOME DEPOT CREDIT SERVICE	\$805.89
Vendor Bill Payment	3/29/2023	38142	5047 INDUSTRIAL SCIENTIFIC CORP.	\$844.36
Vendor Bill Payment	3/29/2023	38143	2602 KNIFE RIVER CONSTRUCTION	\$3,168.26
Vendor Bill Payment	3/29/2023	38144	6026 KRONICK MOSKOVITZ ET AL	\$99,477.01
Vendor Bill Payment	3/29/2023	38145	7030 MCMASTER-CARR	\$3,545.69
Vendor Bill Payment	3/29/2023	38146	7009 MERCED COUNTY REG. WASTE MGMT AUTHORITY	\$19.00
Vendor Bill Payment	3/29/2023	38147	7529 NEW YORK LIFE INSURANCE	\$767.87
Vendor Bill Payment	3/29/2023	38148	8055 O'REILLY / TRACY 2347935	\$555.75
Vendor Bill Payment	3/29/2023	38149	8064 OCCU-MED, LTD.	\$202.50
Vendor Bill Payment	3/29/2023	38150	15035 PAPE KENWORTH / 1051618	\$930.83
Vendor Bill Payment	3/29/2023	38151	3616-EMPLOYEE	\$295.00

Vendor Bill Payment	3/29/2023	38152	25531 PG&E 2125628853-7	\$783.78
Vendor Bill Payment	3/29/2023	38153	25530 PG&E 8833159983-2	\$2,624.47
Vendor Bill Payment	3/29/2023	38154	15074 PLATT	\$735.39
Vendor Bill Payment	3/29/2023	38155	15015 PRINCIPAL LIFE INSURANCE COMPANY	\$5,623.49
Vendor Bill Payment	3/29/2023	38156	8579 PROTECTION ENGINEERING	\$1,614.79
Vendor Bill Payment	3/29/2023	38157	9579 RAMOS OIL COMPANY, INC.	\$10,063.31
Vendor Bill Payment	3/29/2023	38158	25638-EMPLOYEE	\$770.94
Vendor Bill Payment	3/29/2023	38159	10129 SANTOS FORD, INC.	\$132.63
Vendor Bill Payment	3/29/2023	38160	10314 SIERRA CHEMICAL COMPANY	\$58.53
Vendor Bill Payment	3/29/2023	38161	10119 SNAP ON INDUSTRIAL	\$3,699.73
Vendor Bill Payment	3/29/2023	38162	10116 STOCKTON PIPE & SUPPLY, INC.	\$475.99
Vendor Bill Payment	3/29/2023	38163	10069 SUMMERS ENGINEERING, INC.	\$122.01
Vendor Bill Payment	3/29/2023	38164	10644 TF TIRE & SERVICE	\$5,254.99
Vendor Bill Payment	3/29/2023	38165	12116 WALMART	\$356.49
Vendor Bill Payment	3/29/2023	38166	12096 WEX BANK	\$749.48
WIRE	3/30/2023	24023	10326 STOEL RIVES LLP	\$1,023.60
WIRE	3/30/2023	24022	11045 BUREAU OF RECLAMATION - SL JOINT/USBR POWE	\$1,684,115.00
Total - ACCOUNTS PAYABLE				\$4,805,801.70

San Luis & Delta-Mendota Water Authority

Activity Agreements Budget to Actual

Paid/Pending Comparison Summary

March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

	FY Budget 3/1/23 - 2/29/24	Actual To Date Paid/Expense	% of Budget	Amount Remaining
03 General Membership	926,259	48,523	5.24%	877,736
05 Leg/CVP Operations	2,923,141	71,556	2.45%	2,851,585
06 Reallocation Agreement	0	0	0.00%	0
35 Contract Renewal Coordinator	30,337	13	0.04%	30,324
09 Leg/CVP Operations #3	0	0	0.00%	0
28 Yuba County Water Transfers	27,000	86	0.32%	26,914
22 Grassland Basin Drainage #3A	2,078,148	34,262	1.65%	2,043,886
63 SGMA - Coordinated	525,332	5,182	0.99%	520,150
64 SGMA - Northern Delta-Mendota Region	562,382	5,267	0.94%	557,115
65 SGMA - Central Delta-Mendota Region	562,382	5,051	0.90%	557,331
67 Integrated Regional Water Management	185,606	776	0.42%	184,830
68 Los Vaqueros Reservoir Expansion Project	9,235	466	5.04%	8,769
44 Exchange Contractors - 5 Year Transfer	20,000	27	0.13%	19,973
56 Long-Term North to South Water Transfer	197,587	178	0.09%	197,409
69 B.F. Sisk Dam Raise & Reservoir Exp	740,125	2,761	0.37%	737,364
16 DHCCP	1,175	13	1.14%	1,162
TOTAL	8,788,709	174,160	1.98%	8,614,549
	1/12 X 10,253,676	\$ 732,392	8.33%	
	Budget vs. Actual	<u>558,233</u>		



MEMORANDUM

TO: Finance & Administration Committee

FROM: Raymond Tarka, Treasurer/Director of Finance

DATE: May 1, 2023

RE: Quarter Ending March 31, 2023 Treasurer's Report

ISSUE

Whether the Finance & Administration Committee should recommend to the Board of Directors that it accept the Treasurer's Report for the quarter ending March 31, 2023.

RECOMMENDATION

Staff recommend that the Finance & Administration Committee recommend to the Board of Directors that it accept the Treasurer's Report for the quarter ending March 31, 2023.

DETAIL

This Treasurer's Report was prepared in accordance with the Investment Policy for the San Luis & Delta-Mendota Water Authority (adopted via Resolution No. 2013-367) and California Government Code sections 6505.5(e) and 53646(b).

Consistent with the Water Authority's Investment Policy and Government Code requirements, the Water Authority hereby makes the following statements:

- The Water Authority's investments are in compliance with the Investment Policy;
- All required O&M rate conveyance payments and Membership Dues are being received timely, with few exceptions, rendering the Water Authority able to meet its expenditure/cash demand requirements for the next six months.

Appendix 1 to this Report includes the most recent statements from LAIF, CalTRUST and other banks holding Water Authority funds. Appendix 1 is available upon request.

San Luis & Delta-Mendota Water Authority

Treasurer's Report

Quarter Ended March 31, 2023

Page 2 of 3

Prepared by: C. Bento

HOLDINGS REPORT BY INVESTMENT TYPE

	<u>Maturity</u>	<u>Positions Value</u>	<u>Market Price</u>	<u>Market Value</u>	<u>Unrealized Gain/(Loss)</u>	<u>Average Qtr Yield @3/31/23</u>	<u>Yield 3/31/2023</u>	<u>Yield 2/28/2023</u>	<u>Yield 1/31/2023</u>
<u>CASH</u>									
CVCB - Checking - Sweep	Daily	\$ -		\$ -					
CVCB - Payroll	Daily	\$ 5,350.00		\$ 5,350.00					
CVCB - Transactional	Daily	\$ 3,852,211.42		\$ 3,852,211.42		0.653%	0.750%	0.750%	0.460%
CVCB - Muni	Daily	\$ 1,956,724.30		\$ 1,956,724.30		0.660%	0.750%	0.750%	0.480%
LOCAL AGENCY INVESTMENT FUND (LAIF)	Daily	\$ 4,599,046.87	1	\$ 4,599,046.87		2.740%	3 2.831%	2.624%	2.425%
CalTRUST - Short Term	Next Day	\$ 515,125.27	2	\$ 513,609.39	\$ (1,515.88)	4.117%	4.200%	4.220%	3.930%
CalTRUST - Medium Term	Monthly	\$ 479,786.96	2	\$ 476,906.35	\$ (2,880.61)	4.223%	4.150%	4.300%	4.220%
CalTRUST - Black Rock Fed	Daily	\$ 7,062,038.39		\$ 7,062,038.39	\$ -	0.280%	0.320%	0.280%	0.240%
CalTRUST - Liquidity	Daily	\$ 7,072,030.82		\$ 7,072,030.82	\$ -	3.567%	4.120%	3.630%	2.950%
CalTRUST - Black Rock (LEAF)	Daily	\$ 7,073,118.54		\$ 7,072,994.30	\$ (124.24)	0.307%	0.350%	0.310%	0.260%
TOTAL OPERATIONAL CASH		\$ 32,615,432.57		\$ 32,610,911.84	\$ (4,520.73)				

OTHER

OM&R Project

US Bank - Series 2021A Bond Reserve Fund	2045	\$ 456,380.83		\$ 456,380.83					
--	------	---------------	--	---------------	--	--	--	--	--

Notes:

The year-to-date weighted average yield on all funds invested or maintained in financial institutions/Federal Securities is 3.13% (this considers the interest rates trend since January).

1. LAIF: Average Life of Portfolio (Average Maturity in days) is 275 days or 0.75 years.
2. CalTRUST: Average Life of Portfolio is 0.96 years for short term (ST) and 2.14 years for medium term (MT).
3. Quarter Ending 3/31/23 LAIF Apportionment Rate.

San Luis & Delta-Mendota Water Authority

Treasurer's Report

Quarter Ended March 31, 2023

Detail to Support Report
 Page 3 of 3
 Prepared by: C. Bento

CASH

Central Valley Community Bank (CVCB)

CVCB - Checking - Sweep

CVCB - Payroll

CVCB - Transactional

CVCB - Muni

Local Agency Invest. Fund-State of Ca.

Investment Trust of California (CalTRUST)

CalTRUST - Short Term

CalTRUST - Medium Term

CalTRUST - Black Rock Fed

CalTRUST - Liquidity

CalTRUST - Black Rock (LEAF)

TOTAL- CASH

Other

US Bank-Series 2021A Reserve Fund-OM&R Project

	1	2	3	4	5
	12/31/2022				3/31/2023
	Beginning Balance	Deposits or Transfer IN	Draws or Transfer OUT	Change in Value	Ending Balance
	Market Value				Market Value
	\$ -	\$ -	\$ -	N/A	\$ -
	\$ 5,000.00	\$ 4,900.00	\$ (4,550.00)	N/A	\$ 5,350.00
	\$ 14,423,301.71	\$ 19,720,156.46	\$ (30,291,246.75)	N/A	\$ 3,852,211.42
	\$ 1,953,070.06	\$ 3,654.24		N/A	\$ 1,956,724.30
		+			
	\$ 4,575,146.46	\$ 23,900.41	\$ -	N/A	\$ 4,599,046.87
	\$ 1,005,069.71	\$ 7,023.80	\$ (500,000.00)	\$ 1,515.88	\$ 513,609.39
	\$ 968,717.29	\$ 5,308.45	\$ (500,000.00)	\$ 2,880.61	\$ 476,906.35
	\$ 8,280,769.98	\$ 81,268.41	\$ (1,300,000.00)		\$ 7,062,038.39
	\$ 8,285,757.84	\$ 86,272.98	\$ (1,300,000.00)		\$ 7,072,030.82
	\$ 8,287,920.29	\$ 84,949.77	\$ (1,300,000.00)	\$ 124.24	\$ 7,072,994.30
	\$ 47,784,753.34	\$ 20,017,434.52	\$ (35,195,796.75)	\$ 4,520.73	\$ 32,610,911.84
	\$ 456,380.83	\$ 4,309.06	\$ (6,532.20)	\$ -	\$ 454,157.69

- 1 Beginning Balance = Market Value at end of previous quarter
- 2 Deposits or Transfers IN = O&M collections, Membership collections, Interest and Other Revenue, and also includes Transfer IN from Other SLDMWA Accounts
- 3 Draws or Transfers OUT = O&M and Membership paid expenditures, and also Transfers OUT to Other SLDMWA Accounts
- 4 Change in Value = CalTRUST Investment is based on share price, change in price results in change in value
- 5 Ending Balance = Market Value at end of current quarter



MEMO

TO: Pablo Arroyave, Chief Operating Officer
FROM: Raymond Tarka, Director of Finance
SUBJECT: FY24 O&M Budget to Actual Report
DATES: 05.01.23 FAC and 05.04.23 BOD

2023 Water Year (FY 3/1/23-2/28/24 attachment 1

Self-Funding actual expenses (paid and pending) for SLDMWA Routine O&M through March 31, 2022 are over budget by \$187,147. This unfavorable variance is the result of a timing difference on approximately \$77,000 of pass-through expenses that have not yet been billed out in March but were included in the allocation of indirect costs to cost pools, and higher than budgeted overtime of \$39,000 and outside services for buildings and grounds of \$45,000, both relating to the wet start of the year. We expect this variance to correct itself in future periods as the costs are billed out and operations become normalized.

Outstanding

2021 Water Year (FY 3/1/21-2/28/22)

Staff expects final accountings to be completed shortly after the Board's approval of the FY2022 audit.

Intertie O&M Cost Recovery

WY12 to WY20 Intertie True-Up: outstanding, no cost recovery. Refunds were sent out in November, 2021, the final reports are expected to be drafted upon completion of the WY21 Final Accounting referenced above.

Audited Financial Statements FY2022

FY2022 Audit is still underway but in the final review stage with completion expected in the next few weeks.



San Luis & Delta Mendota-Water Authority
05.01.23 FAC and 05.04.23 BOD

ANNUAL R, O&M BUDGET BY COST POOLS MARCH 1, 2023 - FEBRUARY 28, 2024

	Total	UPPER	Intertie	Volta Wells	LWR/POOL	O'NEILL O&M		
						DIRECT	STORAGE	SL DRAIN
DMC \$	7,767,002	\$ 4,686,609			\$ 3,080,393			
JPP \$	5,489,363	\$ 5,489,363						
WW \$	204,730	\$ 153,547			\$ 51,183			
Intertie O&M / DWR Conveyance \$	270,805		\$ 270,805					
Volta Wells \$	69,935			\$ 69,935				
Mendota Pool \$	195,462				\$ 195,462			
O'Neill \$	3,205,351					\$ 1,602,675	\$ 1,602,675.35	
SL Drain \$	245,213							\$ 245,213
\$	17,447,862	\$ 10,329,520	\$ 270,805	\$ 69,935	\$ 3,327,039	\$ 1,602,675	\$ 1,602,675	\$ 245,213

R, O&M BUDGET BY COST POOLS THROUGH: MARCH 31, 2023
8.33%

	Total	UPPER	Intertie	Volta Wells	LWR	O'NEILL O&M		
						DIRECT	STORAGE	SL DRAIN
DMC \$	647,250	\$ 390,551			\$ 256,699			
JPP \$	457,447	\$ 457,447						
WW \$	17,061	\$ 12,796			\$ 4,265			
Intertie O&M / DWR Conveyance \$	22,567		\$ 22,567					
Volta Wells \$	5,828			\$ 5,828				
Mendota Pool \$	16,288				\$ 16,288			
O'Neill \$	267,113					\$ 133,556	\$ 133,556	
SL Drain \$	20,434							\$ 20,434
\$	1,453,988	\$ 860,793	\$ 22,567	\$ 5,828	\$ 277,253	\$ 133,556	\$ 133,556	\$ 20,434

R, O&M Actual COSTS BY COST POOLS THROUGH: MARCH 31, 2023

	Total	UPPER	Intertie	Volta Wells	LWR	O'NEILL O&M		
						DIRECT	STORAGE	SL DRAIN
DMC \$	728,017	\$ 439,285			\$ 288,732			
JPP \$	507,388	\$ 507,388						
WW \$	2,448	\$ 1,836			\$ 612			
Intertie O&M / DWR Conveyance \$	52,730		\$ 52,730					
Volta Wells \$	261			\$ 261				
Mendota Pool \$	19,551				\$ 19,551			
O'Neill \$	324,412					\$ 162,206	\$ 162,206	
SL Drain \$	6,328							\$ 6,328
\$	1,641,135	\$ 948,509	\$ 52,730	\$ 261	\$ 308,895	\$ 162,206	\$ 162,206	\$ 6,328

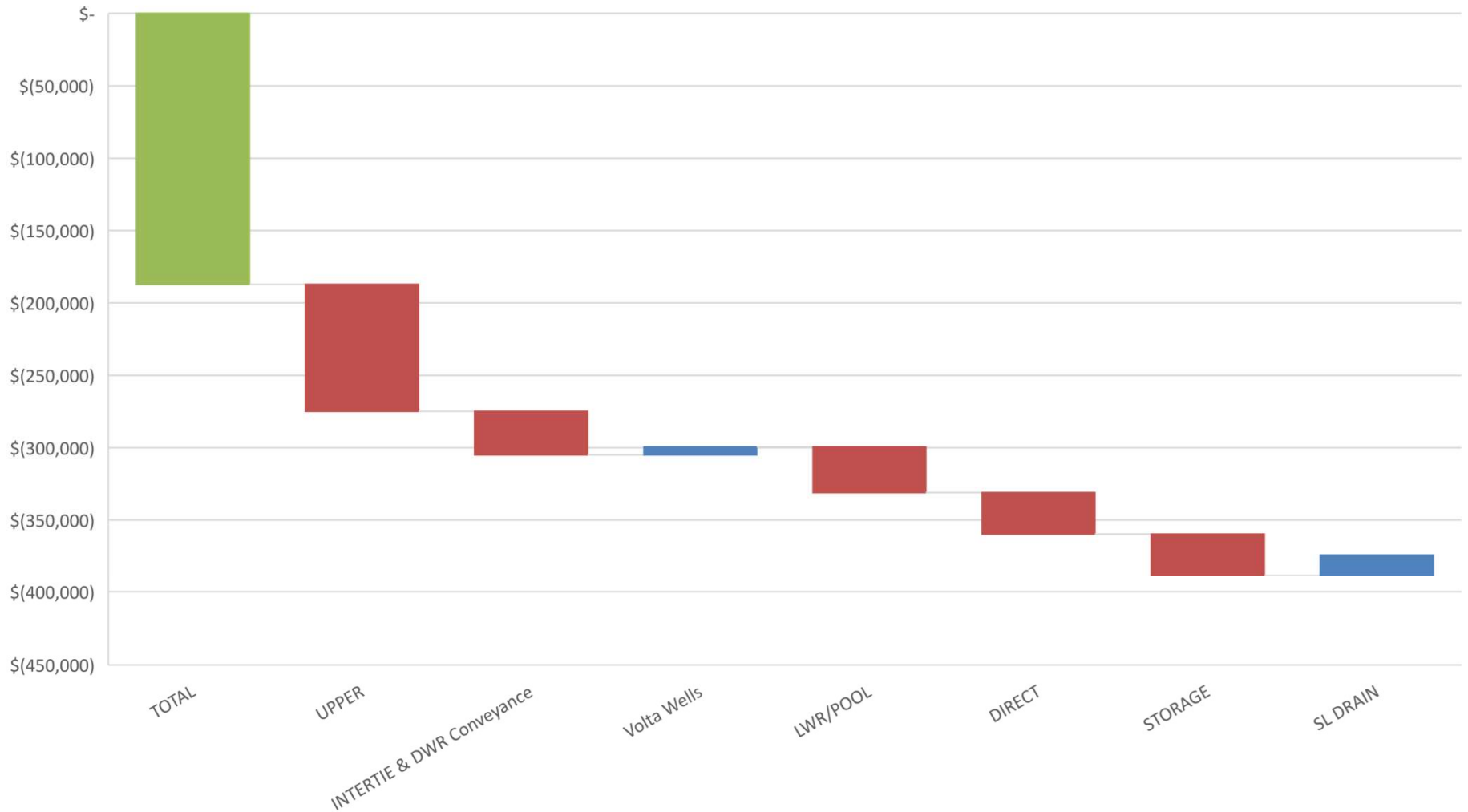
R, O&M BUDGET vs Actual COSTS THROUGH: MARCH 31, 2023

	TOTAL	UPPER	INTERTIE & DWR			LWR/POOL	O'NEILL O&M		
			Conveyance	Volta Wells			DIRECT	STORAGE	SL DRAIN
R, O&M Budget \$	1,453,988	\$ 860,793	\$ 22,567	\$ 5,828	\$ 277,253	\$ 133,556	\$ 133,556	\$ 20,434	
R, O&M Actual \$	1,641,135	\$ 948,509	\$ 52,730	\$ 261	\$ 308,895	\$ 162,206	\$ 162,206	\$ 6,328	
Difference \$	(187,147)	\$ (87,716)	\$ (30,163)	\$ 5,567	\$ (31,641)	\$ (28,650)	\$ (28,650)	\$ 14,106	
		OVER	OVER	OVER	UNDER	OVER	OVER	UNDER	
		-12.871252%	OVER BUDGET						



San Luis & Delta Mendota Water Authority
FY24 Budget to Actual Report through March 31, 2023
BUDGET VARIANCES
FAC 05/01/2023 BOD 05/04/2023

■ Increase ■ Decrease ■ Total



San Luis & Delta-Mendota Water Authority
DMC without CIP / E O&M
Budget to Actual Paid/Pending Comparison Summary
March 1, 2023 through March 31, 2023
FAC 5/1/23 & BOD 5/4/23

		FY Budget 3/1/23 - 2/29/24	Actual To Date Paid/Pending	% of Budget	Notes	Budget Amount Remaining
Operate & Maintain DMC	S/F 02	5,407,539	493,905	9.13%		4,913,634
Operate & Maintain Wasteways	S/F 04	133,829	1,597	1.19%		132,231
Mendota Pool	S/F 05	127,829	18,217	14.25%		109,612
Operate & Maintain JPP	S/F 11	3,532,461	364,011	10.30%		3,168,450
Intertie Maintenance	S/F 12	183,548	33,706	18.36%		149,842
Volta Wells Pumping	S/F 13	46,381	173	0.37%		46,208
Operate & Maintain O'Neill	S/F 19	2,118,671	224,143	10.58%		1,894,527
Maintain Tracy Fish Facility	USBR 30	36,347	154,746	425.75%		(118,400)
Operate & Maintain Tracy USBR	USBR 33	-	-	0.00%		-
Operate & Maintain San Luis Drain	S/F 41	160,495	4,195	2.61%		156,301
Maintain Delta Cross Channel	USBR 44	38,500	-	0.00%		38,500
Safety Equipment Training	50	322,300	55	0.02%		322,245
IT Expense	51	774,335	71,106	9.18%		703,228
Warehousing	52	236,695	21,751	9.19%		214,944
Tracy Field Office Expense	54	624,985	73,813	11.81%		551,173
Direct Administrative/General Expense	56	1,154,281	173,158	15.00%		981,123
Indirect O & M LBAO Admin.	58	2,633,617	256,337	9.73%		2,377,280
TOTAL		17,531,812	1,890,914	10.79%		15,640,898
Total from Self-Funding - page 2		17,447,862	1,641,135	9.41%		15,806,727
Total from USBR - page 3		83,950	238,695	284.33%		(154,745)
Total from Special Projects - page 4		-	11,084			(11,084)
Totals		17,531,812	1,890,914			15,640,898
YTD %			8.33%			

A. Does NOT include DWR Wheeling

San Luis & Delta-Mendota Water Authority

Self-Funding Portion of DMC

Budget to Actual Paid/Pending Comparison Summary

March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

		FY Budget 3/1/23 - 2/29/24		Actual To Date Paid/Pending		% of Budget		Budget Amount Remaining
Operate & Maintain DMC	02	5,407,539		493,905		9.13%		4,913,634
Operate & Maintain Wasteways	04	133,829		1,597		1.19%		132,231
Mendota Pool	05	127,829		18,217		14.25%		109,612
Operate & Maintain JPP	11	3,532,461		364,011		10.30%		3,168,450
Intertie Maintenance	12	183,548	A	33,706		18.36%		149,842
Volta Wells Pumping	13	46,381		173		0.37%		46,208
Operate & Maintain O'Neill	19	2,118,671		224,143		10.58%		1,894,527
Operate & Maintain San Luis Drain	41	160,495		4,195		2.61%		156,301
Total Direct O & M		11,710,753		1,139,947		9.73%		10,570,806
Safety Equipment Training	50	321,789		46		0.01%		321,743
IT Expense	51	773,108		59,773		7.73%		713,336
Warehousing	52	236,320		18,284		7.74%		218,036
Tracy Field Office Expense	54	623,995		62,048		9.94%		561,948
Direct Administrative/General Expense	56	1,152,452		145,558		12.63%		1,006,894
Indirect O & M LBAO Admin.	58	2,629,444		215,479		8.19%		2,413,965
Total Indirect Allocated to O & M		5,737,109		501,188		8.74%		5,235,921
Total SLDMWA O&M		17,447,862		1,641,135		9.41%		15,806,727

A. Does NOT include DWR Wheeling

San Luis & Delta-Mendota Water Authority

USBR Service Agreement portion of DMC

Budget to Actual Paid/Pending Comparison Summary

March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

	FY Budget 3/1/23 - 2/29/24	Actual To Date Paid/Pending	% of Budget	Budget Amount Remaining
Maintain Tracy Fish Facility 30	36,347	154,746	425.75%	(118,400)
Maintain Delta Cross Channel 44	38,500	-	0.00%	38,500
Total Direct USBR Facilities	74,847	154,746	206.75%	(79,900)
Safety Equipment Training 50	511	8	1.52%	503
IT Expense 51	1,227	10,012	816.16%	(8,785)
Warehousing 52	375	3,063	816.75%	(2,688)
Tracy Field Office Expense 54	990	10,393	1049.68%	(9,403)
Direct Administrative/General Expense 56	1,829	24,381	1333.29%	(22,552)
Indirect O & M LBAO Admin. 58	4,172	36,092	865.07%	(31,920)
Total Indirect Allocated USBR Facilities	9,103	83,948	922.19%	(74,845)
TOTAL USBR FACILITIES	83,950	238,695	284.33%	(154,745)

San Luis & Delta-Mendota Water Authority

DMC Indirect Cost Allocated to Special Projects

March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

		Allocated To Date		
Safety Equipment Training	50		1	
IT Expense	51		1,322	
Warehousing	52		404	
Tracy Field Office Expense	54		1,372	
Direct Administrative/General Expense	56		3,219	
Indirect O & M LBAO Admin.	58		4,766	
Total Indirect Allocated to SPECIAL PROJECTS			11,084	
TOTAL INDIRECT ALLOCATED TO SPECIAL PROJECTS			11,084	

San Luis & Delta-Mendota Water Authority
DMC WITH CIP / E O & M
Budget to Actual Paid/Pending Comparison Summary
March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

		FY Budget 3/1/23 - 2/29/24	Actual To Date Paid/Pending	% of Budget	Notes	Budget Amount Remaining
Capital Improvement Projects	CIP 25	2,297,700	1,423,686	61.96%		874,014
Extra Ordinary O&M	EO&M 26	6,198,000	356,236	5.75%		5,841,764
Operate & Maintain DMC	S/F 02	5,407,539	493,905	9.13%		4,913,634
Operate & Maintain Wasteways	S/F 04	133,829	1,597	1.19%		132,231
Mendota Pool	S/F 05	127,829	18,217	14.25%		109,612
Operate & Maintain JPP	S/F 11	3,532,461	364,011	10.30%		3,168,450
Intertie Maintenance	S/F 12	183,548	33,706	18.36%	A	149,842
Volta Wells Pumping	S/F 13	46,381	173	0.37%		46,208
Operate & Maintain O'Neill	S/F 19	2,118,671	224,143	10.58%		1,894,527
Maintain Tracy Fish Facility	USBR 30	36,347	154,746	425.75%		(118,400)
Operate & Maintain Tracy USBR	USBR 33	-	-	0.00%		-
Operate & Maintain San Luis Drain	S/F 41	160,495	4,195	2.61%		156,301
Maintain Delta Cross Channel	USBR 44	38,500	-	0.00%		38,500
Safety Equipment Training	50	349,917	60	0.02%		349,857
IT Expense	51	840,688	77,635	0.00%		763,053
Warehousing	52	256,978	23,748	9.24%		233,230
Tracy Field Office Expense	54	678,540	80,589	11.88%		597,951
Direct Administrative/General Expense	56	1,253,190	189,055	15.09%		1,064,135
Indirect O & M LBAO Admin.	58	2,859,290	279,871	9.79%		2,579,419
TOTAL		26,519,903	3,725,574	14.05%		22,794,329
Total from Self-Funding - page 2		17,447,862	1,641,135	9.41%		15,806,727
Total from USBR - page 3		83,950	238,695	284.33%		(154,745)
Total from Special Projects - page 4		-	11,084			(11,084)
Total from EO&M		8,988,091	1,834,661	20.41%		7,153,431
Totals		26,519,903	3,725,574			22,794,329
YTD %			8.33%			

A Does NOT include DWR Wheeling

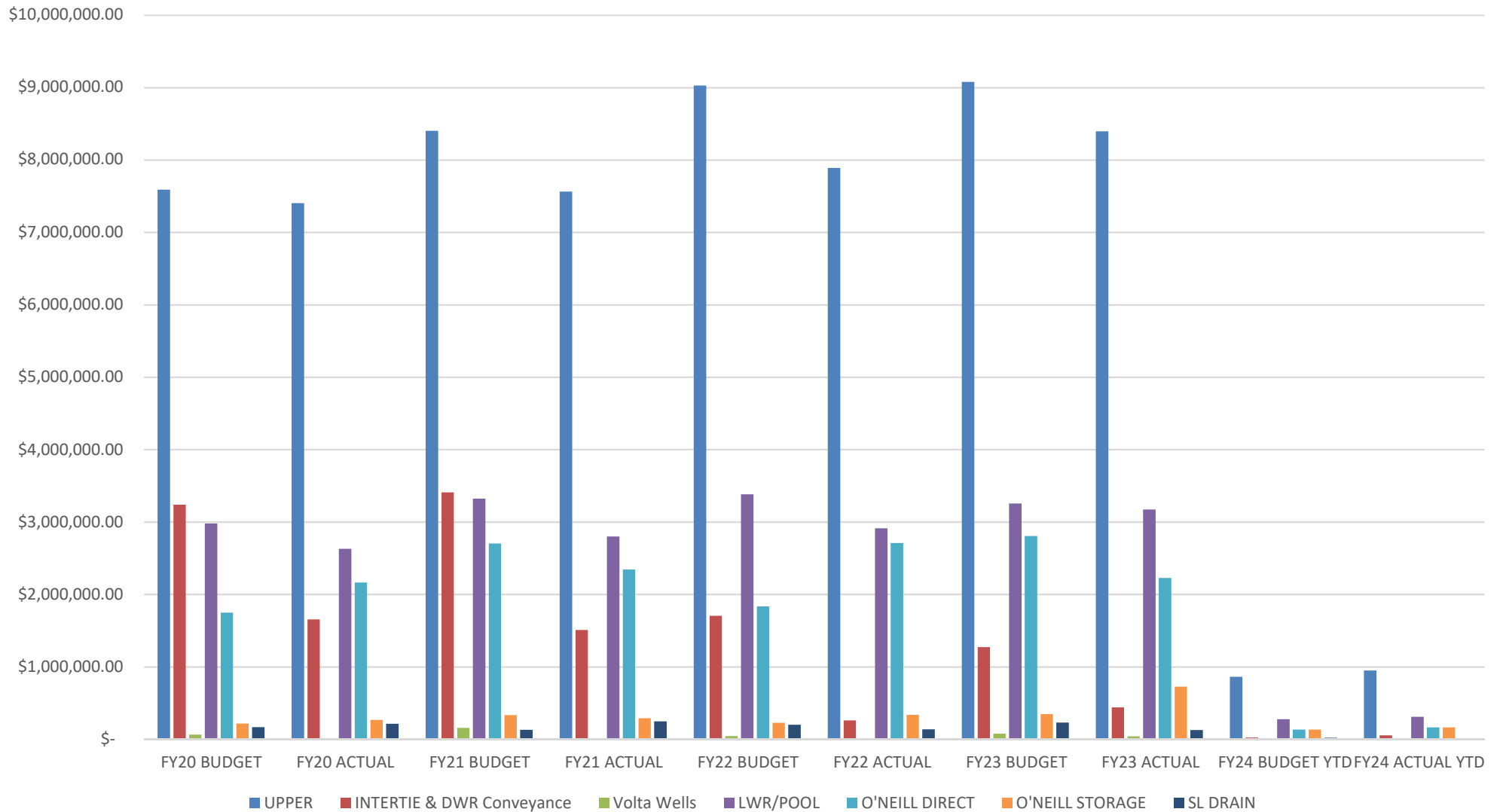
San Luis & Delta-Mendota Water Authority
DMC WITH CIP / E O & M With Indirect Allocated
Budget to Actual Paid/Pending Comparison Summary
March 1, 2023 through March 31, 2023

FAC 5/1/23 & BOD 5/4/23

		Actual Paid/Pending Expense	% Direct Labor to Total Labor	Allocated Indirect Based on Direct Labor %	Total Expense Direct & Indirect
Operate & Maintain DMC	S/F 02	493,905	35.96%	234,111	728,016 *
Operate & Maintain Wasteways	S/F 04	1,597	0.13%	851	2,449 *
Mendota Pool	S/F 05	18,217	0.20%	1,333	19,550 *
Operate & Maintain Jones Pumping Pl	S/F 11	364,011	22.03%	143,377	507,388 *
Intertie Maintenance	S/F 12	33,706	2.92%	19,025	52,731 *
Intertie DWR Conveyance	S/F 12	-		-	- *
Volta Wells Pumping	S/F 13	173	0.01%	88	261 *
Operate & Maintain O'Neill	S/F 19	224,143	15.40%	100,269	324,412 *
Maintain Tracy Fish Facility	USBR 30	154,746	12.90%	83,948	238,695
Operate & Maintain Tracy USBR	USBR 33	-	0.00%	-	-
Operate & Maintain San Luis Drain	S/F 41	4,195	0.33%	2,133	6,328 *
Maintain Delta Cross Channel	USBR 44	-	0.00%	-	-
CIP	25	1,423,686	5.28%	34,391	1,458,076
EO&M & Scada Project	26	356,236	3.13%	20,348	376,584
SPECIAL PROJECTS	XX		1.70%	11,084	11,084
				650,959	3,725,574
Safety Equipment Training	50	60			
IT Expense	51	77,635			
Warehousing	52	23,748			
Tracy Field Office Expense	54	80,589			
Direct Administrative/General Expense	56	189,055			
Indirect Administrative/General Expense	57	-			(1,834,661) less CIP&EO&M
Indirect O & M LBAO Admin.	58	279,871			(238,695) less USBR Facilities
Total Indirect to be Allocated			650,959		(11,084) less Special Projects
TOTAL		3,725,574			1,641,135 *SLDMWA O&M Costs
		<i>includes intertie DWR conveyance</i>			

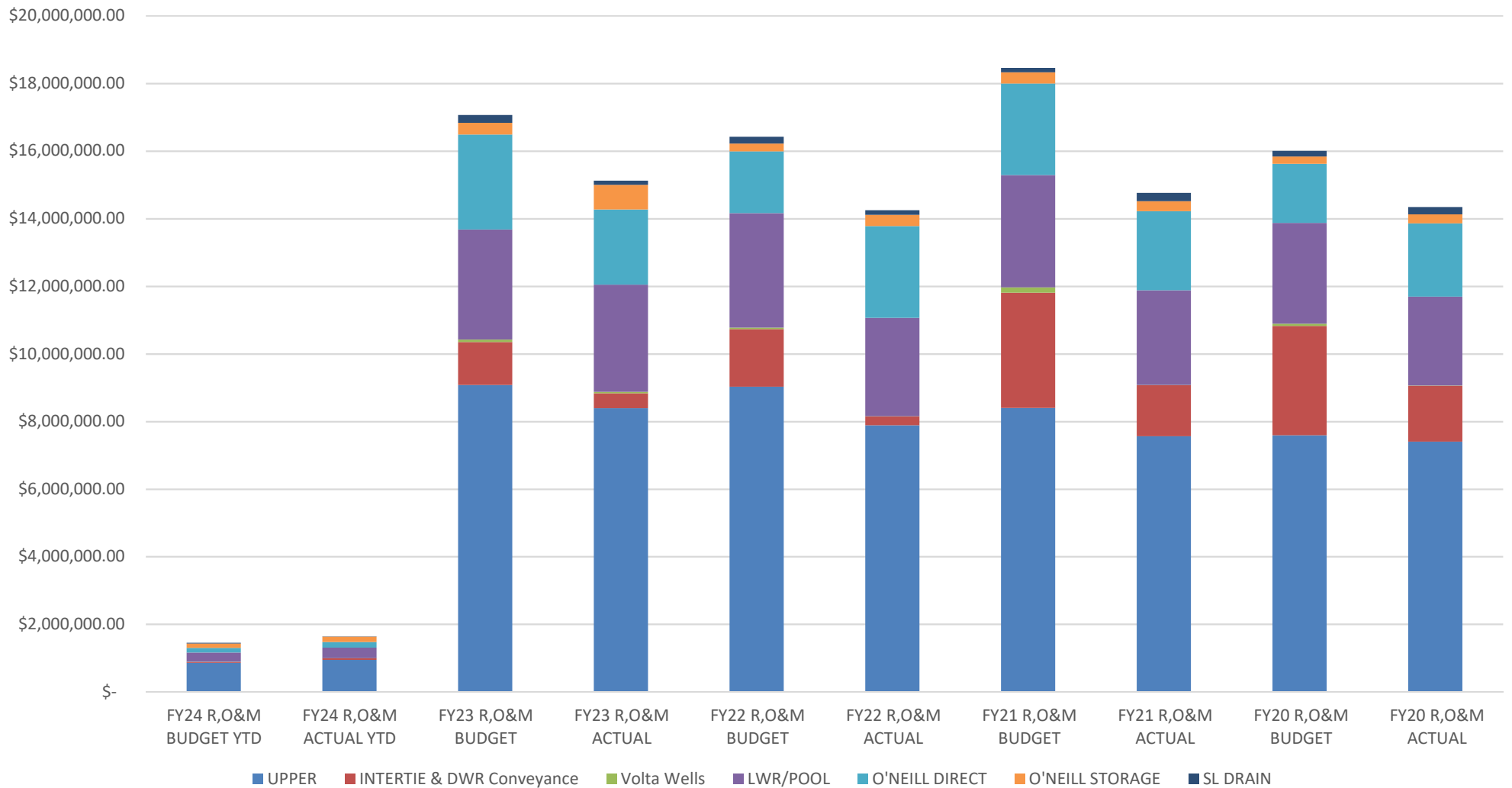


San Luis and Delta-Mendota Water Authority
O&M Budget to Actual
FY20-FY24 YTD (03/31/2023
FAC 05/01/2023 BOD 05/04/2023



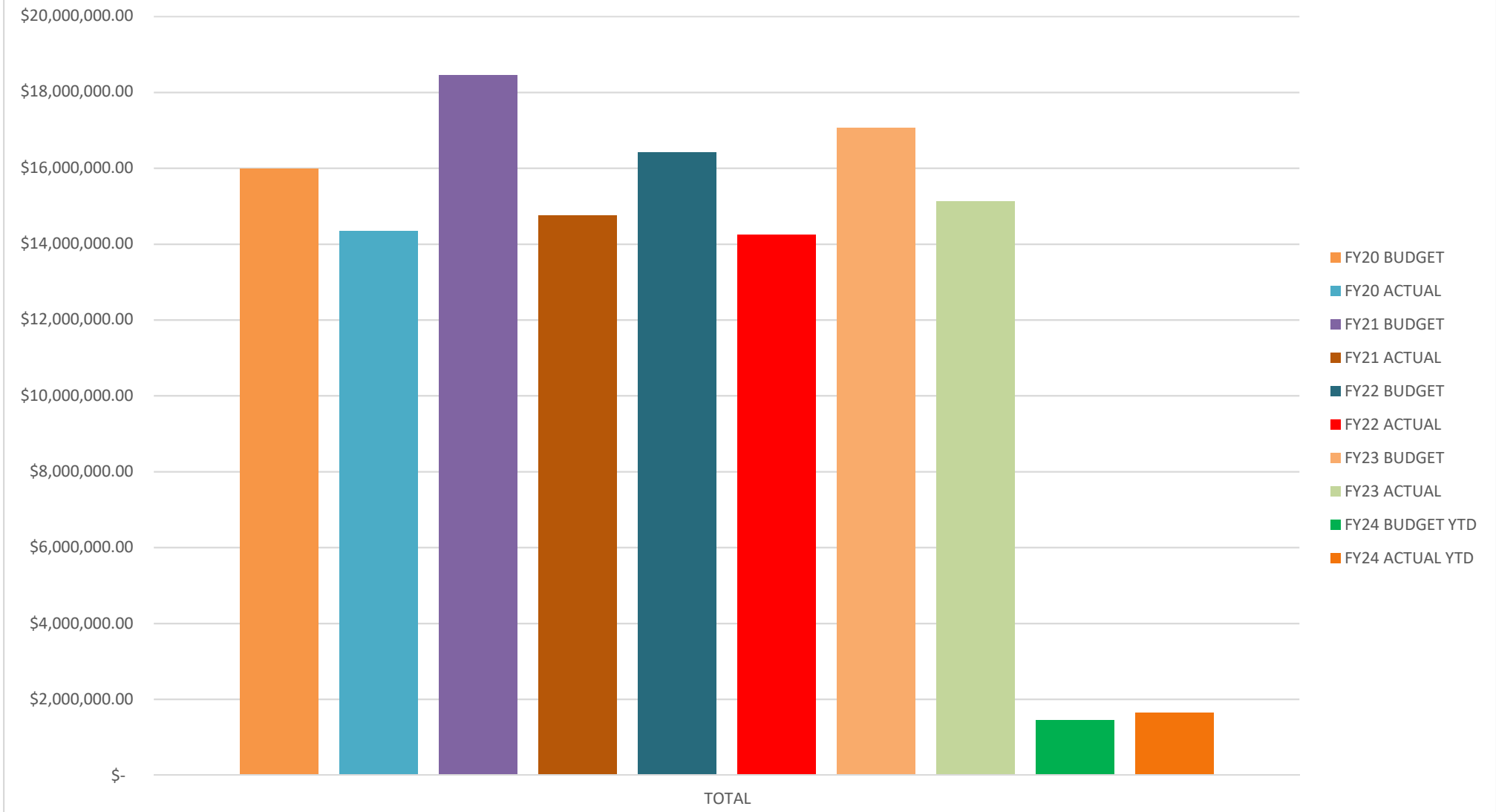


San Luis and Delta-Mendota Water Authority
O&M Budget to Actual
FY20 -FY24 YTD (03/31/2023)
FAC 05/01/2023 BOD 05/04/2023





San Luis and Delta-Mendota Water Authority
HISTORICAL O&M BUDGET TO ACTUAL TOTAL
FY20-24 (FY24 YTD 03/31/23)
FAC 05/01/2023 BOD 05/04/2023





May 4, 2023

To: Pablo Arroyave, Chief Operating Officer

From: Bob Martin, Facilities O&M Director

Subject: O&M Report for April 2023

Operations Department

The C.W. "Bill" Jones Pumping Plant (JPP) operated with 1-4 units for the first 25 days of April. The average rate of pumping for the JPP was 2,056 cfs, for the first 25 days of April.

Total pumping at the JPP for the first 25 days of April was 101,936 acre-feet. The O'Neill Pump/Generating Plant (OPP) generated 0 acre-feet, and pumped 95,265 acre-feet during the same period. A total of 91 acre-feet was pumped at the Delta-Mendota Canal/California Aqueduct Intertie Plant (DCI) and 0 acre-feet was reversed from the California Aqueduct to the DMC for the first 25 days of April.

The Federal share in the San Luis Reservoir as of April 25th was 961,076 acre-feet as compared to 356,990 acre-feet for the end of April 2022.

During the first 25 days of April, releases from Friant Dam ranged from 8,294 to 9,193 cfs with 41,623 acre-feet entering the Mendota Pool during that period. Flows past the Mendota Dam for the San Joaquin River Restoration Program (SJRRP) were 14,876 acre-feet for the first 25 days of April. During the first 25 days of April, an additional 207,179 acre-feet of Kings River water entered the Mendota Pool via the James Bypass.

Canal Operations staff performed open channel and closed-pipe flow measurements, routine patrols, storm repairs and cleaning, wasteway inspections, bi-weekly meter readings, water samples, well soundings, and routine meter maintenance during the month of April.

Control Operations switching/clearance placements performed this month:

- C-22-JP-91 JPP Unit 3 Rewind/annual maintenance
- C-23-JP-16 JPP Unit 1 annual maintenance
- C-23-JP-16A JPP Unit 1 annual maintenance
- C-23-JP-17 JPP Unit 1 suction elbow repair
- C-23-ON-18 OPP Unit 1 annual maintenance
- C-23-DCI-21 DCI Cathodic protection system improvement
- C-23-DCI-21A DCI Cathodic protection system improvement erosion repair
- C-23-DM-22 DMC pipe leak repair at Milepost 43.22-L

Plant Maintenance Department

The Plant Maintenance crews worked on the following projects this month:

Electrical/C&I Staff:

- JPP Unit 1 annual maintenance
- 13.8KV Building monthly PM
- Tracy Switchyard lighting inspection PM
- Water Treatment Plant test and inspection PM
- TFO Warehouse HVAC PM
- JPP Unit 1 pump electrical test and inspection PM
- JPP Unit 1 motor maintenance PM
- JPP Unit 1 13.8KV breaker F1(122) PM
- Tracy UPS battery test and inspection
- JPP Station service battery test and inspection PM
- Control Room Conference Room Improvements
- DMC Check 11 Block house alarm malfunction investigation and repair
- DMC Checks 10-21 electrical equipment PM
- OPP Unit 1 annual maintenance; megger, testing and electrical inspections
- OPP Unit 1 annual maintenance; relays, RTD's and metering calibrations
- OPP Unit 4 cooling water motor replacement
- OPP Station service dry transformer PM
- OPP Units 1-6 annunciator testing with Control Room
- OPP Station service battery PM
- OPP Station service battery charger PM
- OPP cathodic protection system PM
- OPP annunciator panel PM
- OPP North and South security gate PM's
- OPP security system (Light Post) PM
- OPP LP compressed air systems PM
- OPP PLC cabinet and terminal block cleaning, investigation, and maintenance
- OPP emergency lighting PM

Mechanical Staff:

- JPP Unit 3 Rewind support
- JPP Unit 1 annual maintenance
- JPP Unit 1 cooling water maintenance
- JPP CO2 inspection PM
- JPP toilet repair
- JPP leaking roof hatch repair
- JPP Unit 3 coolers repairs
- Repaired Tracy Warehouse roll up door
- JPP trashrake PM
- JPP cleanup PM
- JPP 100-ton bridge crane/hoist PM
- JPP 21-ton bridge crane/hoist PM
- DMC checks 14-21 PM's
- DMC check 5 gate 3 troubleshoot and repair

- DMC radial gate test and inspection PM
- OPP domestic water system back wash valve replacement
- OPP Unit 4 cooling water motor replacement
- OPP sewage system test and inspection PM
- OPP siphon breaker/penstock fresh air blower rehab
- OPP Unit 1 annual maintenance; bearings, packing, filters, cooling water pump
- OPP Plant PM's
- OPP Plant checks and back wash filters
- OPP trashrack cleaning

USBR Support Services

Water Authority crews performed the following work at USBR facilities this month:

- Hyacinth Pit lower road repairs

Civil Maintenance Department

The Civil Maintenance crews worked on the following projects this month:

- Grading of DMC unpaved roads
- Paint check 20 blockhouse due to vandalism
- Grading of San Luis Drain roads
- San Luis Drain erosion repairs
- DMC turnout maintenance and repair PM
- Haul material to DMC for Intake Channel erosion repairs
- Inspect roof on Water Treatment Plant Building
- Garbage collection on DMC and wasteways
- Chemical and mechanical weed control on DMC and SLD
- Maintenance and repairs to float lines, signs, fences, guard rails and gates
- San Luis Drain check structure maintenance and repairs
- Remodeled Control Building Conference Room
- TFO entry gate sign repair
- Repaired the upstream staff gauge at Check 10
- Road grading of USBR Hyacinth pit roads
- Cleaned the meter well at MP 62.08-R
- Test can maintenance at MP 48.60
- Fabricate handrails along the DMC
- Painted graffiti along the DMC
- DMC pot hole and road repair
- Hauled aggregate to OPP (prep work)
- DMC erosion inspection and repair from Check 16 to 17
- Blew out turnouts along the DMC
- TFO yard maintenance
- LBFO yard maintenance
- Inspect landscape and irrigation systems at USBR and TFO
- Assist JPP crew with Unit 3 Rewind work
- Turnout pipe leak repair at MP 43.22-L
- DCI cathodic protection system improvement

Engineering Department

The Engineering staff worked on the following O&M projects this month:

- Data management of well readings and creation of Warren Act hydrographs
- DCI U3 & U4 SCADA development
- OPP SCADA user station development
- JPP OPERATOR2 server replacement
- DCI cathodic protection system improvement
- TFO & JPP electrical preventive maintenance program
- 41.93 bridge erosion, bridge use & ownership research
- Sink hole inspection and investigation at MP 56.18R
- Stormwater ponding investigation at DMC intake channel embankment.
- Stormwater ponding investigation at DMC MP 10.78- 11.04 R.
- Intake channel erosion repair at MP 1.28
- SPCC Plan for TFO
- Support to Electric Shop with replacement of bus duct cooling fan in building UZ6A
- Contracting repair to JU-3 lower guide bearing and spare lower guide bearing with Kingsbury
- OPP Unit 1 ramp test
- Participation in USBR Quarterly Meeting

Land Management Activity Summary

The Engineering staff issued two (2) access permits this month:

- Access permit P2402004 was issued to Del Puerto Water District to remove and re-install existing motor and pump servicing the turnout at Milepost 58.73-R
- Access permit P2402005 was issued to Del Puerto Water District for goat grazing along the Delta-Mendota Canal right-of-way from Milepost 60.65-L to Milepost 62.06-L

The Engineering staff were involved with the following land management projects this month:

- Orestimba Creek Recharge Project
- City of Patterson – Rogers Road bridge replacement
- City of Tracy – Lammers Road bridge Replacement

Safety Department

The Safety Department worked on the following items this month:

- Provided Job Hazard Analysis support for the crews
- Sent out Weekly Safety Tailgate Topics
 - 4-1-2023 Distracted Driving
 - 4-2-2023 Office Safety
 - 4-3-2023 Back Safety
 - 4-4-2023 Hand Safety
- Provided Safety Message for April 2023 Water Authority newsletter
- Provided Facility Hazardous Energy Program training
- Conducted Fall Protection - Harness Safety Inspections
- Arranged for hazardous waste pickup at OPP & TFO

- Scheduled annual hearing tests for employees
- Completed Alameda County CUPA inspection report issues

Procurement and Work & Asset Management Department

The Work & Asset Management Department worked on the following items this month:

- Continuous staff training and support for newer employees
- Finalized annual sales tax report submitted to Accounting Department
- Finalized new NetSuite Requisition and Drag and Drop Attachment SOP's
- Resolved various invoice issues and disputes
- Closed out several pending NetSuite tickets for various issues
- Contracts/PO Agreements/LOA's Status Update:
 - F22-OPP-059 - OPP Main Transformer Rehabilitation – Evaluations completed and Notice of Intent issued. Will submit to Board for approval 5/4/23
 - F23-TFO-013, Landscape Maintenance – Contract executed 4/18/23 with effective date 5/1/23
 - Issued PO5158 for A/C unit replacement in Control Room - \$17,926.96
 - F23-TFF-017- Tension Arm Repairs - Contract executed 4/12/23, start date pending funding from USBR
 - F24-ALL-Confined Space Rescue Training Services – Executed agreement 4/17/23 - \$10,975.00
 - Started work on Amendment 1 for F22-DMC-065, Not to Exceed \$33,779.92 (Board approval not required)
 - F24-OPP-003- Plant Water Storage Tank Rehab - Pre-solicitation phase
 - F24-TFO-001 – Seal Coat Project – Pre-solicitation phase

Ongoing:

- Purchasing in support of the O&M crews, and maintaining/replenishing warehouse stock
- Warehouse receiving, stocking, and distribution
- Invoicing/vendor bills/vendor credits processing/invoice disputes
- Janitorial cleaning & disinfecting per COVID-19 guidelines
- Participated in NetSuite weekly & biweekly meetings
- Contract Management/Administration Activities, including bi-weekly contract update meetings with Engineering Staff
- Developing/implementing purchasing/procurement and asset/inventory procedures/boilerplate templates
- Bi-weekly WAM staff meetings to discuss updates/issues
- Contract invoice payment reviews, invoice disputes as needed, and invoice payments
- Continuous testing for improvements to procedures in NetSuite, as well as ongoing issues related to NetSuite constraints
- Development of Blanket Contracts and Blanket Purchase Orders/Agreements
- Reviewing/closing out old/open PO's in NetSuite
- Reviewing and marking dead stock inventory for disposal
- Bi-weekly Shepherd meetings

Information Technology Department

The Information Technology Department worked on the following items this month:

- NetSuite
 - User and administration
 - Bi-Weekly Implementation Team meetings
 - Monitor FTC support activities for Netsuite
 - Resolved bundle error
- Assisted with monthly FAC, WRC and BOD meetings with Zoom
- Desktop support calls
- Server refresh hardware order placed
 - Configured New Servers
 - AD1, AD2, AD3, File1, File2, VMS
 - Installed 300va UPS to LBAO server rack
- Monitor Symantec Anti-Virus Management Console
- Security updates on servers
- Monitor Firewall
- Update additional AV security settings
- Multi Factor Authentication vendor SurePassID
 - Virtual server installed and testing in progress
- Cyber Security Incidence Response Plan
- Disaster Recovery Plan
- Business Continuity Plan
- Cyber Security Team
- MDM IBM (MAAS360) monitoring
- Review InfraGard dispatches – FBI Cyber Security group
- Cyber Security training and webinars
- Monitoring Darktrace Cyber Security appliance in IT network
 - Installed into SCADA network
- WAM Servers, prepping for redeployment
- Troubleshoot ongoing Email auto-discover issues
- Support of Water Operations iPads and new app deployments via MDM
- Create deployment packages for Office 2021 and deployment
 - Ongoing
- Research of gate control and request quote from vendor
 - Ongoing
- Re-organized computer racks and cabling for new servers
 - Ongoing
- Continued conversation with DWR regarding use of fiber from a 1992 contract agreement
- Document management: Initial meetings with potential vendors, one demo completed
- Logistical and technical support provided to Trofholz, new site security installation vendor hired by BOR

HR Department

The Human Resources Department worked on the following items this month:

General Administrative Activities:

- Active recruitments:
 - Mechanical Engineer, Tracy (continued recruitment)
 - Accountant II, Los Banos (continued recruitment)
 - Control Operator (continued recruitment)
- Closed recruitments:
 - HR Analyst II, Los Banos (interviews scheduled)
- Candidates selected:
 - Heavy Equipment Operator, Tracy
- ADA accommodation
- Skills testing
- New hire orientations
- Performance appraisal tracking
 - On-going

Trainings:

- Cyber Security Training tracking (all staff)
- Sexual Harassment Prevention Training tracking (all staff)
- Defensive Driving Training tracking (all staff)
- Ethics Training tracking (executive staff)

Government Reporting:

- Affirmative Action, OFCCP
- EEOC reporting

Ongoing:

- FMLA notices/follow ups
- COBRA notices/follow ups
- Worker's Comp follow ups
- Monthly safety points distribution
- Health benefits eligibility/employee assistance
- Job description updates
- Policy updates
- Maintain OSHA logs for calendar year
- PIV Cards (USBR)
- Wellness program

EXTRAORDINARY O&M & CAPITAL PROJECTS

DELTA-MENDOTA CANAL (DMC)

Bridge Abutment Repair at MP 92.73 (FY21)

Status: PG&E has completed the relocation of the 6-inch gas transmission line that crosses under the MP 92.73 bridge serving the City of Dos Palos. In the process of removing the pipeline from the bridge, PG&E's contractor damaged the concrete stem wall. Staff performed a visual inspection with PG&E inspectors and contractor and determined that the damage is within SLDMWA's capabilities for repair. PG&E has agreed to reimburse SLDMWA the full cost of the repair which is currently scheduled to be completed with the erosion repair. Scheduling for the erosion and liner repairs under the bridge abutment was planned for Spring 2023, however; there is a discussion of a planned Mendota Pool Dewatering which will allow SLDMWA to perform the repair in the dry. This will save SLDMWA money and time for construction and allow us to repair an adjacent site. Further discussions to occur. In the meantime the bridge remains closed until repairs are complete.

DMC Subsidence Correction Project

Status: SLDMWA is continuing to work closely with Reclamation on the DMC Subsidence Correction Project and is managing the \$2.4M CDM Smith Feasibility Study contract, and the \$2.7M Terracon Geotechnical contract. The Feasibility Report is expected to be completed in approximately one year, with certain environmental permitting extending longer as needed. The Final Draft Report has been scheduled to be completed by September 2023. Progress this month consisted of addressing public comments to the EA/IS and finalizing the next round of project reports. The 2nd Administration Draft of the Feasibility Study is being updated with a final backcheck prior to release to USBR for Policy Review. A contract amendment is being sought to include CESA compliance permitting to ensure that SLDMWA may be able to award potential future contracts to support the Project. Terracon was awarded the Contract Amendment to complete the final Geotechnical Investigation Phases 2 & 3 in December 2022 and has completed 92% of the CPT's and 64% of the drill holes. SLDMWA staff is working with Reclamation on a new Cooperative Agreement that will bring in an additional \$3M from Reclamation that will be utilized to reimburse the Terracon contract costs.

Numerous design data collection efforts have been coordinated and continue to be discussed as time and weather permits. Completed data collection efforts consist of: concrete core sampling of check structures; inspection and limits of gate operations of check structures and upcoming efforts consist of field surveys of the DMC and bridges; lower DMC liner inspection; underwater dive inspection of select DMC structures; and geoarcheological explorations.

The SLDMWA continues to provide support to Reclamation as they manage the construction contract with Unico Services to install the two additional pumps at the DMC/CA Intertie Pumping Plant (DCI). Field work for final commissioning occurred last month. Reclamation is awaiting the final vibration analysis from the

EXTRAORDINARY O&M & CAPITAL PROJECTS

contractor in order to provide final acceptance. SLDMWA activities to integrate the pumps into SCADA will occur after final acceptance. Reclamation staff is working on expediting the required environmental clearance to allow all six (6) pumps to operate concurrently.

DMC Turnout Flowmeter Upgrade Program – Phase 3 (FY23)

Status: Staff have finalized the design data for the flowmeters required with this phase. These measurements will be supplied to McCrometer in order to obtain a final quote and a single-source contract will be pursued. Contract is expected to be executed in Spring 2023.

O&M Road Maintenance Program – Phase 2 of 5 (FY24)

Status: No activity

C.W. “BILL” JONES PUMPING PLANT (JPP)

JPP Excitation System & Control Cabinet Modernization (FY18)

Status: SLDMWA is currently in contract with Reclamation through a Letter of Agreement. Reclamation TSC has provided the 60% Technical Specifications and Drawings, while the Engineer's Estimate will be provided in the 90% package. The 60% package has been reviewed by SLDMWA and Reclamation Design and Construction Branch CGB-250. The 90% package (Spec D) is scheduled for completion in May 2023, with the 100% design package (Spec B) scheduled for completion in August 2023. Once received, SLDMWA staff will begin putting together the solicitation package. SLDMWA has received notice the application for \$25M of BIL (Aging Infrastructure) funding was approved.

JPP Wear Ring Purchase (FY22)

Status: No activity

JPP Unit No. 3 Rewind

Status: Jones Unit 3 rewind is underway. The rotor has been removed and placed in the JPP Machine Shop. The rotor poles have been removed and shipped to Texas for refurbishment and non-destructive testing has been completed on the rotor frame. The new stator laminations have been installed, the finger press plates and through bolts have been reinstalled and torqued. The stator slots have been painted, the surge rings and bus bars have been installed, NEC is currently installing the stator coils which should be completed the first week of May. Overall the rewind is on schedule and the unit is scheduled to return to service in Sept. 2023.

TSY Switchgear Building UZ11A Repairs (Unplanned Project)

Status: A ground fault incident occurred in October 2021 that damaged the main feeder switchgear and bushing box in switchgear building UZ11A. Partial repairs were made, and the building is currently energized via adjacent switchgear building UZ8A (or UZ6A depending on circumstance). A two-phased contract was issued to Powell, the original designer and installer of the switchgear building, to supply

EXTRAORDINARY O&M & CAPITAL PROJECTS

repair materials (Phase 1), and perform the onsite repair work (Phase 2). Phase 1 supply contract has been completed, which included supplying the replacement bushing box, CTs, surge arresters, etc. Phase 2, onsite installation of the parts, was originally scheduled to occur October 2022 but was delayed when repair materials in Phase 1 were not ready. Phase 2 is now scheduled starting September 2023 for three weeks. CVO has given the approval for units 2 and 6 outage, which UZ11A Switchgear Building feeds power to. Note: Unit 3 rewind is scheduled to be completed and back in service prior to starting the UZ11A repairs.

JPP Concrete Slab by Trashrake Dumpster (FY23)

Status: Project is currently in the planning and design phase. A geotechnical investigation was completed by Terracon to characterize the subgrade to ensure an optimum design is pursued. Final geotechnical and structural recommendations were supplied from Terracon. Technical specifications are currently being prepared in order to formally solicit for construction. Design drawings are substantially complete, awaiting internal review. Construction is tentatively scheduled to occur in Spring 2023.

O'NEILL PUMPING/GENERATING PLANT (OPP)

Main Transformers Rehabilitation/Replacement

Status: A Transformer Condition Assessment was performed by TSC in 2019. The transformers were in such poor condition that it was recommended that the transformers be refurbished or replaced. A Value Planning Study was conducted in 2020 and concluded to refurbish/rehabilitate the transformers in short term and plan to replace the transformers in the future. Emergency measures were also performed which included replacing (3) obsolete high voltage bushings (2019) and hot oil reconditioning of the in-service transformers (2020) to ensure transformers remained eligible for rehabilitation.

SLDMWA formerly re-solicited for the rehabilitation of the transformers on January 3, 2023. One proposal was received on March 16th from Cal Electro Inc. (CEI). SLDMWA and TSC has completed the proposal evaluation, and Cal Electro's revised proposal was scored a 90% by the Technical Proposal Evaluation Committee comprised of SLDMWA and TSC technical staff. SLDMWA is seeking board approval to issue the construction contract on May 4th. The system outage at O'Neill PG Plant will still be scheduled in April-May 2024, pending favorable hydraulic conditions. Monitoring transformer insulation fluid continues quarterly with recent results confirming oil is still in good condition.

Arc Flash Hazard Analysis, Facility Rating, & Protective Relays Reviews (Electrical Equipment Periodic Reviews) (FY22)

Status: The field work for all three inspections occurred in FY22. The Facility Rating and Arc Flash Hazard Analysis are complete, with final reports received. The draft Protective Relays Review report has been reviewed and commented on by SLDMWA staff.

EXTRAORDINARY O&M & CAPITAL PROJECTS

OPP Upgrades (Previously Pump Bowl Modification & Replacement)

Status: Staff has been working with Reclamation to begin the assessments recommended during the Value Planning Study. Reclamation staff is currently putting together a Project Management Plan that will allow us to enter a Letter of Agreement to begin the assessments. SLDMWA staff recently attended an onsite meeting at TSC to discuss the project and convey the critical need for the assessments.

OPP UPS Battery Charging System Replacement (FY22)

Status: Staff is planning on issuing a contract to supply and install the batteries, with the site work occurring during the planned outage for the OPP Main Transformer Rehab. The contract will be issued 6-8 months prior to the planned outage.

OPP Station Service Backup Battery System Replacement (FY23)

Status: This project will be done concurrently with the UPS Battery Charging System Replacement. Staff is planning on issuing a contract to supply and install the batteries, with the site work occurring during the planned outage for the OPP Main Transformer Rehab. The contract will be issued 6-8 months prior to the planned outage.

OPP Accusonic Flowmeter Console Upgrades (FY23)

Status: Consoles have been purchased and received, with 4 of them installed. Staff discovered a faulty communication component on two of the consoles and replacements were recently received and tested. Installation of final 2 units to occur as Operations allow.

OPP Plant Water Storage Tanks Rehabilitation (FY24)

Status: Began the development of scope of work documents. Waiting test results of existing interior lining of tanks to determine if hazardous materials are present. Planning bid walk for later in May.

OPP Sand Filter System Rehabilitation Design (FY24)

Status: Began discussions with USBR Sacramento on scope of work.

OPP Cooling Water System Rehabilitation Design (FY24)

Status: Began discussions with USBR Sacramento on scope of work.

TRACY FACILITIES (TFO)

TFO Domestic Water Treatment Plant Replacement (FY20)

Status: Work began on equipment selection, layout, and construction phasing. Received approval from State Water Board on proposed replacement equipment. Presently waiting for USBR acceptance of key water treatment equipment. Purchase agreement with selected vendor to transpire early May. Site grading and drainage plans are currently being designed by staff.

EXTRAORDINARY O&M & CAPITAL PROJECTS

TFO O&M Compound, Seal Coat Surfacing & Striping (Including USBR Lot) (FY23)

Status: Continued preliminary planning for project. Created new drawings showing project area and worked with Contract Specialist to draft bid documentation. Staff is currently evaluating the roadway areas (seal coat vs slurry seal).

MULTIPLE FACILITIES

TFO/LBFO/DCI Arc Flash Hazard Analysis (FY22)

Status: No activity this month. The Analysis was conducted by Reclamation TSC through a LOA. The onsite surveys for TFO, LBFO, and DCI were completed in September 2022. The Arc Flash Hazard Analysis Reports are expected to be completed by September 2023. Ongoing engineering support has been provided to TSC for DCI Arc Flash Hazard Analysis regarding recommendations from Arc Flash Hazard Analysis 2013.

SCADA System Evaluation (FY23)

Status: Site discovery and documentation of the existing SCADA System is ongoing. The development of controls and SCADA standards and best practices is in process. Research is being conducted on how best (with major supply chain issues) to upgrade the system to current standards and then maintain the system with a newly developed 10-year plan. Staff is waiting for parts to conduct concept for checks controls remediation plan. Communication continues to determine if an existing fiber line owned and operated by DWR could be utilized for SLDMWA communication. The first steps of our cyber security was implemented. We are currently working with DarkTrace and installing a network device to track cyber data and threats on the SCADA system. We are also currently incorporating a structured file server system to keep SCADA backups and for much needed organized file storage on the local network. We are currently building a strategy to implement better wiring housekeeping in our SCADA server rack help maintenance activities on the racks. A new Active Directory/DHCP/DNS server was ordered this month. Work continues to build a controlled area to evaluate and test new hardware and software implementations before going live. Testing on virtual machines for the SCADA environment is underway. Development of a software conversion/rewrite plan is underway. Starting to test some of these ideas in sandbox environment. SandBox Servers installed in server room. Staff has developed a remediation plan to meet CISA and federal mandate requirements and will begin testing and implementation as the next step.



**San Luis & Delta-Mendota Water Authority
OPERATIONS SUMMARY**

NOTE: ALL FIGURES ARE IN ACRE FEET

	March-2023	March-2022
JONES PUMPING PLANT - PUMPED	251,791	72,663
DCI PLANT - PUMPED	23,780	1,064
DCI PLANT - RETURNED	0	0
O'NEILL P/G PLANT - PUMPED	227,748	43,483
O'NEILL P/G PLANT - GENERATED	0	4,161
DMC DELIVERIES	3,018	11,677
RIVER/WELL/RECYCLE WATER INTO DMC	7,108	14,766
MENDOTA POOL DELIVERIES	35,095	52,431
SHASTA RESERVOIR STORAGE	3,770,900	1,735,100
SAN LUIS RESERVOIR STORAGE	1,996,029	920,682
FEDERAL SHARE	928,425	333,166

	March-2023	March-2022
SAN LUIS UNIT DELIVERIES	1,387	4,339
SAN LUIS UNIT WELL WATER	0	0
SAN FELIPE UNIT DELIVERIES	1,155	4,706

Jones Pumping Plant monthly average = 4,102 cfs



**San Luis & Delta-Mendota Water Authority
Monthly Deliveries
March 2023**

Date: 4/18/23

District/Other	Total Available Water into System (INCOMING) (Acre Feet)	AG/Refuge Deliveries (Acre Feet)	M & I Deliveries (Acre Feet)	Total Deliveries (OUTGOING) (Acre Feet)
Total Pumped @ Jones Pumping Plant	251,791			
Total Pumped @ DCI	(23,780)			
Total Reversed @ DCI	0			
City of Tracy		0	0	0
Byron Bethany I.D.		4	0	4
West Side I.D.		0	0	0
Banta Carbona I.D.		0	0	0
West Stanislaus I.D.		0	0	0
Patterson I.D.		0	0	0
Del Puerto W.D.		591	0	591
Central California I.D. - above check #13		5	0	5
San Luis W.D.- above check #13		0	0	0
Volta Wildlife Mgmt. Area (Fish & Game)		397	0	397
Fish & Wildlife (Volta) Santa Fe - Kesterson		0	0	0
Grasslands W.D. (Volta)		0	0	0
Total Pumped @ O'Neill PP	(227,748)			
Total Generated @ O'Neill PP	0			
Central California I.D. - below check #13		935	0	935
Grasslands W.D. (76.05-L)		0	0	0
Fish & Game Los Banos Refuge (76.05-L)		0	0	0
Fish & Wildlife Kesterson (76.05-L)		0	0	0
Freitas Unit (76.05-L)		377	0	377
Salt Slough Unit (76.05-L)		0	0	0
China Island (76.05-L)		0	0	0
San Luis W.D. - below check #13		74	0	74
Panoche W.D.		122	2	124
Eagle Field W.D.		127	0	127
Oro Loma W.D.		0	0	0
Mercy Springs W.D.		0	0	0
Firebaugh Canal W.D. (D.M.C.)		384	0	384
River and Groundwater well pump-in	4,980			
North Valley Regional Recycled Water Program	2,128			
Change in Canal Storage	174			
Wasteway Flushing and Spill	0			
Total Available in Delta-Mendota Canal	7,545			
TOTAL DELIVERY FROM DELTA-MENDOTA CANAL	(3,018)	3,016	2	3,018
Theoretical DMC Delivery to Mendota Pool	4,527			
Total DMC Metered Delivery to MP	2,608			
Estimated (Loss) or Gain in DMC	(1,919)			
Estimated % Loss or Gain in DMC	-0.76%			



**San Luis & Delta-Mendota Water Authority
Monthly Deliveries
March 2023**

<u>District/Other</u>	Total Available Water into System (INCOMING) (Acre Feet)	AG/Refuge Deliveries (Acre Feet)	M & I Deliveries (Acre Feet)	Total Deliveries (OUTGOING) (Acre Feet)
Estimated DMC Inflow to MP	2,608			
Mendota Pool Groundwater Well Pump-In	45			
(+)SJRRP Releases into Mendota Pool	18,357			
(+)Available Flood Releases from Friant into Mendota Pool	25,077			
(+)Other San Joaquin River Water	4,332			
(+)Kings River Flood Releases into the Mendota Pool	162,266			
<u>Mendota Pool Delivery Information</u>				
<u>Exchange Contractors:</u>				
Central California Irrigation District (CCID)		7,586	0	7,586
Columbia Canal Company (CCC)		520	0	520
Firebaugh Canal Water District (FCWD)		0	0	0
San Luis Canal Company (SLCC)		5,288	0	5,288
<u>Refuge:</u>				
Conveyance Losses		0	0	0
Calif Dept of F/G-LB Unit (CCID)		0	0	0
Calif Dept of F/G-LB Unit (SLCC)		232	0	232
Calif Dept of F/G-Salt Slough Unit (CCID)		0	0	0
Calif Dept of F/G-China Island Unit (CCID)		0	0	0
US Fish & Wildlife-San Luis Refuge (SLCC)		0	0	0
US Fish & Wildlife-Freitas (CCID)		0	0	0
US Fish & Wildlife-Kesterson (CCID)		0	0	0
Grasslands WD (CCID)		0	0	0
Grasslands WD (SLCC)		450	0	450
Grasslands (Private)		0	0	0
San Luis WD Conveyance (CCID)		1	0	1
Del Puerto WD Conveyance (CCID)		0	0	0
<u>San Joaquin River Restoration Project:</u>				
SJRRP		18,357	0	18,357
<i>Other: (see MP Operations Report)</i>		2,661	0	2,661
<i>Total Available Water in Mendota Pool</i>	212,685			
TOTAL DELIVERY FROM MENDOTA POOL	(35,095)	35,095	0	35,095
*Estimated (Loss) or Gain in Mendota Pool	(177,590)			
*Estimated % Loss or Gain in Mendota Pool	-83.50%			
Total System Delivery	(38,113)			
*Total Estimated System (Loss) or Gain	(179,509)			
*Total Estimated % System Loss or Gain	-38.26%			

Special Notes: Flood Releases from Friant Dam and Pine Flat Dam



Jones Pumping Plant
March - 2023

Date	# OF UNITS	TIME ON/OFF	AVG DAILY CFS
1	5	0	3999
2	5	0	4187
3	5	0	4189
4	5	0	4208
5	5	0	4193
6	5	0	4233
7	5	0	4278
8	5	0	4276
9	5-3	5	3771
10	3-5	3	3825
11	5	0	4276
12	5	0	4301
13	5	0	4287
14	5	0	4257
15	5	0	4264
16	5	0	4291
17	5	0	4297
18	5	0	4390
19	5	0	4341
20	5	0	4328
21	5	0	4356
22	5	0	4273
23	4	0	3942
24	4	0	3524
25	4	0	3547
26	4	0	3551
27	4	0	3553
28	4	0	3571
29	4-5	0	4065
30	5	0	4294
31	5	0	4307
AVG CFS for the month			4102



NON-PROJECT WATER CREDITS REPORT
 (ALL FIGURES IN ACRE FEET)
 March 2023 WA Credits

Date: 4/7/23

CREDITS UNDER WARREN ACT CONTRACTS									
Turnout	Start Meter Reading	End Meter Reading	Factor	Adjust	District	Total	Less 5%	Month	Year
3.32-R1	0	0	1	0	BBID	0	0	0	0
3.32-R2	0	0	1	0	BBID	0	0	0	0
3.32-R3	12,798	12,798	1	0	BBID	0	0	0	0
13.31-L	4,804	4,804	1	0	BBID	0	0	0	0
15.11-R	2,974	2,974	1	0	BBID	0	0	0	0
20.42-L	41,497,335	43,062,245	1	0	BCID	0	0	0	0
20.42-L	41,497,335	43,062,245	1	0	USBR/FWA	4,803	0	4,803	4,803
21.12-L	990	990	1.01	0	DPWD	0	0	0	0
21.86-L	770	770	1	0	DPWD	0	0	0	0
24.38-L	3,076	3,081	1	(5)	DPWD	0	0	0	0
29.95-R	1,334	1,334	0.87	0	DPWD	0	0	0	0
30.43-L	7,464	7,464	1	0	DPWD	0	0	0	0
30.43-R	2,123	2,123	0.92	0	DPWD	0	0	0	0
30.95-L	2,149	2,149	1.03	0	DPWD	0	0	0	0
31.31-L1	87,779	87,779	1	0	WSTAN	0	0	0	0
31.31-L2	87,779	87,779	1	0	DPWD	0	0	0	0
31.31-L3	87,779	87,779	1	0	PID	0	0	0	0
31.60-L	8,183	8,183	0.93	0	DPWD	0	0	0	0
32.35-L	1,794	1,794	0.86	0	DPWD	0	0	0	0
33.71-L	751	751	0.94	0	DPWD	0	0	0	0
36.45-R	4,719	4,719	1	0	DPWD	0	0	0	0
36.80-L	1,847	1,847	1	0	DPWD	0	0	0	0
37.10-L	3,870	3,870	0.94	0	DPWD	0	0	0	0
37.32-L	2,653	2,653	0.91	0	DPWD	0	0	0	0
42.50-R	1,034	1,034	0.96	0	DPWD	0	0	0	0
42.53-L	6,833,470	6,841,176	1	0	PID	0	0	0	0
42.53-L	6,833,470	6,841,176	1	0	DPWD	0	0	0	0
42.53-L	6,833,470	6,841,176	1	0	USBR/FWA	177	0	177	177
43.22-L	55	55	1	0	DPWD	0	0	0	0
48.97-L	028	028	1	0	SLWD	0	0	0	0
50.46-L	6,025	6,025	1.07	0	DPWD	0	0	0	0
51.00-R	297	297	0.89	0	DPWD	0	0	0	0
51.66-L	3,434	3,434	0.98	0	DPWD	0	0	0	0
52.40-L	1,481	1,481	1	0	DPWD	0	0	0	0
58.28-L	3,365	3,365	1.02	0	SLWD	0	0	0	0
58.60-L	917	917	0.96	0	DPWD	0	0	0	0
58.73-R	494	494	1	0	DPWD	0	0	0	0
64.85-L	1,662	1,662	0.72	0	DPWD	0	0	0	0
UPPER DMC SUB TOTAL								4,980	4,980



NON-PROJECT WATER CREDITS REPORT

(ALL FIGURES IN ACRE FEET)

March 2023 WA Credits

CREDITS UNDER WARREN ACT CONTRACTS									
Turnout	Start Meter Reading	End Meter Reading	Factor	Adjust	District	Total	Less 5%	Month	Year
78.31-L	4,469	4,469	1.08	0	SLWD	0	0	0	0
79.12-R	5,812	5,812	0.91	0	SLWD	0	0	0	0
79.13-L	1,164	1,164	1	0	SLWD	0	0	0	0
79.13-R	4,964	4,964	1.08	0	SLWD	0	0	0	0
79.60-L	5,979	5,979	0.84	0	SLWD	0	0	0	0
79.60-R	1,724	1,724	1	0	CCID	0	0	0	0
79.60-R	1,724	1,724	1	0	GWD	0	0	0	0
79.60-R	1,724	1,724	1	0	SLWD	0	0	0	0
80.03-L	834	834	0.94	0	SLWD	0	0	0	0
80.03-R	717	717	1.05	0	SLWD	0	0	0	0
98.60-R	14,194	14,194	1	0	PANOCH/MS	0	0	0	0
98.74-L	5,695	5,695	1.14	0	PANOCH/MS	0	0	0	0
99.24-L	10,493	10,493	0.92	0	PANOCH/MS	0	0	0	0
100.70-L	6,211	6,211	1	0	PANOCH/MS	0	0	0	0
102.04-R	4,087	4,087	1	0	WIDREN WD	0	0	0	0
LOWER DMC SUB TOTAL								0	0
WARREN ACT CONTRACT CREDIT TOTAL								4,980	4,980
TOTAL GROSS PUMP-IN							CREDIT		
<i>TOTAL (BYRON BETHANY IRRIGATION DISTRICT)</i>							0	0	0
<i>TOTAL (BANTA CARBONA IRRIGATION DISTRICT)</i>							0	0	0
<i>TOTAL (DEL PUERTO WATER DISTRICT)</i>							0	0	0
<i>TOTAL (WEST STANISLAUS IRRIGATION DISTRICT)</i>							0	0	0
<i>TOTAL (PATTERSON IRRIGATION DISTRICT)</i>							0	0	0
<i>TOTAL (SAN LUIS WATER DISTRICT)</i>							0	0	0
<i>TOTAL (PANOCH/MS WATER DISTRICT)</i>							0	0	0
<i>TOTAL (MERCY SPRINGS WATER DISTRICT)</i>							0	0	0
<i>TOTAL (CENTRAL CALIFORNIA IRRIGATION DISTRICT)</i>							0	0	0
<i>TOTAL (WIDREN WATER DISTRICT)</i>							0	0	0
Other Warren Act Conveyance Credit Totals									
<i>Del Puerto Water District:</i>							0	0	0
<i>Banta Carbona Irrigation District:</i>							0	0	0
<i>West Stanislaus Irrigation District:</i>							0	0	0
<i>Byron Bethany Irrigation District:</i>							0	0	0
<i>Patterson Irrigation District:</i>							0	0	0
<i>San Joaquin River Restoration Pump Back BCID:</i>							4,803	4,803	4,803
<i>San Joaquin River Restoration Pump Back PID:</i>							177	177	177

Notes: 3.32-R, 20.42-L, 31.31-L and 42.53-L are River water



MENDOTA POOL OPERATIONS

2023

ALL FIGURES IN ACRE-FEET

Date: 4/13/2023

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
FRESNO SLOUGH	0	60	0										60
TPUD	0	18	0										18
JAMES I.D.	916	2,156	0										3,072
MEYERS	0	0	876										876
M.L. DUDLEY & INDART ¹	0	0	206										206
MID VALLEY* (Kings River)	0	0	0										0
REC. DIST. 1606	0	0	0										0
STATE FISH & WILDLIFE	199	1,119	42										1,360
TRACTION	170	566	56										792
UNMETERED	40	125	0										165
Total	409	1,810	98	0	0	0	0	0	0	0	0	0	2,317
COELHO FAMILY TRUST ²	0	18	0										18
TRANQUILITY I.D.	0	678	197										875
WESTLANDS LATERAL-6	0	0	0										0
WESTLANDS LATERAL-7	610	477	2,160										3,247
CARVALHO TRUST	0	0	0										0
TOTAL	1,935	5,217	3,537	0	0	0	0	0	0	0	0	0	10,689

NUMBERS SHOWN IN **BOLD** WERE REVISED AFTER DISTRIBUTION OF REPORT

1 aka COELHO-GARDNER-HANSEN 2 aka TERRA LINDA FARMS

Article 215 Water

January James ID 916 AF
 February James ID 2156 AF
 March Meyers 90 AF

Kings River Water

February Tranquility ID 44 AF
 March Tranquility ID 197 AF
 March Meyers 486 AF

Duck Clubs (Percent Full)

BECK	120	PATOS	COLE	TRANQUILITY	1 ACRE
0%	0%	0%	0%	0%	0%

Jan, 2023
 DMC Inflow 3,372 AF
 James Bypass Flows 0 AF

May, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Sept, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Feb, 2023
 DMC Inflow 18672 AF
 James Bypass Flows 1,619 AF

June, 2023
 DMC Inflow A.F
 James Bypass Flows 0 AF

Oct, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Mar, 2023
 DMC Inflow 2,341 AF
 James Bypass Flows 0 AF

July, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Nov, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Apr, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Aug, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

Dec, 2023
 DMC Inflow AF
 James Bypass Flows 0 AF

**TABLE 19: GOVERNOR EDMUND G. BROWN CALIFORNIA AQUEDUCT
SAN LUIS FIELD DIVISION MONTHLY DELIVERIES**

MARCH 2023

REACH TOTALS	POOL	INFLOW INTO AQUEDUCT	CUSTOMERS	AMOUNT IN AF
R3A 1156			Parks & Rec. @ San Luis Reservoir	1
			Santa Clara Valley Water District	449
			Casa de Fruta (Santa Clara Valley Water District)	0
			San Benito Water District	706
R3 27	13		DFG @ O'Neill Forebay	0
	13		Parks & Rec. @ O'Neill Forebay	1
	13		DWR Water Truck at O'Neill 1 AF for Cattle Program @ O'Neill Forebay	1
	13		Santa Nella County Water District	13
	13	95	San Luis Water District	12
R4 2417	14		City of Dos Palos	38
	14		Pacheco Water District	136
	14		San Luis Water District	171
	14		Panoche Water District	60
	15		San Luis Water District	283
	15		Panoche Water District	710
	15	509	Westlands Water District	1019
R5 6402	16		DFG @ Lat. 4L (Pilibos)	0
	16		DFG @ Lat. 4L	0
	16		DFG @ Lat. 6L	0
	16		DFG @ Lat. 7L	0
	16	1986	Westlands Water District	1340
	17	65	Westlands Water District	1219
	18		City of Coalinga	218
	18		Pleasant Valley Pumping Plant	2209
	18	1631	Westlands Water District	1416
R6 1615	19		Alta Gas	0
	19		City of Huron (P&R-Area 11) @ Lat. 22R	0
	19		DWR Water Truck @ 22R/F&G @ Lat.22R	0
	19		Lemoore N.A.S. thru WWD 28L,29L,&30L	152
	19		Kings County thru WWD 30L	0
	19		Westlands Water District	1463
R7 3891	20		City of Huron @ Lat. 23R	44
	20		DWR Water Truck @ 23R	0
	20	20825	Westlands Water District	3174
	21		City of Avenal	164
	21		Kings County thru WWD 37L,38L	0
	21		Westlands Water District	509
15508	25111		<---TOTALS--->	15508
TOTALS BY CUSTOMERS				
Inflow Into Aqueduct:				
1986 AF TOTAL for PUMP-IN				
23125 AF TOTAL for FLOOD				
			Santa Nella County Water District	13
			Pacheco Water District	136
			San Luis Water District	466
			Panoche Water District	770
			Westlands Water District	12349
			AltaGas	0
			City of Huron @ LAT. 23R	44
			City of Huron (P&R/Area 11 @ 22R)	0
			Lemoore N.A.S. thru WWD @ 28L,29L&30L	152
			Kings County thru WWD Laterals in Pools 19 - 21	0
			City of Avenal	164
			City of Dos Palos	38
			City of Coalinga	218
			DFG @ O'Neill Forebay	0
			Pacheco Tunnel	1155
			DFG @ Lateral 4L & 6L & 7L	0
			DWR Water Truck @ 22R/F&G @ Lat.22R	0
			Parks & Recreation	2
			0 AF for DWR Water Truck at O'Neill, 1 AF for Cattle Program @ O'Neill Reservoir	1
			Customers Total:	15508
Pool 12 - Reach 2B VA Turnout Use AF = 2				
DWR 3137(Rev.9/15)				15510



Monthly Availability Report

CW "Bill" Jones Pumping Plant

March - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts	Comments
							Pump	
Unit-1	743	0.0	0.00%	0.0	0.00%	100.00%	3	
Unit-2	743	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-3	743	743.0	100.00%	0.0	0.00%	0.00%	0	
Unit-4	743	0.0	0.00%	0.0	0.00%	100.00%	1	
Unit-5	743	0.0	0.00%	0.0	0.00%	100.00%	1	
Unit-6	743	0.0	0.00%	0.0	0.00%	100.00%	0	
Total	4458	743.0	17%	0.0	0.00%	83.00%	5	

Notes:

(1) Planned maintenance

(2) Emergency outages and maintenance performed with less than 24 hours advance notice



Monthly Availability Report

O'Neill Pump/Generating Plant
March - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts		Comments
							Pump	Gen	
Unit-1	743	0.0	0.00%	0.0	0.00%	100.00%	0	0	
Unit-2	743	0.0	0.00%	0.0	0.00%	100.00%	0	0	
Unit-3	743	0.0	0.00%	12.3	1.66%	98.34%	1	0	
Unit-4	743	0.0	0.00%	0.0	0.00%	100.00%	0	0	
Unit-5	743	0.0	0.00%	0.0	0.00%	100.00%	0	0	
Unit-6	743	0.0	0.00%	0.0	0.00%	100.00%	0	0	
Total	4458	0.0	0%	12.3	0.28%	99.72%	1	0	

Notes:

(1) Planned maintenance

(2) Emergency outages and maintenance performed with less than 24 hours advance notice



Monthly Availability Report

DCI Pumping Plant

March - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts	Comments
							Pump	
Unit-1	743	0.0	0.00%	0.0	0.00%	100.00%	6	
Unit-2	743	0.0	0.00%	0.0	0.00%	100.00%	5	
Unit-5	743	0.0	0.00%	0.0	0.00%	100.00%	6	
Unit-6	743	0.0	0.00%	0.0	0.00%	100.00%	5	
Total	2972	0.0	0%	0.0	0.00%	100.00%	22	

Notes:

(1) Planned maintenance

(2) Emergency outages and maintenance performed with less than 24 hours advance notice



STAFF MEMORANDUM

TO: Board Members and Alternates

FROM: Scott Petersen, Water Policy Director
Cynthia Meyer, Special Programs Manager

DATE: May 4, 2023

RE: Update on Science Program

SUMMARY

The San Luis & Delta-Mendota Water Authority's ("Water Authority") current science commitments for Fiscal Year 24 (March 1, 2023 – February 29, 2024) may be considered in two categories. First, the Water Authority re-budgeted \$125,000 in the current budget to fund two activities and/or studies previously authorized to be funded. Second, the Water Authority has budgeted \$390,000 in the current budget for science studies. More detail regarding the various science commitments is provided below. In total, the Water Authority started the current fiscal year with approximately \$515,000 available to fund science, of which \$125,000 has been obligated.

1. Previous Commitments - \$125,000 in FY 24 Budget

Subject	Description of Work / Objective(s)	FY 24 Budget
Joint Funding CSAMP Delta Smelt Structured Decision Making Phase 3	This funding would support management and technical analyses required to conduct Phase 3 for the CSAMP Delta Smelt Structure Decision Making (SDM) project. Technical analyses would include modeling and the application of other analytical tools to evaluate the consequences of proposed management actions for Delta Smelt as well as the evaluation of potential consequences to other resource values including water supply and agriculture. Phase 3 is underway and will provide a Formal evaluation of Delta Smelt recovery actions along with the full suite of objectives: Salmon, Ecosystem, Water Supply, Cost, Learning.	\$120,000
Joint Funding Delta Coordination Group Structured Decision making Facilitation	Funds support and assistance with the structured decision making for recommendations for summer-fall habitat actions for delta smelt by the Delta Coordination Group to the U.S. Bureau of	\$5,000

	Reclamation and the Department of Water Resources. Main contract with Dr. Jennie Hoffman with Adaptation/Insight, using Compass Resources.	
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2. New Science - \$390,000 in FY 24 Budget

Subject	Description of Work / Objective(s)	FY 24 Budget
Science Studies/Efforts		\$390,000
CAMT Studies	<p>This funding would match State Water Contractor funding obligated for CAMT studies. The Water Authority and State Water Contractors are currently jointly researching two potential uses for this funding – 1. Continuation of Delta Smelt SDM funding for Phase 3b, or 2. Execution of a contract for Salmon Structured Decision Making.</p> <p>After deliberation within CAMT/CSAMP, the group has chosen to pursue continued development of the Delta Smelt Structured Decision Making Phase 3b, with the salmon recovery strategy being advanced through in-kind contributions this year.</p>	\$150,000
Joint Funding CAMT Technical Support	Funds support technical engagement by Hansen Environmental (Chuck Hansen) in CAMT and CSAMP meetings. Contract held by SWC.	\$30,000
Delta Coordination Group Summer Fall Habitat Action Structured Decision Making Facilitation Support	Funds support facilitation and assistance with Delta Coordination Group Structured Decision Making for Delta Coordination Group recommendations to Reclamation and DWR related to Summer Fall Habitat Actions in the Biological Opinions and State Incidental Take Permit. Project jointly funded with State Water Contractors.	\$10,000
SLDMWA Technical, Science and Regulatory Support	Funds will be used for engagement in Science Program, technical or regulatory efforts that arise in FY 2023. Anticipated use includes technical support for the reconsultation on long-term operations of the CVP and SWP, anticipated ESA listing decisions for longfin smelt, giant gardener snake, yellow-legged frog (and others), and engagement in efforts associated with the Bay-Delta Plan Update and VA Science Plan.	\$200,000

SCIENCE PROGRAM ACTIVITIES:

Staff participates in several science forums and coordination activities. The highlights include:

Voluntary Agreements (VA):

The VA Science Committee is developing the Science Plan with a final draft anticipated in May 2023. Staff are contributing in the writing and review of the plan during bi-weekly meetings and sub groups. Currently, the group is focusing on refining the draft performance metrics and hypotheses.

Delta Coordination Group (DCG):

Staff participated in the DCG meetings and provided input on the Structured Decision Making process for the summer-fall habitat actions. The Delta Summer-Fall Habitat 2023 Action Plan was submitted to USFWS and CDFW on May 1, 2023.

CAMT/CSAMP:

The CAMT/CSAMP group has been discussing the best approach for a more coordinated monitoring program and integration of the ongoing science projects and initiatives. Both of these groups are contemplating the effectiveness of the various studies and strategy for integrating the results to further our understanding of the environmental challenges. In addition, CAMT is developing a matrix of potential projects to best address the data needs and gaps to support the needed analyses and evaluations.

The monitoring sub-group developed a matrix to assess the monitoring activities, objectives, and hypotheses and will crosswalk the actions with the evolving VA Science Plan. The draft plan is anticipated to be ready in May.

Reinitiation of Consultation on the Long-term operations of the CVP and SWP (ReROC):

The Bureau of Reclamation (BOR) is working on the proposed action to be evaluated in the ReROC environmental impact statement (EIS) and Biological Assessment. The Proposed Action and qualitative analysis are anticipated to be completed in early Summer 2023. The quantitative analysis of the Proposed Action is anticipated in Fall 2023. BOR is planning an independent peer review prior to submitting the Biological Assessment to the USFWS and NMFS for development of Biological Opinions. Staff will continue to track the development and provide assistance as needed.

The next WIIN Act Quarterly meeting is scheduled for June 13, 2023.

Science Coordination:

As part of our efforts to increase the effectiveness of the Water Authority's Science Program, Authority staff is proposing to establish a Science Coordination Workgroup to assist in the guidance of the Program.

The objectives of this group will include:

May 4, 2023

Page 4 of 4

1. Improving coordination and communication with member agencies related to Science Activities,
2. Contributing to the development of an Authority Science Plan to guide science program activities, and
3. Enhancing engagement with the science community.

Staff is reaching out to solicit participants from our member agencies for participation in the workgroup, with a request to at minimum have one representative from each Division. After compiling a list of Work group members, staff will schedule an initial meeting to discuss the goals and objectives.

Additional Coordination Activities

Staff is participating to the Reorienting to Recovery – Salmon Workshops which focus on the identifying key challenges and improving science.



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: John Brodie, Water Resources Programs Manager
Joe McGahan, Regional Drainage/Westside Watershed Coalition Coordinator

DATE: May 4, 2023

RE: Activity Agreements – Staff Report for April 2023

This memorandum serves as the Staff Report for April 2023 regarding specified¹ Water Authority activities not separately addressed on the Board meeting agenda.

1. Integrated Regional Water Management (IRWM) Activity Summary

General Westside-San Joaquin Integrated Regional Water Management Plan (IRWMP)

Work continues on the Proposition 1, Round 1 IRWM Implementation Grant. Both the West Stanislaus Irrigation District Pumping Plant Modernization Project and the Central California Irrigation District's Orestimba Creek Recharge and Recovery Project are nearly halfway complete. The combined water supply reliability benefit of these two projects is estimated to be about 100,000 acre feet annually, once completed.

2. Sustainable Groundwater Management Activity (SGMA) Activity Summary

Coordinated Activities

Groundwater Sustainability Agencies (GSAs) in the Delta-Mendota Subbasin are waiting for the State Water Resources Control Board (SWRCB) to determine its process for addressing Groundwater Sustainability Plans (GSPs) deemed "inadequate" by the California Department of Water Resources (DWR). Six such Subbasins, including the Delta-Mendota Subbasin, received that classification from DWR in early March. The Delta-Mendota Subbasin was the only one to send a representative to comment at an April 4, 2023 SWRCB meeting on the topic. Local GSAs are meeting on an accelerated schedule to address DWR's determination.

The Subbasin's Water Year 2022 Consolidated Annual Report was submitted on time to DWR. Data from the report and those previously filed with the state must be used to inform the required five-year GSP updates. SWRCB staff also said they will be looking at the Annual Reports looking for specific items including any pumping allocation plans and amounts reported, any

¹ For the sake of completeness, this includes those Activity Agreements that have been approved by the Board of Directors, but not yet signed by all interested members and/or participants (i.e., the Los Vaqueros Expansion Project Activity Agreement, the Exchange Contractors 2019-2023 Transfer Program Activity Agreement, and the Westside-San Joaquin Integrated Regional Water Management Activity Agreement).

mitigation plans or actions taken, and how Subbasins with multiple GSPs (like Delta-Mendota) are coordinating their work and data analysis.

The spring seasonal high groundwater level monitoring window closed at the end of April. GSAs have until the end of May to submitted the collected data to DWR. The window to begin water quality monitoring began May 1, 2023, with a deadline of August 31, 2023 to complete that monitoring.

General SGMA Activities

Work continues on the \$7.6-million-dollar SGMA Implementation grant awarded to the Subbasin. Most of the work completed so far is focused on GSP revisions, annual reporting, and public outreach related to both. Del Puerto Water District is serving as the grant manager for the Subbasin. Among the grant-funded activities underway is additional monitoring and data collection to track groundwater sustainability Subbasin-wide. A consultant was recently selected to design an Interconnected Surface Water Monitoring Network.

3. Drainage Activity Summary

Grassland Basin Drainage Management Steering Committee Activity Summary

The Grassland Bypass Channel gates were closed on March 24th, ending the discharge of storm-induced drainage from the Grassland Drainage Area. Remaining drainage flows have been managed internally by the San Joaquin River Improvement Project since that time. No significant storms are forecasted and it is not anticipated the gates will be opened again in the near future.

GBP Activities

- **Grassland Bypass Project Annual Monitoring Report (AMR):** The 2019 Order requires an AMR be developed and submitted by April 30th. This report covers the 2022 calendar year and requires a detailed analysis and summary of all of the data collected at each of the monitoring sites.
- **General administration:** Review and approve consultant billing. Field review of drainage conditions and correspondence with SJRIP manager.
- **Mud Slough Restoration Project:** The Water Authority adopted the CEQA for the project in December 2021. GBP management staff are attempting to meet with CDFW to review their concerns and are working with stakeholders to resolve remaining issues.
- **Grassland Water District Monitoring Wells:** A total of 10 observation wells are planned to be installed to monitor groundwater levels and quality within the San Joaquin River Improvement Project and in a portion of Grassland Water District to the north. Five of the wells have been installed. The well drilling contractor is planning to install the remaining wells in May of 2023.
- **Compliance Monitoring:** Monitoring in compliance with the 2019 revised WDRs and 2019 Use Agreement is a continuous and daily effort. Regular flow, water quality and toxicity monitoring is required at eight locations at a frequency that varies from monthly to daily. Special monitoring for fish and invertebrate selenium levels has occurred annually, along with efforts to collect particulate samples for selenium analysis.
- **Grassland Drainage Area Coalition:** Work continues to provide coverage for farmers within the Grassland Drainage Area for the Irrigated Lands Regulatory Program.

Reporting forms were sent to farmer members in late 2022 for reporting 2022 nitrogen application.

- Proposition 84 Grant: Work is ongoing to support the Prop 84 Grant administered by Panoche Drainage District for improvements to the San Joaquin River Improvement Project. The Short Term Storage Basins construction is in progress but will take some time to complete. Other projects are in design phase.
- Mitigation subcommittee: Prepare information for meeting on April 5, 2023.

San Joaquin Valley Drainage Authority Activity Summary

- Participated in conference calls with the Regional Board to respond to their questions on surface water quality management plans and required follow up. Working with the Regional Board to formulate a more efficient focused outreach program to address sediment and surface water quality impacts to receiving waters.
- Westside San Joaquin River Watershed Coalition: Work continues to provide coverage under the Irrigated Lands Regulatory Program for farmers within the Westside San Joaquin River Watershed Coalition. The work includes managing the monitoring program, assisting farmers with the necessary reporting to comply with the program and preparing reports for the Regional Board. Applied Nitrogen Summary Reports were sent to growers that compare their crop specific nitrogen use to other growers use. Crop-year 2022 INMPSR forms are being received and the data entered into the compliance database.
- Groundwater Protection Formula, Values and Targets: Coalitions have developed a methodology to establish nitrogen loading Values and Targets as required by the WDRs. Ongoing work includes meeting with other coalitions and staff to formally present the Values and Targets to the Regional Board in a public forum.
- Management Practices Effectiveness Program: Attend conference call meetings of the MPEP group. Developing work schedules to implement nitrogen control measures for farmer member compliance.
- Central Valley Groundwater Monitoring Collaborative: Attend conference call meetings to give direction to program. Work with other coalitions and staff to develop an updated groundwater monitoring CQAP.
- Management Zones: Work continued to develop plan for compliance within the Westside Coalition. Met with ad hoc subcommittee and presented cost estimate alternatives for compliance to inform their direction on management zone formation.
- Salt Control Program: Phase I of the Salt Control Program involves the development of a Prioritization and Optimization Study (P&O Study). Currently, consultants are compiling data in order to characterize current salinity conditions of both surface and groundwater across the Central Valley. Phase I of the Salt Control Program is expected to last years. This work is being supported through the SJVDA budget.
- Prop 84 Real Time Program Grant: Work continues on maintaining the stations, gathering monitoring data, and computer modeling to determine and manage salt discharges to the San Joaquin River.

**San Luis & Delta-Mendota Water Authority
Procurement Activity Report
From March 29, 2023 to April 25, 2023**

Date Executed	Contract Title	Vendor or Service Provider	Contract Amount	Contract Solicitation Type	Contract Type	Funding Source	Notes
4/15/2023	2024 Peterbilt 567 Dump Truck	Interstate Truck Center	\$ 226,604.13	Cooperative Purchase Agreement	Purchase of goods, supplies & equipment	EO&M (Fund Code 26-D2)	Board of Directors authorized purchase on April 6, 2023.

CONTRACT CHANGE ORDER NOTIFICATIONS:

Date Executed	Contract Title	Vendor or Service Provider	Change Order Amount	Original Contract Amount	% Change	Justification
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NOTE: NO CONTRACT CHANGE ORDERS WERE ISSUED DURING THIS REPORT PERIOD

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This Procurement Activity Report is intended to satisfy the requirements in the San Luis & Delta-Mendota Water Authority's Consolidated Procurement Policy that the Board be notified of all contracts awarded under informal and formal bidding procedures and single-source procedures, as well as certain change orders, promptly following award.



MEMORANDUM

TO: SLDMWA Water Resources Committee Members, Alternates
SLDMWA Board of Directors, Alternates

FROM: Federico Barajas, Executive Director

DATE: May 1, 2023

RE: Recommendation, Appointment of Representative to the State and Federal
Contractors Water Agency Board of Directors

BACKGROUND

The San Luis & Delta-Mendota Water Authority (SLDMWA) has a vacant seat on the State and Federal Contractors Water Agency (SFCWA) Board of Directors. With the retirement of Rick Gilmore, the Board of Directors must appoint a new SLDMWA Director to serve on the SFCWA Board of Directors. As a reminder, the Water Authority is entitled to three director positions on the SFCWA Board of Directors and as such, Federico Barajas and Anthea Hansen will continue to serve as the Water Authority's second and third Directors on the SFCWA Board.

ISSUE FOR DECISION

Whether the Water Resources Committee should recommend, and the Board of Directors should appoint Ed Pattison as representative to the SFCWA Board of Directors.

RECOMMENDATION

Staff recommends the appointment of Ed Pattison as representative to the SFCWA Board of Directors to fill SLDMWA's vacant SFCWA Director seat.

ANALYSIS

Article III, Section 2 of the SFCWA bylaws state in relevant part:

. . . . Each Director of the Agency shall be a director, officer, or employee of the appointing member agency ("Member"). For Members that are joint powers agencies, the Directors appointed by those Members may be directors, officers, or employees of the joint powers agency or of any public agency that is a member of that joint powers agency. . . .

Each Member, at the time it appoints its Director(s), shall appoint an Alternate who may sit as a Director in the absence of the Director for whom the individual is the Alternate. Alternates shall possess the same qualifications as Directors.

Memo to SLDMWA Water Resources Committee, Board of Directors

May 1, 2023

Page **2** of **2**

Directors and Alternates shall have no fixed term of office, but each shall serve on the Board at the pleasure of the appointing Member and may be replaced at any time by the appointing Member by providing a written notice of replacement to the Secretary of the Agency.

When the Water Authority last appointed a SFCWA Director, in March 2021, it did so via formal action. Staff recommends continuation of this practice.



MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: May 1, 2023

RE: Water Resources Committee to Consider Recommendations on Legislation /
Board of Directors to Consider Same

Staff Recommendation

Federal Legislation

Support

- Adopt a position of “Support” on H.R. 872 (Calvert), Federally Integrated Species Health (FISH) Act
- Adopt a position of “Support” on H.R. 2419 (Costa), Canal Conveyance Capacity Restoration Act
- Adopt a position of “Support” on H.R. 2671 (Costa), To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

State Legislation

Support

- Adopt a position of “Support” on AB 939 (Pellerin), Santa Clara Valley Water District
- Adopt a position of “Support” on AB 1469 (Kalra), Santa Clara Valley Water District

Support if Amended

- Adopt a position of “Support if Amended” on AB 1594 (Garcia), Medium- and heavy-duty zero-emission vehicles: public agency utilities

Favor

- Adopt a position of “Favor” on AB 345 (Wilson), Habitat Restoration: flood control: advance payment
- Adopt a position of “Favor” on SB 493 (Min), Air pollution: alternative vehicles and electric and hydrogen infrastructure
- Adopt a position of “Favor” on SB 550 (Grove), Water markets
- Adopt a position of “Favor” on SB 659 (Ashby), California Water Supply Solutions Act of 2023



Oppose

- Adopt a position of “Oppose” on AB 754 (Papan), Water management planning: automatic conservation plan

Pending Committee Input

- Staff report on AB 1205 (Bauer-Kahan), Water rights: sale, transfer, or lease: agricultural lands

Summary

H.R. 872 (Calvert) – Federally Integrated Species Health (FISH) Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Restore Central Valley Project Water Supply for Member Agencies

Summary

This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.

Status

H.R. 872 was introduced in the House of Representatives on February 8, 2023, and has been referred to the House Natural Resources Committee. Additional key cosponsors include: Tom McClintock (CA-05), Jim Costa (CA-21), Doug LaMalfa (CA-01), Mike Simpson (ID-02).

Importance to the Authority

This bill would shift Endangered Species Act management for anadromous and catadromous species from NOAA Fisheries to the Fish and Wildlife Service, making a single resource agency responsible for the management of Endangered Species Act compliance for all species impacting water supply reliability through implementation of the Biological Opinions for the Long-Term Operations of the Central Valley Project and State Water Project.

Pros:

- The bill would increase efficiencies of species management efforts and likely reduce conflicting management requirements that arise when multiple agencies have responsible charge over species management efforts, like those experienced in 2016 when FWS was urging releases from Shasta Dam for salinity control while NOAA Fisheries was urging to hold water in Shasta for supporting end of year storage levels.

Cons:

- None identified at this time.
-



H.R. 2419 (Costa) – Canal Conveyance Capacity Restoration Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

This bill would authorize the Secretary of the Interior to provide financial assistance for the design, planning, and construction of the Delta-Mendota Canal, San Luis Canal, Friant-Kern Canal, and the non-federal pools of the California Aqueduct. Specifically, the legislation would authorize the following nonreimbursable federal funding amounts for the following:

- \$183,900,000 for the Delta-Mendota Canal
- \$194,000,000 for the San Luis Canal
- \$180,000,000 for the Friant-Kern Canal
- \$95,500,000 for the non-federal pools of the California Aqueduct
- \$180,000,000 to implement the Restoration Goal of the San Joaquin River Restoration Settlement Act

Status

H.R. 2419 was introduced on March 30, 2023, and has been referred to the House Committee on Natural Resources. Key cosponsors include Rep. John Garamendi (CA-08) and Rep. Josh Harder (CA-09).

Importance to the Authority

This bill would authorize nonreimbursable federal funding to support subsidence repair costs of up to one-third of the total cost of subsidence repair costs to the Delta-Mendota (DMC), San Luis, and Friant-Kern Canals, and the California Aqueduct. This would provide up to \$183.9 million for subsidence mitigation along the DMC and up to \$194 million for repairs along the San Luis Canal.

Pros:

- The bill would provide up to a one-third cost share of nonreimbursable federal funds for capacity restoration of key conveyance for Authority member agencies.

Cons:

- None identified at this time.
-

H.R. 2671 (Costa) – To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would amend the Water Infrastructure Finance and Innovation Act (WIFIA) of 2014 to treat the loans on certain federally owned facilities as non-federal projects for the purposes of WIFIA funding, subject to certain requirements.



Specifically, if a project is federally owned, but the WIFIA applicant is a non-federal entity and the dedicated sources of repayment are non-federal revenue sources, then the WIFIA loan shall be treated as a non-federal loan pursuant to its treatment under the Federal Credit Reform Act of 1990.

Status

H.R. 2671 was introduced on April 18, 2023, and has been referred to the House Committee on Transportation and Infrastructure and the House Energy and Commerce Committee. The legislation has been cosponsored by Representative Curtis (UT-03).

Importance to the Authority

This bill would make changes to the WIFIA program at the Environmental Protection Agency that would enable the Water Authority to access WIFIA loans. The current interpretation of the Federal Credit Reform Act of 1990 excludes the utilization of WIFIA funding for “federal” projects, which are defined by underlying title to facilities being owned by the federal government.

Pros:

- The bill would modify the WIFIA program to enable the Water Authority to access it for funding for facilities with underlying federal ownership, subject to certain provisions.

Cons:

- None identified

[A.B. 939 \(Pellerin\) – Santa Clara Valley Water District](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Existing Law

The Santa Clara Valley Water District Act (District Act) creates the Santa Clara Valley Water District (Valley Water) and authorizes the district to provide for the conservation and management of flood, storm, and recycled waters, and other waters, for beneficial uses and to enhance natural resources in connection with carrying out the purposes of the district. The District Act authorizes the district to levy ad valorem taxes or assessments in the district to pay the general administrative costs and expenses of the district, to carry out the act’s objects or purposes, and to pay the costs and expenses of constructing or extending works within the district. The District Act additionally authorizes the district to levy taxes or assessments upon all property or all real property within a portion of the district for specified purposes. The District Act authorizes the district to issue bonds for specified purposes, and requires that the bonds be paid by revenue derived from those tax levies and assessments, except the ad valorem taxes or assessments.

Existing law authorizes the district to issue bonds in accordance with the Revenue Bond Law of 1941 for the purpose of financing the construction, reconstruction, replacement, acquisition, or improvement of any facility or facilities necessary or convenient for the storage, treatment, transmission, or distribution of water for beneficial use within the district and for the purpose of generation or transmission of electricity. The Revenue Bond Law of 1941 requires the district to pay the principal, interest, and premiums for a bond issued in accordance with that law solely from and secured by a lien upon its gross revenues.



Existing law authorizes the district to borrow money and incur indebtedness, not to exceed \$8,000,000, by action of the board of directors and without the necessity of calling and holding an election, and prohibits the resulting indebtedness from exceeding 85% of the estimated amount of the district's revenues, charges, taxes, and assessments that will be available in that fiscal year for payment of short-term notes including interest.

Existing law prohibits, until December 31, 2023, the district from compensating its directors for more than a total of 15 days in any calendar month, as specified.

Summary

AB 939 would amend Valley Water's enabling statute. These amendments would make the following changes:

1. Allow Valley Water to propose general obligation bonds paid by an ad valorem property tax approved by 2/3 of the voters;
2. Allow revenue bonds to be payable using the net revenues of the water system instead of gross revenues;
3. Update Valley water's short-term debt cap;
4. Delete a sunset date that, if not removed, would revert Valley Water's maximum board member compensation to \$39,823.

Status

A.B. 939 was introduced on February 14, 2023, and after amendments were accepted on April 13, has been re-referred to the Assembly Committee on Local Government.

Importance to the Authority

AB 939 is sponsored by Valley Water, an Authority member agency. AB 939 amends the District Act to reduce the cost of financing water and flood protection infrastructure projects, to clean up obsolete provisions, and to address a sunset provision related to per diem for the Board of Directors of Valley Water.

According to the author, the District Act contains old, outdated provisions that unnecessarily limit how Valley Water can finance infrastructure projects and short-term debt. These limitations increase the cost of borrowing on large projects by millions of dollars per year. Were these limitations removed, over a 30-year period there would be substantial cost savings for the people of Santa Clara County.

The author also asserts that the level of a Valley Water Director's compensation and the time required for the position impacts whether candidates of more modest means, or of more diverse backgrounds, are able to run for a seat on the Valley Water Board. Current law setting the maximum number of days for which a Director is eligible for compensation at 15 days per month will sunset in 2023, thereby reverting to 10 compensable days per month. Even with the current 15 days per month, more than 100 meeting days each year are worked by Directors but are not compensated. If compensable days revert to just 10 per month, only candidates who are retired or independently wealthy could afford to run for a seat on the Valley Water Board.



Pros:

- AB 939 would increase Valley Water’s financing opportunities and authorities, increasing flexibility to advance District priorities.

Cons:

- None identified.
-

A.B. 1469 (Kalra) – Santa Clara Valley Water District

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Existing Law

The Santa Clara Valley Water District Act (District Act) creates the Santa Clara Valley Water District (Valley Water) and authorizes the district to provide for the conservation and management of flood, storm, and recycled waters, and other waters, for beneficial uses and to enhance natural resources in connection with carrying out the purposes of the district.

Summary

This bill would make legislative declarations related to the challenges associated with unhoused people and watershed health in Santa Clara County.

This bill would authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise within the district’s jurisdiction, in consultation with cities, the County of Santa Clara, and the state, as appropriate, to provide solutions or improve outcomes for the unsheltered individuals.

Status

A.B. 1469 was introduced on February 17, 2023, and has been referred to the Assembly Housing and Community Development Committee, where the bill was amended on March 16 and April 18.

Importance to the Authority

Valley Water serves as the regional water supply, groundwater management, flood protection, and stewardship agency for Santa Clara County. Approximately one-third of the more than 800 miles of creeks and rivers in Santa Clara County are owned by Valley Water. To maintain waterways and prepare for the rainy season, crews remove sediment, stabilize banks, and remove vegetation. This environmental work not only ensures maximum flood protection, but it also protects and restores habitats and encourages the return of endangered species.

There are more than 10,000 people experiencing homelessness in Santa Clara County, and according to county data, two people are falling into homelessness for every one person coming out. In 2022 it was estimated that 2,300 unsheltered people were taking refuge on Valley Water’s property or land easements. Encampments have popped up alongside waterways, which has led to unfavorable conditions for both humans and the environment. Flash floods surprise unsheltered people, leading to serious injury or death, and encampments have led to blocked drainages, excavation of banks and levees, and degradation of water quality from litter. Further, algal blooms from human waste have degraded natural and constructed habitats for aquatic species.



The U.S. Ninth Circuit ruled in *Martin v. City of Boise - 920 F.3d 584 (9th Cir. 2019)* that an offer of an actual shelter space must be provided before an unsheltered person can be relocated from public lands. Unfortunately, the county often does not have shelter space to accommodate this large homeless population, presenting a crisis.

AB 1469, sponsored by Valley Water, would help address this issue by expanding Valley Water's statutory purposes in the District Act to include assisting unsheltered people living within their jurisdiction in consultation with cities, the County of Santa Clara, and the state, to provide housing or improved outcomes for unsheltered individuals. The bill would provide Valley Water with more flexibility to access revenue from an existing one percent ad valorem property tax to fund outreach, counseling, transitional housing, or other services.

Pros:

- The bill, if enacted, could increase the ability of an Authority member agency, Valley Water, to address issues of homelessness on district property.

Cons:

- None identified.

[A.B. 1594 \(Garcia\) – Medium- and heavy-duty zero-emission vehicles: public agency utilities](#)

RECOMMENDATION: SUPPORT, IF AMENDED

OBJECTIVE: Improve Outreach and Education

Existing Law

Executive Order No. N-79-20 establishes the goal of transitioning medium- and heavy-duty vehicles in California to zero-emission vehicles (ZEVs) by 2045 for all operations where feasible and by 2035 for drayage trucks, and requires the California Air Resources Board (CARB) to develop and propose medium- and heavy-duty vehicle regulations to meet that goal.

Existing law establishes CARB's Air Quality Improvement Program (Program) for purposes of funding projects related to the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to ZEVs.

Summary

AB 1594 would require any State regulation that seeks to require the procurement of medium- and heavy-duty ZEVs by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider.

The bill would also require the State regulation to:



- A. Recognize the diversity of fleet size, terrain, and climate, and authorize public agency utilities to purchase replacements for traditional utility specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including, but not limited to, severe weather, wildfires, natural disasters, and physical attacks; and
- B. In coordination with public agency utilities, include a list of vehicle vendors and suppliers that meet zero-emission vehicle standards and the public agency utilities' technical and performance requirements.

Status

A.B. 1594 was introduced on February 17, 2023, as a spot bill, was amended into its current form on March 13, and has been referred to the Assembly Committee on Transportation.

Importance to the Authority

Background

In 2020, Governor Newsom signed Executive Order N-79-20 directing CARB to require increasing volumes of new zero-emission trucks and buses sold and operated in the State toward the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible. In response to the Executive Order, CARB is currently in the process of developing the Advanced Clean Fleets Regulation (ACF), to accelerate the market for ZEVs by requiring fleets to transition to ZEVs where feasible. The ACF would require California fleet owners and operators to start purchasing ZEVs in 2024, with the goal to move California's medium- and heavy-duty trucks to zero emission, where feasible, by 2045.

On March 23, 2023, CARB released the final draft regulatory language for the proposed ACF and accepted comments through April 7. CARB conducted a public hearing on April 27 to consider adoption of the ACF, which staff anticipates will be adopted with minimal changes from the proposed regulation.

AB 1594

Public water and wastewater agencies must have fleet vehicles that meet stringent requirements and perform specialized functions to avoid dire situations in which public water and wastewater agencies cannot complete essential services. Staff has concerns that new purchase requirements proposed in the ACF will be enforced when vehicles do not exist that are able to perform to the standards required for essential public service fleet operations that Californians rely upon daily. In addition, Authority staff, in conjunction with an ACWA working group, has advocated for CARB to publish, update, and rely on a ZEV Availability List to inform fleets of ZEV models that are commercially available for purchase upon regulation implementation, rather than an Unavailability List. Reliance on a ZEV Availability List would result in a clearer process to determine that a ZEV is in fact commercially available, and is thus required for purchase by fleets making new vehicle purchases.

AB 1594 would require that any State regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility's ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide. The bill would also require, in coordination with public agency utilities, the development of a list of vehicle vendors and suppliers that meet ZEV standards and the public agency utilities' technical and performance requirements. This bill would address one of the major concerns of



the proposed ACF, ensuring the fleet needs of water agencies are met to provide essential and emergency services.

AB 1594 would ensure State regulations, like the ACF, allow for vehicles that can properly support public utilities' essential services and would require a list of vehicle vendors and suppliers that would meet both the ZEV standards and the needs of the utility. This bill is aligned with ACWA and CSDA's advocacy on the ACF and would address a major feasibility concern with the proposed regulation.

Suggested Amendment

Staff is proposing to expand the definitions of public utilities to include reclamation districts, irrigation districts, and joint powers authorities to the covered entities under the bill's provisions. The current language does not include those entities.

Pros:

- The bill would ensure that the regulations do not prohibit the purchase of necessary vehicles to replace specialized vehicles to maintain reliable service and respond to major events.
- The bill would increase transparency by requiring the ARB to work with public agencies to develop a list of vehicle vendors and suppliers that meet both zero-emission vehicle standards and also meet public agencies technical and performance requirements.

Cons:

- The legislation needs refinement to ensure that the carve out provisions clearly apply to agencies that deliver water for agricultural use as well as human consumption.

[A.B. 345 \(Wilson\) – Habitat Restoration: flood control: advance payment](#)

RECOMMENDATION: FAVOR

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This bill would authorize the Department of Water Resources or the Central Valley Flood Protection Board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement. The bill would require the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis, as specified.

Status

A.B. 345 was introduced on January 31, 2023, as a spot bill, and was amended into its current form on March 20. It passed the Assembly Water, Parks, and Wildlife Committee on a 15-0 vote on March 28, and has been referred to the Assembly Committee on Appropriations.

Importance to the Authority

The Authority has long supported habitat restoration as part of a balanced approach to addressing species decline and to support ecosystem function, including direct investments by Authority members as well as contributions through the Science Program to explore the benefits of habitat restoration. The degradation



of habitat in the watershed of the Sacramento-San Joaquin Bay-Delta has been a significant contributor to species decline that has impacted water operations through the imposition of regulatory controls on the operations of the Central Valley Project.

Additionally, flood control, and potential associated groundwater recharge and/or water conveyance during high flow periods, has the potential to have beneficial impacts to year to year water supply reliability for the Authority's member agencies. Many member agencies are exploring the development of projects of this type and are working to rapidly develop projects to minimize the impacts of implementation of the Sustainable Groundwater Management Act on their districts water portfolios.

This legislation would enable habitat restoration and/or flood control projects to move forward quickly upon approval of a funding agreement with the Department of Water Resources or the Central Valley by allowing up to 25% of the award to be advanced at the beginning of the project, rather than through reimbursement. This could serve to expedite the deployment of projects and ease financing requirements for Authority members engaging in these project types.

Pros:

- Would provide advance funding for projects that provide flood control or habitat restoration, reducing the need to finance the total cost for grant funded projects.

Cons:

- None identified.

S.B. 493 (Min) – Air pollution: alternative vehicles and electric and hydrogen infrastructure

RECOMMENDATION: FAVOR

OBJECTIVE: Core Objective

Existing Law

Existing law requires the California Energy Commission (CEC), working with the California Air Resources Board (CARB) and the Public Utilities Commission (CPUC), to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the State to meet its goals of putting at least 5,000,000 zero-emission vehicles (ZEVs) on California roads by 2030, and of reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030.

Executive Order No. N-79-20 establishes a goal that 100 percent of in-state sales of new passenger cars and trucks be zero-emission by 2035.

Summary

SB 493 would require the CEC, in consultation with the CARB and the CPUC, to conduct an assessment of the electric and hydrogen infrastructure needed to meet the deadlines in Executive Order No. N-79-20 for the transition of medium- and heavy-duty vehicles to zero-emission vehicles. The assessment would be required to include analyses of the following:

- A. The hydrogen production, storage, and transport facilities needed to support medium- and heavy-duty fleet transitions to zero-emission hydrogen vehicles;



-
- B. The electric vehicle infrastructure, electric system infrastructure, and electric generation needed to support medium- and heavy-duty fleet transitions to zero-emission battery electric vehicles; and
 - C. Barriers to the deployment of electric and hydrogen infrastructure for medium- and heavy-duty fleets and recommendations for addressing these barriers.

The bill would require the CEC, on or before December 31, 2024, to post the assessment on its website and submit the assessment to the Legislature.

SB 493 would require CARB to incorporate the findings of the assessment into a strategic plan to meet the deadlines in Executive Order No. N-79-20 for the transition of medium- and heavy-duty fleets to ZEVs. CARB would be required to post the strategic plan on its website and submit the plan to the Legislature on or before December 31, 2025.

Status

SB 493 was introduced on February 14, 2023, passed the Senate Committee on Environmental Quality on a 17-0 vote on March 21, passed the Senate Committee on E.Q. on April 20. The bill has been referred to the Committee on Appropriations.

Importance to the Authority

Under the assumed adoption of the Advanced Clean Fleet Regulation, Authority member agencies will require adequate infrastructure to charge fleet vehicles, as needed, to prepare for planned operations, and respond to extended emergency events. The potential that public water and wastewater agencies may be unable to charge fleet vehicles puts at risk the ability to fulfill essential public health and safety responsibilities. Currently there is no assurance that the necessary charging infrastructure and energy supply to maintain or improve existing operations will be available at the time water agencies would be required to purchase ZEVs. Californians' access to water and wastewater services is essential for public health and a lack of infrastructure necessary for the transition to ZEVs could impact the delivery of safe and affordable water.

SB 493 would partially address these concerns by requiring collaboration between the CEC, CARB, and CPUC to assess the infrastructure needed to decarbonize the medium- and heavy-duty vehicle sector. CARB would be required to incorporate the findings of the assessment into a strategic plan to meet the deadlines in Executive Order No. N-79-20. The bill aims to address the lack of action regarding current inadequate infrastructure to meet the requirements proposed in the ACF.

SB 493 would require the assessment of electric and hydrogen infrastructure and would require a strategic plan to meet the needs for the transition to ZEVs that would be required by the ACF. This bill would require the CEC, CARB, and CPUC to work collaboratively to address the lack of adequate infrastructure.

Pros:

- The bill would require the regulatory bodies that are administering the Advanced Clean Fleet Regulation and associated fleet transition issues to develop a strategic plan that would aid the transition to decarbonize the medium- and heavy-duty vehicle sector.

Cons:

- None identified.



S.B. 550 (Grove) – Water markets

RECOMMENDATION: FAVOR

OBJECTIVE: Core Objective

Existing Law

Existing law finds and declares that voluntary water transfers between water users can result in a more efficient use of water, benefiting both the buyer and the seller. Existing law requires the Department of Water Resources to implement the various state laws that pertain to water transfers and to prepare a water transfer guide that includes, among other things, a review of existing and appropriate state and federal laws that pertain to water transfers, water markets, or water rights.

Summary

This bill would require, on or before January 1, 2025, the Legislative Analyst, in collaboration with the Department of Water Resources, the State Water Resources Control Board, and other state agencies, as described, to prepare and submit to the Legislature a report analyzing the water market, including background information regarding the sale of water and water rights, trends in the water market, barriers to entering the water market or effectively trading in the market, and proposals for improving the regulatory framework to make the water market more market friendly and to encourage growth.

Status

S.B. 550 was introduced on February 15, 2023, was amended on March 20 and passed the Senate Committee on Natural Resources and Water on a 10-0 vote. The bill has been referred to the Committee on Appropriations and has been placed on the suspense file.

Importance to the Authority

Many Authority members rely on water transfers as a source of supplemental water supply for years when federal allocations are reduced. There has been increased attention to the water transfer market in recent years, both from the media and legislators, with a couple of pieces of legislation being advanced during the last legislative session seeking to modify various requirements and timelines in the water transfer system.

This legislation would direct the Legislative Analyst to prepare a report analyzing the water market, which would include background information on the sale of water and water rights, trends in the water market, barriers to entry or effective trading, and proposals for improving the regulatory framework to make the water market more market friendly and to encourage growth in the market. This report would serve to inform the Legislature on the current status of the water market and provide nonpartisan recommendations to improve the regulatory framework of the water market.

Pros:

- Would provide additional information to the Legislature on a portion of Authority member water supply that is often unknown and that has a lack of transparency, educating members of the legislature and the public.
- Nonpartisan recommendations for improving the regulatory framework around the water market would be provided for potential legislative action.



Cons:

- Would require engagement with the Legislative Analyst office to ensure that Authority interests in the report are accurately characterized and the LAO is informed
 - Has the potential to trigger additional legislative action in the water market
-

S.B. 659 (Ashby) – California Water Supply Solutions Act of 2023

RECOMMENDATION: FAVOR

OBJECTIVE: Core Objective

Existing Law

Existing law establishes the Department of Water Resources (DWR) within the Natural Resources Agency (Agency). Existing law provides that it is the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses.

Existing law requires DWR to update every five years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan (Water Plan). Existing law requires DWR to include a discussion of various strategies in the Water Plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state.

Summary

This bill, known as the California Water Supply Solutions Act of 2023, would require, on or before January 1, 2025, DWR, in consultation with the State Water Resources Control Board (State Water Board) and the regional water quality control boards, to prepare and approve a groundwater recharge action plan, that is to be included in the next update to the California Water Plan, that will provide actionable recommendations that result in the ability to achieve an increase of 10 million acre-feet of groundwater recharge by December 31, 2035. The groundwater recharge action plan shall identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state's groundwater supply.

The bill would define "water boards" to mean the State Water Board and the nine regional water quality control boards.

The bill would require DWR and the water boards to seek out and consider all relevant information from the agriculture, environmental, and environmental justice sectors, local water supply agencies, any communities potentially impacted by the groundwater recharge action plan, and from researchers and experts on climate science, climate science solutions, water storage, water conveyance, and environmental protection.

The bill would require DWR and the water boards to conduct a series of public workshops to give interested parties an opportunity to comment on the groundwater recharge action plan. A portion of these workshops must be conducted in regions of the state that have been impacted the most by drought,



including, but not limited to, communities with minority populations, communities with low-income populations, agricultural communities, and water disparate communities.

DWR and the water board shall evaluate the total potential costs and total potential economic and noneconomic benefits of implementing the recommendations of the groundwater recharge action plan. The bill would require, on or before December 31, 2035, DWR and the water boards to implement the recommendations identified in the groundwater recharge action plan.

The bill stipulates nothing in this part shall limit or reduce the existing surface storage of water, affect or change any water right, or prioritize any one use of water over another use, define what is to be considered a beneficial use of water, or in any way influence how the increased supply of groundwater under this part shall be used.

Status

S.B. 659 was introduced on February 16, 2023, as a spot bill and was amended on March 20, 2023, with the current legislative language. The bill was amended further and passed the Committee on Natural Resources on a 10-0 vote on April 11, and has been set for a hearing in the Environmental Quality Committee on April 26.

Importance to the Authority

SB 659 recognizes the essential need to create a reliable supply of water for California and would create a statutory framework that would result in the ability to achieve an increase of 10 million acre-feet of groundwater recharge by December 31, 2035. To ensure the state takes into consideration the impacts this goal would have on various sectors, the bill provides local water supply agencies and other interested parties with the opportunity to weigh in on the development of the groundwater recharge plan. Further, by placing this requirement in law, state agencies having authority over water would have to take this goal into consideration in rulemaking and funding decisions.

Pros:

- Would create a statutory framework to result in an additional 10 million acre-feet of groundwater recharge by December 31, 2035, five years prior to full implementation of the Sustainable Groundwater Management Act.

Cons:

- Requires engagement by Authority members in another statewide planning effort with undefined benefit to the San Joaquin Valley.
- Requires additional engagement and close coordination between GSAs to ensure basin management activities between neighboring basins don't conflict with one another as plan is developed



A.B. 754 (Papan) – Water management planning: automatic conservation plan

RECOMMENDATION: OPPOSE

OBJECTIVE: Core Objective

Existing Law

Existing law, the Urban Water Management Planning Act, requires every urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan (UWMP). Existing law requires a UWMP to quantify past, current, and projected water use, identifying the uses among water use sectors, including, among others, commercial, agricultural, and industrial. Existing law requires an UWMP to identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over a specified period of time, providing supporting and related information, including, among other things, a description of the management of each supply in correlation with the other identified supplies when multiple sources of water supply are identified.

Existing law requires an agricultural water supplier to prepare and adopt an agricultural water management plan (AWMP) with specified components on or before December 31, 2012, and to update those plans on or before December 31, 2015, and on or before April 1, 2021, and thereafter on or before April 1 in the years ending in six and one. Existing law requires an agricultural water supplier to submit its plan to the Department of Water Resources (DWR) no later than 30 days after the adoption of the plan and requires DWR to review an agricultural water management plan and notify an agricultural water supplier if the department determines that it is noncompliant. Existing law requires an agricultural water supplier to submit copies of its plan no later than 30 days after the department's review and requires DWR to submit its report summarizing the status of the plans to the Legislature on or before April 30 in the years ending in seven and two.

Summary

Urban Water Supplier Provisions

If an urban water supplier identifies a reservoir as an existing or planned source of water available to the supplier, that urban water supplier's UWMP would be required include the following additional information:

1. A target water supply storage curve based on target carryover levels sufficient to satisfy water users and ecological stream flow needs for at least five years, with reasonably predicted inflow calculations considering local conditions and climate change. The reservoir storage level shall be calculated each month based on reservoir capacity, projected inflows, evaporation, water demands from all users, and streamflow requirements, and shall be plotted against the target water supply storage curve on a calendar to ensure that target storage levels are met; and,
2. An automatic conservation plan to be implemented when the reservoir storage level falls below the target water supply storage curve determined above. The bill stipulates that when both an automatic conservation plan and a water shortage contingency plan are in effect, the more restrictive of the two plans shall govern.



The bill would require an automatic conservation plan developed by an urban water supplier to include all the following:

- 1) Six standard water storage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages below the target water supply curve and greater than 50 percent shortage;
- 2) At each water shortage level, urban water suppliers shall initiate conservation response actions that align with the defined shortage levels and include at a minimum, all the following:
 - a) Locally appropriate water supply augmentation actions;
 - b) Locally appropriate water demand reduction actions to adequately respond to shortages;
 - c) Locally appropriate operational changes; and,
 - d) Mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
- 3) For each action, an estimate of the extent that the gap between target reservoir storage level and the actual reservoir storage level will be reduced by for implementation of the action;
- 4) For each action, an estimate of impacts to other water resources, including any increase in groundwater extraction;
- 5) Water demand reduction actions shall be applied to all customer classes, and may include any of the following:
 - a) Water waste prevention ordinances;
 - b) Metering;
 - c) Conservation pricing;
 - d) Public education and outreach;
 - e) Programs to assess and manage distribution system real loss; and,
 - f) Water conservation program coordination and staffing support.
- 6) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day; and,
- 7) Other demand management measures that have a significant impact on water used by downstream water rights holders.

Agricultural Water Supplier Provisions

If an agricultural water supplier identifies a reservoir as an existing or planned source of water available to the supplier, an agricultural water management plan would be required to include the following additional information:

- 1) A target water supply storage curve based on target carryover levels sufficient to satisfy water users and ecological stream flow needs for at least five years, with reasonably predicted inflow calculations considering local conditions and climate change. The reservoir storage level shall be calculated each month based on reservoir capacity, projected inflows, evaporation, water demands from all users, and streamflow requirements, and shall be plotted against the target water supply storage curve on a calendar to ensure that target storage levels are met;
- 2) An automatic conservation plan that is implemented when the reservoir storage level falls below the target water supply storage curve determined above. When both an automatic conservation plan and a drought plan are in effect, the more restrictive of the two plans shall govern.



An automatic conservation plan developed by an agricultural water supplier would be required to include the following:

- 1) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages below the target water supply curve and greater than 50 percent storage;
- 2) At each water shortage level, agricultural water suppliers shall initiate conservation response actions that align with the defined shortage levels and include, at a minimum, all the following:
 - a) Locally appropriate supply augmentation actions;
 - b) Locally appropriate demand reduction actions to adequately respond to shortages;
 - c) Locally appropriate operational changes;
 - d) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
- 3) For each action, an estimate of the extent that the gap between the target reservoir storage level and the actual reservoir storage level will be reduced by implementation of the action; and,
- 4) For each action, an estimate of impacts to other water resources, including any increase in groundwater extraction.

Status

A.B. 754 was introduced on February 13, 2023, as a spot bill and was substantively amended into its current form on March 9. The bill was heard and amended a second time at the Committee on Water, Parks, and Wildlife on April 24, where it passed on a 10-4 vote. The bill has been referred to the Committee on Appropriations.

Importance to the Authority

In response to the 2012-2016, Governor Brown signed Executive Order B-37-16, "Making Conservation a California Way of Life" in May of 2016. The Executive Order called for DWR and the State Water Resources Control Board (State Water Board) to work together to develop a permanent conservation framework that includes specific requirements for water use efficiency and drought planning.

During the 2017-2018 legislative session, eight policy bills and a budget trailer bill were introduced to implement the Governor's call for making conservation a way of life based on the State agencies' framework. Following extensive legislative debate and stakeholder engagement, on May 31, 2018, AB 1668 (Friedman) and SB 606 (Hertzberg) were signed into law. These bills established the statutory framework to improve drought preparedness and regional resilience; they also established and refined the requirements for urban and agricultural water management plans.

Many of the requirements of these bills have either taken effect or are in the process of being finalized. Planning requirements are already in effect, requiring urban and agricultural water suppliers to prepare a variety of drought-related reports and plans including: urban and agricultural water management plans including a drought risk assessment or drought plan, water shortage contingency plans (urban), annual water supply and demand assessment (urban), and annual water budget (agricultural).

Urban Water Management Plans

Urban water supplier are required to prepare and adopt a UWMP and update the plan every five years. In developing an UWMP, a water supplier will assess changes in natural hydrology, climate, and groundwater conditions, anticipate the implications of regional, state, and federal regulations,



understand supply conditions and water use variability, prepare for water shortages and unforeseen calamities, and identify regional constraints on or opportunities for shared water resources.

Water Shortage Contingency Plans

As part of its UWMP, urban water suppliers are required to prepare and adopt a water shortage contingency plan (WSCP). A WSCP is a detailed proposal that documents the process used by a supplier to anticipate water supply disruptions and describes how the supplier intends to address a water shortage. WSCPs are required to include various elements including a water supply reliability analysis, annual water supply and demand assessment procedures, six standard water shortage stages corresponding to progressive ranges of up to 10-, 20-, 30-, 40-, and 50-percent shortages and greater than 50-percent shortage, shortage response actions, communication protocols, and compliance and enforcement protocols. While WSCPs are primarily meant for the supplier's decision makers, management and operational staff, communications staff, and customers, WSCPs also have statewide utility for DWR, the State Water Board, and the Legislature in addressing extreme drought conditions or statewide calamities that impact water supply availability.

Annual Water Supply and Demand Assessment

Urban water suppliers are also required to prepare an annual water supply and demand assessment (Assessment) and submit an annual shortage report to DWR every year. The Assessment and associated report are to be conducted based on the water supplier's procedures detailed in its adopted WSCP. The Assessment is developed based on the assumption that the upcoming year is going to be dry; however, implementation of any response actions will need to take into consideration actual water supply and demand conditions applicable to the current year. The annual shortage report includes information on anticipated shortage, triggered shortage response actions, compliance and enforcement actions and communication actions described in the WSCP. After submittal, suppliers must perform ongoing reassessments of their water supply and demand conditions throughout the year.

Drought Risk Assessment

Further, UWMPs are required to contain a drought risk assessment, which examines water supplies, water uses, and the resulting water supply reliability under a reasonable prediction for five consecutive dry years. The drought risk assessment is required to include a comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period and considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

Agricultural Water Management Plans

The Water Conservation Act of 2009 (SB X7-7) requires agricultural water suppliers to adopt and submit an Agricultural Water Management Plan (AWMP) to DWR every five years. SB X7-7 stipulates agricultural water suppliers can submit individual plans or collaborate and submit regional plans, as long as it meets the requirements outlined in SB X7-7. AB 1668 (Friedman, 2018) requires AWMPs to quantify measures to increase agricultural water use efficiency, include an annual water budget, describe the agricultural water supplier's water management strategy with specified elements, and include a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions.



Drought Plan

As part of its AWMP, an agricultural water supplier is required to develop a drought plan for periods of limited water supply describing the actions it would take for drought preparedness and management of water supplies during drought conditions. These plans must include resilience planning including: data and indicators, analyses of potential vulnerabilities, and discussion of opportunities and strengths. The drought plan must also identify how the agricultural water supplier will respond in a drought including: process for declaring and implementing a water shortage, enforcement and appeal procedures, methods to evaluate effectiveness, communication protocols, and an analysis of fiscal potential impacts.

AB 754 additionally requires UWMPs and AWMPs, if a reservoir is identified as an existing or planned source of water available to the supplier, to include specified information related to water storage and conservation, including a target water supply storage curve, and an automatic conservation plan that would be implemented when the reservoir storage level falls below that curve. The bill further requires specified response actions to be taken when water storage falls to specified storage levels.

As summarized above, various drought planning tools already exist to improve drought preparedness and regional resilience, and water providers are required to prepare, adopt, and review a plethora of plans and reports to identify methods, procedures, and actions that ensure the adequate water supplies are available to meet existing and future water needs. Much of what would be included in the required automatic conservation plan and the correlating conservation response actions would be duplicative of shortage response actions, communication protocols, and compliance and enforcement protocols outlined in a water providers' UWMP and AWMP.

Further, the bill fails consider that while a water provider may receive water from a reservoir, that reservoir may be owned and operated by the U.S. Bureau of Reclamation and/or is part of the larger State Water Project or Central Valley Project, and that the requirements placed on water providers would be based on reservoir actions that are out of their control. For those water agencies that rely in whole or part on locally managed reservoirs, they are largely already accounting for the issues this bill seeks to address in their water management plans. For urban water retailers, the annual water supply and demand assessment already also largely accounts for reservoirs as a potential water resource.

On the heels of the 2012-2016 drought, the Administration and Legislature enacted and implemented a number of new reporting requirements designed to ensure that local water agencies are adequately planning for drought and water shortage and that the State has access to pertinent information. All of this new reporting has gone into effect and the goals of this bill are largely met with the existing reporting. This bill appears to be creating a duplicative requirement without any additional benefits to either the state or local agencies.

Pros:

- Limited benefits identified

Cons:

- Institutes additional and duplicative requirements for various planning efforts that are already required for Authority members at substantial costs with limited additional benefits
-



A.B. 1205 (Bauer-Kahan) – Water rights: sale, transfer, or lease: agricultural lands

RECOMMENDATION: PENDING COMMITTEE INPUT

OBJECTIVE: Core Objective

Existing Law

Existing law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare.

Summary

AB 1205 would declare that the sale, transfer, or lease of an interest in any water right for profit, on or below agricultural lands within the state by an investment fund, shall not be considered a reasonable or beneficial use of water.

Status

A.B. 1205 was introduced on February 16, 2023, as a spot bill and was amended into its current form on March 23, 2023. The bill is currently scheduled to be heard in the Assembly Water, Parks, and Wildlife Committee on May 3, 2023.

Importance to the Authority

AB 1205 would declare that the sale, transfer, or lease of an interest in any water right for profit, on or below agricultural lands within the state by an investment fund, shall not be considered a reasonable or beneficial use of water.

Authority member agencies engage in water transfers both through the pooled Authority transfer program, as well as conducting individual transactions, as a means of addressing shortages in contract supplies from the United States. As institutional investment in agriculture increases, passage of this legislation would potentially remove those potential water transfer partners and pose a chilling effect on the market.

Potential Amendments

Seek clarification of “transfer for profit”

Seek clarification that underlying definition of “investment fund” does not impact water authority member agency grower legal models

Pros:

- Would discourage institutional investment in agricultural land for the purposes of water market speculation

Cons:

- Limits use of underlying property right for certain types of property owner
- May cause delays and/or more expensive process for water transfers as ownership is verified
- Lacks clarity in definition of “transfer for profit”



-
- Lacks clarity in underlying definition of “investment fund”, which could include certain legal models of existing grower
 - Could limit available sellers in the water market, increasing prices and reducing agricultural competitiveness in the marketplace
-

Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

Policy

By Agenda Item 9, dated December 8, 2022, the Board adopted the Fiscal Year 2024 Objectives.

Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority’s staff and consultants testify and advocate with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority’s position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her designee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair’s designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority’s legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority’s Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.

BILL TEXT

118TH CONGRESS
1ST SESSION

H. R. 872

To amend the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters and species of fish that spawn in ocean waters and migrate to fresh or estuarine waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2023

Mr. CALVERT (for himself, Mr. McCLINTOCK, Mr. SIMPSON, Mrs. STEEL, Mr. COSTA, Mr. OBERNOLTE, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters and species of fish that spawn in ocean waters and migrate to fresh or estuarine waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federally Integrated
5 Species Health Act” or the “FISH Act”.

1 **SEC. 2. TRANSFER OF FUNCTIONS WITH RESPECT TO**
2 **ANADROMOUS SPECIES AND CATADROMOUS**
3 **SPECIES.**

4 (a) **TRANSFER OF FUNCTIONS.**—All functions with
5 respect to anadromous species and catadromous species
6 under the Endangered Species Act of 1973 (16 U.S.C.
7 1531 et seq.) that were vested in the Secretary of Com-
8 merce or the National Marine Fisheries Service imme-
9 diately before the enactment of this Act are transferred
10 to the Secretary of the Interior.

11 (b) **CONFORMING AMENDMENTS.**—The Endangered
12 Species Act of 1973 is amended—

13 (1) in section 3(15) (16 U.S.C. 1532(15))—

14 (A) by inserting “(A)” after “(15)”; and

15 (B) by inserting after “Secretary of Agri-
16 culture.” the following:

17 “(B) Notwithstanding subparagraph (A), with re-
18 spect to anadromous species and catadromous species, the
19 term ‘Secretary’ means the Secretary of the Interior.”;
20 and

21 (2) in section 3 (16 U.S.C. 1532) by adding at
22 the end the following:

23 “(22) The term ‘anadromous species’ means a species
24 of fish that spawns in fresh or estuarine waters and mi-
25 grates to ocean waters.

1 “(23) The term ‘catadromous species’ means a spe-
2 cies of fish that spawns in ocean waters and migrates to
3 fresh or estuarine waters.”.

4 **SEC. 3. MISCELLANEOUS PROVISIONS.**

5 (a) REFERENCES.—Any reference in any other Fed-
6 eral law, Executive order, rule, regulation, or delegation
7 of authority, or any document of or pertaining to a depart-
8 ment or office from which a function is transferred by this
9 Act—

10 (1) to the head of such department or office is
11 deemed to refer to the Secretary of the Interior; or

12 (2) to such department or office is deemed to
13 refer to the Department of the Interior.

14 (b) EXERCISE OF AUTHORITIES.—Except as other-
15 wise provided by law, the Secretary of the Interior may,
16 for purposes of performing the functions transferred by
17 this Act, exercise all authorities under the Endangered
18 Species Act of 1973 that were available with respect to
19 the performance of that function immediately before the
20 effective date of the transfer of the function under this
21 Act.

22 (c) SAVINGS PROVISIONS.—

23 (1) LEGAL DOCUMENTS.—All orders, deter-
24 minations, rules, regulations, permits, grants, loans,

1 contracts, agreements, certificates, licenses, and
2 privileges—

3 (A) that have been issued, made, granted,
4 or allowed to become effective by the Secretary
5 of Commerce, any officer or employee of the
6 Department of Commerce, or any other Govern-
7 ment official in the performance of any function
8 that is transferred by this Act, or by a court of
9 competent jurisdiction with respect to such per-
10 formance; and

11 (B) that are in effect on the effective date
12 of this Act (or become effective after such date
13 pursuant to their terms as in effect on such ef-
14 fective date),

15 shall continue in effect according to their terms until
16 modified, terminated, superseded, set aside, or re-
17 voked in accordance with law by the President, any
18 other authorized official, a court of competent juris-
19 diction, or operation of law.

20 (2) PROCEEDINGS.—

21 (A) IN GENERAL.—This Act shall not af-
22 fect any proceedings or any application for any
23 benefits, service, license, permit, certificate, or
24 financial assistance pending on the date of the
25 enactment of this Act before an office trans-

1 ferred by this Act. Such proceedings and appli-
2 cations shall be continued. Orders shall be
3 issued in such proceedings, appeals shall be
4 taken therefrom, and payments shall be made
5 pursuant to such orders, as if this Act had not
6 been enacted, and orders issued in any such
7 proceeding shall continue in effect until modi-
8 fied, terminated, superseded, or revoked by a
9 duly authorized official, by a court of competent
10 jurisdiction, or by operation of law.

11 (B) LIMITATION.—Nothing in this para-
12 graph shall be considered to prohibit the dis-
13 continuance or modification of any such pro-
14 ceeding under the same terms and conditions
15 and to the same extent that such proceeding
16 could have been discontinued or modified if this
17 Act had not been enacted.

18 (3) SUITS.—This Act shall not affect suits com-
19 menced before the date of the enactment of this Act,
20 and in all such suits, proceeding shall be had, ap-
21 peals taken, and judgments rendered in the same
22 manner and with the same effect as if this Act had
23 not been enacted.

24 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
25 tion, or other proceeding commenced by or against

1 the Department of Commerce or the Secretary of
2 Commerce, or by or against any individual in the of-
3 ficial capacity of such individual as an officer or em-
4 ployee of the Department of Commerce, shall abate
5 by reason of the enactment of this Act.

6 (5) CONTINUANCE OF SUITS.—If any Govern-
7 ment officer in the official capacity of such officer
8 is party to a suit with respect to a function of the
9 officer, and under this Act such function is trans-
10 ferred to any other officer or office, then such suit
11 shall be continued with the other officer or the head
12 of such other office, as applicable, substituted or
13 added as a party.

14 (6) ADMINISTRATIVE PROCEDURE AND JUDI-
15 CIAL REVIEW.—Except as otherwise provided by this
16 Act, any statutory requirements relating to notice,
17 hearings, action upon the record, or administrative
18 or judicial review that apply to any function trans-
19 ferred by this Act shall apply to the exercise of such
20 function by the head of the Federal agency, and
21 other officers of the agency, to which such function
22 is transferred by this Act.

23 **SEC. 4. DEFINITIONS.**

24 For purposes of this Act:

1 (1) ANADROMOUS SPECIES AND CATADROMOUS
2 SPECIES.—Each of the terms “anadromous species”
3 and “catadromous species” has the meaning that
4 term has under section 3 of the Endangered Species
5 Act of 1973, as amended by section 3 of this Act.

6 (2) FUNCTION.—The term “function” includes
7 any duty, obligation, power, authority, responsibility,
8 right, privilege, activity, or program.

9 (3) OFFICE.—The term “office” includes any
10 office, administration, agency, bureau, institute,
11 council, unit, organizational entity, or component
12 thereof.

○

118TH CONGRESS
1ST SESSION

H. R. 2419

To provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. COSTA (for himself, Mr. GARAMENDI, and Mr. HARDER of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Canal Conveyance Ca-
5 pacity Restoration Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to address severe subsidence impacts that
2 have substantially reduced the carrying capacity of
3 the water delivery system of the State; and

4 (2) to provide additional water supply in the
5 State at a relatively low cost per acre-foot to in-
6 crease—

7 (A) resiliency to increasingly severe
8 droughts in the State;

9 (B) groundwater recharge needed to assist
10 in meeting groundwater sustainability goals es-
11 tablished under State law; and

12 (C) the reliability of surface or ground-
13 water supplies, portions of which serve dis-
14 advantaged communities.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **FEDERAL POOL.**—The term “Federal pool”
18 means each of pools 13 through 21 of the San Luis
19 Canal/California Aqueduct, which are owned by the
20 United States and operated by the California De-
21 partment of Water Resources under the agreement
22 entitled “Agreement Between the United States of
23 America and the Department of Water Resources of
24 the State of California for the Construction and Op-

1 eration of the Joint-Use Facilities of the San Luis
2 Unit” and dated December 30, 1961.

3 (2) NET PRESENT VALUE OF THE LOCAL CON-
4 TRIBUTION TO REIMBURSABLE FEDERAL FUND-
5 ING.—The term “net present value of the local con-
6 tribution to reimbursable Federal funding” means,
7 with respect to a project, the amount equal to the
8 difference between—

9 (A) the total amount of reimbursable Fed-
10 eral funds made available for a project; and

11 (B) the amount of the present value, as of
12 the date of the calculation, of any interest sub-
13 sidy provided through the repayment terms to
14 the Treasury over similarly structured munic-
15 ipal bond financing available to the non-Federal
16 entity on the disbursement of the reimbursable
17 Federal funds for the project.

18 (3) NON-FEDERAL POOL.—The term “non-Fed-
19 eral pool” means each of pools 22 through 40 of the
20 California Aqueduct, which are owned by the State
21 and operated by the California Department of Water
22 Resources.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior, acting through the
25 Commissioner of Reclamation.

1 (a) shall be not more than 33 percent of the total
2 cost of the project, including amounts contributed
3 after October 1, 2018.

4 (2) FORM OF NON-FEDERAL SHARE.—The non-
5 Federal share of the cost of carrying out a project
6 under subsection (a) may be provided in the form of
7 cash or in-kind contributions, including the net
8 present value of the local contribution to the reim-
9 bursable Federal funding for the project after Octo-
10 ber 1, 2018.

11 (c) REQUIRED DETERMINATION BY SECRETARY.—
12 Federal funds shall not be made available under this Act
13 for a project under subsection (a) unless the Secretary de-
14 termines that—

15 (1) there is an adequate non-Federal cost share
16 to match the total amount of federally appropriated
17 financial assistance made available for the project as
18 of the date of the determination of the Secretary;
19 and

20 (2) the project is designed in a manner—

21 (A) to satisfy the purposes described in
22 section 2, after taking into account anticipated
23 future subsidence; and

24 (B) to comply with all applicable require-
25 ments of Federal and State law, including part

1 2.74 of division 6 of the California Water Code
2 (commonly known as the “California Sustain-
3 able Groundwater Management Act”).

4 **SEC. 5. CALIFORNIA AQUEDUCT SUBSIDENCE MITIGATION**
5 **PROJECT.**

6 (a) **IN GENERAL.**—The Secretary may provide finan-
7 cial assistance for the design, planning, and construction
8 of projects to restore conveyance capacity at, and to miti-
9 gate subsidence-related impacts on, the Federal pool and
10 non-Federal pool.

11 (b) **NON-FEDERAL PARTNERS.**—To carry out this
12 section, the Secretary may enter into partnerships with—

13 (1) the State; or

14 (2) a local joint powers authority formed under
15 State law by public water agencies that contract for
16 delivery of water from the Central Valley Project or
17 the State Water Project.

18 (c) **COST-SHARING REQUIREMENT.**—

19 (1) **FEDERAL SHARE.**—The Federal share of
20 the cost of carrying out a project under subsection
21 (a) shall be not more than 33 percent of the total
22 cost of the project, including any amounts expended
23 by the State for subsidence repairs in the Federal
24 pool and non-Federal pool for the project after Octo-
25 ber 1, 2018.

1 (2) FORM OF NON-FEDERAL SHARE.—The non-
2 Federal share of the cost of a project provided finan-
3 cial assistance under subsection (a) may be in the
4 form of cash or in-kind contributions.

5 (d) REQUIRED DETERMINATION BY SECRETARY.—
6 Federal funds shall not be made available under this Act
7 for a project under subsection (a) unless the Secretary de-
8 termines, with the concurrence of the Governor of the
9 State, that—

10 (1) there is an adequate non-Federal cost share
11 to match the total amount of federally appropriated
12 financial assistance made available for the project as
13 of the date of the determination of the Secretary;
14 and

15 (2) the project is designed in a manner—

16 (A) to satisfy the purposes described in
17 section 2, after taking into account anticipated
18 future subsidence; and

19 (B) to comply with all applicable require-
20 ments of Federal and State law, including part
21 2.74 of division 6 of the California Water Code
22 (commonly known as the “California Sustain-
23 able Groundwater Management Act”).

1 **SEC. 6. ENVIRONMENTAL COMPLIANCE.**

2 In carrying out a project under this Act, the Sec-
3 retary shall comply with applicable environmental laws, in-
4 cluding—

5 (1) the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.);

7 (2) the Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.); and

9 (3) applicable State law.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the Secretary, as adjusted annually to reflect
13 changes since March 2021 in the Bureau of Reclamation
14 Construction Cost Trends Index applicable to the types
15 of construction involved—

16 (1) \$180,000,000 to carry out section 4(a)(1),
17 consistent with, and in addition to funding author-
18 ized under, section 10203(c) of the San Joaquin
19 River Restoration Settlement Act (Public Law 111–
20 11; 123 Stat. 1367);

21 (2) \$183,900,000 to carry out section 4(a)(2);

22 (3) \$194,000,000 to pay the Federal share for
23 the Federal pool under section 5;

24 (4) \$95,500,000 to pay the Federal share for
25 the non-Federal pool under section 5; and

1 (5) \$180,000,000 to implement the Restoration
2 Goal of the settlement described in section 10004 of
3 the San Joaquin River Restoration Settlement Act
4 (Public Law 111–11; 123 Stat. 1350), in addition to
5 the funding authorized under section 10009 of that
6 Act.

7 (b) LIMITATIONS.—Amounts made available under
8 subsection (a) may not be used—

9 (1) to build new surface storage;

10 (2) to raise existing reservoirs; or

11 (3) to enlarge the carrying capacity of a canal
12 constructed by the Bureau of Reclamation, except
13 for a temporary increase in carrying capacity that is
14 intended—

15 (A) to mitigate anticipated future subsid-
16 ence; and

17 (B) to avoid an increase in carrying capac-
18 ity that would otherwise be required on the oc-
19 currence of anticipated future subsidence.

20 (c) ADDITIONAL AMOUNTS.—Amounts made avail-
21 able under subsection (a) shall be—

22 (1) in addition to any other amounts made
23 available for the purposes described in that sub-
24 section; and

1 (2) nonreimbursable.



.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. COSTA introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring WIFIA Eli-
5 gibility Act”.

1 **SEC. 2. BUDGETARY TREATMENT OF CERTAIN AMOUNTS**
2 **OF FINANCIAL ASSISTANCE.**

3 Subtitle C of title V of the Water Infrastructure Fi-
4 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
5 seq.) is amended by adding at the end the following:

6 **“SEC. 5036. BUDGETARY TREATMENT OF CERTAIN**
7 **AMOUNTS OF FINANCIAL ASSISTANCE.**

8 “If the recipient of financial assistance for a project
9 under this subtitle is an eligible entity other than a Fed-
10 eral entity, agency, or instrumentality, and the dedicated
11 sources of repayment of that financial assistance are non-
12 Federal revenue sources, such financial assistance shall,
13 for purposes of budgetary treatment under the Federal
14 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

15 “(1) be deemed to be non-Federal; and

16 “(2) be treated as a direct loan or loan guar-
17 antee (as such terms are defined, respectively, in
18 such Act).”.

AMENDED IN ASSEMBLY APRIL 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 939

Introduced by Assembly Member Pellerin

February 14, 2023

An act to amend Sections 3, 4, 5, 6, 6.1, 9, 10, 11, 12, 13, 13.2, 14, 15, 17, 21, 25.1, 25.2, 25.6, 26.1, 26.3, 26.4, 26.6, 26.7, 26.12, 26.13, 26.15, 26.17, 28, 31, and 33 of, to amend and renumber Sections 7.6, 7.7, 7.8, 7.9, 7.10, and 7.11 of, and to repeal Sections 7, 7.1, 7.3, 7.4, and 7.5 of, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as amended, Pellerin. Santa Clara Valley Water District.

The Santa Clara Valley Water District Act creates the Santa Clara Valley Water District, and authorizes the district to provide for the conservation and management of flood, storm, and recycled waters, and other waters, for beneficial uses and to enhance natural resources in connection with carrying out the purposes of the district. The act authorizes the district to levy ad valorem taxes or assessments in the district to pay the general administrative costs and expenses of the district, to carry out the act's objects or purposes, and to pay the costs and expenses of constructing or extending works within the district. The act additionally authorizes the district to levy taxes or assessments upon all property or all real property within a portion of the district for specified purposes. The act authorizes the district to issue bonds for specified purposes, and requires that the bonds be paid by revenue derived from those tax levies and assessments, except the ad valorem taxes or assessments.

This bill would additionally authorize the district to use the revenues from the ad valorem taxes or assessments to pay for the bonds.

Existing law authorizes the district to issue bonds in accordance with the Revenue Bond Law of 1941 for the purpose of financing the construction, reconstruction, replacement, acquisition, or improvement of any facility or facilities necessary or convenient for the storage, treatment, transmission, or distribution of water for beneficial use within the district and for the purpose of generation or transmission of electricity. The Revenue Bond Law of 1941 requires the district to pay the principal, interest, and premiums for a bond issued in accordance with that law solely from and secured by a lien upon its gross revenues.

This bill would authorize the district to pay bonds from the net revenues, rather than gross revenues, of its water system, as specified.

Existing law authorizes the district to borrow money and incur indebtedness, not to exceed \$8,000,000, by action of the board of directors and without the necessity of calling and holding an election, and prohibits the resulting indebtedness from exceeding 85% of the estimated amount of the district’s revenues, charges, taxes, and assessments that will be available in that fiscal year for payment of short-term notes, including interest.

This bill would delete the \$8,000,000 limit.

Existing law prohibits, until December 31, 2023, the district from compensating its directors for more than a total of 15 days in any calendar month, as specified.

This bill would extend the above provision indefinitely.

This bill would also make various nonsubstantive changes throughout the act.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Santa Clara.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3 of the Santa Clara Valley Water District
- 2 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
- 3 2 of Chapter 205 of the Statutes of 1967, is amended to read:
- 4 Sec. 3. (a) The board of the district, by resolutions thereof
- 5 adopted from time to time, may establish zones within the district
- 6 without reference to the boundaries of other zones, setting forth

1 in the resolutions' descriptions thereof by metes and bounds and
2 entitling each of the zones by a zone number, and institute zone
3 projects for the specific benefit of the zones. The board may, by
4 resolution, amend the boundaries by annexing property to or by
5 withdrawing property from the zones or may divide existing zones
6 into two or more zones or may superimpose a new or amended
7 zone on zones already in existence, setting forth in the resolutions
8 descriptions of the amended, divided, or superimposed zones by
9 metes and bounds and entitling each of the zones by a zone number.

10 (b) Proceedings for the establishment of the zones may be
11 conducted concurrently with and as a part of proceedings for the
12 instituting of projects relating to the zones. The proceedings shall
13 be instituted in the manner prescribed in Section 12.

14 SEC. 2. Section 4 of the Santa Clara Valley Water District Act
15 (Chapter 1405 of the Statutes of 1951), as amended by Section 1
16 of Chapter 279 of the Statutes of 2006, is amended to read:

17 Sec. 4. (a) The purposes of this act are to authorize the district
18 to provide comprehensive water management for all beneficial
19 uses and flood risk reduction within the County of Santa Clara.

20 (b) It is the intent of the Legislature that the district work
21 collaboratively with other appropriate entities in the County of
22 Santa Clara in carrying out the purposes of this act.

23 (c) The district may take action to do all of the following:

24 (1) Reduce the risks to the County of Santa Clara from
25 floodwater and stormwater of the district, including tidal floodwater
26 and the floodwater and stormwater of streams that have their
27 sources outside the district, but flow into the district.

28 (2) Reduce the risks of floodwater or stormwater to the public
29 highways, life and property in the district, and the watercourses
30 and watersheds of streams flowing within the district.

31 (3) Provide flood risk reduction and provide for the conservation
32 and management of stormwater, recycled water, or other water
33 from any sources within or outside the watersheds in which the
34 district is located for beneficial and useful purposes, including
35 spreading, storing, retaining, and causing the waters to percolate
36 into the soil within the district.

37 (4) Protect, save, store, recycle, distribute, transfer, exchange,
38 manage, and conserve in any manner any of the waters.

39 (5) Increase and prevent the waste or diminution of the water
40 supply in the district.

1 (6) Obtain, retain, protect, and recycle drainage, stormwater,
2 floodwater, or treated wastewater, or other water from any sources,
3 within or outside the watersheds in which the district is located
4 for any beneficial uses within the district.

5 (7) Enhance, protect, and restore streams, riparian corridors,
6 and natural resources in connection with carrying out the purposes
7 set forth in this section.

8 (8) Preserve open space in the County of Santa Clara and support
9 the county park system in a manner that is consistent with carrying
10 out the powers granted by this section.

11 SEC. 3. Section 5 of the Santa Clara Valley Water District Act
12 (Chapter 1405 of the Statutes of 1951), as amended by Section
13 239 of Chapter 664 of the Statutes of 2002, is amended to read:

14 Sec. 5. The district is hereby declared to be a body corporate
15 and politic and, in addition to other powers granted by this act,
16 may take action to carry out all of the following purposes:

- 17 (a) To have perpetual succession.
- 18 (b) To sue and be sued in the name of the district in all actions
19 and proceedings in all courts and tribunals of competent
20 jurisdiction.
- 21 (c) To adopt a seal and alter it at pleasure.
- 22 (d) To acquire by grant, purchase, lease, gift, devise, contract,
23 construction, or otherwise, and to hold, use, enjoy, sell, let, and
24 dispose of real and personal property of every kind, including
25 lands, structures, buildings, rights-of-way, easements, and
26 privileges, and to construct, maintain, alter, and operate any and
27 all works or improvements, within or outside the district, necessary
28 or proper to carry out any of the objects or purposes of this act and
29 convenient to the full exercise of its powers, and to complete,
30 extend, add to, alter, remove, repair, or otherwise improve any
31 works, or improvements, or property acquired by it as authorized
32 by this act.
- 33 (e) To store water in surface or underground reservoirs within
34 or outside of the district for the common benefit of the district or
35 of any zone or zones affected; to conserve, reclaim, recycle,
36 distribute, store, and manage water for present and future use within
37 the district; to appropriate and acquire water and water rights, and
38 import water into the district and to conserve within or outside the
39 district, water for any purpose useful to the district; to do any and
40 every lawful act necessary to be done that sufficient water may be

1 available for any present or future beneficial use or uses of the
2 lands or inhabitants within the district, including, but not limited
3 to, the acquisition, storage, and distribution of water for irrigation,
4 domestic, fire protection, municipal, commercial, industrial,
5 environmental, and all other beneficial uses; to distribute, sell, or
6 otherwise dispose of, outside the district, any waters not needed
7 for beneficial uses within the district; to commence, maintain,
8 intervene in, defend, or compromise, in the name of the district on
9 behalf of the landowners therein, or otherwise, and to assume the
10 costs and expenses of any action or proceeding involving or
11 affecting the ownership or use of waters or water rights within or
12 outside the district, used or useful for any purpose of the district
13 or of common benefit to any land situated therein, or involving
14 the wasteful use of water therein; to commence, maintain, intervene
15 in, defend, and compromise and to assume the cost and expenses
16 of any and all actions and proceedings now or hereafter begun; to
17 prevent interference with or diminution of, or to declare rights in
18 the natural flow of any stream or surface or subterranean supply
19 of water used or useful for any purpose of the district or of common
20 benefit to the lands within the district or to its inhabitants; to
21 prevent unlawful exportation of water from the district; to prevent
22 contamination, pollution, or otherwise rendering unfit for beneficial
23 use the surface or subsurface water used or useful in the district,
24 and to commence, maintain, and defend actions and proceedings
25 to prevent any such interference with the described waters as may
26 endanger or damage the inhabitants, lands, or use of water in, or
27 flowing into, the district, except that the district shall not have
28 power to intervene or take part in, or to pay the costs or expenses
29 of, actions or controversies between the owners of lands or water
30 rights that do not affect the interests of the district.

31 (f) To direct the flood and storm waters of the district and the
32 flood and storm waters of streams that have their sources outside
33 of the district, but which streams and the floodwaters thereof, flow
34 into said district, and to conserve the waters for beneficial and
35 useful purposes of the district by spreading, storing, retaining, and
36 causing to percolate into the soil within or without the district, or
37 to save or conserve in any manner all or any of those waters and
38 protect from damage from those flood or storm waters the
39 watercourses, watersheds, public highways, life, and property in

1 the district, and the watercourses outside of the district of streams
2 flowing into the district.

3 (g) To enter upon any land, to make surveys and locate the
4 necessary works of improvement and the lines for channels,
5 conduits, canals, pipelines, roadways, and other rights-of-way; to
6 acquire by purchase, lease, contract, gift, devise, or other legal
7 means all lands and water and water rights and other property
8 necessary or convenient for the construction, use, supply,
9 maintenance, repair, and improvement of the works, including
10 works constructed and being constructed by private owners, lands
11 for reservoirs for storage of necessary water, and all necessary
12 appurtenances, and also where necessary or convenient to that end,
13 and for those purposes and uses, to acquire and to hold in the name
14 of the state, the capital stock of any mutual water company or
15 corporation, domestic or foreign, owning water or water rights,
16 canals, waterworks, franchises, concessions, or rights, when the
17 ownership of such stock is necessary to secure a water supply
18 required by the district or any part thereof, upon the condition that
19 when holding such stock, the district shall be entitled to all the
20 rights, powers, and privileges, and shall be subject to all the
21 obligations and liabilities conferred or imposed by law upon other
22 holders of such stock in the same company; to cooperate with, act
23 in conjunction with, enter into and to do any acts necessary for the
24 proper performance of any agreement with the State of California,
25 or any of its engineers, officers, boards, commissions, departments,
26 or agencies, or with the government of the United States, or any
27 of its engineers, officers, boards, commissions, departments, or
28 agencies or with any state, city and county, city, county, district
29 of any kind, public or private corporation, association, firm, or
30 individual, or any number of them, for the ownership, joint
31 acquisition, leasing, disposition, use, management, construction,
32 installation, extension, maintenance, repair, or operation of any
33 rights, works, or other property of a kind which might lawfully be
34 acquired or owned by the district or for the lawful performance of
35 any power or purpose of the district provided for in this act,
36 including, but not limited to, the granting of the right to the use of
37 any water or the right to store that water in any reservoir of the
38 district or to carrying that water through any tunnel, canal, ditch,
39 or conduit of the district or for the delivery, sale, or exchange of
40 any water right, water supply, or water pumped, stored,

1 appropriated, or otherwise acquired or secured for the use of the
2 district, or for controlling drainage waters, or flood or storm waters
3 of streams in or running into the district, or for the protection of
4 life or property therein, or for the purpose of conserving any waters
5 for the beneficial use within the district, or in any other works,
6 uses, or purposes provided for in this act; and to adopt and carry
7 out any definite plan or system for accomplishing, facilitating, or
8 financing all work which may lawfully be accomplished by the
9 district and to enforce that plan or system by resolution or
10 ordinance.

11 (h) To carry on technical and other necessary investigations,
12 make measurements, collect data, make analyses, studies, and
13 inspections pertaining to water supply, water rights, control of
14 flood and storm waters, and use of water both within and outside
15 the district relating to watercourses or streams flowing in or into
16 the district. For these purposes, the district shall have the right of
17 access through its authorized representatives to all properties within
18 the district and elsewhere relating to watercourses and streams
19 flowing in or into the district. The district, through its authorized
20 representatives, may enter upon such lands and make examinations,
21 surveys, and maps thereof.

22 (i) To prescribe, revise, and collect fees and charges for facilities
23 furnished or to be furnished to any new building, improvement,
24 or structure by the use of any flood control or storm drainage
25 system constructed or to be constructed in a zone of the district,
26 and whenever a drainage or flood control problem is referred to
27 the district by the County of Santa Clara, or any incorporated city
28 therein, to require the installation of drainage or flood control
29 improvements necessary or convenient for needs of the zone,
30 including, but not limited to, residential, subdivision, commercial,
31 and industrial drainage and flood control needs, that county and
32 those cities being hereby authorized to refer all drainage and flood
33 control problems, arising under the Subdivision Map Act (Division
34 2 (commencing with Section 66410) of Title 7 of the Government
35 Code) or otherwise, to the district for solution. Revenues derived
36 under this section shall be used for the acquisition, construction,
37 reconstruction, maintenance, and operation of the flood control or
38 storm drainage facilities of the zone, to reduce the principal or
39 interest of any bonded indebtedness thereof, or to replace funds

1 expended on behalf of that zone derived from the fund created
2 pursuant to paragraph (1) of subdivision (a) of Section 13.

3 (j) To incur indebtedness, and to issue bonds in accordance with
4 this act.

5 (k) To cause taxes or assessments to be levied and collected for
6 the purpose of paying any obligation of the district, and to carry
7 out any of the purposes of this act, in the manner hereinafter
8 provided.

9 (l) To make contracts, to employ labor, and to do all acts
10 necessary for the full exercise of all powers vested in the district,
11 or in the officers thereof, by this act.

12 (m) To have the power and right to disseminate information
13 concerning the rights, properties, activities, plans, and proposals
14 of the district, except that expenditures during any fiscal year for
15 those purposes shall not exceed one-half cent (\$0.005) for each
16 one hundred dollars (\$100) of assessed valuation of the district.

17 (n) To pay to any city, public agency, or district, or Stanford
18 University, a portion of the cost of water imported by that city,
19 public agency, or district, or Stanford University, into, for use
20 within, and of benefit to, the Santa Clara Valley Water District.

21 (o) To establish designated floodways in accordance with the
22 Cobey-Alquist Flood Plain Management Act (Chapter 4
23 commencing with Section 8400) of Part 2 of Division 5 of the
24 Water Code).

25 (p) To acquire, construct, maintain, operate, and install
26 landscaping or recreational facilities in connection with any dam,
27 reservoir, or other works owned or controlled by the district.

28 (q) To acquire, construct, maintain, operate and install, lease,
29 and control facilities for the generation, transmission, distribution,
30 sale, exchange, and lease of electricity.

31 (r) To require the sealing of abandoned or unused wells
32 according to standards adopted by the board by ordinance and
33 designed to protect the groundwater resources of the district from
34 contamination. Upon and following the effective date of the
35 ordinance, the County of Santa Clara or any incorporated city
36 therein shall require all persons applying for any land development
37 permit or approval to show the existence and location of any water
38 well upon a map of the property the subject of the application.
39 When a well is shown, the map shall be referred to the district
40 immediately upon receipt for review and investigation. If upon

1 review and investigation the district determines that the well or
2 wells are to be sealed by the applicant pursuant to the ordinance,
3 the determination shall be transmitted promptly to the applicant
4 by the district as a requirement in writing.

5 SEC. 4. Section 6 of the Santa Clara Valley Water District Act
6 (Chapter 1405 of the Statutes of 1951), as amended by Section 26
7 of Chapter 584 of the Statutes of 1975, is amended to read:

8 Sec. 6. (a) The district may exercise the right of eminent
9 domain, either within or without said district, to take any property
10 necessary to carry out any of the objects or purposes of this act.
11 The district in exercising such power shall in addition to the
12 damage for the taking, injury, or destruction of property, also pay
13 the cost of removal or relocation of any structure, railways, mains,
14 pipes, conduits, wires, cable, poles, of any public utility that is
15 required to be moved to a new location. This act shall not be
16 deemed to authorize the district, or any person, to divert the waters
17 of any river, creek, stream, irrigation system, canal, or ditch from
18 its channel, to the detriment of any person having any interest in
19 the river, creek, stream, irrigation system, canal, or ditch, or the
20 waters thereof or therein, unless compensation therefor be first
21 provided in the manner provided by law.

22 (b) This act shall not authorize the district to condemn any of
23 the properties, structures, or works, now owned or hereafter to be
24 constructed or acquired, by any water conservation district within
25 the County of Santa Clara.

26 SEC. 5. Section 6.1 of the Santa Clara Valley Water District
27 Act (Chapter 1405 of the Statutes of 1951), as added by Section
28 2 of Chapter 808 of the Statutes of 1985, is amended to read:

29 Sec. 6.1. (a) Any abandoned or unused water well endangering
30 the public health and safety by creating a water contamination
31 hazard is a public nuisance. The board shall, by ordinance, establish
32 standards for what constitutes a water contamination hazard.

33 (b) Whenever the district determines that a public nuisance, as
34 defined, exists, it shall, by certified mail, notify the then current
35 record owner of the property to abate the public nuisance and that
36 it is the intention of the district to record a notice of violation of
37 the ordinance. The notice to the owner shall describe the violation
38 and specify a time, date, and place for a hearing, at which the
39 owner may present evidence to the board that a public nuisance
40 does not exist and that the notice should not be recorded. The

1 notice to the owner shall state that, unless the public nuisance is
2 abated within the time specified by the board following the hearing,
3 the district may abate the public nuisance and the costs of the
4 abatement will be assessed against the property. The meeting shall
5 take place no sooner than 30 days and no later than 60 days from
6 date of mailing. If, within 15 days of receipt of the notice, the
7 owner of the real property fails to inform the district of the owner's
8 objection to recording the notice of violation, the board shall record
9 the notice of violation with the county recorder. If, after the owner
10 has presented evidence, it is determined that there has been no
11 violation, the district shall mail a clearance letter to the then current
12 owner of record. If, after the owner has presented evidence, the
13 board determines that a violation has occurred, the board shall
14 record the notice of violation with the county recorder. The notice
15 of violation, when recorded, shall be deemed to be constructive
16 notice of the violation to all successors in interest in the property.
17 The county recorder shall index the names of the fee owners in
18 the general index.

19 (c) If the board determines, at the conclusion of the hearing,
20 that a public nuisance exists, the board shall order the property
21 owner to abate the public nuisance within a specified time.

22 (d) If the public nuisance is not abated within the time specified
23 in the order of the board following a hearing, the district may abate
24 the public nuisance. Any entry upon private property by the district
25 for this purpose shall be preceded by written notice to the owner
26 by certified mail stating the date and place of entry, the purpose
27 thereof, and the number of persons entering. If the mailed notice
28 is returned undelivered, the district may post a copy thereof at the
29 proposed entry point five days before entry.

30 (e) Any costs incurred by the district in abating a public nuisance
31 pursuant to this section are a lien upon the property upon which
32 the public nuisance existed when notice of the lien is filed and
33 recorded.

34 (f) Notice of the lien, particularly identifying the property on
35 which the nuisance was abated and the amount of the lien, and
36 naming the owner of record of the property, shall be recorded by
37 the district in the office of the Santa Clara County Recorder within
38 one year after the first item of expenditures by the district or within
39 90 days after the completion of the work, whichever first occurs.
40 Upon recordation of the notice of lien, the lien shall have the same

1 force, effect, and priority as a judgment lien, except that it shall
2 attach only to the property described in the notice, and shall
3 continue for 10 years from the time of recording of the notice
4 unless sooner released or otherwise discharged.

5 SEC. 6. Section 7 of the Santa Clara Valley Water District Act
6 (Chapter 1405 of the Statutes of 1951), as added by Section 2 of
7 Chapter 443 of the Statutes of 2009, is repealed.

8 SEC. 7. Section 7.1 of the Santa Clara Valley Water District
9 Act (Chapter 1405 of the Statutes of 1951), as added by Section
10 4 of Chapter 443 of the Statutes of 2009, is repealed.

11 SEC. 8. Section 7.3 of the Santa Clara Valley Water District
12 Act (Chapter 1405 of the Statutes of 1951), as added by Section
13 6 of Chapter 443 of the Statutes of 2009, is repealed.

14 SEC. 9. Section 7.4 of the Santa Clara Valley Water District
15 Act (Chapter 1405 of the Statutes of 1951), as added by Section
16 7 of Chapter 443 of the Statutes of 2009, is repealed.

17 SEC. 10. Section 7.5 of the Santa Clara Valley Water District
18 Act (Chapter 1405 of the Statutes of 1951), as added by Section
19 8 of Chapter 443 of the Statutes of 2009, is repealed.

20 SEC. 11. Section 7.6 of the Santa Clara Valley Water District
21 Act (Chapter 1405 of the Statutes of 1951), as added by Section
22 9 of Chapter 443 of the Statutes of 2009, is amended and
23 renumbered to read:

24 Sec. 7. Notwithstanding any other law, commencing at noon
25 on December 3, 2010, the number of elected directors on the board
26 shall be increased from five to seven and the number of appointed
27 directors shall be reduced from two to zero.

28 SEC. 12. Section 7.7 of the Santa Clara Valley Water District
29 Act (Chapter 1405 of the Statutes of 1951), as added by Section
30 10 of Chapter 443 of the Statutes of 2009, is amended and
31 renumbered to read:

32 Sec. 7.1. (a) On or before June 30, 2010, the board shall adopt
33 a resolution that divides the district into seven electoral districts
34 and that assigns a number to each district.

35 (b) Using the most recent census data as a basis, the electoral
36 districts shall be as nearly equal in population as possible.

37 (c) In establishing the boundaries of the electoral districts, the
38 board may give consideration to the topography, geography,
39 cohesiveness, contiguity, integrity, compactness of territory, and
40 the community of interests of the electoral districts.

1 SEC. 13. Section 7.8 of the Santa Clara Valley Water District
2 Act (Chapter 1405 of the Statutes of 1951), as added by Section
3 11 of Chapter 443 of the Statutes of 2009, is amended and
4 renumbered to read:

5 Sec. 7.2. (a) The first elections for the first, fourth, sixth, and
6 seventh electoral districts established pursuant to Section 7.1 shall
7 be conducted at the November 2, 2010, statewide general election.
8 The first elections for the second, third, and fifth electoral districts
9 established pursuant to Section 7.1 shall be conducted at the
10 November 6, 2012, statewide general election.

11 (b) Except as otherwise provided by this act, the term of office
12 for each director elected pursuant to subdivision (a) shall be four
13 years beginning at noon on the first Friday in December following
14 the director’s election and the director shall hold office until the
15 director’s successor qualifies and takes office.

16 (c) Elections for the electoral districts established pursuant to
17 Section 7.1 shall be conducted in accordance with the Uniform
18 District Election Law (Part 4 (commencing with Section 10500)
19 of Division 10 of the Elections Code).

20 (d) (1) One director shall be elected in accordance with this
21 section by the voters of each electoral district.

22 (2) A candidate for the board of directors shall be a resident in
23 the electoral district for which they are a candidate.

24 (3) A director shall continue to reside within the electoral district
25 during the director’s term of office, except that a change in
26 boundaries of an electoral district shall not affect the term of office
27 of any incumbent director.

28 (e) The directors elected pursuant to this section are to exercise
29 their independent judgment on behalf of the interests of the entire
30 district, including the residents, property owners, and the public
31 as a whole, in furthering the purposes and intent of this act.

32 SEC. 14. Section 7.9 of the Santa Clara Valley Water District
33 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
34 1 of Chapter 251 of the Statutes of 2018, is amended and
35 renumbered to read:

36 Sec. 7.3. A vacancy in the office of any director shall be filled
37 pursuant to Section 1780 of the Government Code. Any director
38 appointed or elected to fill a vacancy shall represent the electoral
39 district in which the vacancy occurred and shall be a qualified

1 elector residing in the electoral district in which the vacancy
2 occurred.

3 SEC. 15. Section 7.10 of the Santa Clara Valley Water District
4 Act (Chapter 1405 of the Statutes of 1951), as added by Section
5 13 of Chapter 443 of the Statutes of 2009, is amended and
6 renumbered to read:

7 Sec. 7.4. Any elected director may be recalled by the voters
8 pursuant to Chapter 1 (commencing with Section 11000) of
9 Division 11 of the Elections Code.

10 SEC. 16. Section 7.11 of the Santa Clara Valley Water District
11 Act (Chapter 1405 of the Statutes of 1951), as added by Section
12 14 of Chapter 443 of the Statutes of 2009, is amended and
13 renumbered to read:

14 Sec. 7.5. The board shall review the boundaries of the seven
15 electoral districts established pursuant to Section 7.1 before
16 November 1 of the year following the year in which each decennial
17 census is taken. The boundaries shall be adjusted if needed in
18 accordance with Section 22000 of the Elections Code so that each
19 electoral district is as nearly equal in population to the others as
20 possible. In making the adjustments, the board may give
21 consideration to the factors described in subdivision (c) of Section
22 7.1.

23 SEC. 17. Section 9 of the Santa Clara Valley Water District
24 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
25 3 of Chapter 808 of the Statutes of 1985, is amended to read:

26 Sec. 9. (a) The board may adopt resolutions for the district,
27 which shall be adopted, certified to, recorded, and published, in
28 the same manner except as herein otherwise provided for, as are
29 resolutions for the County of Santa Clara.

30 (b) The board may adopt ordinances for the district. All
31 ordinances shall be enacted only by rollcall vote entered into the
32 proceedings of the board. An ordinance shall be in full force and
33 effect 30 days after adoption, and shall be published once in full
34 in a newspaper of general circulation, printed, published, and
35 circulated in the district within 10 days after adoption. It is a
36 misdemeanor for any person to violate any district ordinance
37 adopted pursuant to this section from and after the effective date
38 of the ordinance. The violation shall be punishable by a fine not
39 exceeding five hundred dollars (\$500), or imprisonment in the
40 county jail not to exceed 30 days, or both that fine and that

1 imprisonment. Any violation or threatened violation may also be
 2 enjoined by civil action. The board may make and enforce all
 3 needful rules, regulations, standards, and procedures for the
 4 administration and government of the district, and to appoint and
 5 employ all needful agents, superintendents, engineers, attorneys,
 6 and employees to properly look after the performance of any work
 7 provided for in this act and to operate and maintain those works,
 8 and to perform all other acts necessary or proper to accomplish
 9 the purposes of this act.

10 (c) In addition to the officers and employees herein otherwise
 11 prescribed, the board may in its discretion appoint a chair, a clerk,
 12 and such other officers and employees for the board or district as
 13 in its judgment may be deemed necessary, prescribe their duties,
 14 and fix their compensation. Those officers and employees shall
 15 be employed, suspended, or their employment terminated in
 16 accordance with an ordinance setting forth rules, regulations,
 17 standards, and procedures for appointment, suspension, and
 18 termination of employment.

19 SEC. 18. Section 10 of the Santa Clara Valley Water District
 20 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
 21 1 of Chapter 38 of the Statutes of 1962, is amended to read:

22 Sec. 10. (a) The board shall have jurisdiction and may employ
 23 competent registered civil engineers to investigate and carefully
 24 devise a plan or plans for a project, and to obtain such information
 25 in regard thereto, as may be deemed necessary or useful for
 26 carrying out the purposes of this act. The board may direct those
 27 engineers to make and file reports from time to time with the board,
 28 which shall show:

29 (1) A general description of the project, together with general
 30 plans, profiles, cross-sections, and general specifications relating
 31 thereto, on each project.

32 (2) A general description of the lands, ~~rights-of-way,~~
 33 *rights-of-way*, easements, and property proposed to be taken,
 34 acquired, or injured in carrying out the project.

35 (3) A map or maps that show the location and zones, as may be
 36 required, of each project, and lands, ~~rights-of-way,~~ *rights-of-way*,
 37 easements, and property to be taken, acquired, or injured in carrying
 38 out the project, and any other information in regard to the project
 39 that may be deemed necessary or useful.

40 (4) An estimate of the cost of each of the following:

1 (A) Each project, including a statement of the portion, if any,
2 of the cost theretofore advanced by the district for the project for
3 which the district proposes to reimburse itself from the proceeds
4 of sale of any bonds to be issued to pay for the project.

5 (B) The lands, rights-of-way, easements, and property proposed
6 to be taken, acquired, or injured in carrying out the project.

7 (C) All incidental expenses likely to be incurred in connection
8 therewith, including legal, clerical, engineering, superintendence,
9 inspection, printing, and advertising.

10 (D) If deemed advisable, a sum sufficient to pay interest on any
11 bonds proposed to be issued during all or any part of the period of
12 construction of the project and for not to exceed 12 months of
13 interest thereafter.

14 (E) The total amount of bonds, if any, necessary to be issued to
15 pay for the project.

16 (b) The engineer or engineers shall from time to time and as
17 directed by the board file with the board supplementary,
18 amendatory, and additional reports and recommendations, as
19 necessity and convenience may require.

20 (c) The engineer or engineers employed by the board, subject
21 to the control and direction of the board, may employ the engineers,
22 surveyors, and others, as may be required for making all surveys
23 or doing any other work necessary for the making of any report.

24 (d) The board may at any time remove any or all of the engineers
25 or employees appointed or employed under this act, and may fill
26 any vacancies occurring among them from any cause.

27 SEC. 19. Section 11 of the Santa Clara Valley Water District
28 Act (Chapter 1405 of the Statutes of 1951) is amended to read:

29 Sec. 11. The board shall determine which projects or works of
30 improvement shall be carried out and shall determine, as to each
31 project or work of improvement, that it is one of the following:

32 (a) For the common benefit of the district as a whole.

33 (b) For the common benefit of two or more zones hereinafter
34 referred to as participating zones.

35 (c) For the benefit of a single zone.

36 SEC. 20. Section 12 of the Santa Clara Valley Water District
37 Act (Chapter 1405 of the Statutes of 1951) is amended to read:

38 Sec. 12. (a) The board may institute projects for single zones
39 and joint projects for two or more zones for the financing,
40 constructing, maintaining, operating, extending, repairing, or

1 otherwise improving of any work or improvement of common
 2 benefit to the zone or participating zones. For the purpose of
 3 acquiring authority to proceed with a project, the board shall adopt
 4 a resolution specifying its intention to undertake the project,
 5 together with the engineering estimates of the cost of the project
 6 to be borne by the particular zones or participating zones and fixing
 7 a time and place for public hearing of the resolution and that shall
 8 refer to a map or maps showing the general location and general
 9 construction of the project. Notice of the hearing shall be given
 10 by publication once per week for two consecutive weeks before
 11 the hearing, the last publication of which notice shall be at least
 12 seven days before the hearing, in a newspaper of general circulation
 13 designated by the board, circulated in the zone or each of said
 14 participating zones, if there is such a newspaper, and if there is no
 15 such newspaper then by posting notice for two consecutive weeks
 16 before the hearing in five public places designated by the board,
 17 in the zone or in each of the participating zones. The notice shall
 18 designate a public place in the zone or in each of the participating
 19 zones where a copy or copies of the map or maps of the joint
 20 project may be seen by any interested person. The map shall be
 21 posted in each of the public places so designated in the notice at
 22 least two weeks before the hearing.

23 (b) At the time and place fixed for the hearing, or at any time
 24 to which the hearing may be continued, the board shall consider
 25 all written and oral objections to the proposed project. Upon the
 26 conclusion of the hearing, the board may abandon the proposed
 27 project or proceed with the project, unless before the conclusion
 28 of the hearing, written protests against the proposed project signed
 29 by a majority in number of the registered voters residing within
 30 the zone or participating zones is filed with the board, in which
 31 event further proceedings relating to the project shall be suspended
 32 for not less than six months following the date of the conclusion
 33 of the hearing, or the proceeding may be abandoned in the
 34 discretion of the board.

35 SEC. 21. Section 13 of the Santa Clara Valley Water District
 36 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
 37 1 of Chapter 811 of the Statutes of 1984, is amended to read:

38 Sec. 13. (a) The board shall have the authority, in any year:
 39 (1) To levy ad valorem taxes ~~or~~ *in accordance with subdivision*
 40 *(b) of Section 1 of Article XIII A of the California Constitution for*

1 *the acquisition or improvement of real property, and to levy*
2 *assessments in the district to pay the general administrative costs*
3 *and expenses of the district, including maintenance and operation*
4 *of established works, to carry out any of the objects or purposes*
5 *of this act of common benefit to the district, or to provide that have*
6 *received property owner approval pursuant to subdivision (e) of*
7 *Section 4 of Article XIII D of the California Constitution to pay*
8 *the capital costs of public improvements, and other lawful*
9 *expenditures, including the creation and maintenance of a fund*
10 *that may be used by the district to pay the costs and expenses of*
11 *constructing or extending any or all works established within or*
12 *on behalf of a zone or participating zones within the district, if the*
13 *ad valorem taxes or assessments are reimbursed from either of the*
14 *following sources:*

15 (A) Taxes or assessments levied pursuant to paragraph (2) or
16 (3) within the zone or participating zones benefited by the
17 construction in the year or years immediately following the use of
18 those funds. Taxes or assessments under this subparagraph may
19 be levied for purposes of this paragraph by either of the following
20 methods:

21 (i) By a levy or assessment upon all property within the district,
22 including land, improvements thereon, and personal property.

23 (ii) By a levy or assessment upon all real property within the
24 district, including both land and improvements thereon.

25 (B) Fees or charges collected under authority of subdivision (i)
26 of Section 5, or Section 26.

27 (2) ~~(A)~~ To levy taxes or assessments in each or any of the zones
28 and participating zones to pay the cost of carrying out any of the
29 objects or purposes of this act performed or to be performed on
30 behalf of the respective zones, including the constructing,
31 maintaining, operating, extending, repairing, or otherwise
32 improving any or all works or improvements established or to be
33 established within or on behalf of the respective zones, according
34 to the benefits derived or to be derived by the respective zones,
35 by any of the following methods:

36 (i)

37 (A) By a levy or assessment upon all property within a zone or
38 participating zone, including land, improvements thereon, and
39 personal property.

40 (ii)

1 (B) By a levy or assessment upon all real property within a zone
 2 or participating zones, including both land and improvements
 3 thereon.

4 (iii)

5 (C) By a levy or assessment upon land only within a zone or
 6 participating zones.

7 ~~(B) It is declared that for the purposes of any tax or assessment~~
 8 ~~levied under this paragraph, the property so taxed or assessed~~
 9 ~~within a given zone is equally benefited.~~

10 (3) To levy assessments upon any property in each or any of
 11 said zones, according to the provisions and procedures of the
 12 Improvement Act of 1911 (Division 7 (commencing with Section
 13 5000) of the Streets and Highways Code), the Improvement Bond
 14 Act of 1915 (Division 10 (commencing with Section 8500) of the
 15 Streets and Highways Code), the Municipal Improvement Act of
 16 1913 (Division 12 (commencing with Section 10000) of the Streets
 17 and Highways Code), or the Refunding Assessment Bond Act of
 18 1935 (Chapter 732 of the Statutes of 1935).

19 (b) In the event of project cooperation with any of the
 20 governmental bodies as authorized in subdivision (g) of Section
 21 5, and the making of a contract with any such governmental body
 22 for the purposes set forth in the subdivision (g) of Section 5, by
 23 the terms of which work is agreed to be performed by any such
 24 governmental body in any specified zone or participating zones,
 25 for the particular benefit thereof, and by the contract it is agreed
 26 that the district is to pay to the governmental body, a sum of money
 27 in consideration or subvention for the performance of the work by
 28 the governmental body, the board may levy and collect a special
 29 tax or assessment *as provided in this section* upon the property in
 30 the zone or participating zones, whereby to raise funds to enable
 31 the district to make the payment, in addition to other taxes or
 32 assessments herein otherwise provided for.

33 (c) The taxes or assessments shall be levied and collected
 34 together with, and not separately from taxes for county purposes,
 35 and the revenues derived from the district taxes or assessments,
 36 together with penalties thereon, shall be paid into the county
 37 treasury to the credit of the district, or the respective zones thereof,
 38 and the board may control and order the expenditure thereof for
 39 those purposes, except that revenues, or portions thereof, derived
 40 in any of the several zones from the taxes or assessments levied

1 under paragraph (2) of subdivision (a) shall not be expended for
2 constructing, maintaining, operating, extending, repairing, or
3 otherwise improving any works or improvements located in any
4 other zone, except in the case of joint projects, or for projects
5 authorized or established outside the zone, or zones, but for the
6 benefit thereof. In cases of projects joint to two or more zones, the
7 zones will become, and shall be referred to as, participating zones.

8 SEC. 22. Section 13.2 of the Santa Clara Valley Water District
9 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
10 2 of Chapter 251 of the Statutes of 2018, is amended to read:

11 Sec. 13.2. (a) For purposes of levying special taxes pursuant
12 to paragraph (2) of subdivision (a) of Section 13, the district may
13 impose special taxes in accordance with Article 3.5 (commencing
14 with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title
15 5 of the Government Code at minimum uniform rates according
16 to land use category and size. The district may provide an
17 exemption from these taxes for residential parcels owned and
18 occupied by one or more taxpayers who are at least 65 years of
19 age, or who qualify as totally disabled under the federal Social
20 Security Act, if the total household income is less than an amount
21 that is approved by the voters of the district.

22 (b) The district may require a taxpayer seeking exemption from
23 a special tax levied by the district to verify age, disability status,
24 or annual household income, as follows:

25 (1) Age with government-issued identification.
26 (2) Disability status with government-issued identification and
27 documentation.

28 (3) Household income with a signed certification that includes
29 language consistent with all of the following:

30 (A) The taxpayer seeking exemption certifies that their annual
31 household income is less than the amount approved by the voters
32 of the district.

33 (B) The taxpayer seeking exemption pledges to review the
34 district's annual notice of each year's low-income threshold for
35 special tax exemption.

36 (C) The taxpayer seeking exemption pledges to promptly notify
37 the district if their annual household income exceeds the annual
38 low-income threshold for special tax exemption.

39 (c) A signed certification pursuant to paragraph (2) of
40 subdivision (b), reviewed and accepted by the district, shall serve

1 as standing verification of eligibility until the taxpayer notifies the
2 district of their ineligibility for the special tax exemption or until
3 the district has reason to believe that the taxpayer is ineligible for
4 the special tax exemption.

5 SEC. 23. Section 14 of the Santa Clara Valley Water District
6 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
7 1 of Chapter 632 of the Statutes of 1975, is amended to read:

8 Sec. 14. (a) Whenever the board determines that a bonded
9 indebtedness should be incurred to pay the cost of any project in
10 any zone or zones, the board may by resolution, determine and
11 declare the respective amounts of bonds to be issued to raise the
12 amount of money necessary for each project and the denomination
13 and the maximum rate of interest of the bonds. In determining
14 each amount of bonds and the amount of money necessary for each
15 project, the board may include therein the portion, if any, of the
16 cost of the project theretofore advanced by the district for which
17 the district proposes to reimburse itself from the proceeds of sale
18 of any bonds to be issued to pay for the project and the cost of
19 lands, rights-of-way, easements, and property proposed to be taken,
20 acquired, or injured in carrying out the project and also of all
21 incidental expenses likely to be incurred in connection therewith,
22 including legal, clerical, engineering, superintendence, inspection,
23 printing, and advertising, and, if deemed advisable, a sum sufficient
24 to pay interest on any bonds proposed to be issued during all or
25 any part of the period of construction of the project and for not to
26 exceed 12 months thereafter. The board shall cause a copy of the
27 resolution, duly certified by the clerk, to be filed for record in the
28 Santa Clara County Clerk-Recorder’s Office within five days after
29 its issuance. From and after the filing of the copy of the resolution,
30 the board shall be deemed vested with the authority to proceed
31 with the bond election.

32 (b) After the filing for record of the resolution specified in
33 subdivision (a), the board may call a special bond election in the
34 zone or participating zones at which shall be submitted to the
35 qualified electors of the zone or participating zones the question
36 whether or not bonds shall be issued in the amount or amounts
37 determined in the resolution and for the purpose or purposes therein
38 stated. The bonds and the interest thereon shall be paid from
39 revenue derived from annual taxes or assessments levied as
40 provided in this act.

1 (c) The board shall call the special bond election by ordinance
2 and not otherwise and submit to the qualified electors of the zone
3 or participating zones, the proposition of incurring a bonded debt
4 in the zone or participating zones in the amount and for the
5 purposes stated in the resolution and shall recite therein the objects
6 and purposes for which the indebtedness is proposed to be incurred.
7 It shall be sufficient to give a brief, general description of the
8 objects and purposes, and refer to the recorded copy of the
9 resolution adopted by the board, and on file for particulars. The
10 ordinances shall also state the estimated cost of the proposed
11 project, the amount of the principal of the indebtedness to be
12 incurred therefor, and the maximum rate of interest to be paid on
13 that indebtedness, and shall fix the date on which the special
14 election shall be held, and the form and contents of the ballot to
15 be used. The rate of interest to be paid on the indebtedness shall
16 not exceed 8 percent per annum. For the purposes of the election,
17 the board shall in the ordinance establish special bond election
18 precincts within the boundaries of each zone and participating
19 zone and may form election precincts by consolidating the precincts
20 established for general elections in the district to a number not
21 exceeding six general precincts for each special bond election
22 precinct, and shall designate a polling place and appoint one
23 inspector, one judge, and one clerk for each special bond election
24 precinct.

25 (d) In all particulars not recited in the ordinance, the special
26 bond election shall be held as nearly as practicable in conformity
27 with the general election laws of the state, except as provided
28 herein.

29 (e) The board shall cause a map or maps to be prepared covering
30 a general description of the project. The map shall show the
31 location of the proposed project. The board shall cause the map to
32 be posted in a prominent place in the county courthouse for public
33 inspection for at least 30 days before the date fixed for the election.

34 (f) The ordinance calling for the special bond election shall,
35 before the date set for the election, be published pursuant to Section
36 6062 of the Government Code in a newspaper of general circulation
37 circulated in each zone and participating zone affected. The last
38 publication of the ordinance shall be at least 14 days before the
39 election, and if there is no such newspaper, then the ordinance
40 shall be posted in five public places designated by the board, in

1 each zone and participating zone for at least 30 days before the
2 date fixed for the election. No other notice of the election need be
3 given nor need polling place cards be issued.

4 (g) Any defect or irregularity in the proceedings before the
5 calling of the special bond election shall not affect the validity of
6 the bonds authorized by the election. If at the election two-thirds
7 of the votes cast are in favor of incurring the bonded indebtedness,
8 then bonds for the zone or participating zones for the amount stated
9 in the proceedings shall be issued and sold as provided in this act.

10 SEC. 24. Section 15 of the Santa Clara Valley Water District
11 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
12 2 of Chapter 632 of the Statutes of 1975, is amended to read:

13 Sec. 15. (a) The board shall, subject to this act, prescribe by
14 resolution the form of the bonds, which shall include a designation
15 of the zone or participating zones affected, and of the interest
16 coupons attached thereto. The bonds shall be payable annually or
17 semiannually at the discretion of the board each and every year
18 on a day and date, and at a place to be fixed by the board, and
19 designated in the bonds, together with the interest on all sums
20 unpaid on that date until the whole of the indebtedness has been
21 paid.

22 (b) The board may divide the principal amount of any issue into
23 two or more series and fix different dates for the bonds of each
24 series. The bonds of one series may be made payable at different
25 times from those of any other series. The maturity of each series
26 shall comply with this section. The board may fix a date, not more
27 than two years from the date of issuance, for the earliest maturity
28 of each issue or series of bonds. The final maturity date shall not
29 exceed 40 years from the time of incurring the indebtedness
30 evidenced by each issue or series. The board may provide for call
31 and redemption of all or any part of any issue or series of bonds
32 before maturity at prices determined by the board. A bond shall
33 not be subject to call or redemption before maturity unless it
34 contains a recital to that effect.

35 (c) The bonds shall be issued in denominations as the board
36 may determine, except that bonds shall be issued in denominations
37 of one thousand dollars (\$1,000) or more, and shall be payable on
38 the days and at the place fixed in the bonds, and with interest at
39 the rate specified in the bonds, which rate shall not be in excess
40 of 8 percent per annum, and shall be made payable annually or

1 semiannually, and the bonds shall be numbered consecutively and
2 shall be signed by the chair of the board, and countersigned by the
3 auditor of the district, and the seal of the district shall be affixed
4 thereto by the clerk of the board. Either or both signatures may be
5 printed, engraved, or lithographed. The interest coupons of the
6 bonds shall be numbered consecutively and signed by the auditor
7 by a printed, engraved, or lithographed signature. If the officer
8 whose signatures or countersignatures appear on the bonds or
9 coupons ceases to be an officer before the delivery of the bonds
10 to the purchaser, the bonds and coupons and signatures or
11 countersignatures shall nevertheless be valid and sufficient for all
12 purposes the same as if the officer had remained in office until the
13 delivery of the bonds.

14 SEC. 25. Section 17 of the Santa Clara Valley Water District
15 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
16 5 of Chapter 38 of the Statutes of 1962, is amended to read:

17 Sec. 17. Any bonds issued under this act and the interest
18 thereon shall be paid by revenue derived from an annual tax or
19 assessment, levied as provided in either paragraph (1) of, or ~~clause~~
20 ~~(i) or (ii) of~~ subparagraph (A) *or* (B) of paragraph (2) of,
21 subdivision (a) of Section 13. A zone or the property therein shall
22 not be liable for the share of bonded indebtedness of any other
23 zone. Any moneys derived from taxation or assessment in any of
24 the several zones shall not be used in payment of principal or
25 interest or otherwise of the share of bonded indebtedness
26 chargeable to any other zone, except in the case of joint projects
27 by participating zones.

28 SEC. 26. Section 21 of the Santa Clara Valley Water District
29 Act (Chapter 1405 of the Statutes of 1951) is amended to read:

30 Sec. 21. (a) The bonds of the district issued for any zone or
31 zones thereof pursuant to this act, shall be legal investments for
32 all trust funds, and for the funds of all insurance companies, banks,
33 both commercial and savings, and trust companies, and for the
34 state school funds, and whenever any money or funds may by law
35 now or hereafter enacted be invested in bonds of cities, cities and
36 counties, counties, school districts, or municipalities in the State
37 of California, those moneys or funds may be invested in the bonds
38 of the district issued in accordance with this act, and whenever
39 bonds of cities, cities and counties, counties, school districts, or
40 municipalities, may by any law now or hereafter enacted be used

1 as security for the performance of any act, those bonds of the
2 district may be so used.

3 (b) This section is intended to be and shall be considered the
4 latest enactment with respect to the matters herein contained, and,
5 if any law is in conflict with this section, this section shall prevail.

6 SEC. 27. Section 25.1 of the Santa Clara Valley Water District
7 Act (Chapter 1405 of the Statutes of 1951), as added by Section
8 1 of Chapter 291 of the Statutes of 1974, is amended to read:

9 Sec. 25.1. In addition to proceedings authorized under Sections
10 13, 14, 15, 16, 17, 18, and 24, whenever the board determines that
11 it is in the public interest, it may borrow money to provide funds
12 to pay the cost of any work or improvement in the district or in
13 any zone or zones thereof by the issuance of revenue bonds
14 pursuant to the Revenue Bond Law of 1941 (Chapter 6
15 (commencing with Section 54300) of Part 1 of Division 2 of Title
16 5 of the Government Code). If the work or improvement is
17 determined by the board to be for a zone or zones comprising less
18 than all the district, the election at which the proposition to issue
19 such revenue bonds is submitted shall be held only in such zone
20 or zones. Proceeds from the sale of any such revenue bonds shall
21 be expended only in the zone or zones in which the proposition to
22 issue such revenue bonds is approved. Except as specified in
23 Section 25.2, in the case of any conflict between this act and the
24 Revenue Bond Law of 1941, the Revenue Bond Law of 1941 shall
25 control.

26 SEC. 28. Section 25.2 of the Santa Clara Valley Water District
27 Act (Chapter 1405 of the Statutes of 1951), as added by Section
28 1 of Chapter 610 of the Statutes of 1983, is amended to read:

29 Sec. 25.2. (a) Notwithstanding any other provision of this act,
30 the district may from time to time, subject to this section, issue
31 bonds in accordance with the Revenue Bond Law of 1941 (Chapter
32 6 (commencing with Section 54300) of Part 1 of Division 2 of
33 Title 5 of the Government Code) for the purpose of financing the
34 construction, reconstruction, replacement, acquisition, or
35 improvement of any facility or facilities necessary or convenient
36 for the storage, treatment, including reclamation, transmission, or
37 distribution of water for beneficial use within the district and for
38 the purpose of generation or transmission of electricity, except
39 that this section shall not apply to the acquisition of any facility
40 or facilities already employed in any such public utility use, except

1 where the acquisition of the facility or facilities is by mutual
2 agreement between the district and the owner of the property.

3 (b) The provisions of Sections 54380 to 54387, inclusive, of
4 the Government Code shall not apply to the issuance and sale of
5 bonds pursuant to this section.

6 (c) The board shall not proceed under this section until it has
7 submitted to the qualified voters of the district at a special election
8 called by a resolution of the board a proposition as to whether the
9 district may authorize and sell revenue bonds under this section.
10 If a majority of the voters of the district voting on the proposition
11 at the election vote in favor of the proposition, the board may
12 proceed to issue and sell revenue bonds as provided by this section.
13 If the proposition fails to carry at the election, the proposition shall
14 not again be voted upon until at least six months have elapsed
15 since the date of the last election at which the proposition was
16 submitted.

17 (d) The resolution calling the election shall fix the date on which
18 the election is to be held, the proposition to be submitted thereat,
19 and the manner of holding the election and of voting for or against
20 the proposition, and shall state that in all other particulars the
21 election shall be held and the votes canvassed as provided by law
22 for the holding of elections within the district. The election may
23 be held separately or may be consolidated with any other election
24 authorized by law at which the voters of the district may vote. The
25 resolution calling the election shall be published and no other
26 notice of the election need be given.

27 (e) (1) Section 54420 of the Government Code shall not apply
28 to bonds issued by the district pursuant to this section.

29 (2) Bonds issued and sold pursuant to this section may be
30 payable from the net revenues of the water system, constituting
31 water revenues remaining after the payment of the operation and
32 maintenance costs of the water system.

33 (3) For purposes of this subdivision, “revenues of the water
34 system” includes moneys allocated to the district by the County
35 of Santa Clara in accordance with Article XIII A of the California
36 Constitution and Chapter 6 (commencing with Section 95) of Part
37 0.5 of Division 1 of the Revenue and Taxation Code only to the
38 extent that those moneys are allocated by the board for purposes
39 of the water system.

1 SEC. 29. Section 25.6 of the Santa Clara Valley Water District
2 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
3 2 of Chapter 164 of the Statutes of 1988, is amended to read:

4 Sec. 25.6. (a) Consistent with the California Constitution, the
5 district may borrow money and incur indebtedness, not to exceed
6 the amount specified in subdivision (d), as provided in this section
7 by action of the board of directors and without the necessity of
8 calling and holding an election in the district.

9 (b) Indebtedness may be incurred pursuant to this section for
10 any purpose for which the district is authorized to expend funds.

11 (c) Indebtedness incurred under this section shall be evidenced
12 by short-term notes payable at stated times fixed by the board. The
13 maturity of short-term notes shall be not later than five years from
14 the date of issuance. Short-term notes shall bear interest at a rate
15 not exceeding 10 percent per annum payable annually or
16 semiannually. Short-term notes shall be general obligations of the
17 district payable from revenues, charges, taxes, and assessments
18 levied for purposes of the district.

19 (d) Short-term notes shall not be issued pursuant to this section
20 that are payable in any fiscal year in an amount that, when added
21 to the interest thereon, exceeds 85 percent of the estimated amount
22 of the revenues, charges, taxes, and assessments of or allocable to
23 the district that will be available in that fiscal year for payment of
24 short-term notes and the interest thereon.

25 SEC. 30. Section 26.1 of the Santa Clara Valley Water District
26 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
27 230 of Chapter 1010 of the Statutes of 1994, is amended to read:

28 Sec. 26.1. As used in connection with the groundwater charge,
29 the following definitions apply:

30 (a) "Person," "owner," or "operator" means public agencies,
31 federal, state, and local, private corporations, firms, partnerships,
32 limited liability companies, individuals or groups of individuals,
33 whether legally organized or not. "Owner" or "operator" also
34 means the person to whom a water-producing facility is assessed
35 by the county assessor, or, if not separately assessed, the person
36 who owns the land upon which a water-producing facility is
37 located.

38 (b) "Groundwater" means nonsaline water beneath the natural
39 surface of the ground, whether or not flowing through known and
40 definite channels. "Nonsaline water" means water that has less

1 than 1,000 parts of chlorides to 1,000,000 parts of water, both
2 quantities measured by weight.

3 (c) “Production” or “producing” means the extraction or
4 extracting of groundwater, by pumping or any other method, from
5 shafts, tunnels, wells including, but not limited to, abandoned oil
6 wells, excavations or other sources of groundwater, for domestic,
7 municipal, irrigation, industrial, or other beneficial use, except
8 that the terms do not mean or include the extraction of groundwater
9 produced in the construction or reconstruction of a well, or water
10 incidentally produced with oil or gas in the production thereof,
11 water incidentally produced in a bona fide mining or excavating
12 operation, or water incidentally produced in the bona fide
13 construction of a tunnel, unless the groundwater so extracted is
14 used or sold by the producer for domestic, municipal, irrigation,
15 industrial, or other beneficial purpose.

16 (d) “Water-producing facility” means any device or method,
17 mechanical or otherwise, for the production of water from the
18 groundwater supplies within the district or a zone thereof.

19 (e) “Water production statement” means the certified statement
20 filed by the owner or operator of a water-producing facility with
21 the district of the production of groundwater of the facility in a
22 specified period.

23 (f) “Water year” means July 1 of one calendar year to June 30
24 of the following calendar year.

25 (g) “Agricultural water” means water primarily used in the
26 commercial production of agricultural crops or livestock.

27 SEC. 31. Section 26.3 of the Santa Clara Valley Water District
28 Act (Chapter 1405 of the Statutes of 1951), as added by Section
29 10 of Chapter 38 of the Statutes of 1962, is amended to read:

30 Sec. 26.3. (a) Groundwater charges levied pursuant to this act
31 are declared to be in furtherance of district activities in the
32 protection and augmentation of the water supplies for users within
33 a zone or zones of the district that are necessary for the public
34 health, welfare, and safety of the people of this state. The
35 groundwater charges are authorized to be levied upon the
36 production of groundwater from all water-producing facilities,
37 whether public or private, within the zone or zones of the district
38 for the benefit of all who rely directly or indirectly on the
39 groundwater supplies of the zone or zones and water imported into
40 the zone or zones.

1 (b) The proceeds of groundwater charges levied and collected
2 on the production of water from groundwater supplies within the
3 zone or zones of the district are authorized and shall be used
4 exclusively by the board for the following purposes:

5 (1) To pay the costs of constructing, maintaining, and operating
6 facilities that will import water into the district that will benefit
7 the zone or zones, including payments made under any contract
8 between the district and the State of California, the United States
9 of America, or any public, private, or municipal utility.

10 (2) To pay the costs of purchasing water for importation into
11 the zone or zones, including payments made under contract to the
12 State of California, the United States of America, or any public,
13 private, or municipal utility.

14 (3) To pay the costs of constructing, maintaining, and operating
15 facilities that will conserve or distribute water within the zone or
16 zones, including facilities for groundwater recharge, surface
17 distribution, and the purification and treatment of that water.

18 (4) To pay the principal or interest of any bonded indebtedness
19 or other obligations incurred by the district on behalf of the zone
20 or zones for any of the purposes set forth in paragraphs (1), (2),
21 and (3).

22 (c) The district may apply to any one or more of the purposes
23 set forth in paragraphs (1), (2), (3), and (4) of subdivision (b) any
24 or all revenues received by the district from water sale contracts
25 executed by the district pursuant to this act.

26 SEC. 32. Section 26.4 of the Santa Clara Valley Water District
27 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
28 20 of Chapter 205 of the Statutes of 1967, is amended to read:

29 Sec. 26.4. (a) Within six months after the date of establishing
30 any zone or zones, all water-producing facilities located within
31 the boundaries of the zone or zones shall be registered with the
32 district and, if required by the board, measured with a
33 water-measuring device satisfactory to the district installed by the
34 district or at the district’s option by the operator thereof. Any new
35 water-producing facility, constructed or reestablished, or any
36 abandoned water-producing facility that is reactivated, after that
37 date, shall be registered with the district and, if required by the
38 board, measured with a water-measuring device satisfactory to the
39 district within 30 days after the completion, reestablishment, or
40 reactivation thereof.

1 (b) Failure to register any water-producing facility, as required
2 by this act, is a misdemeanor punishable by a fine of not to exceed
3 five hundred dollars (\$500), or imprisonment in the county jail not
4 to exceed six months, or by both the fine and imprisonment.

5 (c) In addition to other information that the district may
6 determine is necessary and may require in the registration form
7 provided, there shall also be given information as to the owner or
8 owners of the land upon which each water-producing facility is
9 located, a general description and location of each water-producing
10 facility, the name and address of the person charged with the
11 operation of each water-producing facility, and the name or names
12 and addresses of all persons owning or claiming to own an interest
13 in the water-producing facility.

14 SEC. 33. Section 26.6 of the Santa Clara Valley Water District
15 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
16 31.4 of Chapter 1195 of the Statutes of 1993, is amended to read:

17 Sec. 26.6. On or before the first Tuesday in April of each year,
18 the report shall be delivered to the clerk of the district board in
19 writing. The clerk shall publish, pursuant to Section 6061 of the
20 Government Code, a notice of the receipt of the report and of the
21 public hearing to be held on or before the fourth Tuesday in April
22 in a newspaper of general circulation printed and published within
23 the district, at least 10 days before the date at which the public
24 hearing regarding the report shall be held. The notice, among other
25 information that the district may provide, shall contain an invitation
26 to all operators of water-producing facilities within the district and
27 to any person interested in the district's activities in the protection
28 and augmentation of the water supplies of the district to call at the
29 offices of the district to examine the report. There shall be held on
30 or before the fourth Tuesday of April of each year, in the chambers
31 of the board, a public hearing at which time any operator of a
32 water-producing facility within the district, or any person interested
33 in the district's activities in the protection and augmentation of the
34 water supplies of the district, may in person, or by representative,
35 appear and submit evidence concerning the subject of the written
36 report.

37 SEC. 34. Section 26.7 of the Santa Clara Valley Water District
38 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
39 10 of Chapter 279 of the Statutes of 2006, is amended to read:

1 Sec. 26.7. (a) (1) Before the end of the water year in which
2 the hearing is held, and based upon the findings and determinations
3 from the hearing, the board shall determine whether or not a
4 groundwater charge should be levied in any zone or zones.

5 (2) If the board determines that a groundwater charge should
6 be levied, it shall levy, assess, and affix the charge or charges
7 against all persons operating groundwater-producing facilities
8 within the zone or zones during the ensuing water year.

9 (3) (A) The charge shall be computed at a fixed and uniform
10 rate or rates per acre-foot for agricultural water, and at a fixed and
11 uniform rate or rates per acre-foot for all water other than
12 agricultural water.

13 (B) Different rates may be established in different zones, except
14 that in each zone the rate or rates for agricultural water shall be
15 fixed and uniform.

16 (C) The rate or rates, as applied to operators who produce
17 groundwater above a specified annual amount, may, except in the
18 case of any person extracting groundwater in compliance with a
19 government-ordered program of cleanup of hazardous waste
20 contamination, be subject to prescribed, fixed, and uniform
21 increases in proportion to increases by that operator in groundwater
22 production over the production of that operator for a prior base
23 period to be specified by the board, upon a finding by the board
24 that conditions of drought and water shortage require the increases.
25 The increases shall be related directly to the reduction in the
26 affected zone groundwater levels in the same base period.

27 (D) The rates shall be established each year in accordance with
28 a budget for that year approved by the board pursuant to this act,
29 or amendments or adjustments to that budget, and shall be fixed
30 and uniform rates for agricultural water and for all water other
31 than agricultural water, respectively, except that each rate for
32 agricultural water shall not exceed one-fourth of the rate for all
33 water other than agricultural water.

34 (b) (1) The board may also impose or adjust any groundwater
35 charge, and the rate of any charge, on or before January 1 of each
36 water year whenever the board determines that the imposition or
37 adjustment of the charge is necessary.

38 (2) The board shall prepare a supplemental report to the annual
39 report prepared pursuant to Section 26.5, explaining the reasons
40 for the imposition or adjustment of the charge. The board shall file

1 the supplemental report with the clerk of the board at least 45 days
2 before the date the new or adjusted charge is proposed to take
3 effect.

4 (3) (A) The clerk shall publish in a newspaper of general
5 circulation published within the district, pursuant to Section 6061
6 of the Government Code, a notice of the receipt of the supplemental
7 report and a hearing to be held on the proposed imposition or
8 adjustment of the groundwater charge at least 31 days before the
9 date on which the new or adjusted charge is proposed to take effect
10 and at least 10 days before the date of the hearing.

11 (B) The notice shall invite any operator of a water-producing
12 facility within the district and other interested parties to examine
13 the supplemental report prepared pursuant to paragraph (2) at the
14 district office.

15 (4) (A) A public hearing shall be held in the chambers of the
16 board at least 21 days before the date on which the new or adjusted
17 groundwater charge is proposed to take effect.

18 (B) Any operator of a water-producing facility within the district
19 may, in person or by means of a representative, present evidence
20 at the hearing concerning the imposition or adjustment of the
21 groundwater charge.

22 (c) Any groundwater charge levied pursuant to this section shall
23 be in addition to any general tax or assessment levied within the
24 district or any zone or zones thereof.

25 (d) Clerical errors occurring or appearing in the name of any
26 person or in the description of the water-producing facility from
27 which the production of water is otherwise properly charged, or
28 in the making or extension of any charge upon the records that do
29 not affect the substantial rights of the assessee or assessees, shall
30 not invalidate the groundwater charge.

31 SEC. 35. Section 26.12 of the Santa Clara Valley Water District
32 Act (Chapter 1405 of the Statutes of 1951), as added by Section
33 19 of Chapter 38 of the First Extraordinary Session of the Statutes
34 of 1962, is amended to read:

35 Sec. 26.12. (a) The superior court of the county in which the
36 district lies may issue a temporary restraining order upon the filing
37 by the district with the court of a petition or complaint setting forth
38 that the person named therein as defendant is the operator of a
39 water-producing facility that has not been registered with the
40 district, or that the defendant is delinquent in the payment of a

1 groundwater charge. The temporary restraining order shall be
2 returnable to the court on or before 10 days after its issuance.

3 (b) The court may issue and grant an injunction restraining and
4 prohibiting the named defendant from the operation of any
5 water-producing facility when it is established at the hearing that
6 the defendant has failed to register the water-producing facility
7 with the district, or that the defendant is delinquent in payment of
8 groundwater charges thereon. The court may provide that the
9 injunction so made and issued shall be stayed for a period not to
10 exceed 10 days to permit the defendant to register the
11 water-producing facility or to pay the delinquent groundwater
12 charge.

13 (c) Service of process is completed by posting a copy of the
14 summons and complaint on the water-producing facility or the
15 parcel of land on which it is located and by personal service upon
16 the named defendant.

17 (d) The right to proceed for injunctive relief granted herein is
18 an additional right to those that may be provided elsewhere in this
19 act or otherwise allowed by law. The procedure provided in Chapter
20 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
21 of Civil Procedure regarding injunctions shall be followed except
22 as otherwise provided. The district shall not be required to provide
23 an undertaking or bond as a condition to granting injunctive relief.

24 SEC. 36. Section 26.13 of the Santa Clara Valley Water District
25 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
26 7 of Chapter 610 of the Statutes of 1983, is amended to read:

27 Sec. 26.13. (a) If the district has probable cause to believe that
28 the production of water from any water-producing facility is in
29 excess of that disclosed by the sworn statements covering the
30 water-producing facility, or if no statements are filed covering any
31 water-producing facility, the district may cause an investigation
32 and report to be made concerning the production of water from
33 the water-producing facility. The district may fix the amount of
34 water production from the water-producing facility at an amount
35 not to exceed the maximum production capacity of the
36 water-producing facility, except, where a water-measuring device
37 is permanently attached thereto, the record of production, as
38 disclosed by such water-measuring device, shall be presumed to
39 be accurate.

1 (b) After the determination has been made by the district, a
2 written notice thereof shall be mailed to the person operating the
3 water-producing facilities at the address shown by the district's
4 records. The determination made by the district shall be conclusive
5 on all persons having an interest in the water-producing facility,
6 and the groundwater charge, interest, and penalties thereon, shall
7 be paid forthwith, unless the person files with the board within 15
8 days after the mailing of the notice, a written protest setting forth
9 the ground or grounds for protesting the amount of production so
10 fixed. Upon the filing of the protest, the board thereafter shall hold
11 a hearing at which time the total amount of the water production
12 and the groundwater charge thereon shall be determined, which
13 shall be conclusive if based upon substantial evidence. If the water
14 production statement was filed and the amount disclosed thereon
15 was paid within the time required by this act, and the board finds
16 that the failure to report the amount of water actually produced
17 resulted from excusable or justifiable circumstances, the board
18 may waive the charge of interest on the amount found to be due.
19 A notice of the hearing shall be mailed to the protestant at least
20 10 days before the date fixed for the hearing. Notice of the
21 determination by the board shall be mailed to each protestant, who
22 shall have 20 days from the date of mailing to pay the groundwater
23 charge, interest, or penalties provided by this act.

24 (c) Notice as required in this section shall be given by deposit
25 thereof in any postal facility regularly maintained by the
26 government of the United States in a sealed envelope with postage
27 paid, addressed to the person on whom it is served at the name and
28 address disclosed by the records of the district. The service is
29 complete at the time of deposit.

30 SEC. 37. Section 26.15 of the Santa Clara Valley Water District
31 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
32 5 of Chapter 432 of the Statutes of 1963, is amended to read:

33 Sec. 26.15. (a) It shall be unlawful to produce water from any
34 water-producing facility required to be registered pursuant to the
35 terms of this act unless the water-producing facility has been
36 registered with the district within the time required by this act and,
37 if required by the board, has a water-measuring device affixed
38 thereto capable of registering the accumulated amount of water
39 produced therefrom.

1 (b) Violation of this section shall be punishable by a fine not to
 2 exceed five hundred dollars (\$500), or imprisonment in the county
 3 jail not to exceed six months, or by both the fine and imprisonment.
 4 Each day of operation in violation hereof shall constitute a separate
 5 offense.

6 SEC. 38. Section 26.17 of the Santa Clara Valley Water District
 7 Act (Chapter 1405 of the Statutes of 1951), as added by Section
 8 9 of Chapter 1466 of the Statutes of 1965, is amended to read:

9 Sec. 26.17. In implementing the enforcement of this act relating
 10 to groundwater charges, the district may, in addition to the powers
 11 enumerated elsewhere in this act, do any of the following:

12 (a) Install and maintain water-measuring devices, and other
 13 devices that will aid in determining accurate water production, on
 14 water-producing facilities not owned by the district.

15 (b) Affix seals to water-producing facilities that the owner or
 16 operator thereof has declared to be abandoned, or are in fact
 17 permanently abandoned.

18 (c) Enter on to any land for the purposes enumerated in this
 19 section and for the purpose of making investigations relating to
 20 water production.

21 SEC. 39. Section 28 of the Santa Clara Valley Water District
 22 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
 23 26 of Chapter 205 of the Statutes of 1967, is amended to read:

24 28. There is hereby granted to the district the right-of-way for
 25 the location, construction and maintenance of channels, ditches,
 26 waterways, conduits, canals, storm dikes, embankments, and
 27 protective works for flood risk reduction in, over and across public
 28 lands of the State of California, not otherwise disposed of or in
 29 use, not in any case exceeding in length or width that which is
 30 necessary for the construction of such works and adjuncts or for
 31 the protection thereof. Whenever any selection of a ~~right-of-way~~
 32 *right-of-way* for such works or adjuncts thereto is made by the
 33 district the board thereof must transmit to the State Lands
 34 Commission, the Controller of the State and the recorder of the
 35 county in which the selected lands are situated, a plat of the lands
 36 so selected, giving the extent thereof and the uses for which the
 37 same is claimed or desired, duly verified to be correct. If the State
 38 Lands Commission shall approve the selections so made it shall
 39 endorse its approval upon the plat and issue to the district a permit
 40 to use such right-of-way and lands.

1 SEC. 40. Section 31 of the Santa Clara Valley Water District
2 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
3 2 of Chapter 170 of the Statutes of 2001, is amended to read:

4 Sec. 31. (a) The legal title to all property, except shares of
5 stock in mutual water companies or corporations, as provided in
6 Section 17 of Article XVI of the California Constitution, acquired
7 under this act shall immediately and by operation of law vest in
8 the district, and shall be held by the district, in trust for, and is
9 hereby dedicated and set apart to, the uses and purposes set forth
10 in this act. The board may hold, use, acquire, manage, occupy, and
11 possess the property, as herein provided. The board may determine,
12 by resolution duly entered in their minutes, that any real property,
13 or interest therein, held by the district is no longer necessary to be
14 retained for the uses and purposes thereof, and may thereafter sell,
15 lease, or otherwise dispose of the property pursuant to this section.

16 (b) Real property that, in the unanimous judgment of the board,
17 has no access to a public road, or that consists of an easement for
18 ingress and egress to property that, by the terms of the easement,
19 will terminate when ingress and egress is supplied to the property
20 by a public road, may be sold, leased, or conveyed by the board
21 on terms prescribed by it.

22 (c) The board may reconvey real property to the former owner
23 by whom the property was conveyed, or from whom the property
24 was condemned by the district, or the owner's successor in interest
25 for fair market value. Fair market value shall be determined by a
26 qualified real estate appraiser. The district may reconvey real
27 property to the former owner or the owner's successor in interest
28 for less than fair market value if the district finds that a public
29 purpose exists justifying that reconveyance for less than fair market
30 value.

31 (d) The board may by a majority vote exchange real property
32 of equal value with any person, firm, or corporation for the purpose
33 of removing defects in the title to real property owned by the
34 district or where the real property to be exchanged is not required
35 for district use and the property to be acquired is required for
36 district use.

37 (e) In all other cases, the board shall be governed in the sale,
38 lease, or other disposition of real property by the requirements of
39 law governing that action by counties, except that notice of the

1 board's intended action shall be as prescribed in Section 25363 of
2 the Government Code.

3 (f) The board may by resolution prescribe a procedure for the
4 leasing of real property owned by the district alternative to the
5 requirements of law governing counties.

6 (g) The board may by a majority vote sell, lease, or otherwise
7 transfer to the state, the County of Santa Clara, or to any city,
8 school district, or other special district within the Santa Clara
9 Valley Water District, or exchange with the public entities, any
10 real or personal property or interest therein belonging to the district
11 upon the terms and conditions that are agreed upon.

12 (h) The board shall establish regulations for the trade in, survey,
13 sale, or other disposition of personal property held by the district
14 and no longer necessary to be retained for the uses and purposes
15 thereof, except that any sale of personal property having a sale
16 value in excess of that value stated from time to time by Section
17 1041.6 of Title 2 of the California Code of Regulations as a
18 definition of "fixed assets," or any lower value as may be
19 determined by the board, shall be made upon public bid preceded
20 by notice of the board's intended action given as prescribed in
21 Section 25363 of the Government Code.

22 SEC. 41. Section 33 of the Santa Clara Valley Water District
23 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
24 3 of Chapter 251 of the Statutes of 2018, is amended to read:

25 Sec. 33. (a) Each person elected or appointed to the office of
26 director shall, within 10 days after receiving a certificate of election
27 or notice of appointment, qualify for the office by taking and
28 subscribing to an official oath. The director shall file the official
29 oath with the clerk of the board.

30 (b) Except as provided in subdivision (c), Chapter 2
31 (commencing with Section 20200) of Division 10 of the Water
32 Code governs compensation paid to a director.

33 (c) Notwithstanding Section 20202 of the Water Code or any
34 other law, no ordinance adopted to provide compensation to a
35 director shall authorize compensation for more than a total of 15
36 days in any calendar month. If the district compensates its directors
37 for more than 10 meetings in a calendar month, the board shall
38 annually adopt a written policy describing, based on a finding
39 supported by substantial evidence, why more than 10 meetings
40 per month are necessary for the effective operation of the district.

1 (d) The determination of whether a director's activities on any
2 specific day are compensable shall be made pursuant to Section
3 53232.1 of the Government Code.

4 (e) Employees appointed by the board under this act, when
5 required by the board of directors, shall execute bonds conditioned,
6 executed, approved, filed, and recorded in the general manner and
7 form provided by law for officers, other than supervisors, of the
8 county, before entering upon the duties of their respective
9 employments.

10 *SEC. 42. The Legislature finds and declares that a special*
11 *statute is necessary and that a general statute cannot be made*
12 *applicable within the meaning of Section 16 of Article IV of the*
13 *California Constitution because of the unique need of the Santa*
14 *Clara Valley Water District to provide water services and flood*
15 *protection within the County of Santa Clara.*

AMENDED IN ASSEMBLY APRIL 18, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1469

Introduced by Assembly Member Kalra

February 17, 2023

An act to amend Section 4 of, and to add Section 12.8 to, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 1469, as amended, Kalra. Santa Clara Valley Water District.

The Santa Clara Valley Water District Act creates the Santa Clara Valley Water District, and authorizes the district to provide for the conservation and management of flood, storm, and recycled waters, and other waters, for beneficial uses and to enhance natural resources in connection with carrying out the purposes of the district.

This bill would additionally authorize the district to *take certain actions in order to* assist unsheltered people living along streams, in riparian corridors, or otherwise within the district's jurisdiction, in consultation with ~~cities, the County of Santa Clara, and the state, as appropriate,~~ *a city or the County of Santa Clara* to provide solutions or improve outcomes for the unsheltered individuals.

This bill would make legislative findings and declarations as to the necessity of a special statute for County of Santa Clara.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The number of unhoused people in the County of Santa Clara
4 has increased by 36 percent in the last five years, rising from 7,394
5 in 2017 to 10,028 in 2022, according to the Homeless
6 Point-in-Time Count and Survey. In 2022, 77 percent of the
7 unhoused population in the county were unsheltered, meaning they
8 are living in vehicles, in abandoned buildings, on public lands, or
9 on the street.

10 (b) Thousands of the unsheltered people in the County of Santa
11 Clara live along creeks and streams, in the riparian corridors, where
12 294 miles of creekside lands are owned by the Santa Clara Valley
13 Water District, an independent special district responsible for
14 regional water supply, flood risk reduction, and environmental
15 stewardship of waterways in the county.

16 (c) Encampments of unsheltered people along waterways are
17 both a human and an environmental tragedy, causing deaths and
18 negative health outcomes for unsheltered individuals, increased
19 community risks from fires, and flooding due to blocked drainages
20 and the excavation of banks and levees, as well as the degradation
21 of water quality from litter and human waste.

22 (d) Nutrient loading of streams from human waste facilitates
23 algal blooms that degrade natural and constructed habitats for
24 aquatic species, including federally threatened fish species such
25 as steelhead trout.

26 (e) The safe operation of water supply and flood risk reduction
27 infrastructure in the County of Santa Clara requires vehicle access
28 along pathways favored by encampments and requires the rapid
29 release of water from upstream reservoirs, not only during storms,
30 but often weeks before storms arrive, which may unintentionally
31 flood encampments, endangering unsheltered people.

32 (f) Construction of flood risk reduction and water supply
33 infrastructure, as well as environmental restoration and
34 enhancement, requires closing certain areas to the public to protect
35 life, safety, and the environment.

36 (g) As an independent special district, the Santa Clara Valley
37 Water District's actions to address the human and operational
38 challenges posed by encampments and to reduce environmental

1 impacts are limited by the agency’s authorities granted by the Santa
2 Clara Valley Water District Act, as well as by the California
3 Constitution’s restrictions on the use of taxes and fees collected
4 for water supply and flood protection for other purposes.

5 (h) The Santa Clara Valley Water District Board has long sought
6 to increase resources that could be available to assist unsheltered
7 people living along waterways and on other district properties to
8 provide solutions, housing, or improved outcomes for the
9 unsheltered individuals.

10 (i) In 2020, voters the in County of Santa Clara approved
11 Measure S, a special tax that provides \$500,000 annually to the
12 water district for cost-share agreements with local agencies for
13 services related to cleanups of encampment litter and debris on
14 waterways, in keeping with the district’s limited mission. Those
15 funds are limited and eroded by inflation, and the growing needs
16 far exceed both the purpose and amount of funding provided by
17 the special tax.

18 (j) In the case of *Martin v. City of Boise*, 920 F.3d 584, 616
19 (9th Cir. 2019), the United States Court of Appeals for the Ninth
20 Circuit held that “as long as there is no option of sleeping indoors,
21 the government cannot criminalize indigent, homeless people for
22 sleeping outdoors, on public property, on the false premise they
23 had a choice in the matter.” The United States Supreme Court
24 declined to review the Ninth Circuit’s decision, leaving it in effect
25 in the western states covered by the Ninth Circuit, including
26 California. *Martin v. City of Boise* has been interpreted to mean
27 a de facto requirement to offer shelter before unsheltered people
28 may be relocated from public lands, and failure to do so may result
29 in the issuance of a temporary restraining order.

30 (k) Considering the Santa Clara Valley Water District’s
31 uncommon flood risk reduction responsibilities that are separate
32 from county government, accounting for its location in one of the
33 largest urban areas in the state, noting the large numbers of
34 unsheltered people living on the public lands in riparian corridors,
35 and citing evolving case law requiring the offer of shelter to
36 relocate unsheltered people living on public land, there is a
37 compelling need to expand the purposes of the Santa Clara Valley
38 Water District to better assist unsheltered people, to fulfill the
39 district’s existing mission of comprehensive water supply, flood
40 risk reduction, and environmental stewardship of streams, by

1 providing solutions, housing, and improved outcomes for
2 unsheltered people living on public lands and along waterways
3 within the County of Santa Clara.

4 SEC. 2. Section 4 of the Santa Clara Valley Water District Act
5 (Chapter 1405 of the Statutes of 1951), as amended by Section 1
6 of Chapter 279 of the Statutes of 2006, is amended to read:

7 Sec. 4. (a) The purposes of this act are to authorize the district
8 to provide comprehensive water management for all beneficial
9 uses and flood protection risk within the County of Santa Clara.

10 (b) It is the intent of the Legislature that the district work
11 collaboratively with other appropriate entities in the County of
12 Santa Clara in carrying out the purposes of this act.

13 (c) The district may take action to do all of the following:

14 (1) Reduce the risks to the County of Santa Clara from
15 floodwater and stormwater of the district, including tidal floodwater
16 and the floodwater and stormwater of streams that have their
17 sources outside the district, but flow into the district.

18 (2) Reduce the risks of floodwater or stormwater to the public
19 highways, life, and property in the district, and the watercourses
20 and watersheds of streams flowing within the district.

21 (3) Provide flood risk reduction and provide for the conservation
22 and management of stormwater, recycled water, or other water
23 from any sources within or outside the watersheds in which the
24 district is located for beneficial and useful purposes, including
25 spreading, storing, retaining, and causing the waters to percolate
26 into the soil within the district.

27 (4) Protect, save, store, recycle, distribute, transfer, exchange,
28 manage, and conserve in any manner any of the waters.

29 (5) Increase and prevent the waste or diminution of the water
30 supply in the district.

31 (6) Obtain, retain, protect, and recycle drainage, stormwater,
32 floodwater, or treated wastewater, or other water from any sources,
33 within or outside the watersheds in which the district is located
34 for any beneficial uses within the district.

35 (7) Enhance, protect, and restore streams, riparian corridors,
36 and natural resources in connection with carrying out the purposes
37 set forth in this section.

38 (8) Assist unsheltered people living along streams, in riparian
39 corridors, or otherwise within the district's jurisdiction, in
40 consultation with ~~cities, the County of Santa Clara, and the state,~~

1 ~~as appropriate~~, a city or the County of Santa Clara to provide
2 solutions or improve outcomes for the unsheltered individuals.

3 (9) Preserve open space in the County of Santa Clara and support
4 the county park system in a manner that is consistent with carrying
5 out the powers granted by this section.

6 *SEC. 3. Section 12.8 is added to The Santa Clara Valley Water
7 District Act (Chapter 1405 of the Statutes of 1951), to read:*

8 *Sec. 12.8. The district is authorized to take the following actions
9 to assist unsheltered people living along streams, in riparian
10 corridors, or otherwise within the district's jurisdiction, pursuant
11 to paragraph (8) of subdivision (c) of Section 4:*

12 *(a) Collect waste or biowaste.*

13 *(b) Contract with a city, the County of Santa Clara, or the state
14 to provide outreach, counseling, transitional housing, public safety,
15 or other services for unsheltered people.*

16 *(c) Provide, develop, sell, or lease land for the purposes of
17 constructing temporary or permanent structures for transitional
18 or long-term housing or other services for unsheltered people.*

19 *(d) (1) Contract with nongovernmental entities to provide
20 outreach, counseling, or transitional housing for unsheltered
21 people.*

22 *(2) Any contract between the district and a nongovernmental
23 entity pursuant to paragraph (1) shall be in coordination with a
24 city or the County of Santa Clara.*

25 *(3) Any housing developed pursuant to this authority shall be
26 consistent with Housing First core components as defined in
27 Section 8255 of the Welfare and Intuitions Code.*

28 *SEC. 4. The Legislature finds and declares that a special statute
29 is necessary and that a general statute cannot be made applicable
30 within the meaning of Section 16 of Article IV of the California
31 Constitution because of the unique need of the Santa Clara Valley
32 Water District to address the needs of the unhoused population
33 within the district's jurisdiction in order to fulfill the district's
34 mission of comprehensive water supply, flood risk reduction, and
35 environmental stewardship of streams.*

O

AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1594

Introduced by Assembly Member Garcia

February 17, 2023

~~An act to amend Section 165 of the Vehicle Code, relating to vehicles.~~
An act to add the heading of Division 12.5 (commencing with Section 28500 to, and to add Chapter 1 (commencing with Section 28500) to Division 12.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as amended, Garcia. ~~Authorized emergency vehicles.~~
Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Executive Order No. N-79-20 establishes the goal of transitioning medium- and heavy-duty vehicles in California to zero-emission vehicles by 2045 for all operations where feasible and by 2035 for drayage trucks, and requires the State Air Resources Board to develop and propose medium- and heavy-duty vehicle regulations to meet that goal.

Existing law establishes the Air Quality Improvement Program that is administered by the board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles.

This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty

zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility’s ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified.

~~Existing law generally regulates authorized emergency vehicles, and exempts the driver of an authorized emergency vehicle from various provisions of the rules of the road, as contained in the Vehicle Code, if, among other things, the vehicle is being driven in response to an emergency call, the driver of the vehicle sounds a siren, and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. Existing law defines “authorized emergency vehicle” to include, among others, any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.~~

~~This bill would instead define authorized emergency vehicle to include any vehicle owned by the state, or any bridge and highway district, and equipped and used for, among other things, repairing damaged lighting or electrical infrastructure.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The heading of Division 12.5 (commencing with*
2 *Section 28500) is added to the Vehicle Code, to read:*

3

4 *DIVISION 12.5. ZERO-EMISSION VEHICLES*

5

6 *SEC. 2. Chapter 1 (commencing with Section 28500) is added*
7 *to Division 12.5 of the Vehicle Code, to read:*

8

9 *CHAPTER 1. PUBLIC AGENCY UTILITY MEDIUM- AND*
10 *HEAVY-DUTY VEHICLES*

11

12 28500. (a) “Public agency utility” means a local publicly
13 owned electric utility, as defined in Section 224.3 of the Public

1 *Utilities Code, a community water system, as defined in Section*
2 *116275 of the Health and Safety Code, and a wastewater treatment*
3 *provider, as defined in Section 116773.2 of the Health and Safety*
4 *Code.*

5 *(b) Any state regulation that seeks to require, or otherwise*
6 *compel, the procurement of medium- and heavy-duty zero-emission*
7 *vehicles shall ensure that those vehicles can support a public*
8 *agency utility’s ability to maintain reliable water and electric*
9 *service, respond to disasters in an emergency capacity, and provide*
10 *mutual aid assistance statewide and nationwide, and shall do both*
11 *of the following:*

12 *(1) Recognize the diversity of fleet size, terrain, and climate,*
13 *and authorize public agency utilities to purchase replacements for*
14 *traditional utility specialized vehicles that are at the end of life*
15 *when needed to maintain reliable service and respond to major*
16 *foreseeable events, including, but not limited to, severe weather,*
17 *wildfires, natural disasters, and physical attacks.*

18 *(2) In coordination with public agency utilities, include a list*
19 *of vehicle vendors and suppliers that meet zero-emission vehicle*
20 *standards and the public agency utilities’ technical and*
21 *performance requirements.*

22 ~~SECTION 1. Section 165 of the Vehicle Code is amended to~~
23 ~~read:~~

24 ~~165. An authorized emergency vehicle is:~~

25 ~~(a) Any publicly owned and operated ambulance, lifeguard, or~~
26 ~~lifesaving equipment or any privately owned or operated ambulance~~
27 ~~licensed by the Commissioner of the California Highway Patrol~~
28 ~~to operate in response to emergency calls.~~

29 ~~(b) Any publicly owned vehicle operated by the following~~
30 ~~persons, agencies, or organizations:~~

31 ~~(1) Any federal, state, or local agency, department, or district~~
32 ~~employing peace officers as that term is defined in Chapter 4.5~~
33 ~~(commencing with Section 830) of Title 3 of Part 2 of the Penal~~
34 ~~Code, for use by those officers in the performance of their duties.~~

35 ~~(2) Any forestry or fire department of any public agency or fire~~
36 ~~department organized as provided in the Health and Safety Code.~~

37 ~~(c) Any vehicle owned by the state, or any bridge and highway~~
38 ~~district, and equipped and used either for fighting fires, or towing~~
39 ~~or servicing other vehicles, caring for injured persons, or repairing~~
40 ~~damaged lighting or electrical infrastructure.~~

1 ~~(d) Any state-owned vehicle used in responding to emergency~~
2 ~~fire, rescue, or communications calls and operated either by the~~
3 ~~Office of Emergency Services or by any public agency or industrial~~
4 ~~fire department to which the Office of Emergency Services has~~
5 ~~assigned the vehicle.~~

6 ~~(e) (1) Any vehicle owned or operated by a federally recognized~~
7 ~~Indian tribe used in responding to emergency, fire, ambulance, or~~
8 ~~lifesaving calls. For the purposes of this section and the provisions~~
9 ~~of Sections 2501 and 2510, a vehicle used in responding to~~
10 ~~emergency, fire, ambulance, or lifesaving calls owned or operated~~
11 ~~by a federally recognized Indian tribe is considered an authorized~~
12 ~~emergency vehicle.~~

13 ~~(2) Any vehicle owned or operated by any department or agency~~
14 ~~of the United States government when the vehicle is used in~~
15 ~~responding to emergency fire, ambulance, or lifesaving calls or is~~
16 ~~actively engaged in law enforcement work.~~

17 ~~(f) Any vehicle for which an authorized emergency vehicle~~
18 ~~permit has been issued by the Commissioner of the California~~
19 ~~Highway Patrol.~~

AMENDED IN ASSEMBLY MARCH 20, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 345

Introduced by Assembly Member Wilson
(Coauthors: Assembly Members Mathis and Pellerin)
(Coauthor: Senator Dodd)

January 31, 2023

An act to add ~~Section 133.5 to~~ *Chapter 10 (commencing with Section 550) to Division 1 of the Water Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 345, as amended, Wilson. Habitat restoration: flood control: advance payments.

Existing law authorizes the Department of Water Resources to make examinations of lands subject to inundation and overflow by floodwaters and of the waters causing the inundation or overflow and to make plans and estimates of the cost of works to regulate and control the floodwaters. Existing law also vests in the department charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. Existing law authorizes the department to cooperate and contract with any agency of the state or of the United States in order to carry out its powers and purposes.

Existing law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas.

This bill would authorize the department *or the board* to provide advance payments, as defined, to local agencies for projects that restore

habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department *or the board* to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding ~~agreement between the department and the local agency~~ agreement. *The bill would require the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10 (commencing with Section 550) is
 2 added to Division 1 of the Water Code, to read:

3
 4 CHAPTER 10. ADVANCED PAYMENTS FOR HABITAT
 5 RESTORATION AND FLOOD PROTECTION PROJECTS

6
 7 550. (a) The department and the board have discretion to
 8 provide advance payments to local agencies for projects that have
 9 at least one of the following project purposes: restoring habitat
 10 for threatened and endangered species under state or federal law
 11 or improving flood protection. For a project for which an advanced
 12 payment is made pursuant to this section, the amount of funds
 13 advanced by the department or the board to the local agency at
 14 any one time shall not exceed 25 percent of the entire amount
 15 authorized to be provided under the funding agreement with the
 16 local agency.

17 (b) A local agency may deposit funds advanced pursuant to this
 18 section in its treasury. Any interest earned on advanced funds shall
 19 be applied to the project for which funds were advanced.

20 (c) Funds advanced pursuant to this section shall be handled
 21 as follows:

22 (1) The funds shall be spent within six months of the date of
 23 receipt, unless the department or the board waives this
 24 requirement.

25 (2) The recipient shall, on a quarterly basis, provide an
 26 accountability report to the department or the board regarding

1 *the expenditure and use of any advanced grant funds that provides,*
2 *at a minimum, the following information:*

3 *(A) An itemization as to how advanced payment funds provided*
4 *pursuant to this section have been expended.*

5 *(B) A project itemization as to how any remaining advanced*
6 *payment funds pursuant to this section will be expended over the*
7 *period specified in paragraph (1).*

8 *(C) Whether the funds are placed in a noninterest-bearing*
9 *account and, if so, the date that occurred and the dates of*
10 *withdrawals of funds from that account, if applicable.*

11 *(D) An evaluation of whether the project is on schedule. If the*
12 *project is behind schedule, the report shall identify what has caused*
13 *the delay and actions taken or that will be taken to remedy the*
14 *delay.*

15 *(3) If the funds are not expended, the unused portion of the grant*
16 *shall be returned to the department or the board within 60 days*
17 *after project completion or the end of the grant performance*
18 *period, whichever is earlier.*

19 *(4) The department or the board may adopt additional*
20 *requirements for the recipient regarding the use of the advanced*
21 *payment to ensure that the funds are used properly.*

22 *(d) In light of the state's interest in projects to restore habitat*
23 *for threatened and endangered species or improve flood protection,*
24 *the department or the board may reduce or eliminate any retention*
25 *that would otherwise be withheld under a funding agreement for*
26 *which funds are advanced under this section.*

27 *(e) For purposes of this section, the following terms have the*
28 *following meanings:*

29 *(1) "Advance payments" means funds that are provided to a*
30 *local agency before the local agency has incurred expenses in*
31 *furtherance of a project described in subdivision (a) and that are*
32 *provided by the department or the board to allow the local agency*
33 *to fund the project on a cashflow basis.*

34 *(2) "Board" means the Central Valley Flood Protection Board.*

35 *(3) "Department" means the Department of Water Resources.*

36 ~~SECTION 1. Section 133.5 is added to the Water Code, to~~
37 ~~read:~~

38 ~~133.5. (a) The department has discretion to provide advance~~
39 ~~payments to local agencies for projects that have at least one of~~
40 ~~the following project purposes: restoring habitat for threatened~~

1 ~~and endangered species under state or federal law or improving~~
 2 ~~flood protection. The amount of funds advanced by the department~~
 3 ~~to the local agency at any one time shall not exceed 25 percent of~~
 4 ~~the entire amount authorized to be provided under the funding~~
 5 ~~agreement between the department and the local agency. In light~~
 6 ~~of the state’s interest in these projects, the department may reduce~~
 7 ~~or eliminate any retention that would otherwise be withheld under~~
 8 ~~the funding agreement.~~

9 ~~(b) For purposes of this section, “advance payments” are funds~~
 10 ~~that are provided to a local agency before the local agency has~~
 11 ~~incurred expenses in furtherance of a project described in~~
 12 ~~subdivision (a) and that are provided by the department to allow~~
 13 ~~the local agency to fund the project on a cashflow basis.~~

14
 15 _____
 16 **REVISIONS:**
 17 **Heading—Line 2.**
 18 _____

AMENDED IN SENATE APRIL 24, 2023

SENATE BILL

No. 493

Introduced by Senator Min

February 14, 2023

An act to ~~add and repeal Section 25229.1~~ *amend Section 43871 of the Health and Safety Code, and to amend Section 25229 of the Public Resources Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Min. Air pollution: alternative vehicles and electric and hydrogen infrastructure.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake various actions in furtherance of meeting the state's clean energy and pollution reduction objectives, including actions related to electric vehicles. *Existing law requires the Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission (PUC), to prepare a statewide assessment of fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet the goals and requirements of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors.* Existing law ~~also~~ requires the Energy Commission, working with the ~~State Air Resources Board and the Public Utilities Commission (PUC), state board and the PUC,~~ to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030,

and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. ~~Executive Order No. N-79-20 establishes a goal that 100% of in-state sales of new passenger cars and trucks be zero-emission by 2035.~~

~~This bill would require the Energy Commission, in consultation with the state board and the PUC, to conduct an assessment, as specified, of the electric and hydrogen infrastructure needed to meet the deadlines in Executive Order No. N-79-20 for the transition of medium- and heavy-duty vehicles to zero-emission vehicles. The bill would require the Energy Commission, on or before December 31, 2024, to post the assessment on its internet website and submit the assessment to the Legislature. *the assessment of the fuel cell electric vehicle fueling infrastructure and fuel production to additionally include an assessment of storage and transport facilities, and the assessment of the electric vehicle charging infrastructure to additionally include electric system infrastructure and electric generation. The bill would expand the scope of the latter assessment to include the electric vehicle charging infrastructure, electric system infrastructure, and electric generation needed for the state to meet the goals of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. The bill would require both assessments to identify any barriers to the deployment of hydrogen infrastructure and any barriers to the deployment of electric infrastructure, respectively, for medium- and heavy-duty fleets and recommendations for addressing those barriers.* The bill would require the state board to incorporate the findings of the ~~assessment~~ *assessments* into a strategic plan to meet the deadlines in Executive Order No. N-79-20 for the transition of medium- and heavy-duty fleets to zero-emission vehicles. The bill would require the state board to post the strategic plan on its internet website and submit the plan to the Legislature on or before December 31, ~~2025~~. 2026.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 43871 of the Health and Safety Code is*
- 2 *amended to read:*
- 3 *43871. (a) The State Energy Resources Conservation and*
- 4 *Development Commission, in consultation with the state board*

1 and the Public Utilities Commission, shall prepare a statewide
2 assessment of the fuel cell electric vehicle fueling ~~infrastructure~~
3 ~~and fuel production~~ *infrastructure, fuel production, storage, and*
4 *transport facilities* needed to support the adoption of zero-emission
5 trucks, buses, and off-road vehicles at levels necessary for the state
6 to meet the goals and requirements of Executive Order No. N-79-20
7 and any state board regulatory action that requires or allows
8 zero-emission vehicles in the heavy-duty vehicle and off-road
9 sectors. The assessment shall complement and not duplicate the
10 Joint Agency Staff Report on Assembly Bill 8: Annual Assessment
11 of Time and Cost Needed to Attain 100 Hydrogen Refueling
12 Stations in California.

13 (b) The statewide assessment shall consider all necessary fuel
14 production and distribution infrastructure, including, but not limited
15 to, dispensing equipment, distribution equipment, production
16 equipment, storage equipment, *storage and transport facilities*,
17 and supporting hardware and software, all heavy-duty and off-road
18 vehicle categories, road, highway, and off-road electrification, port
19 and airport electrification, and other programs to accelerate the
20 adoption of fuel cell electric vehicles to meet the goals and
21 requirements described in subdivision (a). The statewide
22 assessment shall examine existing and future fuel production and
23 distribution infrastructure needs throughout the state, including in
24 low-income communities. The statewide assessment shall also list
25 synergies and estimate the potential for hydrogen to contribute to
26 emissions reductions across sectors, including, but not limited to,
27 the truck, bus, off-road vehicle, locomotive, maritime, and aviation
28 sectors. The statewide assessment shall take into consideration the
29 process for creating hydrogen and include an evaluation of the
30 ability of hydrogen to enable a more renewable grid, provide grid
31 services, decarbonize hard-to-electrify industries and remote
32 locations, contribute to microgrids, and improve energy resilience.
33 *The statewide assessment shall also identify any barriers to the*
34 *deployment of hydrogen infrastructure for medium- and heavy-duty*
35 *fleets and recommendations for addressing those barriers.*

36 (c) The State Energy Resources Conservation and Development
37 Commission shall regularly seek data and input relating to fuel
38 cell electric vehicle fuel production and fueling infrastructure from
39 the state board, the Public Utilities Commission, the Department
40 of Food and Agriculture, the Governor’s Office of Business and

1 Economic Development, and interested stakeholders, including,
2 but not limited to, electrical corporations, gas corporations, local
3 publicly owned electric utilities, state and local transportation and
4 transit agencies, fueling infrastructure developers, fuel producers,
5 environmental groups, fuel cell manufacturers, and hydrogen fuel
6 cell vehicle manufacturers.

7 (d) The State Energy Resources Conservation and Development
8 Commission shall complete the statewide assessment by December
9 31, 2023, and shall post the statewide assessment on its internet
10 website. The commission shall update the statewide assessment
11 at least once every three years and shall post the updated statewide
12 assessment on its internet website.

13 (e) The statewide assessment prepared pursuant to this section
14 does not constitute a directive instituting a mandate on state
15 funding.

16 (f) This section does not limit the ability of the State Energy
17 Resources Conservation and Development Commission to award
18 funds related to any of the following on a competitive basis:

19 (1) Alternative and renewable fuel development, production,
20 demonstration, and deployment projects.

21 (2) Alternative and renewable fuel infrastructure projects,
22 including, but not limited to, fueling stations and equipment.

23 (3) Projects to develop and improve light-, medium-, and
24 heavy-duty vehicle technologies, including zero-emission and
25 near-zero emission vehicles and vehicle technologies.

26 (g) (1) *The state board shall incorporate the findings of the*
27 *assessment prepared pursuant to this section and the findings of*
28 *the assessment prepared pursuant to Section 25229 of the Public*
29 *Resources Code into a strategic plan to meet the deadlines in*
30 *Executive Order No. N-79-20 for the transition of medium- and*
31 *heavy-duty fleets to zero-emissions vehicles.*

32 (2) *On or before December 31, 2026, the state board shall post*
33 *the strategic plan described in paragraph (1) on its internet website*
34 *and submit the plan to the Legislature in compliance with Section*
35 *9795 of the Government Code.*

36 ~~(g)~~

37 (h) This section shall remain in effect only until January 1, 2030,
38 and as of that date is repealed.

39 SEC. 2. *Section 25229 of the Public Resources Code is*
40 *amended to read:*

1 25229. (a) The commission, working with the State Air
2 Resources Board and the Public Utilities Commission, shall prepare
3 a statewide assessment of the electric vehicle charging
4 ~~infrastructure~~ *infrastructure, electric system infrastructure, and*
5 *electric generation* needed to support the levels of electric vehicle
6 adoption required for the state to meet its goals of putting at least
7 five million zero-emission vehicles on California roads by 2030,
8 and of reducing emissions of greenhouse gases to 40 percent below
9 1990 levels by ~~2030~~. *2030, and for the state to meet the goals and*
10 *requirements of Executive Order No. N-79-20 and any state board*
11 *regulatory action that requires or allows zero-emission vehicles*
12 *in the heavy-duty vehicle and off-road sectors.*

13 (b) The assessment shall expand on the commission’s electric
14 vehicle infrastructure projections to consider all necessary charging
15 infrastructure, including, but not limited to, the chargers,
16 make-ready electrical equipment, and supporting hardware and
17 software, all vehicle categories, road, highway, and offroad
18 electrification, port and airport electrification, and other programs
19 to accelerate the adoption of electric vehicles to meet the goals
20 described in subdivision (a). The assessment shall examine existing
21 and future infrastructure needs throughout California, including
22 in low-income communities. *The statewide assessment shall also*
23 *identify any barriers to the deployment of electric infrastructure*
24 *for medium- and heavy-duty fleets and recommendations for*
25 *addressing those barriers.*

26 (c) As a part of the assessment, the commission, in consultation
27 with stakeholders, shall identify workforce development and
28 training resources needed to meet the goals described in subdivision
29 (a). These resources shall include, but are not limited to, qualified
30 apprenticeships, on-the-job training programs, and other training
31 opportunities that build career pipelines in the zero-emission
32 transportation sector and provide long-term employment in
33 disadvantaged communities.

34 (d) The commission shall regularly seek data and input relating
35 to electric vehicle charging infrastructure from stakeholders,
36 including, but not limited to, the Public Utilities Commission, the
37 State Air Resources Board, electrical corporations, local publicly
38 owned electric utilities, state and local transportation and transit
39 agencies, charging infrastructure companies, environmental groups,
40 and automobile manufacturers.

1 (e) (1) The state board shall incorporate the findings of the
2 assessment prepared pursuant to this section and the findings of
3 the assessment prepared pursuant to Section 43871 of the Health
4 and Safety Code into a strategic plan to meet the deadlines in
5 Executive Order No. N-79-20 for the transition of medium- and
6 heavy-duty fleets to zero-emissions vehicles.

7 (2) On or before December 31, 2026, the state board shall post
8 the strategic plan described in paragraph (1) on its internet website
9 and submit the plan to the Legislature in compliance with Section
10 9795 of the Government Code.

11 (e)

12 (f) The commission shall update the assessment at least once
13 every two years.

14 SECTION 1. Section 25229.1 is added to the Public Resources
15 Code, to read:

16 25229.1. (a) (1) ~~The commission, in consultation with the~~
17 ~~state board and the Public Utilities Commission, shall conduct an~~
18 ~~assessment of the electric and hydrogen infrastructure needed to~~
19 ~~meet the deadlines in Executive Order No. N-79-20 for the~~
20 ~~transition of medium- and heavy-duty vehicles to zero-emission~~
21 ~~vehicles. This assessment shall include, but is not limited to,~~
22 ~~analyses of each of the following:~~

23 (A) ~~The hydrogen production, storage, and transport facilities~~
24 ~~needed to support medium- and heavy-duty fleet transitions to~~
25 ~~zero-emission hydrogen vehicles.~~

26 (B) ~~The electric vehicle infrastructure, electric system~~
27 ~~infrastructure, and electric generation needed to support medium-~~
28 ~~and heavy-duty fleet transitions to zero-emission battery electric~~
29 ~~vehicles.~~

30 (C) ~~Barriers to the deployment of electric and hydrogen~~
31 ~~infrastructure for medium- and heavy-duty fleets and~~
32 ~~recommendations for addressing these barriers.~~

33 (2) ~~On or before December 31, 2024, the commission shall post~~
34 ~~the assessment described in paragraph (1) on its internet website~~
35 ~~and submit the assessment to the Legislature in compliance with~~
36 ~~Section 9795 of the Government Code.~~

37 (b) (1) ~~The state board shall incorporate the findings of the~~
38 ~~assessment prepared pursuant to subdivision (a) into a strategic~~
39 ~~plan to meet the deadlines in Executive Order No. N-79-20 for the~~

1 ~~transition of medium- and heavy-duty fleets to zero-emission~~
2 ~~vehicles.~~

3 ~~(2) On or before December 31, 2025, the state board shall post~~
4 ~~the strategic plan described in paragraph (1) on its internet website~~
5 ~~and submit the plan to the Legislature in compliance with Section~~
6 ~~9795 of the Government Code.~~

7 ~~(e) This section shall remain in effect only until January 1, 2026,~~
8 ~~and as of that date is repealed.~~

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 550

Introduced by Senator Grove

(Coauthor: Senator Niello)

(Coauthors: Assembly Members Alanis, Dixon, Vince Fong, and Mathis)

February 15, 2023

An act to add Section 482.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 550, as amended, Grove. Water markets.

Existing law finds and declares that voluntary water transfers between water users can result in a more efficient use of water, benefiting both the buyer and the seller. Existing law requires the Department of Water Resources to implement the various state laws that pertain to water transfers and to prepare a water transfer guide that includes, among other things, a review of existing and appropriate state and federal laws that pertain to water transfers, water markets, or water rights.

This bill would require, on or before January 1, 2025, the Legislative Analyst, in collaboration with the Department of Water Resources, the State Water Resources Control Board, and other state agencies, as described, to prepare and submit to the Legislature a report analyzing the water market, including background information regarding the sale of water and water rights, trends in the water market, barriers to entering the water market or effectively trading in the market, and proposals for improving the regulatory framework to make the water market more market friendly and to encourage growth.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 482.5 is added to the Water Code, to
2 read:

3 482.5. (a) On or before January 1, 2025, the Legislative
4 Analyst shall prepare and submit to the Legislature, pursuant to
5 Section 9795 of the Government Code, a report analyzing the water
6 market. The report shall include, but not be limited to, all of the
7 ~~following:~~ *following information:*

8 (1) Background information regarding the sale of water and
9 water rights.

10 (2) Trends in the water market.

11 (3) Barriers to entering the water market or effectively trading
12 in the market.

13 (4) Proposals for improving the regulatory framework to make
14 the water market more market friendly and to encourage growth.

15 (b) The Legislative Analyst shall collaborate with the
16 Department of Water Resources, the State Water Resources Control
17 Board, and other state agencies that have jurisdiction over any
18 aspect of the water market for purposes of preparing the report
19 described in subdivision (a).

AMENDED IN SENATE APRIL 12, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 659

Introduced by Senator Ashby

February 16, 2023

An act to add Part 2.77 (commencing with Section 10785) to Division 6 of amend Sections 10004 and 10005.1 of, and to add Section 10004.7 to, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 659, as amended, Ashby. California Water Supply Solutions Act of 2023.

Existing law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. *Existing law requires the department to establish an advisory committee, composed of representatives of agricultural and urban water suppliers, local government, business, production agriculture, and environmental interests, and other interested parties, to assist the department in the updating of the California Water Plan.* Existing law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. *Existing law requires the department, or at the department's request, the California Water Commission, to conduct a series of hearings with interested persons, organizations, local, state, and federal*

agencies, and representatives of the diverse geographical areas and interests of the state.

~~This bill would establish the California Water Supply Solutions Act of 2023 to, among other things, achieve an increase of 10,000,000 acre-feet of annual groundwater recharge by December 31, 2035, in order to increase the state's groundwater supply. The bill would require, on or before January 1, 2025, the department, in consultation with the water boards, as defined, to prepare and approve a groundwater recharge action plan to be included in the next update to the California Water Plan. require the department to develop a groundwater recharge action plan by January 1, 2026, that provides actionable recommendations that result in the ability to create an additional groundwater recharge capacity of 10,000,000 acre-feet by December 31, 2035. The bill would require the department to consult with the State Water Resources Control Board, the 9 regional water quality control boards, and the advisory committee, which may be enlarged as provided, in carrying out these provisions. The bill would require the groundwater recharge action plan to identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state's groundwater supply, as specified. The bill would require specified actions with regards regard to the groundwater recharge action plan, including, among other things, requiring the department and water boards department to include it as part of the 2028 update to the California Water Plan and to update the groundwater recharge action plan at the same time that they prepare updates to the California Water Plan. The bill would require, by December 31, 2035, the department and water boards require the department and the water boards, upon an appropriation or further action by the Legislature, to implement the recommendations identified in the groundwater recharge action plan that result in new infrastructure and institutional mechanisms in place that provide for the ability to create an additional average annual groundwater recharge amount capacity of 10,000,000 acre-feet. acre-feet by December 31, 2035.~~

This bill would require a portion of the hearings related to the California Water Plan to be in regions of the state that have been impacted the most by drought, including, but not limited to, communities with minority populations, communities with low-income populations, agricultural communities, and water disparate communities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. This act shall be known, and may be cited, as the*
- 2 *California Water Supply Solutions Act of 2023.*
- 3 *SEC. 2. The Legislature finds and declares all of the following:*
- 4 *(a) California’s water usage is highly reliant on capturing the*
- 5 *snow melt from the snowpack in the Sierra Nevada Region on an*
- 6 *annual basis. That water is stored in lakes and reservoirs and is*
- 7 *then transported throughout the state for environmental,*
- 8 *residential, commercial, and agricultural use when needed.*
- 9 *(b) In California’s coastal watersheds, groundwater is a*
- 10 *significant contributor to stream flows that support coastal*
- 11 *communities and ecosystems.*
- 12 *(c) California has the most intricate and elaborate system of*
- 13 *water conveyance in the world.*
- 14 *(d) The State Water Project and the Central Valley Project are*
- 15 *of transcendent importance to statewide water supply.*
- 16 *(e) The State Water Project and the Central Valley Project*
- 17 *provide water for approximately 30,000,000 people and nearly*
- 18 *4,000,000 acres of agricultural land.*
- 19 *(f) Most California cities and farms as we know them today*
- 20 *would not exist without the State Water Project and the Central*
- 21 *Valley Project.*
- 22 *(g) Climate change is resulting in a snowpack that is no longer*
- 23 *reliable. Instead, California is experiencing infrequent storm events*
- 24 *and long periods of drought. California’s precipitation is changing*
- 25 *from seasonal snow in the Sierra Nevada Region to periods of*
- 26 *substantial rainfall, like those from atmospheric rivers.*
- 27 *(h) Climate change is a serious threat to the State Water Project*
- 28 *and the Central Valley Project, and by extension, to our statewide*
- 29 *water supply. These systems will lose 10 percent of their water*
- 30 *supplies by 2040. This constitutes a loss of 6,000,000 to 9,000,000*
- 31 *acre-feet of water annually, or the equivalent of the amount of*
- 32 *water used to irrigate approximately 20 percent of all agricultural*
- 33 *land in the state, or by all of the residents, businesses, schools,*
- 34 *parks, and sports fields in the state.*
- 35 *(i) As of 2023, one necessary solution that can meet the scale*
- 36 *of the problem is groundwater recharge.*
- 37 *(j) The Department of Water Resources describes a statewide*
- 38 *capacity in groundwater basins in the range of 1,000,000,000*

1 acre-feet, or approximately 20 times the total surface water storage
2 capacity statewide.

3 (k) According to the Department of Water Resources, there is
4 the potential for over 13,000,000 acre-feet of groundwater
5 recharge in any given wet year, with more than 2,500,000 acre-feet
6 of existing infrastructure that could currently be available, but
7 that is underutilized.

8 (l) Groundwater recharge has the greatest capacity to meet the
9 scale of this challenge and is also the lowest cost option per
10 acre-foot.

11 (m) Groundwater recharge can be environmentally friendly. Its
12 utilization can provide benefits, including, but not limited to, water
13 supply, flood control, and improved environmental conditions for
14 rivers, wetlands, and habitat. For example, in a recent analysis of
15 a central valley river, it was estimated that full implementation of
16 groundwater recharge projects could simultaneously address 63
17 percent of water supply shortages and provide a 65-percent
18 reduction in flood risk. Additionally, other groundwater recharge
19 projects would prioritize storage in reservoirs, minimizing demand
20 for surface water in dry conditions when that water is most
21 valuable for environmental flows.

22 (n) California must make a historic change in how water is
23 provided for environmental, residential, commercial, and
24 agricultural use when needed. Enhancing the ability to recharge
25 groundwater is essential for current and future water management
26 that is consistent with present-day values of equity and
27 environmental stewardship. As the lowest cost option to meet the
28 scale of water supply needs, groundwater recharge can best
29 balance equity challenges faced between affordability and access.

30 (o) California must prioritize significantly increasing the
31 recharge of groundwater by 2035 in order to avoid the severe
32 impacts on water supplies coming by 2040.

33 SEC. 3. Section 10004 of the Water Code is amended to read:
34 10004. (a) The plan for the orderly and coordinated control,
35 protection, conservation, development, and utilization of the water
36 resources of the state which is set forth and described in Bulletin
37 No. 1 of the State Water Resources Board entitled "Water
38 Resources of California," Bulletin No. 2 of the State Water
39 Resources Board entitled, "Water Utilization and Requirements
40 of California," and Bulletin No. 3 of the department entitled, "The

1 California Water Plan,” with any necessary amendments,
2 supplements, and additions to the plan, shall be known as “The
3 California Water Plan.”

4 (b) (1) The department shall update The California Water Plan
5 on or before December 31, 2003, and every five years thereafter.
6 The department shall report the amendments, supplements, and
7 additions included in the updates of The California Water Plan,
8 together with a summary of the department’s conclusions and
9 recommendations, to the Legislature in the session in which the
10 updated plan is issued.

11 (2) (A) The department shall establish an advisory committee,
12 comprised of representatives of agricultural and urban water
13 suppliers, local government, business, production agriculture, and
14 environmental interests, and other interested parties, to assist the
15 department in the updating of The California Water Plan. The
16 department shall consult with the advisory committee in carrying
17 out this section. The department shall provide written notice of
18 meetings of the advisory committee to any interested person or
19 entity that request the notice. The meetings shall be open to the
20 public.

21 (B) *The department, commencing on the effective date of Section*
22 *10004.7, may add members to the advisory committee to carry out*
23 *the purposes of that section. Additional advisory committee*
24 *members may include those from environmental justice sectors,*
25 *local water supply agencies, and researchers and experts on*
26 *climate science, climate science solutions, water storage, water*
27 *conveyance, and environmental protection.*

28 (3) The department shall release a preliminary draft of The
29 California Water Plan, as updated, upon request, to interested
30 persons and entities throughout the state for their review and
31 comments. The department shall provide these persons and entities
32 an opportunity to present written or oral comments on the
33 preliminary draft. The department shall consider these comments
34 in the preparation of the final publication of The California Water
35 Plan, as updated.

36 *SEC. 4. Section 10004.7 is added to the Water Code, to read:*
37 *10004.7. (a) (1) By January 1, 2026, the department shall*
38 *develop a groundwater recharge action plan. The groundwater*
39 *recharge action plan shall provide actionable recommendations*
40 *that result in the ability to create an additional groundwater*

1 recharge capacity of 10,000,000 acre-feet by December 31, 2035,
2 in order to increase the state's groundwater supply without
3 reducing the amount of water available for environmental purposes
4 or any other purposes allowed under existing state law.

5 (2) The department shall consult with the state board, the nine
6 regional water quality control boards, and the advisory committee
7 established pursuant to subdivision (b) of Section 10004 in carrying
8 out this section.

9 (3) The groundwater recharge action plan shall identify and
10 make recommendations on immediate opportunities and potential
11 long-term solutions to increase the state's groundwater supply,
12 with a priority on multibenefit projects.

13 (4) The department shall evaluate the total potential economic
14 and noneconomic costs and benefits of implementing the
15 recommendations of the groundwater recharge action plan.

16 (5) The plan shall include best practices identified by the
17 department, including, but not limited to, both of the following:

18 (A) Analysis regarding where groundwater recharge will be
19 effective and protective of access to safe drinking water consistent
20 with Section 106.3.

21 (B) Mapping that identifies areas where recharge is unlikely to
22 degrade groundwater quality based on consideration of the quality
23 and composition of the source water, the qualities of the soil upon
24 which recharge will occur, and the proximity to drinking water
25 wells.

26 (b) The department shall include the groundwater recharge
27 action plan as a part of the 2028 update to the California Water
28 Plan. Commencing with the 2033 update, the department, as a
29 part of updating the California Water Plan every five years
30 pursuant to subdivision (b) of Section 10004, shall update the
31 groundwater recharge action plan.

32 (c) The department, the state board, and the regional boards
33 shall implement, upon an appropriation or other further action by
34 the Legislature, the recommendations identified in the groundwater
35 recharge action plan that result in new infrastructure and
36 institutional mechanisms in place that provide for the ability to
37 create an additional groundwater recharge capacity of 10,000,000
38 acre-feet by December 31, 2035.

39 (d) Nothing in this section shall do any of the following:

40 (1) Limit or reduce the existing surface storage of water.

1 (2) *Affect or change any water right.*

2 (3) *Prioritize any one use of water over another use, define what*
3 *is to be considered a beneficial use of water, or in any way*
4 *influence how the increased supply of groundwater under this part*
5 *shall be used.*

6 (e) *For purposes of this section, the following definitions shall*
7 *apply:*

8 (1) *“Groundwater recharge” means actions to increase the*
9 *amount of raw, treated, or recycled water in the groundwater*
10 *basins through human-controlled means, including, but not limited*
11 *to, use of aquifer storage and recovery wells, injection wells,*
12 *surface spreading basins, field flooding, storm water capture,*
13 *flood managed basins, and in-lieu charge.*

14 (2) *“Groundwater supply” means water that at any point in*
15 *time is being stored underground that is available for human use*
16 *and environmental protection to sustain the state’s future.*

17 SEC. 5. *Section 10005.1 of the Water Code is amended to read:*

18 10005.1. (a) *The department or, at the department’s request,*
19 *the California Water Commission, shall conduct a series of hearings*
20 *with interested persons, organizations, local, state, and federal*
21 *agencies, and representatives of the diverse geographical areas*
22 *and interests of the state.*

23 (b) *The department, commencing on the effective date of Section*
24 *10004.7, shall conduct a portion of the hearings in regions of the*
25 *state that have been impacted the most by drought, including, but*
26 *not limited to, communities with minority populations, communities*
27 *with low-income populations, agricultural communities, and water*
28 *disparate communities.*

29 ~~SECTION 1. Part 2.77 (commencing with Section 10785) is~~
30 ~~added to Division 6 of the Water Code, to read:~~

31
32 ~~PART 2.77. CALIFORNIA WATER SUPPLY SOLUTIONS~~
33 ~~ACT OF 2023~~

34
35 ~~CHAPTER 1. GENERAL PROVISIONS~~

36
37 ~~10785. This part shall be known, and may be cited, as the~~
38 ~~California Water Supply Solutions Act of 2023.~~

39 ~~10786. The Legislature finds and declares all of the following:~~

- 1 ~~(a) California's water usage is highly reliant on capturing the~~
2 ~~snow melt from the snowpack in the Sierra Nevada region on an~~
3 ~~annual basis. That water is stored in lakes and reservoirs and is~~
4 ~~then transported throughout the state for environmental, residential,~~
5 ~~commercial, and agricultural use when needed.~~
6 ~~(b) California has the most intricate and elaborate system of~~
7 ~~water conveyance in the world.~~
8 ~~(c) The State Water Project and the Central Valley Project are~~
9 ~~transcendent to statewide water supply.~~
10 ~~(d) The State Water Project and the Central Valley Project~~
11 ~~provide water for approximately 30,000,000 people and nearly~~
12 ~~4,000,000 acres of agricultural land.~~
13 ~~(e) Most California cities and farms as we know them today~~
14 ~~would not exist without the State Water Project and the Central~~
15 ~~Valley Project.~~
16 ~~(f) Climate change is resulting in a snowpack that is no longer~~
17 ~~reliable. Instead, California is experiencing infrequent storm events~~
18 ~~and long periods of drought. California's precipitation is changing~~
19 ~~from seasonal snow in the Sierra Nevada region to periods of~~
20 ~~substantial rainfall, like those from atmospheric rivers.~~
21 ~~(g) Climate change is a serious threat to the State Water Project~~
22 ~~and the Central Valley Project, and by extension, is a serious threat~~
23 ~~to our statewide water supply. These systems will lose 10 percent~~
24 ~~of their supplies by 2040. This constitutes a loss of 6,000,000 to~~
25 ~~9,000,000 acre-feet of water annually, or the equivalent of the~~
26 ~~amount of water used to irrigate approximately 20 percent of all~~
27 ~~agricultural land in the state, or all of the residents, businesses,~~
28 ~~schools, parks, and sports fields in the state.~~
29 ~~(h) As of 2023, the only known solution that can meet the scale~~
30 ~~of the problem is groundwater recharge.~~
31 ~~(i) The Department of Water Resources describes a statewide~~
32 ~~capacity in groundwater basins in the range of 1,000,000,000~~
33 ~~acre-feet, or approximately 20 times the total surface water storage~~
34 ~~capacity statewide.~~
35 ~~(j) According to the Department of Water Resources, there is~~
36 ~~the potential for over 13,000,000 acre-feet of groundwater recharge~~
37 ~~in any given wet year, with more than 2,500,000 acre-feet of~~
38 ~~existing infrastructure that could currently be available, but that~~
39 ~~is underutilized.~~

1 ~~(k) Groundwater recharge has the greatest capacity to meet the~~
2 ~~scale of the challenge and is also the lowest cost option per~~
3 ~~acre-foot.~~

4 ~~(l) Groundwater recharge is environmentally friendly, the~~
5 ~~utilization of which can provide benefits beyond not only water~~
6 ~~supply, but flood control and improved environmental conditions.~~
7 ~~For example, in a recent analysis of a central valley river, it was~~
8 ~~estimated that full implementation of groundwater recharge projects~~
9 ~~could simultaneously address 63 percent of water supply shortages~~
10 ~~and provide a 65 percent reduction in flood risk. Additionally,~~
11 ~~other groundwater recharge projects would prioritize storage in~~
12 ~~reservoirs, minimizing demand for surface water in dry conditions~~
13 ~~when that water is most valuable for environmental flows.~~

14 ~~(m) California must make a historic change in how water is~~
15 ~~provided for environmental, residential, commercial, and~~
16 ~~agricultural use when needed. Enhancing the ability to recharge~~
17 ~~groundwater is essential for current and future water management~~
18 ~~that is consistent with present-day values of equity and~~
19 ~~environmental stewardship. As the lowest cost option to meet the~~
20 ~~scale of water supply needs, groundwater recharge can best balance~~
21 ~~equity challenges faced between affordability and access.~~

22 ~~(n) California must prioritize significantly increasing the~~
23 ~~recharge of groundwater by 2035 in order to avoid the severe~~
24 ~~impacts on water supplies coming by 2040.~~

25 ~~10787. For purposes of this part, the following state agencies~~
26 ~~have the following recognized roles:~~

27 ~~(a) The department is the state agency that provides guidance,~~
28 ~~regulatory oversight, technical analysis and data, and financial~~
29 ~~support to local water agencies that have the responsibility to~~
30 ~~sustainably manage groundwater in state's high- and medium-~~
31 ~~priority groundwater basins, to benefit the state's people and~~
32 ~~protect, restore, and enhance the natural and human environments.~~

33 ~~(b) The State Water Resources Control Board and the nine~~
34 ~~regional water quality control boards, collectively known as the~~
35 ~~water boards, work with other state agencies in providing abundant~~
36 ~~clean water for human use and environmental protection to sustain~~
37 ~~the state's future.~~

~~CHAPTER 2. DEFINITIONS~~

~~10788. For purposes of this part, the following definitions shall apply:~~

~~(a) “Groundwater recharge” means actions to increase the amount of raw, treated, or recycled water in groundwater basins through human-controlled means including, but not limited to, use of aquifer storage and recovery wells, injection wells, surface spreading basins, field flooding, stormwater capture, flood managed basin, and in-lieu recharge.~~

~~(b) “Groundwater supply” means water that at any point in time is being stored underground that is available for human use and environmental protection to sustain the state’s future.~~

~~(c) “Water boards” means the State Water Resources Control Board and the nine regional water quality control boards.~~

~~CHAPTER 3. STATEWIDE GROUNDWATER RECHARGE GOAL~~

~~10789. By December 31, 2035, the department and water boards shall implement the recommendations identified in the groundwater recharge plan, pursuant to this part, that result in new infrastructure and institutional mechanisms in place that provide for the ability to create an additional average annual groundwater recharge amount of 10,000,000 acre-feet.~~

~~CHAPTER 4. GROUNDWATER RECHARGE ACTION PLAN~~

~~10790. (a) On or before January 1, 2025, the department, in consultation with the water boards, shall prepare and approve a groundwater recharge action plan, to be included in the next update to the California Water Plan. The groundwater recharge action plan shall provide actionable recommendations that result in the ability to achieve an annual increase of 10,000,000 acre-feet of groundwater recharge by December 31, 2035, in order to increase the state’s groundwater supply and avoid otherwise inevitable water shortages.~~

~~(b) (1) The groundwater recharge action plan shall identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state’s groundwater supply.~~

1 ~~(2) The department and water boards shall seek out and consider~~
2 ~~all relevant information from the agriculture, environmental, and~~
3 ~~environmental justice sectors, local water supply agencies, any~~
4 ~~communities potentially impacted by the groundwater recharge~~
5 ~~action plan, and from researchers and experts on climate science,~~
6 ~~climate science solutions, water storage, water conveyance, and~~
7 ~~environmental protection.~~

8 ~~(e) The department and water boards shall conduct a series of~~
9 ~~public workshops to give interested parties an opportunity to~~
10 ~~comment on the groundwater recharge action plan. The department~~
11 ~~and water boards shall conduct a portion of these workshops in~~
12 ~~regions of the state that have been impacted the most by drought,~~
13 ~~including, but not limited to, communities with minority~~
14 ~~populations, communities with low-income populations,~~
15 ~~agricultural communities, and water disparate communities.~~

16 ~~(d) The department and water boards shall evaluate the total~~
17 ~~potential costs and total potential economic and noneconomic~~
18 ~~benefits of implementing the recommendations of the groundwater~~
19 ~~recharge action plan.~~

20 ~~(e) The department and water boards shall update the~~
21 ~~groundwater recharge action plan at the same time that they prepare~~
22 ~~updates to the California Water Plan.~~

23 ~~10791. On or before December 31, 2035, the department and~~
24 ~~water boards shall implement the recommendations identified in~~
25 ~~the groundwater recharge action plan.~~

26 ~~10792. Nothing in this part shall do any of the following:~~

27 ~~(a) Limit or reduce the existing surface storage of water.~~

28 ~~(b) Affect or change any water right.~~

29 ~~(c) Prioritize any one use of water over another use, define what~~
30 ~~is to be considered a beneficial use of water, or in any way~~
31 ~~influence how the increased supply of groundwater under this part~~
32 ~~shall be used.~~

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 754

Introduced by Assembly Member Papan

February 13, 2023

An act to amend ~~Section 1020~~ Sections 10620, 10631, and 10826 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 754, as amended, Papan. Water ~~leases~~: *management planning: automatic conservation plan.*

(1) Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. Existing law requires an urban water management plan to quantify past, current, and projected water use, identifying the uses among water use sectors, including, among others, commercial, agricultural, and industrial. Existing law requires an urban water management plan to identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over a specified period of time, providing supporting and related information, including, among other things, a description of the management of each supply in correlation with the other identified supplies when multiple sources of water supply are identified.

This bill would additionally require an urban water management plan, if a reservoir is identified as an existing or planned source of water available to the supplier, to include specified information related to water storage and conservation, including, among other things, a target water supply storage curve, calculated as provided, and an

automatic conservation plan that would be implemented when the reservoir storage level falls below the target water supply storage curve. The bill would require the automatic conservation plan to contain specified information regarding, among other things, response actions to be taken when water storage falls to specified storage levels.

(2) Existing law requires an agricultural water supplier to prepare and adopt an agricultural water management plan with specified components on or before December 31, 2012, and to update those plans on or before December 31, 2015, and on or before April 1, 2021, and thereafter on or before April 1 in the years ending in 6 and one. Existing law requires an agricultural water supplier to submit its plan to the Department of Water Resources no later than 30 days after the adoption of the plan and requires the department to review an agricultural water management plan and notify an agricultural water supplier if the department determines that it is noncompliant, as provided. Existing law requires an agricultural water supplier to submit copies of its plan to specified entities no later than 30 days after the department's review of the plan and requires the department to submit its report summarizing the status of the plans to the Legislature on or before April 30 in the years ending in 7 and 2.

This bill would additionally require an agricultural water management plan, if a reservoir is identified as an existing or planned source of water available to the supplier, to include specified information related to water storage and conservation, including, among other things, a target water supply storage curve, calculated as provided, and an automatic conservation plan that is implemented when the reservoir storage level falls below the target water supply storage curve. The bill would require the automatic conservation plan to contain specified information regarding, among other things, response actions to be taken when water storage falls to specified storage levels.

~~Existing law authorizes surface water to be leased for a period not to exceed 5 years to assist water conservation efforts pursuant to specified terms and conditions.~~

~~This bill would make a nonsubstantive change in these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 10620 of the Water Code is amended to*
2 *read:*

3 10620. (a) Every urban water supplier shall prepare and adopt
4 an urban water management plan in the manner set forth in Article
5 3 (commencing with Section 10640).

6 (b) Every person that becomes an urban water supplier shall
7 adopt an urban water management plan within one year after it
8 has become an urban water supplier.

9 (c) An urban water supplier indirectly providing water shall not
10 include planning elements in its water management plan as
11 provided in Article 2 (commencing with Section 10630) that would
12 be applicable to urban water suppliers or public agencies directly
13 providing water, or to their customers, without the consent of those
14 suppliers or public agencies.

15 (d) (1) An urban water supplier may satisfy the requirements
16 of this part by participation in areawide, regional, watershed, or
17 basinwide urban water management planning where those plans
18 will reduce preparation costs and contribute to the achievement of
19 conservation, efficient water use, and improved local drought
20 resilience.

21 (2) Notwithstanding paragraph (1), each urban water supplier
22 shall develop its own water shortage contingency ~~plan~~, *plan and*
23 *automatic conservation plan*, but an urban water supplier may
24 incorporate, collaborate, and otherwise share information with
25 other urban water suppliers or other governing entities participating
26 in an areawide, regional, watershed, or basinwide urban water
27 management plan, an agricultural management plan, or
28 groundwater sustainability plan development.

29 (3) Each urban water supplier shall coordinate the preparation
30 of its plan with other appropriate agencies in the area, including
31 other water suppliers that share a common source, water
32 management agencies, and relevant public agencies, to the extent
33 practicable.

34 (e) The urban water supplier may prepare the plan with its own
35 staff, by contract, or in cooperation with other governmental
36 agencies.

37 (f) An urban water supplier shall describe in the plan water
38 management tools and options used by that entity that will

1 maximize resources and minimize the need to import water from
2 other regions.

3 *SEC. 2. Section 10631 of the Water Code is amended to read:*
4 10631. A plan shall be adopted in accordance with this chapter
5 that shall do all of the following:

6 (a) Describe the service area of the supplier, including current
7 and projected population, climate, and other social, economic, and
8 demographic factors affecting the supplier’s water management
9 planning. The projected population estimates shall be based upon
10 data from the state, regional, or local service agency population
11 projections within the service area of the urban water supplier and
12 shall be in five-year increments to 20 years or as far as data is
13 available. The description shall include the current and projected
14 land uses within the existing or anticipated service area affecting
15 the supplier’s water management planning. Urban water suppliers
16 shall coordinate with local or regional land use authorities to
17 determine the most appropriate land use information, including,
18 where appropriate, land use information obtained from local or
19 regional land use authorities, as developed pursuant to Article 5
20 (commencing with Section 65300) of Chapter 3 of Division 1 of
21 Title 7 of the Government Code.

22 (b) Identify and quantify, to the extent practicable, the existing
23 and planned sources of water available to the supplier over the
24 same five-year increments described in subdivision (a), providing
25 supporting and related information, including all of the following:

26 (1) A detailed discussion of anticipated supply availability under
27 a normal water year, single dry year, and droughts lasting at least
28 five years, as well as more frequent and severe periods of drought,
29 as described in the drought risk assessment. For each source of
30 water supply, consider any information pertinent to the reliability
31 analysis conducted pursuant to Section 10635, including changes
32 in supply due to climate change.

33 (2) When multiple sources of water supply are identified, a
34 description of the management of each supply in correlation with
35 the other identified supplies.

36 (3) For any planned sources of water supply, a description of
37 the measures that are being undertaken to acquire and develop
38 those water supplies.

39 (4) If groundwater is identified as an existing or planned source
40 of water available to the supplier, all of the following information:

1 (A) The current version of any groundwater sustainability plan
2 or alternative adopted pursuant to Part 2.74 (commencing with
3 Section 10720), any groundwater management plan adopted by
4 the urban water supplier, including plans adopted pursuant to Part
5 2.75 (commencing with Section 10750), or any other specific
6 authorization for groundwater management for basins underlying
7 the urban water supplier's service area.

8 (B) A description of any groundwater basin or basins from
9 which the urban water supplier pumps groundwater. For basins
10 that a court or the board has adjudicated the rights to pump
11 groundwater, a copy of the order or decree adopted by the court
12 or the board and a description of the amount of groundwater the
13 urban water supplier has the legal right to pump under the order
14 or decree. For a basin that has not been adjudicated, information
15 as to whether the department has identified the basin as a high- or
16 medium-priority basin in the most current official departmental
17 bulletin that characterizes the condition of the groundwater basin,
18 and a detailed description of the efforts being undertaken by the
19 urban water supplier to coordinate with groundwater sustainability
20 agencies or groundwater management agencies listed in subdivision
21 (c) of Section 10723 to maintain or achieve sustainable
22 groundwater conditions in accordance with a groundwater
23 sustainability plan or alternative adopted pursuant to Part 2.74
24 (commencing with Section 10720).

25 (C) A detailed description and analysis of the location, amount,
26 and sufficiency of groundwater pumped by the urban water supplier
27 for the past five years. The description and analysis shall be based
28 on information that is reasonably available, including, but not
29 limited to, historic use records.

30 (D) A detailed description and analysis of the amount and
31 location of groundwater that is projected to be pumped by the
32 urban water supplier. The description and analysis shall be based
33 on information that is reasonably available, including, but not
34 limited to, historic use records.

35 (5) *If a reservoir is identified as an existing or planned source*
36 *of water available to the supplier, all the following information:*

37 (A) (i) *A target water supply storage curve based on target*
38 *carryover levels sufficient to satisfy water users and ecological*
39 *stream flow needs for at least five years, with reasonably predicted*

1 *inflow calculations considering local conditions and climate*
2 *change.*

3 *(ii) The reservoir storage level shall be calculated each month*
4 *based on reservoir capacity, projected inflows, evaporation, water*
5 *demands from all users, and streamflow requirements. The*
6 *reservoir storage level shall be plotted against the target water*
7 *supply storage curve on a calendar to ensure that target storage*
8 *levels are met.*

9 *(B) An automatic conservation plan that is implemented when*
10 *the reservoir storage level falls below the target water supply*
11 *storage curve determined in subparagraph (A). When both an*
12 *automatic conservation plan and a water shortage contingency*
13 *plan pursuant to Section 10632 are in effect, the more restrictive*
14 *of the two plans shall govern. An automatic conservation plan*
15 *shall include all of the following:*

16 *(i) Six standard water shortage levels corresponding to*
17 *progressive ranges of up to 10, 20, 30, 40, and 50 percent*
18 *shortages below the target water supply curve and greater than*
19 *50 percent shortage.*

20 *(ii) At each water shortage level, urban water suppliers shall*
21 *initiate conservation response actions that align with the defined*
22 *shortage levels and include, at a minimum, all of the following:*

23 *(I) Locally appropriate water supply augmentation actions.*

24 *(II) Locally appropriate water demand reduction actions to*
25 *adequately respond to shortages.*

26 *(III) Locally appropriate operational changes.*

27 *(IV) Mandatory prohibitions against specific water use practices*
28 *that are in addition to state-mandated prohibitions and appropriate*
29 *to the local conditions.*

30 *(iii) For each action, an estimate of the extent that the gap*
31 *between target reservoir storage level and the actual reservoir*
32 *storage level will be reduced by implementation of the action.*

33 *(iv) For each action, an estimate of impacts to other water*
34 *resources, including any increase in groundwater extraction.*

35 *(v) Water demand reduction actions shall be applied to all*
36 *customer classes, and may include any of the following:*

37 *(I) Water waste prevention ordinances.*

38 *(II) Metering.*

39 *(III) Conservation pricing.*

40 *(IV) Public education and outreach.*

- 1 (V) *Programs to assess and manage distribution system real*
2 *loss.*
- 3 (VI) *Water conservation program coordination and staffing*
4 *support.*
- 5 (vi) *Other demand management measures that have a significant*
6 *impact on water use as measured in gallons per capita per day,*
7 *including innovative measures, if implemented.*
- 8 (vii) *Other demand management measures that have a*
9 *significant impact on water used by downstream water rights*
10 *holders.*
- 11 (c) Describe the opportunities for exchanges or transfers of
12 water on a short-term or long-term basis.
- 13 (d) (1) For an urban retail water supplier, quantify, to the extent
14 records are available, past and current water use, over the same
15 five-year increments described in subdivision (a), and projected
16 water use, based upon information developed pursuant to
17 subdivision (a), identifying the uses among water use sectors,
18 including, but not necessarily limited to, all of the following:
- 19 (A) Single-family residential.
20 (B) Multifamily.
21 (C) Commercial.
22 (D) Industrial.
23 (E) Institutional and governmental.
24 (F) Landscape.
25 (G) Sales to other agencies.
26 (H) Saline water intrusion barriers, groundwater recharge, or
27 conjunctive use, or any combination thereof.
28 (I) Agricultural.
29 (J) Distribution system water loss.
- 30 (2) The water use projections shall be in the same five-year
31 increments described in subdivision (a).
- 32 (3) (A) The distribution system water loss shall be quantified
33 for each of the five years preceding the plan update, in accordance
34 with rules adopted pursuant to Section 10608.34.
- 35 (B) The distribution system water loss quantification shall be
36 reported in accordance with a worksheet approved or developed
37 by the department through a public process. The water loss
38 quantification worksheet shall be based on the water system
39 balance methodology developed by the American Water Works
40 Association.

1 (C) In the plan due July 1, 2021, and in each update thereafter,
2 data shall be included to show whether the urban retail water
3 supplier met the distribution loss standards enacted by the board
4 pursuant to Section 10608.34.

5 (4) (A) Water use projections, where available, shall display
6 and account for the water savings estimated to result from adopted
7 codes, standards, ordinances, or transportation and land use plans
8 identified by the urban water supplier, as applicable to the service
9 area.

10 (B) To the extent that an urban water supplier reports the
11 information described in subparagraph (A), an urban water supplier
12 shall do both of the following:

13 (i) Provide citations of the various codes, standards, ordinances,
14 or transportation and land use plans utilized in making the
15 projections.

16 (ii) Indicate the extent that the water use projections consider
17 savings from codes, standards, ordinances, or transportation and
18 land use plans. Water use projections that do not account for these
19 water savings shall be noted of that fact.

20 (e) Provide a description of the supplier's water demand
21 management measures. This description shall include all of the
22 following:

23 (1) (A) For an urban retail water supplier, as defined in Section
24 10608.12, a narrative description that addresses the nature and
25 extent of each water demand management measure implemented
26 over the past five years. The narrative shall describe the water
27 demand management measures that the supplier plans to implement
28 to achieve its water use targets pursuant to Section 10608.20.

29 (B) The narrative pursuant to this paragraph shall include
30 descriptions of the following water demand management measures:

31 (i) Water waste prevention ordinances.

32 (ii) Metering.

33 (iii) Conservation pricing.

34 (iv) Public education and outreach.

35 (v) Programs to assess and manage distribution system real loss.

36 (vi) Water conservation program coordination and staffing
37 support.

38 (vii) Other demand management measures that have a significant
39 impact on water use as measured in gallons per capita per day,
40 including innovative measures, if implemented.

1 (2) For an urban wholesale water supplier, as defined in Section
2 10608.12, a narrative description of the items in clauses (ii), (iv),
3 (vi), and (vii) of subparagraph (B) of paragraph (1), and a narrative
4 description of its distribution system asset management and
5 wholesale supplier assistance programs.

6 (f) Include a description of all water supply projects and water
7 supply programs that may be undertaken by the urban water
8 supplier to meet the total projected water use, as established
9 pursuant to subdivision (a) of Section 10635. The urban water
10 supplier shall include a detailed description of expected future
11 projects and programs that the urban water supplier may implement
12 to increase the amount of the water supply available to the urban
13 water supplier in normal and single-dry water years and for a period
14 of drought lasting five consecutive water years. The description
15 shall identify specific projects and include a description of the
16 increase in water supply that is expected to be available from each
17 project. The description shall include an estimate with regard to
18 the implementation timeline for each project or program.

19 (g) Describe the opportunities for development of desalinated
20 water, including, but not limited to, ocean water, brackish water,
21 and groundwater, as a long-term supply.

22 (h) An urban water supplier that relies upon a wholesale agency
23 for a source of water shall provide the wholesale agency with water
24 use projections from that agency for that source of water in
25 five-year increments to 20 years or as far as data is available. The
26 wholesale agency shall provide information to the urban water
27 supplier for inclusion in the urban water supplier's plan that
28 identifies and quantifies, to the extent practicable, the existing and
29 planned sources of water as required by subdivision (b), available
30 from the wholesale agency to the urban water supplier over the
31 same five-year increments, and during various water-year types
32 in accordance with subdivision (f). An urban water supplier may
33 rely upon water supply information provided by the wholesale
34 agency in fulfilling the plan informational requirements of
35 subdivisions (b) and (f).

36 *SEC. 3. Section 10826 of the Water Code is amended to read:*

37 10826. An agricultural water management plan shall be adopted
38 in accordance with this chapter. The plan shall do all of the
39 following:

- 1 (a) Describe the agricultural water supplier and the service area,
- 2 including all of the following:
 - 3 (1) Size of the service area.
 - 4 (2) Location of the service area and its water management
 - 5 facilities.
 - 6 (3) Terrain and soils.
 - 7 (4) Climate.
 - 8 (5) Operating rules and regulations.
 - 9 (6) Water delivery measurements or calculations.
 - 10 (7) Water rate schedules and billing.
 - 11 (8) Water shortage allocation policies.
- 12 (b) Describe the quantity and quality of water resources of the
- 13 agricultural water supplier, including all of the following:
 - 14 (1) Surface water supply.
 - 15 (2) Groundwater supply.
 - 16 (3) Other water supplies, including recycled water.
 - 17 (4) Source water quality monitoring practices.
 - 18 (5) Water uses within the agricultural water supplier's service
 - 19 area, including all of the following:
 - 20 (A) Agricultural.
 - 21 (B) Environmental.
 - 22 (C) Recreational.
 - 23 (D) Municipal and industrial.
 - 24 (E) Groundwater recharge, including estimated flows from deep
 - 25 percolation from irrigation and seepage.
- 26 (c) Include an annual water budget based on the quantification
- 27 of all inflow and outflow components for the service area of the
- 28 agricultural water supplier. Components of inflow shall include
- 29 surface inflow, groundwater pumping in the service area, and
- 30 effective precipitation. Components of outflow shall include surface
- 31 outflow, deep percolation, and evapotranspiration. An agricultural
- 32 water supplier shall report the annual water budget on a water-year
- 33 basis. The department shall provide tools and resources to assist
- 34 agricultural water suppliers in developing and quantifying
- 35 components necessary to develop a water budget.
- 36 (d) Include an analysis, based on available information, of the
- 37 effect of climate change on future water supplies.
- 38 (e) Describe previous water management activities.
- 39 (f) Identify water management objectives based on the water
- 40 budget to improve water system efficiency or to meet other water

1 management objectives. The agricultural water supplier shall
2 identify, prioritize, and implement actions to reduce water loss,
3 improve water system management, and meet other water
4 management objectives identified in the plan.

5 (g) Include in the plan information regarding efficient water
6 management practices required pursuant to Section 10608.48.

7 (h) Quantify the efficiency of agricultural water use within the
8 service area of the agricultural water supplier using the appropriate
9 method or methods from among the four water use efficiency
10 quantification methods developed by the department in the May
11 8, 2012, report to the Legislature entitled “A Proposed
12 Methodology for Quantifying the Efficiency of Agricultural Water
13 Use.” The agricultural water supplier shall account for all water
14 uses, including crop water use, agronomic water use, environmental
15 water use, and recoverable surface flows.

16 (i) *If a reservoir is identified as an existing or planned source
17 of water available to the supplier, all of the following information
18 shall be contained in the plan:*

19 (1) (A) *A target water supply storage curve based on target
20 carryover levels sufficient to satisfy water users and ecological
21 stream flow needs for at least five years, with reasonably predicted
22 inflow calculations considering local conditions and climate
23 change.*

24 (B) *The reservoir storage level shall be calculated each month
25 based on reservoir capacity, projected inflows, evaporation, water
26 demands from all users, and streamflow requirements. The
27 reservoir storage level shall be plotted against the target water
28 supply storage curve on a calendar to ensure that target storage
29 levels are being met.*

30 (2) *An automatic conservation plan that is implemented when
31 the reservoir storage level falls below the target water supply
32 storage curve determined in subparagraph (A). When both an
33 automatic conservation plan and a drought plan pursuant to
34 Section 10826.2 are in effect, the more restrictive of the two plans
35 shall govern. An automatic conservation plan shall include all of
36 the following:*

37 (A) *Six standard water shortage levels corresponding to
38 progressive ranges of up to 10, 20, 30, 40, and 50 percent
39 shortages below the target water supply curve and greater than
40 50 percent shortage.*

1 (B) At each water shortage level, agricultural water suppliers
2 shall initiate conservation response actions that align with the
3 defined shortage levels and include, at a minimum, all of the
4 following:

- 5 (i) Locally appropriate supply augmentation actions.
- 6 (ii) Locally appropriate demand reduction actions to adequately
7 respond to shortages.
- 8 (iii) Locally appropriate operational changes.
- 9 (iv) Additional, mandatory prohibitions against specific water
10 use practices that are in addition to state-mandated prohibitions
11 and appropriate to the local conditions.

12 (C) For each action, an estimate of the extent that the gap
13 between the target reservoir storage level and the actual reservoir
14 storage level will be reduced by implementation of the action.

15 (D) For each action, an estimate of impacts to other water
16 resources, including any increase in groundwater extraction.

17 ~~SECTION 1. Section 1020 of the Water Code is amended to~~
18 ~~read:~~

19 ~~1020. Water may be leased for a period not to exceed five years~~
20 ~~to assist water conservation efforts pursuant to the terms and~~
21 ~~conditions of this chapter. The terms and conditions of this chapter~~
22 ~~are not applicable to water leases or transfers governed by other~~
23 ~~law.~~

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1205

Introduced by Assembly Member Bauer-Kahan

February 16, 2023

An act to ~~amend Section 1737 of~~ *add Section 100.1* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1205, as amended, Bauer-Kahan. ~~Water: permits and licenses: temporary changes: water or water rights transfers. Water rights: sale, transfer, or lease: agricultural lands.~~

Existing law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare.

This bill would declare that the sale, transfer, or lease of an interest in any water right for profit, on or below agricultural lands within the state by an investment fund, shall not be considered a reasonable or beneficial use of water.

~~Existing law authorizes the State Water Resources Control Board to consider a petition for a long-term water or water rights transfer involving a change of point of diversion, place of use, or purpose of use. Existing law requires a long-term transfer to be for a period over one year. Existing law requires, after the expiration of that long-term~~

transfer period, all rights to automatically revert to the original holders of the right without any action by the board.

~~This bill would make a nonsubstantive change to that later provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 100.1 is added to the Water Code, to read:
2 100.1. (a) For the purposes of this section, the following
3 definitions apply:

4 (1) "Agricultural land" has the same meaning as defined in
5 Section 3508 of Title 7 of the United States Code.

6 (2) "Investment fund" means a private equity fund, public equity
7 fund, venture capital fund, hedge fund, fixed income fund, real
8 estate fund, infrastructure fund, or similar pooled investment entity
9 that is, or holds itself out as being, engaged primarily, or proposes
10 to engage primarily, in the business of investing, reinvesting,
11 owning, holding, or trading securities or other assets.

12 (b) It is hereby declared that the sale, transfer, or lease of an
13 interest in any water right for profit, on or below agricultural
14 lands within the state by an investment fund, shall not be
15 considered a reasonable or beneficial use of water.

16 ~~SECTION 1. Section 1737 of the Water Code is amended to~~
17 ~~read:~~

18 ~~1737. Following the expiration of the period of the long-term~~
19 ~~transfer, all rights shall automatically revert to the original holders~~
20 ~~of the right without any action by the board.~~



MEMORANDUM

TO: SLDMWA Water Resources Committee Members, Alternates
SLDMWA Finance & Administration Committee Members, Alternates
SLDMWA Board of Directors, Alternates

FROM: Pablo Arroyave, Chief Operating Officer
Jaime McNeil, Engineering Manager

DATE: May 1, 2023

RE: Water Resources Committee and Finance & Administration Committee to Consider Recommending, Board of Directors to Consider Adopting Resolution Authorizing Award of Contract, Execution of Construction Agreement for O'Neill Pumping-Generating Plant Power Transformers Rehabilitation, and Expenditure of up to \$3.2M from the FY22 and FY23 EO&M Budgets; CEQA Exemption

BACKGROUND

The O'Neill Pumping-Generating Plant (Plant) is a vital part of the Central Valley Project as it allows for the storage and delivery of both project and non-project water. The power transformers have been in service since 1968. A 2019 condition assessment and value engineering study determined that the transformers are at the end of their useful life and are recommended for rehabilitation prior to replacement. The best short-term approach for extending the operating life of the transformers is the combination of rehabilitation and retrofill with synthetic ester fluid. Because unacceptable quantities of acid were found via oil analysis since 2019, an emergency hot oil reconditioning was performed in 2020 to ensure the transformers remained eligible for rehabilitation. The hot oil reconditioning was successful in prolonging the life of the transformers, providing time to properly design, solicit, and complete the rehabilitation efforts. It is unknown how much time is extended with the hot oil reconditioning, and any further delays to the rehabilitation project could result in a transformer requiring a full replacement at a significant cost and an extended plant outage. Reclamation's Technical Services Center (TSC) completed the Technical Design Specifications for the rehabilitation, and will also be utilized for construction technical support. Specifically, during construction, TSC will provide engineering support, supervise field tests, and finalize drawings through a Letter of Agreement between Reclamation and the Water Authority.

The Plant is fed via a PG&E 70 kV line, through a WAPA circuit breaker to three (3) Single-Phase Transformers. There are four (4) transformers total, each one a 10 MVA, 72.5/4.16 kV single-phase transformer, with one (1) serving as a spare. These are original transformers from 1968, and the spare transformer has never been placed into service. All four (4) transformers will be included in the construction contract for rehabilitation. The work will include rehabilitating the three (3) in-service

power transformers during a full plant outage of approximately 45 days and rehabilitating one (1) spare transformer while the plant remains operable. All transformers will be retrofilled with synthetic ester fluid. The rehabilitation includes new gaskets, low side and neutral bushings, valves, liquid level gauges, thermowells and temperature gauges, paint, oil preservation system (conservator), fans and temperature controls, protective relay upgrade, and hazardous waste disposal.

Last year, the Water Authority solicited for the rehabilitation project and received one proposal. In August 2022, the Water Resources and Finance & Administration Committees recommended, and the Board adopted Resolution No. 2022-507 authorizing award of contract pending successful negotiation on technical aspects of the proposal. However, negotiations were ultimately unsuccessful, and the proposer withdrew their proposal.

On January 3, 2023 the contract was resolicited, and the Water Authority received one proposal from Cal Electro Inc. (CEI). The proposal included all documents as required per the solicitation. During the evaluation phase, evaluators requested a few clarifications regarding the proposal. After obtaining clarifications from CEI, the Technical Proposal Evaluation Committee (TPEC) evaluated the proposal and its clarifications, and CEI received a passing score of 724/800 (90%).

ISSUE FOR DECISION

Whether to adopt the proposed Resolution Authorizing Award of Contract, Execution of Construction Agreement to Cal Electro for O’Neill Pumping-Generating Plant Main Transformer Rehabilitations, and Expenditure of up to \$3.2M from the FY22 and FY23 EO&M Budgets and CEQA Exemption.

RECOMMENDATION

Staff recommends adoption of the proposed resolution.

RFP PROCESS & DETAILS

The Water Authority formally solicited for sealed proposals to provide all labor, equipment and services for the rehabilitation of four (4) single phase power transformers at the O’Neill Pumping-Generating Plant with the following critical dates:

January 3, 2023	Formal Solicitation released
January 31, 2023	Mandatory Pre-Proposal Conference/ Site Visit
February 14, 2023	Last day to submit questions
February 28, 2023	Deadline for responses to questions
March 16, 2023	Proposals Due
March 20 – March 24, 2023	Proposal Evaluation
March 27, 2023	Additional Questions/Clarifications requested from CEI
March 31, 2023	Revised Proposal Due
April 3 – April 7, 2023	Revised Proposal Evaluation

In FY23, a Request for Information (RFI) was posted on Public Purchase in December 2022 in an effort

to reach more contractors. The RFI resulted with twenty-one (21) interested contractors. The Request for Proposal (RFP) was then publicly posted on Public Purchase and several newspapers on January 3, 2023. The newspapers included: San Francisco Chronicle, Sacramento Bee, Modesto Bee, and Tracy Press. In addition, the RFP was sent directly to the twenty-one (21) interested contractors from the RFI. Ten (10) contractors attended the Mandatory Pre-Proposal Conference and Site Visit. Only one proposal was submitted, by CEI. CEI's proposal was accepted by the TPEC on April 7, 2023. The Notice of Intent to Award was transmitted to CEI on April 14, 2023.

Authorizing execution of this Construction Agreement is for the rehabilitation of an existing facility involving negligible expansion of the existing use and will not result in a direct change in the environment or a reasonably foreseeable indirect change to the environment and shall, therefore, be exempt from the provision of the California Environmental Quality Act per CEQA Guidelines Sections 15301(a)(b) and(d).

Note: The Operations Plan reviewed by the Water Resources Committee and approved by the Board of Directors in August 2022 (with an outage the following year in March/April) has been altered. The new proposed Operations Plan associated with the requested contract award will be reviewed with the Water Resources Committee and Board.

BUDGET IMPLICATIONS

The proposed expenditure of up to \$3.2M will be funded utilizing budgeted funds from Fiscal Year 2022 and 2023 EO&M budgets. \$1.66M will be funded from FY22, and \$1.54M from FY23.

ATTACHMENTS

1. Proposed Resolution
2. Draft Construction Agreement
3. Notice of Intent to Award

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2023-__

RESOLUTION AUTHORIZING AWARD OF CONTRACT, EXECUTION OF CONSTRUCTION AGREEMENT FOR O'NEILL PUMPING-GENERATING PLANT POWER TRANSFORMER REHABILITATION, AND EXPENDITURE OF UP TO \$3.2M FROM THE FY22 AND FY23 EO&M BUDGETS; CEQA EXEMPTION

WHEREAS, the San Luis & Delta-Mendota Water Authority (Water Authority) is responsible for operating and maintaining O'Neill Pumping-Generating Plant; and

WHEREAS, the power transformers have been in service since 1968 (55 years) and a 2019 Condition Assessment and 2019 Value Engineering Study was performed by U.S. Bureau of Reclamation determined they are at the end of their useful life and are recommended for rehabilitation; and

WHEREAS, a Hot Oil Reconditioning was completed in 2020 to ensure the transformers remained eligible for Rehabilitation; and

WHEREAS, a delay in rehabilitating the transformers could render them ineligible for rehabilitation thereby requiring a full replacement, putting the reliability of the O'Neill Pumping-Generating Plant in jeopardy; and

WHEREAS, on August 4, 2022, the Board of Directors authorized Water Authority staff to negotiate and execute a contract with North American Substation Services, LLC (NASS) following competitive solicitation, but the Water Authority was unable to negotiate acceptable terms for a contract for the work and NASS withdrew its proposal; and

WHEREAS, the Water Authority re-solicited proposals for the O'Neill Pumping-Generating Plant Power Transformers Rehabilitation received one Proposal from Cal Electro Inc. (CEI) for the cost of \$3,155,800, which is less than the cost previously bid by NASS; and

WHEREAS, CEI has demonstrated the ability to complete the scope of work listed in the Contract Documents; and

WHEREAS, the onsite work will begin January 2024 until May 2024, with the anticipated plant outage occurring during April and May 2024; and

WHEREAS, inspections, procurement of long lead items, and submittals necessitate the early issuance of this Construction Agreement; and

WHEREAS, Section 1.1. of the Water Authority’s Consolidated Procurement Policy, adopted by Resolution on April 10, 2020, requires the Board to specifically authorize contracts greater than \$200,000; and

WHEREAS, the O’Neill Pumping-Generating Plant Power Transformer Rehabilitations Construction Contract will be funded utilizing up to \$1.66M in Fiscal Year (FY) 2022 Extraordinary Operation and Maintenance (EO&M) budget funds and \$1.54M in FY 2023 EO&M budget funds; and

WHEREAS, authorizing execution of this Construction Agreement is for the rehabilitation of an existing facility involving negligible expansion of the existing use and will not result in a direct change in the environment or a reasonably foreseeable indirect change to the environment and shall, therefore, be exempt from the provision of the California Environmental Quality Act per CEQA Guidelines Sections 15301(a)(b) and(d); and

WHEREAS, Water Authority staff recommends that the Board of Directors authorize negotiation and execution of a construction agreement with CEI.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, THAT:

Section 1. The facts stated in the recitals above are true and correct, and the Board so finds and determines.

Section 2. The Board formally withdraws its authorization to negotiate and execute a contract for the O’Neill Pumping-Generating Plant Power Transformers Rehabilitation work with NASS, as stated in Resolution No. 2022-507, due to failure to reach agreement on terms acceptable to the Water Authority.

Section 3. Based on the above Recitals, the Board hereby finds as follows:

- (a) CEI is qualified to complete the O’Neill Pumping-Generating Plant Power Transformers Rehabilitation; and
- (b) The O’Neill Pumping-Generating Plant Power Transformers Rehabilitation was competitively solicited through the formal solicitation procedures per the Water Authority’s Consolidated Procurement Policy.

Section 4. Based on the above Recitals, the price proposed for the construction work is fair and reasonable for the repairs and replacement, better than the price previously bid by NASS, and will be funded utilizing available funds in the FY22 and FY23 EO&M budgets.

Section 5. The Executive Director or the Chief Operating Officer, for and on behalf of the Water Authority, is hereby authorized and directed to negotiate a Construction Agreement with CEI for services on substantially the terms discussed with the Board, and to execute such agreement if acceptable terms are agreed upon, as well as to take such actions as may be required or authorized by this Board to effectuate that agreement.

PASSED, APPROVED AND ADOPTED this 4th day of May, 2023, by the Board of Directors of the San Luis & Delta-Mendota Water Authority.

Cannon Michael, Chairman
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

Attest:

Federico Barajas, Secretary

.....

I hereby certify that the foregoing Resolution No. 2023- was duly and regularly adopted by the Board of Directors of the San Luis & Delta-Mendota Water Authority at the meeting thereof held on the 4th day of May, 2023.

Federico Barajas, Secretary

CONSTRUCTION AGREEMENT

For

O'Neill Pumping-Generating Plant Power Transformer Rehabilitations

THIS AGREEMENT, dated for identification as of _____, 2023, is between the **SAN LUIS & DELTA-MENDOTA WATER AUTHORITY**, a California Joint Powers Agency, (hereinafter called "Authority"), and **Cal Electro Inc.**, a California Corporation (hereinafter called "Contractor").

The parties hereto mutually agree to the terms and condition set forth herein.

I. CONTRACT DOCUMENTS

- A. The Contract Documents referred to herein are incorporated herein by reference as if set forth in full in this Agreement.
- B. Work called for in any one Contract Document and not mentioned in another is to be performed and executed as if mentioned in all Contract Documents. The table of contents, titles and headings contained herein and in said documents are solely to facilitate reference to various provisions of the Contract Documents and in no way affect or limit the interpretations of the provisions to which they refer.
- C. The Contract Documents shall include the Notice to Contractors, Addenda, Proposal Form, Construction Agreement, the Proposal Guarantee, the Performance Bond, the Payment Bond, Guarantee Form, the General Conditions, the Special Provisions, Specifications, Exhibits, Permits from other agencies that may be required by law, the Contract Drawings and Plans, the Contract Schedule, and any and all supplemental agreements amending or extending the Work contemplated and which may be required to complete the Work in an acceptable manner. Supplemental agreements are written agreements covering alterations, amendments or extensions to the Contract Documents and include Change Orders, Construction Change Directives, Field Directives, Field Orders, Bulletins and supplemental drawings.

II. DEFINITIONS

Unless otherwise specifically provided herein, all works and phrases defined in the General Conditions shall have the same meaning and intent in this Agreement.

For purposes of this Agreement, "Outage" shall mean the period during which the pumping plant is permitted to be shutdown to permit the work under this Agreement. If the permitted period of the Outage is less than the time in which the Contractor proposed to perform work required during the Outage (such period not to exceed 45 days), then SLDMWA will pay reasonable acceleration costs if necessary to make up the shortfall in time.

III. AGREEMENT CONTROLS

In the event of a conflict between the terms and conditions as set forth in this Agreement and the terms and conditions set forth in other Contract Documents, the terms and conditions set forth in this Agreement shall prevail.

IV. SCOPE OF CONTRACT

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and material and transportation necessary to perform and complete in a good and workman like manner to the satisfaction of SLDMWA, all the work required for the Contract for the Project entitled: O'Neill Pumping-Generating Plant Power Transformer Rehabilitations

V. CONTRACT AMOUNT AND PAYMENTS

SLDMWA agrees to pay and Contractor agrees to accept, in full payment for the above work, Three Million One Hundred Fifty-five Thousand Eight Hundred DOLLARS (\$3,155,800) as the stipulated sum price which Contractor Proposal in its Proposal Form, subject to additions and deductions by Change Order(s) as provided in the General Conditions.

VI. PROGRESS AND FINAL PAYMENTS

Progress and final payments shall be in accordance with the General Conditions.

VII. RETENTION OF SUMS CHARGED AGAINST CONTRACTOR

When, under the provisions of this contract, SLDMWA shall charge any sum of money against Contractor, SLDMWA shall deduct and retain the amount of such charge from the amount of the next succeeding progress estimate, or from any other moneys due or that may become due to the Contractor from SLDMWA. If, on completion or termination of the Contract, sums due contractor are insufficient to pay SLDMWA's charges against him, SLDMWA shall have the right to recover the balance from Contractor or his sureties.

VIII. TIME OF COMPLETION

- A. The entire Work shall be brought to completion in the manner and within the time period provided for in the Contract Documents, commencing on the date of issuance of the Notice to Proceed.
- B. Failure to complete the Work by the completion date and in the manner provided for by the Contract Documents, or to complete milestone work by the required deadline, shall subject Contractor to liquidated damages as hereinafter provided in this Agreement. Time is of the essence in these Contract Documents.

IX. INSURANCE

Contractor shall maintain in full force and effect at all times during the term of the Agreement, at its sole expense, policies of insurance in accordance with the General Conditions.

X. NO WAIVER OF REMEDIES

- A. Neither the inspection by SLDMWA or its agents, nor any order or certificate for the payment of money, nor any payment for, nor acceptance of the whole or any part of the Work by SLDMWA, nor any extensions of time, nor any position taken by SLDMWA or its agents shall operate as a waiver of any provision of this Agreement or of any power herein reserved to SLDMWA or any right to damages herein provided, nor shall any waiver of any breach of the Agreement be held to be a waiver of any other or subsequent breach.
- B. All remedies provided in this Agreement shall be taken and construed as cumulative; that is, in addition to each and every other remedy herein provided, and SLDMWA shall have any and all equitable and legal remedies which it would in any case have.

XI. DETERMINATION OF DAMAGES

- A. The actual fact of the occurrences of damages and the actual amount of the damages which SLDMWA would suffer if the work were not completed within the specified times set forth are dependent upon many circumstances and conditions which could prevail in various combinations, and, from the nature of the case, it is impracticable and extremely difficult to fix the actual damages.
- B. Damages which SLDMWA would suffer in the event of delay include loss of the use of the Project, and, in addition, expenses of prolonged employment of an architectural and engineering staff; costs of administration, inspection, and supervision; and the loss suffered by the public within the San Luis & Delta-Mendota Water Authority by reasons of the delay in the completion

of the Project to serve the public at the earliest possible time.

- C. Accordingly, the parties hereto agree, and by execution of this Agreement, Contractor acknowledges that it understands, has ascertained and agrees, that the amounts set forth herein as liquidated damages shall be presumed to be that amount of damages sustained by the failure of Contractor to complete the entire work, or such portion of the work as SLDMWA identifies in the Contract Documents, within the times specified.

XII. LIQUIDATED DAMAGES

See also GENERAL CONDITIONS SECTION 8.10. LIQUIDATED DAMAGES FOR DELAY and Milestones in SPECIFICATIONS SECTION 01 11 00 SUMMARY OF WORK.

The amount of the liquidated damages to be paid by Contractor to the Authority shall be as follows, per **Calendar day** until the work in question is completed:

Failure to complete each Milestone:	Seven thousand five hundred dollars (\$7,500.00)
Failure to complete all work by the end of construction schedule:	Seven thousand five hundred dollars (\$7,500.00)

XIII. TERMINATION AFTER ALLOTTED WORKING OR CALENDAR DAYS

- A. In addition to any rights it may have, SLDMWA may terminate this Contract, the Contractor's control or the Contractor's right to proceed at any time after the allotted number of Working or Calendar Days as adjusted by any extensions of time for excusable delays that may have been granted.
- B. Upon such termination Contractor shall not be entitled to receive any compensation for services rendered by it before or after such termination, and it shall be liable to SLDMWA for liquidated damages for all periods of time beyond such termination date until the work is completed.

XIV. CONTRACTOR BANKRUPT

- A. If Contractor should commence any proceeding under the Bankruptcy Act, or if contractor be adjudged a bankrupt, or if Contractor should make any assignment for the benefit of creditors, or if a receiver should be appointed on account of Contractor's insolvency, then the SLDMWA Board may, without prejudice to any other right or remedy, terminate the Contract and complete the work by giving notice to Contractor and his surety according to the provisions of Article 5 of the General Conditions.
- B. SLDMWA shall have the right to complete, or cause completion of the work, all as specified in Article 5 of the General Conditions.

XV. PERFORMANCE AND PAYMENT BONDS

- A. The Contractor shall, before beginning said work, file two bonds with the SLDMWA, each made payable to the SLDMWA. These bonds shall be issued by a Surety Company authorized to do business in the State of California, and shall be maintained during the entire life of the Contract at the expense of the Contractor.
 - 1. One bond shall be the Performance Bond in the amount of one hundred percent (100%) of the Contract and shall guarantee the faithful performance of the Contract.

2. The second bond shall be the Payment Bond required by Part 4, Title 15, Chapter 7, Division Three of the Civil Code of the State of California and shall be in the amount of one hundred percent (100%) of the Contract.
- B. Any alteration or alterations made in any provision of this Contract shall not operate to release any surety from liability on any bond required hereunder and the consent to make such alterations is hereby given, and any surety on said bonds hereby waives the provisions of Section 2819 of the Civil Code.
 - C. Bonds shall only be accepted from an “*Admitted surety insurer*”, which means an insurer to which the Insurance Commissioner has issued a certificate of authority to transact surety insurance in this state. ***Contractor must submit all of the following with the bonds:***
 1. The original, or a certified copy, of the unrevoked appointment, power of attorney, bylaws or other instrument entitling or authorizing the person who executed the bond to do so.

XVI. SUBSTITUTION OF SECURITIES FOR MONEY WITHHELD

- A. As provided in Public Contract Code section 22300, at any time prior to the submission of the Contractor’s first payment application, Contractor may request substitution of securities for any money withheld by the SLDMWA to ensure performance of the Contract.
- B. At the expense of the Contractor, securities equivalent to the money withheld may be deposited with the SLDMWA or with an approved financial institution as escrow agent according to a separate Security Agreement.
- C. Securities eligible for substitution shall include those listed in Section 16430 of the Government Code or bank or savings and loan certificates of deposit. A fee set by the SLDMWA Board shall be charged for such substitution.

XVII. LABOR CODE COMPLIANCE

SLDMWA affirmatively identifies this project as a “public work” as that term is defined by Labor Code section 1720, and the project is, therefore, subject to prevailing wages under Labor Code section 1771. Contractor and its subcontractors shall fully comply with all the provisions of the California Labor Code governing the performance of public works contracts including, but not limited to, payment of prevailing wages, limitations on time worked, compliance with apprentice requirements, maintenance of payroll records, posting of wages at job site and prohibitions against discrimination.

XVIII. UNFAIR COMPETITION

- A. The following provision is included in this agreement pursuant to California Public Contract Code §7103.5.

"In entering into a public works contract or a subcontract to supply goods, services, or materials pursuant to a public works contract, the contractor or subcontractor offers and agrees to assigning to the awarding body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to the contractor, without further acknowledgment by the parties."

XIX. ASSIGNMENT

Neither this Agreement nor any rights herein of Contractor shall be assigned without the written consent of SLDMWA first obtained.

XX. NO THIRD PARTY BENEFICIARIES

This Agreement is entered into solely between the SLDMWA and Contractor. There are no third party beneficiaries, intended, unintended, or otherwise to this Agreement.

////SIGNATURE PAGE FOLLOWS////

IN WITNESS WHEREOF, the parties hereto have signed the Agreement on the date set forth opposite their names.

CONTRACTOR:

(California Corporations: must be signed by company's CEO, President, or Vice President as well as the Secretary or CFO.)

Date

Tax I.D. Number

Signature

Signature

Print Name

Print Name

Title

Title

**SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY, A Joint Powers Agency:**

Date

ATTEST:

Pablo R. Arroyave, Chief Operating Officer

CERTIFICATE OF ACKNOWLEDGMENT pursuant to Civil Code, Section 1189, must be provided for Contractor's signature.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CERTIFICATE OF ACKNOWLEDGMENT

State of _____

County of _____

On _____, 20__, before me, _____, **Notary Public**, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



NOTICE OF INTENT TO AWARD

Date: 4/14/2023

To: RFP F23-OPP-015 Proposers

Project Title: O'Neill Pumping-Generating Plant Power Transformer Rehabilitation

Project Specification Number: F23-OPP-015

On March 16, 2023 the San Luis & Delta-Mendota Water Authority (SLDMWA) received one (1) proposal for the subject project from Cal Electro Inc.

The Evaluation Committee has deemed Cal Electro Inc. as a qualified respondent to provide the requested services for this project for a total contract amount of **\$3,155,800.00**.

You are hereby notified that on May 4, 2023 SLDMWA Staff will recommend to the SLDMWA Board of Directors, award of the contract for O'Neill Pumping-Generating Plant Power Transformer Rehabilitations to Cal Electro Inc.

SLDMWA appreciates the time and effort that all of the participating firms dedicated in consideration for this project.

Sincerely,

Travis Roberts

Travis Roberts
Contract Specialist



MEMORANDUM

TO: SLDMWA Finance & Administration Committee Members, Alternates
SLDMWA Board of Directors, Alternates

FROM: Pablo Arroyave, Chief Operating Officer
Ray Tarka, Director of Finance

DATE: May 1, 2023

RE: Finance & Administration Committee / Board Recommendation Regarding
OM&R Rate Setting Methodology/Practice

BACKGROUND

Historically, O&M Water Rates have been calculated based on the approved OM&R budgeted costs for the current year and estimated deliveries on forecasted water supply allocations and supplemental water supply information provided by contractors. Both the estimated deliveries and the budgeted costs are classified into cost pools to determine cost pool components. These components are then added together to determine a delivery rate. At the request of a Finance & Administration Committee member, staff had previously modeled an alternate approach to calculate current rates under an adjusted rate-setting model that attempted to include volumes for minimum participation among irrigation contractors in the initial rate setting under scenarios of 0%, 5%, and 10% allocations. Minimum participation amounts (25%) have historically been calculated during the final accounting of the water year, and applied only after the actual deliveries for the water year are known.

In water years where the contractual allocation to irrigation contractors exceeds 25%, minimum participation calculations performed in the final accountings have yielded relatively small assessments to contractors who had not taken delivery of their contractual minimum acre feet. This may not be the case in years where the allocation to Irrigation contractors falls below 25%.

Staff was asked to review a closed year where the allocation percentage for the year was below 25% and to model a rate calculation under the alternative approach of including minimum participation amounts in addition to the allocation and member survey information. Our analysis is included in this memorandum.:

ISSUE FOR DECISION

Whether the Finance & Administration Committee should make any recommendations--and the Board should consider any recommendations--regarding the rate setting methodology/practice used by the Authority.

OPTIONS FOR RECOMMENDATION

1. Status quo and continue to set rates based on allocation percentages and delivery survey input from members.
2. Alternative Approach: Include minimum participation along with allocation and survey data consistently for all water years.
3. Alternative Approach: Include minimum participation along with allocation and survey data for years when contractual allocations to irrigation contractors fall below 25%.

ANALYSIS

Staff analyzed Water Year 2015 to apply the alternative rate setting approaches and compared the results to the historical rates that were set, and the actual rates that were calculated in the final accounting. Water Year 2015 was a 0% allocation year for irrigation contractors.

The historical rates set for 2015 based on a constricted water supply and higher budgeted power than actual, yielded an over-collection of \$7 Million, which was the result of over-budgeting for Project Use Energy. Rates modeled under the alternative approach yielded an over-collection of \$6.2 Million. The over-collections under both scenarios were predominant in the power cost pools for Jones, O’Neill, and Dos Amigos. The rates set using the alternative approach resulted in lower over-collections of \$331,000 in the Upper DMC/JPP cost pool and \$491,000 in the JPP Power cost pool.

ATTACHMENT

2015 Analysis

SAN LUIS and DELTA-MENDOTA WATER AUTHORITY

**COMPARISON OF 2015 ACTUAL RATE COMPONENTS TO
PUBLISHED AND PROFORMA RATE COMPONENTS
WITH MINIMUM PARTICIPATION VOLUMES
FAC 05.01.23 BOD 05.04.23**

<u>Cost Pool Component</u>	<u>Actual Deliveries</u>	<u>Actual Cost</u>	<u>2015 Realized Rate Component</u>	<u>2015 Published Rate Component</u>	<u>2015 Proforma Rate With Min Participation Rate Component</u>
Upper DMC / JPP	1,225,640	\$ 5,708,732	\$ 4.66	\$ 6.90	\$ 6.63
JPP POWER	767,275	\$ 9,102,108	\$ 11.86	\$ 14.65	\$ 14.01
Intertie O&M	485,232	\$ -	\$ -	\$ 1.73	\$ 1.60
Intertie Power	458,632	\$ -	\$ -	\$ 0.17	\$ 0.16
Volta Wells	3,686	\$ 288,458	\$ 78.26	\$ 56.20	\$ 56.20
Lower DMC / Pool	615,010	\$ 2,161,860	\$ 3.52	\$ 3.71	\$ 3.71
O'Neil Direct O&M	279,109	\$ 712,319	\$ 2.55	\$ 3.49	\$ 3.49
O'Neil Direct Power	252,509	\$ 400,377	\$ 1.59	\$ 2.91	\$ 2.91
O'Neil Storage O&M	710,422	\$ 786,404	\$ 1.11	\$ 0.88	\$ 0.88
O'Neil Storage Power	710,422	\$ 434,769	\$ 0.61	\$ 0.73	\$ 0.73
San Luis Canal O&M	234,997	\$ 9,327,045	\$ 39.69	\$ 38.37	\$ 38.37
Dos Amigos O&M	232,808	\$ 1,958,394	\$ 8.41	\$ 10.66	\$ 10.66
Dos Amigos Power	206,208	\$ 1,246,354	\$ 6.04	\$ 8.69	\$ 8.69
SL Drain	212,818	\$ 67,441	\$ 0.32	\$ 0.43	\$ 0.43
	<u>6,394,768</u>	<u>32,194,261</u>			

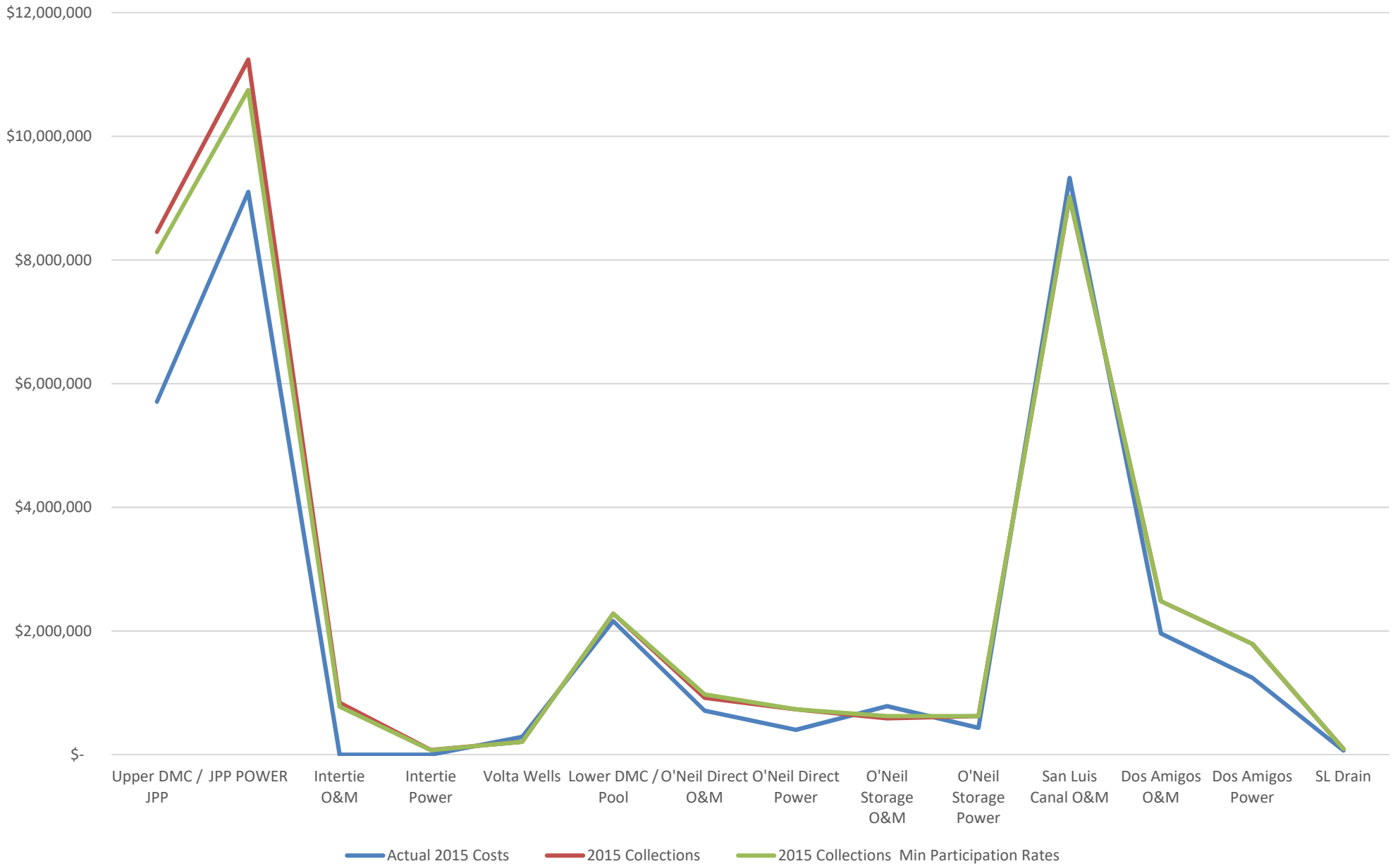
SAN LUIS and DELTA-MENDOTA WATER AUTHORITY

COMPARISON OF 2015 ACTUAL COSTS TO COLLECTIONS

**UNDER PUBLISHED RATE COMPONENTS AND PROFORMA RATE COMPONENTS
WITH MINIMUM PARTICIPATION VOLUMES
FAC 05.01.23 BOD 05.04.23**

<u>Cost Pool Component</u>	<u>Actual Deliveries</u>	<u>Actual Cost</u>	<u>2015 Collections at Published Rate Component</u>	<u>2015 Collections at Proforma Rate with Min Participation Rate Component</u>	<u>OVER/(UNDER) Collected on Published 2015 Rate Component</u>	<u>OVER/(UNDER) Collected on Proforma 2015 Rate Component</u>
Upper DMC / JPP	1,225,640	\$ 5,708,732.35	\$ 8,456,916	\$ 8,125,993	\$ 2,748,184	\$ 2,417,261
JPP POWER	767,275	\$ 9,102,108.21	\$ 11,240,579	\$ 10,749,523	\$ 2,138,471	\$ 1,647,415
Intertie O&M	485,232	\$ -	\$ 839,451	\$ 776,371	\$ 839,451	\$ 776,371
Intertie Power	458,632	\$ -	\$ 77,967	\$ 73,381	\$ 77,967	\$ 73,381
Volta Wells	3,686	\$ 288,457.86	\$ 207,153	\$ 207,153	\$ (81,305)	\$ (81,305)
Lower DMC / Pool	615,010	\$ 2,161,859.95	\$ 2,281,687	\$ 2,281,687	\$ 119,827	\$ 119,827
O'Neil Direct O&M	279,109	\$ 712,318.71	\$ 974,090	\$ 974,090	\$ 261,772	\$ 261,772
O'Neil Direct Power	252,509	\$ 400,376.80	\$ 734,801	\$ 734,801	\$ 334,424	\$ 334,424
O'Neil Storage O&M	710,422	\$ 786,404.17	\$ 625,171	\$ 625,171	\$ (161,233)	\$ (161,233)
O'Neil Storage Power	710,422	\$ 434,769.27	\$ 518,608	\$ 518,608	\$ 83,839	\$ 83,839
San Luis Canal O&M	234,997	\$ 9,327,044.72	\$ 9,016,835	\$ 9,016,835	\$ (310,210)	\$ (310,210)
Dos Amigos O&M	232,808	\$ 1,958,394.23	\$ 2,481,733	\$ 2,481,733	\$ 523,339	\$ 523,339
Dos Amigos Power	206,208	\$ 1,246,354.00	\$ 1,791,948	\$ 1,791,948	\$ 545,594	\$ 545,594
SL Drain	212,818	\$ 67,441.14	\$ 91,512	\$ 91,512	\$ 24,071	\$ 24,071
	<u>6,394,768</u>	<u>32,194,261</u>	<u>39,338,452</u>	<u>38,448,807</u>	<u>7,144,191</u>	<u>6,254,546</u>

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
 COMPARISON OF 2015 ACTUAL COSTS TO COLLECTIONS
 UNDER PUBLISHED RATES AND PROFORMA RATES USING
 SURVEY DATA WITH MINIMUM PARTICIPATION
 05.01.23 FAC 05.04.23 BOD**





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BOD Approved 8/4/15

SLDMWA - O&M Rates
Recalculated WY2015 SELF-FUNDING SLDMWA O&M WATER RATES
 Finance & Administration Committee / Board of Directors - August 6, 2015

COST POOLS	SLDMWA ANNUAL O&M and POWER								SLDMWA RESERVES	SLJU			TOTAL
	UPPER Upper DMC/JPP	UPPER Interte (Temporary Cost Pool)	JPP PWR	VOLTA WELLS <i>3 year pilot project extended</i>		LOWER Lower DMC/Mendota Pool	O'NEILL P/G O'Neill O&M			DWR COSTS		POWER	
PARTICIPANTS	All Users	All Users Excludes Exchange Cont. and Water Rights	All Users (Actual Pumping Only)	Refuge Level II (Only)	Refuge Level IV (Only)	LowerDMC & MP Users	All Users "Direct"	All Users "Storage"	All Users	San Luis Canal O&M	Dos Amigos O&M	Dos Amigos Power	
COSTS TO BE ALLOCATED**	\$6,130,083	\$925,881	\$11,900,000	\$112,407	\$112,408	\$2,273,285	\$2,147,947	\$1,156,587	\$1,000,000	\$10,100,000	\$2,700,000	\$2,200,000	\$40,758,598
ACRE FEET	888,511	489,061	812,477	2,000	2,000	614,334	335,619	720,739	% of 10 Yr Historical Use	263,248	253,248	253,248	
RATE PER AF	\$6.90	\$1.90	\$14.65	\$56.20	\$56.20	\$3.71	\$6.40	\$1.61	\$1.00	\$38.37	\$10.67	\$8.69	

A Aa B C D E F G H I J K

SLDMWA COMPONENT RATE PER ACRE FOOT - BY DELIVERY AREA / CONTRACTOR		
Upper DMC	\$26.06	A+Aa+B+G+H
Exchange/Wtr Rts (Upper)	\$24.16	A+B+G+H Excludes Interte
Lower DMC/Pool	\$29.77	A+Aa+B+E+G+H
San Felipe	\$30.85	A+Aa+B+F+H
San Luis Canal Above Dos Amigos	\$69.22	A+Aa+B+F+H+I
San Luis Canal Below Dos Amigos	\$88.58	A+Aa+B+F+H+I+J+K
Exchange/Wtr Rts (Lower)	\$27.87	A+B+E+G+H Excludes Interte
Refuge (Lower)	\$29.77	A+Aa+B+E+G+H
Volta Wells-Refuge Level II	\$56.20	C
Volta Wells-Refuge Level IV	\$56.20	D
San Luis Drain	\$0.43	\$106,348

Direct	Storage
O&M = \$2.91	O&M = \$0.73
O&M DWR = \$0.58	O&M DWR = \$0.15
Pwr = \$2.91	Pwr = \$0.73
\$2.91	\$0.73
\$0.58	\$0.15
\$2.91	\$0.73
\$6.40	\$1.61

WATER SUPPLY ASSUMPTIONS

Irrigation 0%
 M&I 25% Historical Use & Health & Safety
 Refuge BOR Refuge Estimate
 Ex/Wtr Rts SLDMWA Estimate

**COSTS TO BE ALLOCATED		Included in \$		
O&M Budget per above	\$10,168,298	\$ 1,504,534.00	\$ 977,947.00	2.913860657
Required Reserve Funding	\$1,000,000		\$ 526,587.00	0.730620932
San Luis Drain	\$106,348		\$ 1,504,534.00	
Volta Well Project-GGS & Grd H2o Monitoring, & Contract Labor	\$206,300			
Interte: DWR Wheeling, & Other	\$600,000			
POWER				
JPP	\$11,900,000			
Interte	\$84,000			
Volta Wells	\$0			
O'Neill	\$1,500,000	\$ 1,500,000.00	\$ 975,000.00	2.905079867
			\$ 525,000.00	0.728419025
			\$ 1,500,000.00	
SAN LUIS JOINT USE				
DWR - San Luis Canal O&M	\$11,000,000			
DWR - Dos Amigos O&M	\$3,000,000			
DWR - O'Neill	\$300,000	\$ 300,000.00	\$ 195,000.00	0.581015973
			\$ 105,000.00	0.145683805
			\$ 300,000.00	
POWER				
Dos Amigos	\$2,200,000			
	\$42,064,946			

O'Neill Split
65%/35%



A

SLDMWA - O&M Rates
PROFORMA WY2015 SELF-FUNDING SLDMWA O&M WATER RATES WITH SURVEY DATA AND 25% MIN AG PARTICIPATION
 Finance & Administration Committee / Board of Directors -MAY 2023

COST POOLS	SLDMWA ANNUAL O&M and POWER								SLDMWA RESERVES	SLJU			TOTAL
	UPPER Upper DMC/ JPP	UPPER Intertie (Temporary Cost Pool)	JPP PWR	VOLTA WELLS <i>3 year pilot project, extended</i>		LOWER Lower DMC/ Mendota Pool	O'NEILL P/G O'Neill O&M			DWR COSTS	POWER		
PARTICIPANTS	All Users	All Users Excludes Exchange Cont. and Water Rights	All Users (Actual Pumping Only)	Refuge Level II (Only)	Refuge Level IV (Only)	LowerDMC & MP Users	All Users "Direct"	All Users "Storage"	All Users	All SLJU Users	Dos Amigos Users	Dos Amigos Power	
COSTS TO BE ALLOCATED**	\$6,130,083	\$925,881	\$11,900,000	\$112,407	\$112,408	\$2,273,285	\$2,147,947	\$1,156,587	\$1,000,000	\$11,000,000	\$3,000,000	\$2,200,000	\$41,958,598
ACRE FEET	925,658	526,208	849,624	2,000	2,000	614,334	335,619	720,739	% of 10 Yr Historical Use	263,248	253,248	253,248	
RATE PER AF	\$6.63	\$1.76	\$14.01	\$56.20	\$56.20	\$3.71	\$6.41	\$1.61	\$1.00	\$41.79	\$11.85	\$8.69	

A Aa B C D E F G H I J K

Component	Rate	Area
Upper DMC	\$25.01	A+Aa+B+G+H
Exchange/Wtr Rts (Upper)	\$23.25	A+B+G+H Excludes Intertie
Lower DMC/Pool	\$28.72	A+Aa+B+E+G+H
San Felipe	\$29.81	A+Aa+B+F+H
San Luis Canal Above Dos Amigos	\$71.60	A+Aa+B+F+H+I
San Luis Canal Below Dos Amigos	\$92.14	A+Aa+B+F+H+I+J+K
Exchange/Wtr Rts (Lower)	\$26.96	A+B+E+G+H Excludes Intertie
Refuge (Lower)	\$28.72	A+Aa+B+E+G+H
Volta Wells-Refuge Level II	\$56.20	C
Volta Wells-Refuge Level IV	\$56.20	D
San Luis Drain	\$0.43	\$106,348

Direct	Storage
O&M = \$2.91	O&M = \$0.73
O&M DWR = \$0.58	O&M DWR = \$0.15
Pwr = \$2.92	Pwr = \$1.61

WATER SUPPLY ASSUMPTIONS

Irrigation 0%
 M&I 25% Historical Use & Health & Safety
 Refuge BOR Refuge Estimate
 Ex/Wtr Rts SLDMWA Estimate

\$2.91	\$0.73
\$0.58	\$0.15
<u>\$2.92</u>	<u>\$0.74</u>
<u>\$6.41</u>	<u>\$1.61</u>

Category	Amount	Included in \$	Value	Rate
O&M Budget per above	\$10,168,298	\$ 1,504,534.00	\$ 977,947.00	2.913860657
Required Reserve Funding	\$1,000,000		\$ 526,587.00	0.730620932
San Luis Drain	\$106,348		\$ 1,504,534.00	
Volta Well Project-GGS & Grd H2o Monitoring, & Contract Labor	\$206,300			
Intertie: DWR Wheeling, & Other	\$600,000			
POWER				
JPP	\$11,900,000			
Intertie	\$84,000	\$0.16		
Volta Wells	\$0			
O'Neill	\$1,500,000	\$ 1,500,000.00	\$ 975,000.00	2.905079867
			\$ 525,000.00	0.728419025
			<u>\$ 1,500,000.00</u>	
SAN LUIS JOINT USE				
DWR - San Luis Canal O&M	\$11,000,000			
DWR - Dos Amigos O&M	\$3,000,000			
DWR - O'Neill	\$300,000	\$ 300,000.00	\$ 195,000.00	0.58
			\$ 105,000.00	0.145683805
			<u>\$ 300,000.00</u>	
POWER				
Dos Amigos	\$2,200,000			
	<u>\$42,064,946</u>			

O'Neill Split
65%/35%



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Scott Petersen, Water Policy Director
John Brodie, Water Resources Programs Manager

DATE: May 4, 2023

RE: Board of Directors to Consider Delta-Mendota Subbasin Coordination Committee Recommendation to Increase Delta-Mendota Subbasin Coordination Agreement Activity (Fund 63) by \$225,200 for SGMA services for the Delta-Mendota Subbasin

BACKGROUND

In July 2018, the San Luis & Delta-Mendota Water Authority (“Water Authority”) executed the Delta-Mendota Subbasin Coordination and Cost-Sharing Agreements, which established the Water Authority’s role as a coordinating partner for the 23 Groundwater Sustainability Agencies and 6 Groundwater Sustainability Plans for the Delta-Mendota Subbasin (D-M Subbasin). Since that time, the Water Authority staff has served as the SGMA Point of Contact for the California Department of Water Resources (DWR) and as a facilitator and program management entity for coordinated activities in the D-M Subbasin, including GSP submittal, grant preparation and coordination, and fiscal agent.

In late 2021, Del Puerto Water District applied for a Sustainable Groundwater Management Implementation Round 1 grant on behalf of the D-M Subbasin and was awarded \$7.6 million in funds, including \$640,000 in grant funding for interconnected surface water (ISWM) and subsidence monitoring. In late 2022, the Water Authority issued a Request for Proposals (RFP) to provide for the design of an ISWM Network in the D-M Subbasin. One proposal fulfilling the necessary requirements was returned by the published deadline. The proposal was reviewed and approved unanimously by all members of the Coordination Committee. The proposal, by Luhdorff & Scalmanini Consulting Engineers (LSCE), is for \$25,200. The Water Authority has an existing Master Services Agreement with LSCE that was executed in March 2019 and staff is proposing to execute a new task order with LSCE under that Master Services Agreement for these services. These services would be funded through the awarded grant funds, but were not included in the adopted FY 24 budget in Fund 63.

In December 2020, the D-M Subbasin parties submitted 6 Groundwater Sustainability Plans to DWR for review and approval. In March 2023, DWR provided a letter to the D-M Subbasin GSP

Memo to SLDMWA Board of Directors
May 4, 2023

Regions indicating that DWR deemed the GSPs “Inadequate” for a number of reasons detailed in the letter transmitting the determination. In response to the Inadequate determination, the regulatory authority for approving the GSPs has shifted from DWR to the State Water Resources Control Board (SWRCB). On April 4, the SWRCB held an informational hearing on the SWRCB’s process to address the six basins that have been deemed inadequate. In response to the inadequate determination, the D-M Coordination Committee has been meeting to develop a plan to address the deficiencies identified by DWR.

The Coordination Committee met on April 24, 2023, and voted to recommend that the Authority Board approve a budget increase to the Fund 63 budget and an amendment to Task Order F24-AA63-001-EKI in the amount of \$200,000 to address deficiencies identified by DWR in its inadequate determination letter.

ISSUE FOR DECISION

Whether the Board of Directors should approve the D-M Subbasin Coordination Committee recommendation to increase the Fund 63 budget by \$225,200 and authorize an amendment to Task Order F24-AA63-001-EKI in the amount of \$200,000 to provide support to the D-M Subbasin on the Inadequate Determination by DWR.

RECOMMENDATION

Staff and the D-M Coordination Committee recommends the Board approve the budget increase and Task Order amendment.

BUDGET

This would increase the budget of Fund 63 by \$225,200 to accommodate funding for increased provision of services by consultants to the D-M subbasin.



**Special Meeting of the Delta-Mendota Subbasin Coordination Committee and
Technical Working Group**

Monday, April 24, 2023, 1:00 PM

SLDMWA Boardroom, 842 6th Street, Los Banos, CA

April 20, 2023

TO: Delta-Mendota Subbasin Coordination Committee and Interested Parties
FROM: John Brodie, Water Resources Program Manager
RE: SPECIAL MEETING OF THE DELTA-MENDOTA SUBBASIN COORDINATION
COMMITTEE **MONDAY April 24, 2023, 1:00 PM**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Delta-Mendota Subbasin Coordination Committee and Technical Working Group has been called for **Monday April 24, 2023, 1:00 PM**, on items listed on the attached agenda, which is incorporated by reference and made a part hereof.



**Special Meeting of the Delta-Mendota Subbasin Coordination Committee and
Technical Working Group**

Monday April 24, 2023, 1:00 PM

AGENDA

1. Call to Order/Roll Call
2. Opportunity for Public Comment

Action Items

3. Committee to Consider Amending the Scope of Work and Budget for EKI, Brodie (Policy)

Report Items

4. Committee to Discuss Adopting Revised Water Level SMC Methodology, Brodie (Policy)
5. Committee to Discuss Grant Funding Availability for GSP Revisions and 2025 Plan Update, Brodie (Policy)
6. Committee to Discuss RFP for GSP Revisions/2025 GSP Update, Ramirez/Martin/Hopkins (Policy/Technical)
7. Committee to Discuss Public Release of CVHM2-SJV Model and Data, Brodie (Technical)
8. Committee to Provide Direction on Development of Water Quality SMCs, Dutton (Technical)
9. Committee to Discuss Minimum Thresholds/Measureable Objectives for Representative Monitoring Network Wells, Brodie (Technical)
10. Committee to Discuss Use of Well Census and Inventory Report in the 2025 Update/Determination Response, Dutton (Technical).
11. Committee to Discuss Participation in Panel on Conflict Resolution at the SGMA Implementation Summit and Workshop, Martin (Policy)
12. Next Steps

Closed Session

13. Conference with Legal Counsel – Anticipated Litigation

The Committees will meet in closed session to confer with legal counsel on significant exposure to anticipated litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: (1 case)

14. Conference with Legal Counsel – Existing Litigation

The Committees will meet in closed session to confer with legal counsel pursuant to Paragraph (1), Subdivision (d) of Government Code section 54956.9; *California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al.*, Merced County Superior Court, Case No. 21CV-01691.

Open Session

15. Report out of Closed Session

16. Reports Pursuant to Government Code Section 54954.2(a)(3)

17. Future Delta-Mendota Subbasin Coordination Committee Meetings

- a. Friday April 28, 2023: 8:00 AM (Policy Only Discussion)
- b. Monday May 8, 2023: 1:00 PM (with Technical Working Group)
- c. Monday May 22, 2023: 1:00 PM **at Grassland Water District Office** (with Technical Working Group)
- d. Other policy only discussion meetings may be scheduled after 4/28/23

18. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the Water Authority Office, 842 6th Street, P.O. Box 2157 Los Banos, CA 93635, via telephone at (209) 826-9696, or via email at cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org. Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

Estimated CVP Operations 90% Exceedance

Storages

Federal End of the Month Storage/Elevation (TAF/Feet)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Trinity	910	858	974	1130	1126	1078	1032	1018	1015	1036	1070	1156	1267
Elevation		2238	2252	2269	2269	2264	2259	2257	2257	2259	2263	2272	2283
Whiskeytown	228	238	238	238	238	238	238	206	206	206	206	206	206
Elevation		1209	1209	1209	1209	1209	1209	1199	1199	1199	1199	1199	1199
Shasta	3771	4362	4343	4195	3865	3538	3302	3195	3173	3216	3333	3610	3749
Elevation		1061	1060	1055	1043	1030	1021	1016	1015	1017	1022	1033	1038
Folsom	667	812	950	911	794	669	661	578	502	442	447	527	677
Elevation		451	464	460	449	436	435	426	417	409	410	420	437
New Melones	1393	1478	1682	1887	1915	1879	1865	1821	1834	1848	1861	1874	1901
Elevation		1001	1022	1042	1044	1041	1040	1036	1037	1038	1039	1041	1043
Federal San Luis	928	964	877	697	353	113	82	69	93	197	339	275	353
Elevation													
Total	7897	8711	9063	9058	8291	7514	7181	6887	6823	6944	7255	7647	8153

State End of the Month Reservoir Storage (TAF/Feet)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Oroville	2908	3203	3323	3318	2722	2270	1926	1819	1702	1658	1808	2060	2340
Elevation		878	886	886	844	807	776	765	753	748	764	788	813
State San Luis	1062	1027	1059	990	939	873	896	643	542	498	553	576	600
Elevation													
Total San Luis (TAF)	1990	1991	1936	1687	1291	986	979	712	635	695	891	851	953
Elevation		540	536	515	481	451	451	422	414	421	442	437	448

Monthly River Releases (TAF/cfs)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Trinity		309	257	38	28	53	52	23	18	18	18	17	18
cfs		5,194	4,188	639	456	857	870	373	300	300	300	300	300
Clear Creek		12	17	17	9	9	9	12	12	12	12	11	22
cfs		200	281	284	150	150	150	200	200	200	200	200	363
Sacramento		256	615	476	553	506	416	342	268	277	277	250	492
cfs		4300	10000	8000	9000	8225	7000	5571	4500	4500	4500	4500	8000
American		416	461	416	277	246	119	123	119	123	108	83	92
cfs		7000	7500	7000	4500	4000	2000	2000	2000	2000	1750	1500	1500
Stanislaus		83	96	56	18	18	18	49	12	12	13	12	12
cfs		1400	1555	940	300	300	300	797	200	200	219	221	200
Feather		595	633	321	418	424	428	135	104	108	108	97	108
cfs		10000	10300	5400	6800	6900	7200	2200	1750	1750	1750	1750	1750

Trinity Diversions (TAF)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Carr PP		0	1	11	9	10	9	0	6	1	1	2	1
Spring Crk. PP		27	0	0	0	0	0	22	0	1	8	20	6

Delta Summary (TAF)

Facility/Location/Metric	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Tracy		144	215	250	265	265	255	165	136	186	225	66	235
USBR Banks		0	0	0	0	0	0	42	42	42	0	0	0
Contra Costa		9.5	9.5	9.5	7.4	8.3	9.5	14.0	14.0	14.0	13.7	13.7	10.5
Total USBR		153	225	260	272	273	265	221	192	242	239	80	246
State Export		244	332	363	439	441	426	83	192	229	155	105	160
Total Export		397	557	623	711	714	691	304	384	471	394	185	406
COA Balance		18	18	18	18	18	18	18	18	18	18	17	17
Vernalis TAF		1660	1555	818	444	260	207	172	74	75	76	82	98
Vernalis cfs		27904	25294	13749	7230	4237	3477	2798	1242	1225	1244	1482	1599
Old/Middle R. calc. cfs		6,827	3,819	-2,460	-6,247	-7,631	-7,963	-3,139	-5,001	-5,938	-4,962	-2,484	-4,950
Computed DOI cfs		55690	48981	22357	10281	6881	7800	8426	5497	7271	9142	11400	13307
Excess Outflow		27669	23213	3833	2277	2879	4791	944	992	2765	3140	0	1903
% Export/Inflow		10%	15%	28%	44%	52%	52%	32%	49%	48%	42%	21%	33%
% Export/Inflow std.		35%	35%	35%	65%	65%	65%	65%	65%	65%	65%	45%	35%

Hydrology

	Trinity	Shasta	Folsom	New Melones
Water Year Inflow (TAF)	1430	5,593	4,437	2232
Year to Date + Forecasted	118%	101%	163%	211%
	% of mean			

CVP actual operations do not follow any forecasted operation or outlook; actual operations are based on real-time conditions.

CVP operational forecasts or outlooks represent general system-wide dynamics and do not necessarily address specific watershed/tributary details.

CVP releases or export values represent monthly averages.

CVP Operations are updated monthly as new hydrology information is made available December through May.

Estimated CVP Operations 50% Exceedance

Storages

Federal End of the Month Storage/Elevation (TAF/Feet)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Trinity	910	910	1198	1354	1359	1309	1262	1250	1258	1296	1360	1471	1600
Elevation		2245	2276	2291	2291	2287	2282	2281	2282	2285	2291	2301	2311
Whiskeytown	228	238	238	238	238	238	238	206	206	206	206	206	206
Elevation		1209	1209	1209	1209	1209	1209	1199	1199	1199	1199	1199	1199
Shasta	3771	4386	4415	4144	3778	3444	3243	3071	3130	3235	3414	3619	4133
Elevation		1061	1062	1053	1039	1026	1018	1011	1013	1018	1025	1033	1052
Folsom	667	792	955	943	862	711	646	495	412	402	432	445	634
Elevation		449	464	463	455	441	434	416	405	403	408	409	432
New Melones	1393	1542	1768	2012	2077	2011	1965	1923	1945	1968	1963	1945	1923
Elevation		1008	1031	1053	1059	1053	1049	1045	1047	1049	1049	1047	1045
Federal San Luis	928	956	852	661	397	130	90	140	251	428	597	695	792
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	7897	8823	9426	9352	8710	7843	7443	7085	7201	7534	7971	8380	9288

State End of the Month Reservoir Storage (TAF/Feet)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Oroville	2908	3206	3427	3209	2888	2538	2269	2189	2122	2137	2348	2699	2409
Elevation		879	893	879	856	829	807	800	794	795	814	842	819
State San Luis	1062	1051	1034	994	943	877	899	625	611	502	541	541	541
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total San Luis (TAF)	1990	2006	1886	1655	1340	1006	989	765	863	930	1138	1236	1334
Elevation		541	532	513	485	453	452	428	439	446	466	476	485

Monthly River Releases (TAF/cfs)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Trinity		309	111	38	28	53	52	23	18	18	18	17	18
cfs		5,194	1,805	639	456	857	870	373	300	300	300	300	300
Clear Creek		12	17	17	9	9	9	12	12	12	12	11	22
cfs		200	281	284	150	150	150	200	200	200	200	200	363
Sacramento		387	676	654	615	553	416	277	238	277	430	555	307
cfs		6500	11000	11000	10000	9000	7000	4500	4000	4500	7000	10000	5000
American		506	584	506	277	277	178	176	176	123	123	250	123
cfs		8500	9500	8500	4500	4500	3000	2867	2961	2000	2000	4500	2000
Stanislaus		83	96	56	61	61	59	49	12	12	49	83	93
cfs		1400	1555	940	1000	1000	1000	797	200	200	800	1500	1521
Feather		714	627	625	400	387	381	108	104	108	108	97	738
cfs		12000	10200	10500	6500	6300	6400	1750	1750	1750	1750	1750	12000

Trinity Diversions (TAF)

Facility	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Carr PP		0	3	11	9	10	9	0	5	1	1	1	1
Spring Crk. PP		2	0	0	0	0	0	22	0	4	23	34	16

Delta Summary (TAF)

Facility/Location/Metric	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Tracy		144	215	255	265	260	250	232	226	260	258	232	258
USBR Banks		0	0	0	0	0	0	44	44	44	0	0	0
Contra Costa		12.7	12.7	9.8	11.1	12.7	14.0	14.0	16.0	18.0	14.0	14.0	12.7
Total USBR		156	228	265	276	273	264	290	286	322	272	246	271
State Export		268	284	391	440	440	425	63	279	164	170	106	146
Total Export		424	512	656	716	713	689	353	565	486	442	352	417
COA Balance		18	18	18	18	18	18	18	18	18	18	18	18
Vernalis TAF		1789	1581	1173	960	453	248	172	99	103	144	373	620
Vernalis cfs		30066	25727	19716	15624	7377	4177	2798	1662	1680	2345	6723	10094
Old/Middle R. calc. cfs		7,451	4,577	-206	-2,529	-6,198	-7,628	-3,753	-7,155	-5,921	-5,071	-2,446	-1,267
Computed DOI cfs		67423	57928	41301	19993	10899	9262	7483	4505	10216	20708	36237	41417
Excess Outflow		39402	29867	17432	11989	6897	6253	0	0	5710	14706	24836	30013
% Export/Inflow		9%	12%	20%	32%	43%	48%	36%	62%	42%	26%	15%	14%
% Export/Inflow std.		35%	35%	35%	65%	65%	65%	65%	65%	65%	65%	45%	35%

Hydrology

	Trinity	Shasta	Folsom	New Melones
Water Year Inflow (TAF)	1520	6,038	4,814	2451
Year to Date + Forecasted	126%	109%	177%	232%
	% of mean			

CVP actual operations do not follow any forecasted operation or outlook; actual operations are based on real-time conditions.

CVP operational forecasts or outlooks represent general system-wide dynamics and do not necessarily address specific watershed/tributary details.

CVP releases or export values represent monthly averages.

CVP Operations are updated monthly as new hydrology information is made available December through May.



San Luis & Delta-Mendota Water Authority
Monday, May 1, 2023 10:00 a.m.

**Notice of Water Resources Committee Regular Meeting and Joint Water
Resources Committee Regular Meeting-Special Board Workshop**

SLDMWA Boardroom
842 6th Street, Los Banos

Public Participation Information

Join Zoom Meeting

<https://us02web.zoom.us/j/89073001800?pwd=R2F1am00Ymk0bkZlc2JWcXhGWWIYZz09>

Meeting ID: 890 7300 1800

Passcode: 204111

One tap mobile

+16694449171,,89073001800#,,,,*204111# US

+16699006833,,89073001800#,,,,*204111# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 890 7300 1800

Passcode: 204111

Find your local number: <https://us02web.zoom.us/u/kexKdPhp95>

NOTE: Any member of the public may address the Water Resources Committee/Board concerning any item on the agenda before or during consideration of that item.

Because the notice provides for a regular meeting of the Water Resources Committee ("WRC") and a joint regular WRC Meeting/Special Board workshop, Board Directors/Alternates may discuss items listed on the agenda; however, only WRC Members/Alternates may correct or add to the agenda or vote on action items.

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

Agenda

1. Call to Order/Roll Call
2. Water Resources Committee to Consider Additions and Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 *et seq.*
3. Opportunity for Public Comment – Any member of the public may address the Water Resources Committee/Board concerning any matter not on the agenda, but within the Committee's or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Water Resources Committee may waive this limitation.

ACTION ITEMS

4. **Water Resources Committee to Consider Approval of the April 3, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Appoint Representatives to State and Federal Contractors Water Agency Board of Directors, Barajas**
6. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
 - A. H.R. 872 (Calvert), Federally Integrated Species Health (FISH) Act
 - B. H.R. 2419 (Costa), Canal Conveyance Capacity Restoration Act
 - C. H.R. 2671 (Costa), To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes
 - D. AB 939 (Pellerin), Santa Clara Valley Water District
 - E. AB 1469 (Kalra), Santa Clara Valley Water District
 - F. AB 1594 (Garcia), Medium- and heavy-duty zero-emission vehicles: public agency utilities
 - G. AB 345 (Wilson), Habitat Restoration: flood control: advance payment
 - H. SB 493 (Min), Air pollution: alternative vehicles and electric and hydrogen infrastructure
 - I. SB 550 (Grove), Water markets
 - J. SB 659 (Ashby), California Water Supply Solutions Act of 2023
 - K. AB 754 (Papan), Water management planning: automatic conservation plan
 - L. AB 1205 (Bauer-Kahan), Water rights: sale, transfer, or lease: agricultural lands
7. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Resolution Authorizing Award of Contract, Execution of Construction Agreement for O'Neill Pumping-Generating Plant Power Transformer Rehabilitations, and Expenditures of up to \$3.2 Million from the FY22 and FY23 EO&M Budgets; CEQA Exemption, Martin/McNeil**

REPORT ITEMS

8. Executive Director's Report, Barajas
(May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response)
9. Update on Water Policy/Resources Activities, Petersen
(May include reports on activities related to 1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; 2) State Water Resources Control Board action; 3) San Joaquin River Restoration Program; 4) Delta conveyance; 5) Reclamation action; 6) Delta Stewardship Council action; 7) San Joaquin Valley Water Blueprint and San Joaquin Valley Water Collaborative Action Plan)
10. Update on Water Operations and Forecasts, Boardman
11. Committee Member Reports
12. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Section 54956.9

- A. Natural Resources Defense Council, et al. v. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207; 9th Cir., Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Conant, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599 (PCFFA v. Glaser or GBP Citizen Suit)

- C. City of Fresno, et al. v. United States, U.S. Court of Appeals for the Federal Cir., Case No. 22-1994; U.S. Court of Federal Claims, Case No. 1:16-cv-01276 (2014 Friant Div. Operations)
- D. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002852; Third District Court of Appeal, Case No. C093513 (Waste Discharge Requirement Cases)
- E. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002898, Third District Court of Appeal Case No. C097948 (Delta Plan Amendment Cases)
- F. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced Co. Superior Court, Case No. 19CV-04989; Fifth District Court of Appeal, Case No. F085972 (GBP Long-Term Storm Water Management Plan)
- G. Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431 (ROC on LTO BiOps)
- H. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426 (ROC on LTO BiOps)
- I. CDWR Water Operation Cases, Sacramento Co. Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al., Fresno Co. Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
- J. AquAlliance, et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878 (Long-Term Water Transfers EIS/EIR)
- K. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
- L. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- M. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

13. Return to Open Session

14. Report from Closed Session, if any, Required by Government Code Section 54957.1

15. Reports Pursuant to Government Code Section 54954.2(a)(3)

16. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at cheri.worthy@sldmwa.org. Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
WATER RESOURCES COMMITTEE REGULAR MEETING AND JOINT
WATER RESOURCES COMMITTEE REGULAR MEETING - SPECIAL
BOARD WORKSHOP MINUTES**

APRIL 3, 2023

The San Luis & Delta-Mendota Water Authority Water Resources Committee Regular Meeting and Joint Water Resources Committee Regular Meeting and Special Board Workshop convened at approximately 10:00 a.m. at 842 6th Street in Los Banos, California, with Chair William Bourdeau presiding.

Water Resources Committee Members Present

Ex-Officio

Cannon Michael
William Bourdeau

Division 1

Anthea Hansen, Alternate

Division 2

Bill Diedrich, Member (arrived during item 5)

Division 3

Chris White, Member

Division 4

Vincent Gin, Member - Steve Wittry, Alternate

Division 5

Manny Amorelli, Member

Board of Directors Present

Division 1

Anthea Hansen, Director
Lea Emmons, Alternate

Division 2

Justin Diener, Alternate
William Bourdeau, Director
Bill Diedrich, Director (arrived during item 5)

Division 3

Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Director

Division 4

Steve Wittry, Director

Joyce Machado, Alternate

Division 5

Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Rebecca Akroyd, General Counsel
Rebecca Harms, Deputy General Counsel
Ray Tarka, Director of Finance
Scott Petersen, Water Policy Director
Stewart Davis, IT Officer

Others Present

Tom Boardman, Westlands Water District (via ZOOM)
Dana Jacobson, Valley Water
Chase Hurley, Pacheco Water District
Steve Stadler, San Luis Water District

1. Call to Order/Roll Call

Chair William Bourdeau called the meeting to order and roll was called.

2. The Water Resources Committee to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.

No additions or corrections.

3. Opportunity for Public Comment

No public comment.

4. Water Resources Committee to Consider Approval of the March 6, 2023 Meeting Minutes.

On a motion of Member Anthea Hansen, seconded by Ex Officio Cannon Michael, the Committee approved the March 6, 2023 meeting minutes. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diedrich, White, Gin, Amorelli
NOES:	None
ABSTENTIONS:	None

5. **Water Resources Committee to Consider Recommendation to Board to Adopt Staff Recommendation for Positions on Legislation.**

Water Policy Director Scott Petersen reported and provided staff recommended positions for consideration on the following legislation:

- a. SB 366 (Caballero), The California Water Plan: long-term supply targets
- b. AB 422 (Alanis), Natural Resources Agency: statewide water storage: tracking
- c. AB 557 (Hart), Open meetings: local agencies: teleconferences
- d. AB 735 (Berman), Workforce development: utility careers
- e. AB 460 (Bauer-Kahan), State Water Resources Control Board: interim relief
- f. AB 676 (Bennett), Water: general state policy
- g. AB 1337 (Wicks), State Water Resources Control Board: water shortage enforcement
- h. SB 389 (Allen), State Water Resources Control Board: determination of water right

Member Vincent Gin made the motion to recommend the Board of Directors adopt staff recommendation for positions on legislation (SB 366 - Support, AB 422, 735, 557 - Favor). The motion was seconded by Member Chris White. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diedrich, White, Gin, Amorelli
NOES:	None
ABSTENTIONS:	None

Member Bill Diedrich made the motion to recommend the Board of Directors adopt staff recommendation for positions on legislation (AB 460, 676, 1337, SB 389 - Oppose). The motion was seconded by Member Chris White. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diedrich, White, Amorelli
NOES:	None
ABSTENTIONS:	Gin

6. **Executive Director's Report.**

Executive Director Federico Barajas informed the Water Resources Committee that there will be a ratesetting and minimum participation discussion and presentation at today's Finance &

Administration Committee meeting, and an action item regarding water rate adjustment. Barajas answered a question regarding final water allocation, and reported that the final water allocation by Reclamation should be out by May.

7. **Update on Water Policy/Resources Activities.**

Water Policy Director Scott Petersen provided a brief summary of the report included in the packet.

- a. **Reinitiation of Consultation** - Petersen reported that the schedule and milestones for the Reinitiation of Consultation continue to change. Petersen reported that concurrent with the development of the EIS and BA, Reclamation is conducting Exploratory Modeling to assist in the development of the Proposed Action and Biological Assessment.
- b. **Longfin Smelt Listing** - Petersen reported that the Authority joined a letter with the State Water Contractors pointing out deficiencies in the science used to support the proposed listing of the longfin smelt distinct population segment as endangered and requested a public hearing on the listing status. Petersen reported that in response to this letter, on February 25, the Service reopened the public comment period through March 29, 2023, and hosted a virtual hearing where Authority staff provided comments consistent with the Authority's comment letter.
- c. **San Joaquin River Restoration Program** - Petersen reported that the 2023 Restoration Program Science and Engineering Meeting will be held on May 1-2. Petersen reported that the meeting is open to the public and topics will include: Key Projects, Basin Hydrology and Restoration Flows, Fish Passage and Screening, Salmon Genetics, Subsidence, Fisheries Monitoring, and more.
- d. **San Joaquin Valley Water Collaborative Action Program** - Petersen reported that on April 4, 2023 there is a tour scheduled of various projects on the west side of the valley.

8. **Update on Water Operations and Forecasts.**

Westlands Water District's Tom Boardman reported on Shasta storage and noted the amount of precipitation the watershed received during the previous week. The storage report also included the amount of remaining storage space before flood releases occur along with the amount of snowpack in the watershed. Folsom storage was mentioned along with the amount of

accumulated snowpack.

Current export pumping rates were reported which are reflective of San Luis Reservoir being nearly full.

Flood flow operations into the Mendota Pool were also briefly described.

Boardman responded to a question asked by Member Diedrich regarding the projected date when CVP San Luis Reservoir would begin a sustained drawdown

Chief Operating Officer Pablo Arroyave reported that he is working with the Bureau on real-time updates.

9. Committee Member Reports.

Committee Chair William Bourdeau reported that he had the opportunity to testify before the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries. His testimony included issues of improving water resilience and the role of above and below ground water storage and conveyance in improving outcomes for Authority member agencies.

10. Agenda Item 10-12: Closed Session

Committee Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:40 a.m. Upon return to open session at approximately 10:54 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session.

11. Agenda Item 13: Reports Pursuant to Government Code Section 54954.2
None.

12. Agenda Item 14: Adjournment

The meeting was adjourned at approximately 10:55 a.m.



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: May 1, 2023

RE: Update on Water Policy/Resources Activities

Background

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; (2) State Water Resources Control Board action; (3) San Joaquin River Restoration Program; (4) Delta conveyance; (5) Reclamation action; (6) Delta Stewardship Council action; (7) San Joaquin Valley Water Blueprint and San Joaquin Valley Water Collaborative Action Plan.

Policy Items

Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project

In August 2016, the Bureau of Reclamation and California Department of Water Resources (DWR) requested reinitiation of consultation with NOAA Fisheries, also known as National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) due to multiple years of drought, low populations of listed species, and new information developed as a result of ongoing collaborative science efforts over the last 10 years.

On Jan. 31, 2019, Reclamation transmitted its Biological Assessment to the Services. The purpose of this action is to continue the coordinated long-term operation of the CVP and SWP to optimize water supply delivery and power generation consistent with applicable laws, contractual obligations, and agreements; and to increase operational flexibility by focusing on nonoperational measures to avoid significant adverse effects to species.

The biological opinions carefully evaluated the impact of the proposed CVP and SWP water operations on imperiled species such as salmon, steelhead and Delta smelt. FWS and NMFS documented impacts and worked closely with Reclamation to modify its proposed operations to minimize and offset those impacts, with the goals of providing water supply for project users and protecting the environment.

Both FWS and NMFS concluded that Reclamation's proposed operations will not jeopardize threatened or endangered species or adversely modify their critical habitat. These conclusions were reached for

several reasons – most notably because of significant investments by many partners in science, habitat restoration, conservation facilities including hatcheries, as well as protective measures built into Reclamation's and DWR's proposed operations.

On Oct. 21, 2019, FWS and NMFS released their biological opinions on Reclamation's and DWR's new proposed coordinated operations of the CVP and SWP.

On Dec. 19, 2019, Reclamation released the final Environmental Impact Statement analyzing potential effects associated with long-term water operations for the CVP and SWP.

On Feb. 18, 2020, Reclamation approved a Record of Decision that completes its environmental review for the long-term water operations for the CVP and SWP, which incorporates new science to optimize water deliveries and power production while protecting endangered species and their critical habitats.

On January 20, 2021, President Biden signed an Executive Order: “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, with a fact sheet¹ attached that included a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order. Importantly, the NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions on the Long-Term Operation of the Central Valley Project and State Water Project were both included in the list of agency actions for review.

On September 30, 2021, Reclamation Regional Director Ernest Conant sent a letter to U.S. FWS Regional Director Paul Souza and NMFS Regional Administrator Barry Thom requesting reinitiation of consultation on the Long-Term Operation of the CVP and SWP. Pursuant to 50 CFR § 402.16, Reclamation indicated that reinitiation is warranted based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed in the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Biological Opinions, dated October 21, 2019. To address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with operational requirements of the SWP under the California Endangered Species Act, Reclamation and DWR indicated that they anticipate a modified Proposed Action and associated biological effects analysis that would result in new Biological Opinions for the CVP and SWP.

Following this action, on October 20, 2021, the SLDMWA sent a letter to Reclamation Regional Director Ernest Conant requesting participation in the reinitiation of consultation pursuant to Section 4004 of the WIIN Act and in the NEPA process as either a Cooperating Agency or Participating Agency.

On February 26, 2022, the Department of the Interior released a Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Hold Public Scoping Meetings on the 2021 Endangered Species Act Reinitiation of Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project². In response to this, on March 30, 2022, the SLDMWA submitted a comment letter highlighting actions for Reclamation to consider during preparation of the EIS.

¹ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/>

² <https://www.govinfo.gov/content/pkg/FR-2022-02-28/pdf/2022-04160.pdf>

During May 2022, Reclamation issued draft copies of the Knowledge Base Papers for the following management topics and requested supplementary material review and comments, to which the Authority submitted comment letters in June:

1. Spring-run Juvenile Production Estimate- Spring-run Survival Knowledge Base Document, May 2022
2. Steelhead Juvenile Production Estimate-Steelhead Survival Knowledge Base Document, April 2022
3. Old and Middle River Reverse Flow Management – Smelt, Chinook Salmon, and Steelhead Migration and Survival Knowledge Base Document, May 2022
4. Central Valley Tributary Habitat Restoration Effects on Salmonid Growth and Survival Knowledge Based Paper, March 2022
5. Delta Spring Outflow Management Smelt Growth and Survival Knowledge Base Document, May 2022
6. Pulse Flow Effects on Salmonid Survival Knowledge Base Document, May 2022
7. Summer and Fall Habitat Management Actions – Smelt Growth and Survival Knowledge Base Document, May 2022
8. Shasta Cold Water Pool Management – End of September Storage Knowledge Base Document, May 2022

Subsequent to the Knowledge Base Paper review, a Scoping Meeting was held, to which Water Authority staff provided comments, resulting in the release of a Scoping Report³ by Reclamation in June 2022.

On October 14, 2022, Reclamation released an Initial Alternatives Report (IAR), which Authority staff is reviewing and coordinating with member agencies for potential engagement with Reclamation regarding the alternatives presented in the report. Currently, Reclamation is not anticipating accepting formal comments on the IAR, but instead will be accepting comments on the draft Environmental Impact Statement, which is anticipated to be released within the next month or two.

Current Milestones

- December 2022 – Proposed Action and Alternatives
- Early 2023 – Public Draft EIS/Biological Assessment
 - The public draft EIS will be the avenue for comments to Reclamation
 - Cooperating agencies will receive an administrative draft of the EIS
- June 2023 – Next WIIN Act Quarterly Meeting
- February 2024 – Record of Decision

Exploratory Modeling

Concurrent with the development of the EIS and BA, Reclamation is conducting Exploratory Modeling to assist in the development of the Proposed Action and Biological Assessment. As a part of this work, the Benchmark model has been updated, with further updates to come. Current efforts are focused on modeling of the various alternatives provided in the IAR, with an expected completion date of the June for the final NEPA alternative analysis.

³ <https://www.usbr.gov/mp/bdo/docs/lto-scoping-report-2022.pdf>

Longfin Smelt Proposed Rule

On Thursday, October 6, the U.S. Fish and Wildlife Service announced a proposed rulemaking to list the San Francisco Bay-Delta distinct population segment of longfin smelt as an endangered species under the Endangered Species Act (ESA).

Longfin smelt are currently listed as a threatened species under California’s Endangered Species Act, which prohibits unpermitted possession, purchase, sale or take of listed species. However, the state’s definition of take does not include harm, which under the federal ESA can include destruction of habitat.

The Authority joined a letter⁴ with the State Water Contractors pointing out deficiencies in the science used to support the proposed listing of the longfin smelt distinct population segment as endangered and requested a public hearing on the listing status. We are pending a response to that public hearing request.

In response to this letter, on February 25, the Service reopened the [public comment period](#) through March 29, 2023, and hosted a virtual hearing where Authority staff provided comments consistent with the Authority’s comment letter.

The statutory deadline for completion of a final rule is October 6, 2023.

State Water Resources Control Board (State Water Board) Activity

Bay Delta Water Quality Control Plan Update

Background

The State Water Board is currently considering updates to its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (“Bay Delta Plan”) in two phases (Plan amendments). The first Plan amendment is focused on San Joaquin River flows and southern Delta salinity (“Phase I” or “San Joaquin River Flows and Southern Delta Salinity Plan Amendment”). The second Plan amendment is focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows (“Phase II” or “Sacramento/Delta Plan Amendment”).

During the December 12, 2018 Water Board Meeting, the Department of Water Resources (“DWR”) and Department of Fish and Wildlife presented proposed “Voluntary Settlement Agreements” (“VSAs”) on behalf of Reclamation, DWR, and the public water agencies they serve to resolve conflicts over proposed amendments to the Bay-Delta Plan update.⁵ The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

⁴ Request from Authority staff

⁵ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

Phase 1 Status: The State Water Board adopted a resolution⁶ to adopt amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopt the Final Substitute Environmental Document during its December 12, 2018 public meeting.

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)⁷ and California Environmental Quality Act (CEQA) Scoping Meeting for the Proposed Regulation to Implement Lower San Joaquin River Flows (LSJR) and Southern Delta Salinity Objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan).

The purpose of the NOP is: (1) to advise responsible and trustee agencies, Tribes, and interested organizations and persons, that the State Water Board or Board will be the lead agency and will prepare a draft EIR for a proposed regulation implementing the LSJR flow and southern Delta salinity components of the 2018 Bay-Delta Plan, and (2) to seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the EIR. For responsible and trustee agencies, the State Water Board requests the views of your agency as to the scope and content of the environmental information related to your agency's area of statutory responsibility that must be included in the draft EIR.

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments⁸.

Phase 2 Status: In the State Water Board's resolution adopting the Phase 1 amendments, the Water Board directed staff to assist the Natural Resources Agency in completing a Delta watershed-wide agreement, including potential flow and non-flow measures for the Tuolumne River, and associated analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed, with the goal that comprehensive amendments may be presented to the State Water Board for consideration as early as possible after December 1, 2019.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents⁹ to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects including floodplain inundation and physical improvement of spawning and rearing areas.

⁶Available at

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

⁷ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

⁸ Request from Authority staff

⁹ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

Since the March 1 submittal, work has taken place to develop the package into a form that is able to be analyzed by State Water Board staff for legal and technical adequacy. On June 30, 2019, a status update with additional details was submitted to the Board for review. Additionally, on February 4, 2020, the State team released a framework for the Voluntary Agreements to reach “adequacy”, as defined by the State team.

Further work and analysis is needed to determine whether the agreements can meet environmental objectives required by law and identified in the State Water Board’s update to the Bay-Delta Water Quality Control Plan.

Schedule

LSJR Flow/SD Salinity Implementation Next Steps Assuming Regulation Path (Phase 1)

- Summer 2023: Executive Director act on draft COP, compliance methods, and procedures for adaptive implementation
- Fall 2023
 - Scientific Basis Report for Tuolumne River VAs submitted for peer review
 - Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA
 - Draft Regulation and Draft EIR in support of a regulation implementing Lower SJR flows and South Delta Salinity
- Winter/Spring 2024
 - Final draft Staff Report for Tuolumne River VA
 - Board workshop and consideration of Tuolumne River VA
 - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
 - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

Sac/Delta Update: Key Milestones

- Spring 2023: Scientific Basis Report Supplement for Sacramento River/Delta Voluntary Agreements submitted for peer review after addressing public comments
- Spring 2023: Draft Sacramento River/Delta Update Staff Report public review and comment
- Spring/Summer 2023: Public workshop on Draft Staff Report
- Spring/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Summer/Fall 2024: Board consideration of adoption

Phase 1 Implementation

Second Revised Draft Initial Biological Goals for Lower San Joaquin River Flow Objectives

The State Water Resources Control Board (State Water Board) is seeking written public comments on the second revised draft initial biological goals (“Revised Draft Goals”¹⁰) for fall-run Chinook salmon in the lower San Joaquin River and its three salmon-bearing tributaries, the Stanislaus, Tuolumne, and Merced

¹⁰ Available at

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/2023.04.10-2nd-Revised-Biological-Goals.pdf

Rivers (collectively “LSJR”). These draft biological goals were developed pursuant to the requirements in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan or Plan), as amended on December 12, 2018.

Written comment letters on the Bay-Delta Plan second revised draft initial biological goals report must be received by **12:00 p.m. (noon) on Friday, May 12, 2023**.

The Board will hold a workshop on May 3, 2023, to receive oral public comment on the Revised Draft Goals.

Voluntary Agreements

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding¹¹ that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹² specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

Both announcements represent a potential revival of progress toward what has been known as “Voluntary Agreements,” an approach the Authority believes is superior to a regulatory approach to update the Bay-Delta Water Quality Control Plan.

The broader MOU outlines terms for an eight-year program that would provide substantial new flows for the environment to help recover salmon and other native fish. The terms also support the creation of new and restored habitat for fish and wildlife, and provide significant funding for environmental improvements and water purchases, according to a joint news release from the California Natural Resources Agency and the California Environmental Protection Agency (CalEPA). Local water agency managers signing the MOU have committed to bringing the terms of the MOU to their boards of directors for their endorsement and to work to settle litigation over engaged species protections in the Delta.

On June 16, the SLDMWA, Friant Water Authority and Tehama Colusa Canal Authority signed onto the VA MOU. Additionally, since that time, in September and November, four more agencies – Contra Costa Water District, San Francisco Public Utilities Commission (SFPUC), Turlock Irrigation District (TID) and Modesto Irrigation District (MID) – have signed onto the VA MOU.

Work continues to develop the working documents associated with execution and implementation of the VA’s and workgroups for participating agencies have been formed, with the formation of a VA Science Workgroup to develop the framework of the VA’s proposed Science program, as well as the recent formation of Scheduling and Funding workgroups to ensure that the program remains coordinated.

¹¹ Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹² Available at <https://calepa.ca.gov/2022/03/29/informational-statement-state-federal-agencies-and-sacramento-river-settlement-contractors-agree-on-approach-for-2022-water-operations-on-the-sacramento-river/>

Tuolumne River Voluntary Agreement

Background

On December 12, 2018, the State Water Board adopted Bay-Delta Plan amendments and a Final SED establishing updated flow objectives on the Lower San Joaquin River, including its three eastside tributaries the Stanislaus, Tuolumne, and Merced Rivers (collectively “LSJR”), revised salinity objectives for the southern Delta, and programs of implementation to achieve the revised objectives.

In November, 2022, the State Water Board received a memorandum of understanding¹³ for a proposed Tuolumne River Voluntary Agreement. To consider the proposed voluntary agreement, the State Water Board will need to also consider modifications to the Bay-Delta Plan and prepare a staff report to support those possible changes because the Tuolumne River Voluntary Agreement does not fully conform to the current provisions of the Bay-Delta Plan.

The State Water Board has not yet determined whether to approve changes to the Bay-Delta Plan to incorporate the proposed Tuolumne River Voluntary Agreement, but is commencing preparation of the staff report to inform its consideration. In developing its environmental documentation in the staff report, the State Water Board will tier, as appropriate, from the adopted December 12, 2018, Final SED for the LSJR and southern Delta update to the Bay-Delta Plan.

Notice of Preparation of Environmental Documentation and Scoping Meeting¹⁴

The State Water Resources Control Board (State Water Board or Board) will be the lead agency and is planning to prepare a staff report, including a substitute environmental document (SED) and a report documenting the scientific basis for consideration of potential updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) to incorporate a proposed voluntary agreement for the Tuolumne River (Tuolumne River Voluntary Agreement). The State Water Board’s water quality control planning program is a certified regulatory program under the California Environmental Quality Act (CEQA) meaning the program is exempt from requirements for preparing environmental impact reports, negative declarations, or initial studies because the SED is recognized under CEQA and the regulations implementing CEQA as providing the functional equivalent.

The State Water Board is soliciting input from public agencies, California Native American tribes, and members of the public on the range of project actions; reasonable alternatives; reasonably foreseeable methods of compliance; significant environmental issues; cumulative impacts, if any; and mitigation measures that will reduce impacts to a less than significant level that should be considered in the potential Bay-Delta Plan update to consider incorporating the Tuolumne River Voluntary Agreement. For responsible and trustee agencies, the State Water Board requests the views of your agency as to the scope

¹³ Available at

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrbc-copy.pdf

¹⁴ Available at

https://www.waterboards.ca.gov/board_info/calendar/docs/2023/notice_noptuolumneva_041123.pdf

and content of the environmental information related to your agency's area of statutory responsibility that must be included in the staff report.

The State Water Board will accept written and oral comments regarding scoping elements. Written responses to this NOP must be received by **12:00 p.m. PDT (noon) on Thursday, May 25, 2023**.

State Water Board staff will hold a virtual public scoping meeting on Thursday, May 18, 2023 at 10:00 am PT to provide information and solicit input regarding the proposed Tuolumne River Voluntary Agreement. The scoping meeting will consist of a presentation by State Water Board staff regarding possible changes to the Bay-Delta Plan to incorporate the proposed Tuolumne River Voluntary Agreement. The meeting will also include an opportunity for participants to provide oral comments regarding the scope and information to be considered in the staff report environmental documentation and potential Bay-Delta Plan updates for the proposed Tuolumne River Voluntary Agreement.

San Joaquin River Restoration Program

2023 Restoration Flows

On January 19, Reclamation issued the [initial allocation](#) for the 2023 water year, providing a total 556,542 acre-feet for Restoration Flows under a Wet year type. The Restoration Administrator, an independent body stipulated by the Settlement, has provided the initial Restoration Flow schedule. This schedule is now approved by Reclamation as being consistent with the Settlement, Restoration Flow Guidelines, and applicable water rights.

This schedule includes adjustments to Friant Dam releases to the San Joaquin River in February followed by gradually rising flows through the spring using available channel capacity. Restoration Flows decline in the summer but typically maintain connectivity throughout the Restoration Area. Restoration Flows increase again in autumn into winter to support salmon reproduction, incubation, and juvenile fry emergence.

The Restoration Flow schedule has been set to the following:

Date	Friant Dam Releases	Flows Rate at Gravelly Ford
February 10 – February 28	480 – 600 cfs as required to meet the flow target at Gravelly Ford	380 cfs
March 1 – March 31	Approximately 560 cfs	380 cfs
April 1 – April 30	Approximately 600 cfs	390 cfs
May 1 – May 21	Approximately 640 cfs	400 cfs
May 22 – May 31	Decreasing to approximately 440 cfs	Decreasing to 180 cfs
June 1 – July 29	Approximately 460 cfs	180 cfs

July 30 – October 31	Approximately 480 cfs	200 cfs
November 1 – December 31	Approximately 440 cfs	240 cfs
January 1 – February 6, 2024	Approximately 420 cfs	240 cfs
February 7 – February 29, 2024	Approximately 490 cfs	310 cfs

To view the Restoration Administrator Flow Recommendation, please visit https://www.restoresjr.net/?wpfb_dl=2713. For Information about Restoration Flows, please visit <http://www.restoresjr.net/restoration-goal/restoration-flows/>. For the Restoration Administrator recommendations, please visit <http://www.restoresjr.net/documentsreports/ra-recommendations/>.

2023 Science and Engineering Meeting

The 2023 Science and Engineering Meeting¹⁵ will be held on May 2-3, from 8:30 am – 5:00 pm at the San Joaquin River Parkway and Conservation Trust. The meeting is free and open to the public and topics will include: Key Projects, Basin Hydrology and Restoration Flows, Fish Passage and Screening, Salmon Genetics, Subsidence, Fisheries Monitoring, and more.

Delta Conveyance

The Department of Water Resources (DWR) has committed to advancing further environmental planning and permitting activities, as well as public outreach and engagement, in 2023.

To help navigate the various permitting and regulatory compliance processes the project must complete prior to approval and/or implementation, DWR prepared a roadmap¹⁶ that outlines the major processes required for the Delta Conveyance Project.

The U.S. Army Corps of Engineers (USACE) issued a Draft EIS for the Delta Conveyance Project on December 16, 2022 for public review. This is a separate document and review process from DWR's Draft EIR public review process, and both are now closed. The Authority submitted a comment letter¹⁷ on the draft EIS.

¹⁵ <https://www.restoresjr.net/program-announces-2023-science-and-engineering-meeting/>

¹⁶ Available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP_PlanningProcess_Roadmap_Jan2023_Final.pdf

¹⁷ Request from Authority staff

U.S. Bureau of Reclamation

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no Draft Policies out for review.

Draft Directives and Standards

- There are currently no Draft Directives and Standards out for review.

Draft Facilities Instructions, Standards, and Techniques (FIST)

- [FIST 4-1B, Maintenance Schedules for Electrical Equipment](#) (comments due 05/25/2023)

Draft Reclamation Safety and Health Standards (RSHS)

- There are currently no Safety and Health Standards out for review.

Draft Reclamation Design Standards

- There are currently no Design Standards out for review.

San Joaquin Valley Water Blueprint

On February 15, the Blueprint Board approved the execution of a contract with the Hallmark Group for association management services and authorizing the Communications Committee to work with the Advocacy Committee to develop a Communications Plan to guide communications for the organization.

Committees

Executive/Budget/Personnel

Hallmark is assisting with a reorganization of the work groups and committees to better drive results and has presented an initial modification to the organizational structure.

Advocacy/Communications

The Communications committee is utilizing its operation plan for creating and disseminating Blueprint communications. Providence is preparing a scope for community outreach to be reviewed by the Board. The Advocacy committee is establishing a list of priorities and plan for future advocacy.

Activities

SJV/Delta Water Leaders' Summit

Blueprint coordinated and invited a select group of agricultural and water leaders from the San Joaquin Valley and the Delta region to meet and tour the Delta and SJ Valley. Due to the high flood risk in the Delta, the Planning Committee rescheduled the Summit meetings tentatively for November 2-3 to ensure that full attention is given to protecting life and property, and after harvest.

Drinking Water Feasibility Study - CSU Fresno State, FWA, Self-Help, Sustainable Conservation

The partners for the feasibility study are focused on identifying potential Fresno County districts/areas generally for recharge projects encompassing the Friant Place of Use boundaries. Initial modeling for Fresno State/California Water Institute has initially identified FID, Consolidated ID, Raisin City WD and

North Fork Kings GSA for strong recharge potential. The group is focused on multi-benefits for recharge with a focus on drinking water with measurable results.

Unified Water Plan for the San Joaquin Valley

The Blueprint and California Water Institute will be holding a kickoff meeting at ACWA to review the scope and initiate the joint development of a Unified Water Plan for the San Joaquin Valley as called for in the recently awarded Bureau of Reclamation grant.

San Joaquin Valley Water Collaborative Action Program (SJWV CAP)

Background

The CAP Plenary Group met on February 28 and approved the formation of work groups to advance the revised Term Sheet¹⁸, adopted on November 22, 2022. Phase II, Work Groups are beginning to meet and discuss priorities and drafting for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

Steering Committee members continue to meet to discuss the proposed budget and work with Reclamation regarding the requested funding.

Additionally, the CAP is currently circulating a letter to thank Governor Newsom for his Executive Order easing the process for groundwater recharge.

¹⁸ Request from Authority staff



**San Luis & Delta-Mendota Water Authority
Monday, May 1, 2023, 12:00 p.m.**

**Notice of Finance & Administration Committee Regular Meeting and
Joint Finance & Administration Committee Regular Meeting-Special Board
Workshop**

**SLDMWA Boardroom
842 6th Street, Los Banos**

Public Participation Information

Join Zoom Meeting

<https://us02web.zoom.us/j/84308274216?pwd=Q2Z5VWNnVDVKbC8yREdXenY1Rzd1UT09>

Meeting ID: 843 0827 4216

Passcode: 612138

One tap mobile

+16694449171,,84308274216#,,,,*612138# US

+16699006833,,84308274216#,,,,*612138# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 843 0827 4216

Passcode: 612138

Find your local number: <https://us02web.zoom.us/j/84308274216?pwd=Q2Z5VWNnVDVKbC8yREdXenY1Rzd1UT09>

NOTE: Any member of the public may address the Finance & Administration Committee/Board concerning any item on the agenda before or during consideration of that item.

Because the notice provides for a regular meeting of the Finance & Administration Committee ("FAC") and a joint regular FAC Meeting/Special Board workshop, Board Directors/Alternates may discuss items listed on the agenda; however, only FAC Members/Alternates may correct or add to the agenda or vote on action items.

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

Agenda

1. Call to Order/Roll Call
2. Finance & Administration Committee to Consider Additions or Corrections to the Agenda for the Finance & Administration Committee Meeting only, as Authorized by Government Code Section 54950 et seq.
3. Opportunity for Public Comment – Any member of the public may address the Finance & Administration Committee/Board concerning any matter not on the Agenda, but within the Committee's or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Finance & Administration Committee may waive this limitation.

ACTION ITEMS

4. **Finance & Administration Committee to Consider Approval of April 3, 2023 Meeting Minutes**
5. **Finance & Administration Committee to Consider Recommendation to Board of Directors to Accept the Treasurer's Report for the Quarter Ending March 31, 2023, Tarka**
6. **Finance & Administration Committee to Consider Recommendation to Board of Directors to Adopt Resolution Authorizing Award of Contract, Execution of Construction Agreement for O'Neill Pumping-Generating Plant Power Transformer Rehabilitations, and Expenditure of up to \$3.2 Million from the FY22 and FY23 EO&M Budgets; CEQA Exemption, Martin/McNeil**
7. **Finance & Administration Committee to Consider Recommendation to Board of Directors Regarding OM&R Rate Setting Methodology/Practice, Tarka**

REPORT ITEMS

8. Update on Status of Reserve / EO&M Funds
9. FY24 Activity Agreements Budget to Actual Report through 3/31/23
10. FY24 O&M Budget to Actual Report through 3/31/23
11. Procurement Activity Report
12. Executive Director's Report, Barajas
(May include reports on activities within the Finance & Administration Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response)
13. Committee Member Reports
14. Reports Pursuant to Government Code Section 54954.2(a)(3)
15. **ADJOURNMENT**

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org. Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes, or other obligations. Any projections, plans, or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes, or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
FINANCE & ADMINISTRATION COMMITTEE REGULAR MEETING AND
JOINT SPECIAL WORKSHOP OF THE FINANCE & ADMINISTRATION
COMMITTEE, BOARD OF DIRECTORS, AND WATER RESOURCES COMMITTEE
MINUTES FOR April 3, 2023**

The Finance & Administration Committee of the San Luis & Delta-Mendota Water Authority convened at approximately 12:00 p.m. at 842 6th Street in Los Banos, California, with Chair Anthea Hansen presiding.

Members and Alternate Members in Attendance

Ex Officio

Cannon Michael
William Bourdeau

Division 1

Anthea Hansen, Member - Lea Emmons, Alternate

Division 2

Justin Diener, Member

Division 3

Chris White, Member - Jarrett Martin, Alternate

Division 4

Joyce Machado, Member - Dana Jacobson, Alternate

Division 5

Bill Pucheu, Member (arrived during item 6) - Manny Amorelli, Alternate

Friant Water Authority

Jason Phillips, Member - Wilson Orvis, Alternate

Board of Directors Present

Division 1

Anthea Hansen, Director
Lea Emmons, Alternate

Division 2

Justin Diener, Alternate
William Bourdeau, Director
Bill Diedrich, Director

Division 3

Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Director

Division 4

Steve Wittry, Director
Joyce Machado, Alternate

Division 5

Bill Pucheu, Director
Manny Amorelli, Director

Water Resources Committee Present

Ex Officio

Cannon Michael
William Bourdeau

Division 1

Anthea Hansen, Alternate

Division 2

Bill Diedrich, Member

Division 3

Chris White, Alternate

Division 4

Steve Wittry, Alternate

Division 5

Manny Amorelli, Member

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Scott Petersen, Water Policy Director
Rebecca Akroyd, General Counsel
Rebecca Harms, Deputy General Counsel
Raymond Tarka, Director of Finance
Stewart Davis, IT Officer

Others in Attendance

Bobbie Ormonde, Westlands Water District (via ZOOM)
Jim Erickson, Friant Water Authority
Chase Hurley, Pacheco Water District
Sarah Woolf, Water Wise

1. Call to Order/Roll Call

Chair Anthea Hansen called the meeting to order at approximately 12:00pm and roll was called.

2. Additions or Corrections to the Agenda

No corrections or additions.

3. Opportunity for Public Comment

No public comment.

4. Finance & Administration Committee to Consider Approval of the March 6, 2023 Meeting Minutes, and March 13, 2023 Workshop Minutes.

Chair Anthea Hansen deemed the March 6, 2023 meeting minutes, and March 13, 2023

workshop minutes approved with a minor edit to the March 6, 2023 meeting minutes.

5. Finance & Administration Committee to Consider Recommendation to Ratify Purchase of Front End Loader and Related Expenditure of \$217,662 from FY24 EO&M Budget.

Chief Operating Officer Pablo Arroyave reported that the Fiscal Year 2024 EO&M Budget adopted by the Authority Board of Directors in January 2023 includes funds (\$231,750) for the purchase of a front-end loader. Arroyave reported that staff utilized cooperative purchasing agreement procurement through Sourcewell to obtain quotes from John Deere (\$217,662) and Caterpillar (\$247,336). Arroyave reported that all Sourcewell contracts have been previously competitively solicited. Arroyave reported that the John Deere product was chosen because it met all of the requirements of the Authority and was priced lower than the Caterpillar option.

On a motion made by Member Justin Diener, seconded by Member Chris White, the Committee recommended the Board of Directors ratify purchase of front end loader and related expenditure of \$217,662 from FY24 EO&M budget. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diener, White, Machado, Amorelli, Phillips
NAYS:	None
ABSTENTIONS:	None

6. Finance & Administration Committee to Consider Recommendation to Board of Directors to Authorize Purchase of Dump Truck and Related Expenditure of Up To \$230,000 from EO&M Budgets.

Chief Operating Officer Pablo Arroyave reported that the acquisition of heavy equipment and vehicles for the Authority has become increasingly difficult due to supply chain issues and the prices of equipment have increased between 20% to 30%. Arroyave reported that during FY23, Authority staff made several attempts to enter into a contract with vendors for the purchase of a dump truck, however, staff was advised on several occasions that there was no availability due to supply chain issues. Arroyave reported that March 2023, one of the Authority's regular vendors notified staff that they had a model year 2024 dump truck available with government pricing discounts; the total price is approximately \$227,000, which is approximately \$42,000 (23%) over the projected and budgeted cost of \$185,000. Arroyave reported that although the anticipated expenditure represents an increase of \$42,000 over the budgeted line item, there will be no impact to the overall FY24 EO&M budget. Arroyave reported that the increase will be paid for using unused EO&M funds collected for heavy equipment and vehicle purchases over the last 3 fiscal

years. Staff responded to questions regarding unused EO&M funds, and committee to providing additional detail in future meetings.

On a motion made by Member Justin Diener, seconded by Member Joyce Machado, the Committee recommended the Board of Directors authorize purchase of dump truck and related expenditure of up to \$230,000 from EO&M budgets. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diener, White, Machado, Pucheu, Phillips
NAYS:	None
ABSTENTIONS:	None

7. Finance & Administration Committee to Consider Recommendation to Board of Directors to Approve Second Adjustment to Water Year OM&R Water Rates.

Executive Director Federico Barajas presented the item. Barajas began by reviewing the memo provided to the committee stating that March 28th Reclamation has increased allocations to agricultural contractors from 35% to 80%. Since this was a significant increase, staff presented two options for FAC consideration: 1. Approve second revised WY2023 OM&R water rates as calculated on the 80% Ag allocation, 100% M&I allocation applied retroactively to deliveries made on or after March 1, 2023; or 2. Delay approval of second revision to WY2023 OM&R water rates until after (a) a new member-reported estimated delivery survey is completed, and/or (b) an additional increase to the Ag allocation is made in April 2023. Barajas noted that the anticipated Ag increase in April would not have a drastic impact on water rates.

On a motion made by Member Justin Diener, seconded by Member Jason Phillips, the Committee recommended the Board of Directors approve second adjustment to Water Year 2023 OM&R Water Rates using the 80% Ag allocation. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diener, White, Machado, Pucheu, Phillips
NAYS:	None
ABSTENTIONS:	None

REPORT ITEMS

8. Discussion Regarding OM&R Rate Calculation Methodology

Executive Director Federico Barajas introduced the item and referred to Director of Finance Ray Tarka to begin the presentation. Tarka began by stating staff reviewed final accountings from WY10 through WY20. Based on these eleven years, the Authority has had an

average refund due to members of \$3,493,341. However, when comparing to the budgeted amount, the rates were fairly accurate. There are two factors that play into the significant variation between the budgeted and actual costs: PUE and DWR power. Annually, DWR provides estimates to the Authority and this is what is used when calculating rates. A true-up of these estimates are then completed by DWR 1-2 years later. Tarka went on to compare estimated rate volumes to actual rate volumes and discussed the accuracy of this process. From there, Tarka presented a minimums test where a 25% minimum participation was applied to a water year to show effects to contractors. After further discussion, the committee requested that potential changes to rate calculation methodology be brought back as an action item to determine if additional analysis is needed or a change in Authority's methodology.

9. FY23 Activity Agreements Budget to Actual Report through 2/28/2023

Director of Finance Raymond Tarka reported the Budget to Actual Comparison Summary through February 28, 2023 for the member-funded activities. Tarka stated that for the twelve-month period, the budget was trending positive overall with actual spending through February 28, 2023 at 57.92% of the approved budget.

10. FY23 O&M Budget to Actual Report through 2/28/23

Director of Finance Raymond Tarka reported that for WY22, the self-funded routine O&M expenses through February 28, 2023 were under budget by \$1,939,235. The water year 2021 final accountings were sent out for 30-day final review beginning February 27, 2023 and are to be completed once the fiscal year 2022 audit is finalized. The Intertie true-up remains outstanding, as well as the fiscal year 2022 audited financial statements.

II. Procurement Activity Report

Director of Finance Raymond Tarka presented the procurement activity report for the period of March 1st through March 28th. On March 9th, the Authority awarded a contract to Powell for JPP UZ11A switchgear repairs. The contract amount was \$184,517 and the funding source is the EO&M budget. On March 15th, the Authority awarded a contract to Kingsbury, Inc. for JPP Unit 3 bearing repair. The contract amount was \$128,320 and the funding source is the EO&M budget. There were no reported contract change orders issued during this period.

12. Executive Director's Report

Executive Director Federico Barajas informed the committee that during the Water

Resources Committee meeting, positions on eight state bills were recommended to advance as proposed by staff. Secondly, there is a SJVCAP meeting and tour of the Westside that several members will be participating in tomorrow. Barajas then referred to Water Policy Director Scott Peterson to provide additional detail on the tour.

13. Committee Member Reports

No reports.

14. Reports Pursuant to Government Code Sec 54954.2

No reports.

15. Adjournment.

The meeting was adjourned at approximately 1:54 p.m.



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: MAY 1, 2023

This memo is intended to keep you apprised as to what is happening regarding policy issues the Family Farm Alliance (Alliance) is engaged in. In the past month, much of our efforts have focused on initiating action items following our 2023 annual conference, preparing for and testifying at a House subcommittee hearing, advancing farm bill ideas with Western Senator and committee staff, and engaging in litigation and administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. Office of Information and Regulatory Affairs (OIRA): Regulatory Review

The White House Office of Management and Budget OIRA announced two important steps to improve the federal regulatory review process. First, President Biden signed an [executive order](#) that will increase the threshold for benefit cost analysis to \$200 million from \$100 million in annual effects and directs that it be adjusted for GDP growth every three years. This change is intended to help return the number of regulations subject to more rigorous review to levels consistent with earlier administrations. OIRA has also already been [engaging with members of the public](#) to seek feedback on ways to improve public participation in the regulatory process, and the executive order will build on this progress. Second, OIRA is also issuing proposed revisions to its government-wide guidance on regulatory analysis, Circular A-4. The revision updates the discount rate that translates future costs and benefits into present-day values, provides greater support for analyzing distributional effects, and provides more thorough guidance for accounting for risk and uncertainty. OMB is also proposing regulations to [A-94](#), last revised in 1992, which provides guidance on how federal grant money is spent each year.

2. Executive Order on Environmental Justice

President Joe Biden last month issued an Executive Order (EO) on Revitalizing Our Nation’s Commitment to Environmental Justice for All, which calls for advancing environmental justice across the federal government. According to the EO, “environmental justice” means “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: 1) are fully protected from disproportionate and adverse human health and environmental effects and hazards; and 2) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices”. Among other things, the order directs that National Environmental Policy Act (NEPA) reviews be carried out in a manner that analyzes the effects of federal actions on communities with environmental justice concerns. It also includes the creation of a new office of environmental justice within the White House Council on Environmental Quality (CEQ). House Republicans quickly hammered the proposal. CEQ intends to issue interim guidance by October 2023 that informs agency implementation of the EO, with final guidance due by October 2024.

3. White House: Challenge to End Hunger and Build Healthy Communities

Last fall, I reported to you that the Biden administration had hosted a September conference focused on nutrition, health, and hunger in America. The White House said the conference was intended to help craft a national strategy to "identify steps the government will take and catalyze the public and private sectors to address the intersections between food, hunger, nutrition, and health." The conference's goals included improving food access and affordability, integrating nutrition and health, and empowering consumers to make healthy food choices. The timing of the conference was held amidst record-high food prices in this country. In the lead-up to the conference, the Biden administration announced billions of dollars in public and private contributions—the latter including money and other resources provided by companies such as Doordash, Chobani, Google, and the National Grocers Association—as part of a "transformational vision" to help end hunger and reduce diet-related diseases such as diabetes by 2030. The White House recently rolled out its “Challenge to End Hunger and Build Healthy Communities” in an effort to meet President Biden’s goal to “end hunger and reduce diet-related diseases” by 2030. Here’s [the fact sheet](#) that announces new public and private sector actions to “continue momentum” from the “historic” White House hunger conference. As continues to be the case with this initiative, there is no mention made of the farmers who actually produce and provide healthy food, and the importance of keeping them in business.

4. White House CEQ: Snake River Dam Removal

On March 31, CEQ conducted a “listening” session to garner public input on proposals to remove Lower Snake River dams. Agricultural water users throughout the Pacific Northwest region have a strong interest in these discussions. Unfortunately, their voices have not been fully included in

these processes. The Alliance’s request to speak at the March 31 listening session hosted by CEQ on the Lower Snake River dams to hear public perspectives on the projects was not granted. Still, some of our members participated in the listening sessions, which were advertised as opportunities for “non-parties” to the litigation to provide input. Instead, the vast majority of the comments generated at the sessions came from the plaintiff groups involved in the litigation, and their affiliates (“8-1 in favor of dam removal”, according to one person who participated). Our members “listened” in dismayed silence as pro-dam breaching advocates dominated the discussion with their talking points. We were asked by some of our Idaho members to send a letter to U.S. Department of Agriculture (USDA) Secretary Vilsack to engage in this process to provide a new perspective. Last month, we transmitted a final letter that highlights our concerns and explains that dam removal would certainly impact irrigated agriculture's ability to export food. The letter highlights food security, which is one of our touchstones.

In the meantime, Congresswoman Cathy McMorris Rodgers and her colleague Rep. Dan Newhouse, both of Washington, introduced legislation last month to protect the four lower Snake River dams. The move came just a few days after President Biden said at the White House Conservation Summit (*reported to you in last month’s update*) that he is committed to working with Rep. Mike Simpson (R-IDAHO) and Washington senators Patty Murray and Maria Cantwell, both Democrats, to save Columbia and Snake river salmon (although the President mistakenly referred to the wrong river in his commitment to bring healthy and abundant salmon runs back to the Colorado River system). President Biden did not say he supports dam breaching and of the politicians he mentioned, only Rep. Simpson has publicly backed the idea.

5. Department of Interior, Bureau of Reclamation

a. Asset Management Report

In 2019, Congress passed the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law No. 116-9, Title VIII, Subtitle G – Bureau of Reclamation Transparency Act (Transparency Act). The Transparency Act requires the Bureau of Reclamation (Reclamation) to provide Congress with a detailed assessment of major rehabilitation and replacement (MR&R) needs, categorization of these repair needs, and regular reporting of information related to Reclamation’s investments in infrastructure. The Asset Management Report (Report) to Congress is a biennial submission. In compliance with the Transparency Act, Reclamation transmitted the first Report to Congress in 2021 and has now submitted the second Report to Congress, both of which can be accessed at <https://www.usbr.gov/infrastructure>.

b. Climate Change Adaptation Strategy

Reclamation two weeks ago released its Climate Change Adaptation Strategy that outlines how Reclamation will combat climate change. The strategy also affirms Reclamation will use “leading science and engineering” to adapt to human-caused climate change. There are four goals:

1. Increase water management flexibility.
2. Enhance climate adaptation planning.
3. Improve infrastructure resilience.
4. Expand information sharing.

Reclamation's [2021 West-wide Climate and Hydrology Assessment](#) identified the human-induced climate change impacts expected to impact the West through the rest of this century. You can read the entire Climate Change Adaptation Strategy at www.usbr.gov/climate.

c. Infrastructure Funding Announcements

Biden Administration Cabinet members and the White House have been busy in recent weeks, announcing boat loads of new infrastructure projects, funded courtesy of the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). Recall that the IIJA includes \$8.3 billion for the Bureau of Reclamation (Reclamation), as part of a proposal advanced by over 230 water, ag and urban organizations. That coalition was led by a steering committee that included the Alliance, Association of California Water Agencies, California Farm Bureau Federation, National Water Resources Association and Western Growers. The IIJA investment will repair aging water delivery systems, secure dams, complete rural water projects, and protect aquatic ecosystems. Detailed information on Reclamation programs and funding provided in the IIJA is available on Reclamation's website: <https://www.usbr.gov/bil/>.

i. Water Conservation and Efficiency Projects

The Department of the Interior last week announced a \$140 million investment for [water conservation and efficiency projects](#) as part of the President's Investing in America agenda to enhance the resilience of the West to drought and climate change. Funding for 84 projects in 15 western states, provided through the IIJA and annual appropriations, will go to irrigation and water districts, states, Tribes and other entities and are expected to conserve over 230,000 acre-feet of water when completed. In the Colorado River Basin, 12 projects will receive more than \$20 million in federal funding from today's announcement, resulting in more than \$44.7 million in infrastructure investments. Once completed, the projects will result in a combined annual water savings of more than 29,000 acre-feet in the Colorado River System. Another 32 projects selected in California will receive \$46.7 million in federal funding. The projects will result in more than \$164.3 million in infrastructure investments in the state and a combined annual savings of more than 65,000 acre-feet once completed, according to Reclamation.

ii. Aging Infrastructure Funding Announcement

Interior two weeks ago [announced](#) the funding choices for their FY 2023 Aging Infrastructure Account projects – this includes funding for 83 projects in 11 states - and Interior Assistant Secretary Tanya Trujillo two weeks ago told me Interior will be continuing to work on additional

funding opportunities and awards throughout the year. Many Alliance members' projects made the list.

iii. \$20 Million from IJA for Drought Resilience Projects

Interior two weeks ago announced \$20 million for four small surface and groundwater storage projects in California and Utah. These projects, funded through the IJA, are essential tools to help conserve water and increase the efficiency of water use in the Colorado River Basin. The announcement came as Department and White House officials were traveling across the Colorado River Basin as part of the "Investing in America" tour to highlight investments from the IJA and the IRA (*see Item 15 for additional Colorado River funding announcements*). Projects announced include three projects in California and one in Utah, including \$9.5 Million for Imperial Irrigation District's Upstream Reservoir Storage Project, \$4.7 Million for Groundwater Banking Joint Powers Authority's Phase 1 of the Kern Fan Groundwater Storage Project, and \$1 Million for Del Puerto Water District's Orestimba Creek Recharge and Recovery Project. The Small Storage Program was authorized by the IJA. Projects must have a water storage capacity of between 200 acre-feet and 30,000 acre-feet. On September 14, 2022, Reclamation published the first funding opportunity for the Small Storage Program, which closed on December 9, 2022. Eligible projects completed a feasibility study, which was submitted to Reclamation for review.

c. WaterSMART Aquatic Ecosystem Projects

The Department of the Interior has announced a solicitation for the [WaterSMART Aquatic Ecosystem Projects](#). The purpose of this program is to invite eligible applicants to leverage their money and resources by cost sharing with Reclamation on Aquatic Ecosystem Restoration Projects, including study, design and construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Funding is available through two separate categories:

- Task A: Study and Design: Projects must include study and design activities to develop an aquatic ecosystem restoration project, resulting in the development of a study and design package that can be used to apply for funding under Task B. To be eligible to apply for Task B, applicants must have conducted study and design activities resulting in a design package at a 60 percent design level. A 60 percent design package should include technical study and design documentation supporting the preferred alternative in sufficient detail to be able to obtain the necessary permits and estimate funding required for project implementation.
- Task B: Construction: To be eligible under this category, projects must include the construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage.

Eligible applicants are states, tribes, irrigation districts, water districts, and other organizations with water or power delivery authority located in Reclamation States, including entities and organizations that own a dam that is eligible for upgrade, modification, or removal. Nonprofit conservation organizations working in partnership with the entities listed above or that notify entities listed above are also eligible to apply. Awardees must provide at least 35 percent of the total project cost as a matching share. **Proposals for the program are due by June 1, 2023.**

DEVELOPMENTS IN CONGRESS

The House and Senate are in session this week.

6. House NR Subcommittee Hearing: CRA Resolutions Disapproving ESA Protections

The House Natural Resource Water, Wildlife and Fisheries (WWF) Subcommittee last month held a hearing on a number of GOP-led Congressional Review Act (CRA) resolutions disapproving the Biden Administration's implementation of the Endangered Species Act (ESA), along with a Democratic proposal to protect the North Atlantic right whale. One of the resolutions- [H.J. Res. 46](#) by Rep. Cliff Bentz (R-OREGON), would roll back a Biden Administration rule that ended a Trump Administration rule on designating critical habitat under the ESA. Family Farm Alliance General Counsel Norm Semanko testified at this hearing in support of this resolution. Critical habitat designations can carry with them significant economic and regulatory burdens that must be shouldered by agricultural water managers and rural communities, which our written testimony outlines. The House Committee on Natural Resources favorably reported H.J. Res. 46 and eight other bills out of committee last week.

7. GOP Members Visit Fresno to Discuss Water Storage Challenges

House Committee on Natural Resources Chairman Bruce Westerman (R-Ark.), WWF Subcommittee Chairman Cliff Bentz (R-OREGON) and U.S. Reps. David Valadao (R-CALIFORNIA) and John Duarte (R-CALIFORNIA) last month hosted Members for a field hearing and site visits to examine California's continued water storage issues and their impact on local communities. The Members toured Friant dam and a local dairy farm site that has been damaged from recent floods, and conducted a legislative field hearing on H.R. 215 "[WATER for California Act](#)" and H.R. 872 "[FISH Act](#)" at the World Ag Expo in Tulare. Five witnesses with ties to the Family Farm Alliance members testified at this hearing. We sent out an "Issue Alert" the day before the hearing that identified those witnesses and included links to their written testimony.

H.R. 872 (Calvert) streamlines and improves the federal regulatory process related to endangered fish protections. House Science, Space and Technology Committee Chairman Frank Lucas (R-OK) has drafted related legislation, the "*National Oceanic and Atmospheric Administration Act of 2023*" which would pull NOAA from the Department of Commerce and direct a study on whether

NOAA's work on marine mammal protections and ESA-listed anadromous and catadromous fish species ought to be handled by the Interior Department instead. President Richard Nixon created NOAA under the Commerce Department by executive order in 1970. Since then, the agency has operated under patchwork more than 200 legislative authorities. During a House Science, Space and Technology Committee hearing last month, three former NOAA Administrators who all served during Republican Administrations, agreed that authorizing NOAA as a new executive branch agency and moving the agency out of the Department of Commerce would streamline and improve operations, bolster scientific integrity and facilitate crucial partnerships with private entities. The Alliance has long supported earlier versions of the FISH Act, and I previously testified on a related bill in the 116th Congress.

8. House GOP Moving Energy Package to Include Permitting Reform Bill

House Republicans passed a sprawling energy bill in late March, intended to restore energy independence. *The Lower Energy Costs Act* (H.R. 1) focuses on increasing domestic energy production, reversing policies advanced by the Biden administration, and boosting production and processing of critical minerals. It also includes important permitting process reforms for all industries. The bill passed by a 225-204 vote, with four Democrats joining Republicans to pass the bill and one Republican legislator voting against. H.R. 1 includes the "*BUILDER Act of 2023*," legislation from Rep. Garret Graves (R-LA), would shorten the time allowed to complete environmental reviews and to file lawsuits challenging those reviews under the National Environmental Policy Act (NEPA). The BUILDER Act would limit to one and two years the length of NEPA environmental assessments and impact statements, respectively. It would also place a deadline of 120-days for parties to file lawsuits related to projects.

We've been working with GOP staff at the House Natural Resources Committee for the past year on ways to modernize implementation of NEPA. We are always looking for ways to clarify ambiguous provisions, align NEPA with relevant case law, reflect modern technologies, optimize interagency coordination, and facilitate a more efficient, effective, and timely environmental review process. The BUILDER Act could garner bipartisan support as renewable energy as well as traditional energy projects are slowed due to NEPA process delays. Water infrastructure projects are also sometimes delayed by the NEPA process. The GOP package, including the NEPA reforms, was approved by the Committee and will be taken up by the full House later this spring, even though House Democrats on the Natural Resources Committee remain staunchly opposed to the package. The package may also pick up other bills from various House committees in the process. But most Democrats and the White House dismissed the Republican bill as reviving fossil fuel-centric policies or gutting environmental permitting processes. The bill likely won't advance in the Democratically controlled Senate.

9. 2023 Farm Bill

The Senate Agriculture Committee is ramping-up farm bill activity as policy ideas and support for those ideas assessed. We've been working with our allies in agriculture and the conservation

community to advance its platform, which focused primarily on the farm bill’s conservation title. We’re looking to fine-tune USDA conservation programs that deliver cross-sector benefits to farming, ranching, and conservation. These programs need to deliver measurable conservation outcomes in a simple way, without harming environmental interests or program integrity. The farm bill is an omnibus, multiyear law that is typically renewed about every five years. With enactment of the omnibus spending bill in December 2022, lawmakers laid the groundwork for battles to come in the next farm bill. The current farm bill expires at the end of September.

a. Capitol Hill Politics

Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) and Ranking Member John Boozman (R-Ark.), are finalizing a schedule that will drive discussion of major priorities and funding issues. Key spending challenges that have already surfaced include the Supplemental Nutrition Assistance Program (SNAP) and increasing reference prices in the Price Loss Coverage program. SNAP eats up 80 percent of the farm bill’s spending but must be hammered out to secure Democrat support for the farm bill. Republicans want to see expanded work requirements in SNAP, which will be strongly resisted by Democrats. Senator Boozman, meanwhile, has called for more vigorous USDA enforcement of work requirements and for states to “no longer be allowed to game the system” through work requirement waivers, according to *POLITICO*.

Republicans on the House Ag Committee said during a hearing earlier this year that a new farm bill directly addresses federal regulations that they say are impeding production. Chairman Thompson and other House Ag Committee leaders also do not believe sufficient resources are dedicated by Congress for the farm bill. It remains to be seen whether the Budget Committee will grant their wish (*POLITICO*).

b. Family Farm Alliance Engagement on 2023 Farm Bill

The Alliance began ramping up its own Farm Bill advocacy efforts last year, working with conservation partners, developing testimony for Congressional hearings, and working with its members to prioritize its energies in the farm bill debate. Earlier this year, we put together our Farm Bill wish lists for Congressional offices and committees. Once again, the Alliance will work closely on this with its partners in the Western Agriculture and Conservation Alliance -the “WACC” – on the conservation title. The WACC recently finalized its Farm Bill platform, which, among other things, puts priority on improving implementation of the Watershed and Flood Prevention Operations (“PL-566”) and the Regional Conservation Partnership Program, encouraging active management for grazing, and seeking to provide better and faster conservation program technical assistance and compliance. The Alliance has also been working with Western Growers and several Western state Farm Bureaus to push more ag-centric priorities, starting with Western Senators and Ag Committee Members. We’ll also be working to set up meetings with staffers from the Congressional ag committees.

10. OpenET Act

A bipartisan coalition of Western lawmakers in late March reintroduced their "*Open Access Evapotranspiration Data (OpenET) Act*," filed as H.R. 4832 and S. 2568 in the 117th Congress to create a new program in the U.S. Geological Survey (USGS) that could be used to track water lost to evaporation and transpiration from soil, crops and vegetation in a river basin. Rep. Susie Lee (D-NEVADA), whose district includes parts of Las Vegas, sponsored the House bill along with Rep. Jared Huffman (D-CALIFORNIA) and Reps. Burgess Owens (R-UTAH) and Chris Stewart (R-UTAH). Bill sponsors say that data could prove crucial to many drought-stricken river basins in the West, including the Colorado River Basin. Sens. Catherine Cortez Masto (D-NEVADA) and John Hickenlooper (D-COLORADO) introduced the bill in the Senate.

Evapotranspiration can be tracked with satellites and weather stations, although critics of the legislation argue that making such data widely available to the public using federal resources, which is made possible by the OpenET legislation, must be subject to existing data privacy and data quality laws as well as be peer-reviewed for accuracy. We share the concerns expressed by other agricultural producers in the West regarding S. 2568, which would inject major federal funding into the OpenET program. We stand ready to work with the sponsors of these and similar proposals to ensure they do not have unintended consequences for Western agriculture and water management. Hopefully, the OpenET discussions will lead to opportunities where we can generate political interest that drives science to get things right on things like the relatively unknown shallow groundwater / surface water relationship in many areas of the Upper Colorado River Basin. Right now, we're checking the pulse of other state, regional and national ag groups, who appear to me to be getting more nervous about this legislation as time goes on.

ALLIANCE INITIATIVES

11. Clean Water Act "Waters of the U.S." (WOTUS)

The House of Representatives last month failed to override President Joe Biden's veto of a resolution under the Congressional Review Act (CRA) to undo a rule defining the Clean Water Act's reach by defining "waters of the U.S.," or WOTUS. House Republicans ultimately failed on a 227-196 vote to meet the two-thirds majority required to override a Presidential veto. Republicans did, however, get 10 Democrats to defy the President. They include House Agriculture ranking member David Scott and Rep. Sanford Bishop, ranking member of the Appropriations Subcommittee on Agriculture. Nine House Democrats and four Senate Democrats joined Republicans in voting for the CRA resolutions against the EPA and Army Corps of Engineers WOTUS rule, sending the measure to President Biden's desk last month.

Now with that effort vetoed, WOTUS rule opponents are now looking to the courts for relief. Judges have already blocked the rule in 26 states. U.S. District Judge Daniel Hovland issued a preliminary injunction in a case two dozen Republican state attorneys general brought against the U.S. Environmental Protection Agency and the Army Corps of Engineers. "The Court finds that

the 2023 Rule is neither understandable nor ‘intelligible’, and its boundaries are unlimited,” Judge Hovland noted in his ruling.

The Supreme Court’s pending decision in *Sackett v. EPA* could materially affect the Biden rule’s scope. The Family Farm Alliance is one of 14 agricultural organizations who submitted a brief as “friends of the court” in support of the plaintiffs, an Idaho couple who brought suit against EPA during the Obama Administration. And most recently, the U.S. Court of Appeals for the Sixth Circuit is temporarily blocking enforcement of the Biden Administration’s WOTUS rule in Kentucky in order to provide a federal court in the Commonwealth time to consider state and industry motions for a preliminary injunction pending appeal, bringing to 27 the number of states where the Biden WOTUS rule has been stayed.

12. Colorado River Initiative

Reclamation last month released its [April 24-Month Study](#), which includes an increase to downstream flows from Lake Powell to Lake Mead of up to 9.5 million acre-feet (maf) this water year (Oct. 1, 2022 through Sept. 30, 2023). Glen Canyon Dam’s annual release volume for water year 2023 was initially set at 7.0 maf, based on the August 2022 24-Month Study, and is now projected to increase to up to 9.5 maf because of high snowpack this winter and projected runoff in the Colorado River Basin this spring. While this water year’s projections are above average, the Colorado River Basin is experiencing severe drought conditions and system reservoirs remain at historically low levels.

Reclamation earlier this month released their draft Supplemental Environmental Impact Statement (SEIS), the Biden Administration’s plan to overhaul the 2007 Colorado River Interim Guidelines, rules that dictate how much water is withdrawn from the Lake Powell and Lake Mead reservoirs based on their current surface elevations. The draft SEIS is available for public comment for 45 calendar days. The three alternatives in the draft SEIS (as summarized by Reclamation) are listed below; Reclamation did not designate a “preferred alternative.”

- **No Action Alternative:** The No Action Alternative describes the consequences of continued implementation of existing agreements that control operations of Glen Canyon Dam and Hoover Dam, including under further deteriorating hydrologic conditions and reservoir elevations.
- **Action Alternative 1:** Action Alternative 1 models potential operational changes to both Glen Canyon Dam and Hoover Dam. Action Alternative 1 includes modeling for reduced releases from Glen Canyon Dam, as well as an analysis of the effects of additional Lower Colorado River Basin shortages based predominately on the **priority of water rights**. Action Alternative 1 models progressively larger additional shortages as Lake Mead’s elevation declines, and larger additional shortages in 2025 and 2026, as compared with 2024. The total shortage contributions in 2024, including those under existing agreements,

are limited to 2.083 million-acre-feet because this is the maximum volume analyzed in the 2007 Interim Guidelines final environmental impact statement.

- **Action Alternative 2:** Action Alternative 2 is similar to Action Alternative 1 in how it models potential operational changes to both Glen Canyon Dam and Hoover Dam. Action Alternative 2 includes modeling for reduced releases from Glen Canyon Dam, as well as an analysis of the effects of additional Lower Colorado River Basin reductions that are distributed in the **same percentage** across all Lower Basin water users under shortage conditions. The total shortage contributions in 2024, including those under existing agreements, are limited to 2.083 million-acre-feet because this is the maximum volume analyzed in the 2007 Interim Guidelines FEIS.

The full document can [be found here](#) and a Reclamation press release can be [found here](#).

The SEIS is an attempt by the Administration to save hydropower production on the river, which serves some 40 million individuals in seven states and millions of acres of irrigated crop lands, by raising water levels in Lake Powell and Lake Mead and protecting downstream water deliveries from “dead pool” levels, which have been dropping precipitously during recent drought years. The Department of the Interior began working on this plan in October 2022 after the seven Colorado River Basin states — Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming — missed a deadline to propose their own cuts. Since June, the Biden Administration has pressed the seven basin states to outline their own solution. Bureau of Reclamation Commissioner Camille Calimlim Touton announced her agency would need between 2 million and 4 million acre-feet in cuts to keep hydropower facilities operating.

Ahead of Reclamation’s release of the draft SEIS, six states agreed on a plan that would put the basin's most senior water user, California, on par with the most junior users, Arizona and Nevada in spreading out the necessary cuts in water deliveries from the river. In contrast, California offered its own plan adhering to water right seniorities on the river. In announcing the draft SEIS, senior Interior officials noted that the alternatives should give the seven Basin States bookends to work within to continue to collaborate and develop a consensus alternative for future reductions in water deliveries from the river. The Family Farm Alliance in March 2022 adopted a policy brief that outlines the pro-agriculture principles that we will continue to advance as new operation guidelines are developed. I’ll be participating in an agricultural panel discussion at the upcoming CLE Colorado River Policy conference in Scottsdale (ARIZONA) next month.

This is a quick summary of just a few of the issues the Alliance has been engaged in. Please do not hesitate to contact me at dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.