



**Notice of San Luis & Delta-Mendota Water Authority
Board of Directors Regular Meeting
Thursday, November 9, 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/84157158440?pwd=Snd5cXlxdUlyWWJyK0hveWhBcFRcZDZ09>

**Meeting ID: 841 5715 8440
Passcode: 206673**

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+16694449171,,84157158440#,,,,*206673# US
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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. 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.

4. **Board of Directors to Consider Approval of October 5, 2023 Meeting Minutes**
5. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**

6. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Acceptance of Treasurer's Report for the Quarter Ending September 30, 2023**
7. **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

8. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Adoption of Staff Recommendation for Positions on Legislation, Petersen**
 - a. H.R. 5664 (Schrier), Water Infrastructure Finance and Innovation Act Amendments of 2023
9. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Adoption of Resolution Authorizing Application for Extended Repayment and Funding in the Amount of up to \$873.1M from the Aging Infrastructure Account in Fiscal Year 2024 for Extraordinary Maintenance Work on O'Neill Pumping-Generating Plant and the Delta-Mendota Canal, Arroyave**
10. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Emergency Reserve Fund Expenditure Repayment, Arroyave**
11. **Board of Directors to Consider Adoption of Resolution Adopting the 2024 Regular Meeting Calendar for the San Luis & Delta-Mendota Water Authority Board of Directors, Water Resources Committee, and Finance & Administration Committee, Barajas**
12. **Board of Directors to Consider Adoption of Resolution Authorizing Execution of the Exchange Contractors 2024-2025 Transfers Activity Agreement and Actions Related Thereto, Arroyave/Harms**
13. **Board of Directors to Consider Adoption of Resolution Authorizing Execution of the Exchange Contractors 2024-2025 Transfer Agreement and Actions Related Thereto, Arroyave/Harms**

Report Items

14. Update on Executive Director and General Counsel Performance Evaluation Process
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, Arroyave
(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, Arroyave/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. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 3 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 – 3 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. 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)
- E. 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)
- F. CDWR Water Operation Cases, Sac. 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)
- G. 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)
- H. 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)
- I. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- J. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

23. Return to Open Session / Report from Closed Session, if any Required by Government Code Section 54957.1

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

25. 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
NOVEMBER 9, 2023

7357 W. Tenaya Ave
Fresno, CA 93723

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD OF
DIRECTORS REGULAR MEETING
MINUTES OCTOBER 5, 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
Vince Lucchesi, Alternate for Bobby Pierce
Anthea Hansen, Director
Ed Pattison, Director - Lea Emmons, Alternate (via ZOOM)

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
Ric Ortega, Director

Division 4

Aaron Baker, Alternate for John Varela
Steve Wittry, Director
Joe Tonascia, 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
Scott Petersen, Water Policy Director
Ray Tarka, Director of Finance
Bob Martin, Facilities O&M Director
Stewart Davis, IT Officer

Others in Attendance

Dana Jacobson, Valley Water
Martin Rauch, Rauch Communication Consultants Inc.
Chase Hurley, Pacheco Water District
Patrick McGowan, Panoche Water District
Bill Ball, Foley, Foley & Lardner, LLP (via ZOOM)
Kristin Olsen, Calstrat (via ZOOM)

Dennis Cardoza, Foley & Lardner, LLP (via ZOOM)
Liz Kiteck, Bureau of Reclamation (via ZOOM)
Steve Stadler, San Luis Water District (via ZOOM)
Chris Park, CDM Smith (via ZOOM)

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.

No additions or corrections.

3. Public Comment – In his capacity as a board member of ACWA Region 4, Director David Weisenberger thanked Water Authority staff for hosting a tour of the Tracy Pumping Plant, and the Tracy Fish Facility.

CONSENT ITEMS

4. Agenda Items 4-6: Board to Consider: a) September 14, 2023 Meeting Minutes, b) Acceptance of the Financial & Expenditures Reports, c) Staff Reports.

On a motion of Director William Bourdeau, seconded by Alternate Director Aaron Baker, the Board accepted the September 14, 2023 Meeting Minutes, Financial Expenditures Reports, and Staff Reports. The vote on the motion was as follows:

AYES:	Weisenberger, Lucchesi, Hansen, Pattison, Franson, Bourdeau, Diedrich, White, J. Martin, Michael, Ortega, Baker, Wittry, Tonascia, Amorelli
NAYS:	None
ABSTENTIONS:	None

ACTION ITEMS

5. Agenda Item 7: Board of Directors to Consider Water Resources Committee Recommendation Regarding Authorization to Pursue Solar Over Canals Application for Federal Non-Reimbursable Funding.

Executive Director Federico Barajas reported that the Water Resources Committee is recommending a favorable action by the Board on this item. Barajas reviewed the memo and attachment included in the packet. Barajas reported that given the potential for non-reimbursable federal funding and a public-private-academic partnership, Water Authority staff sees the merit of pursuing this funding application process for a Delta-Mendota Canal pilot project. Barajas reported that the application is due at the end of the month. Barajas reported that Reclamation is seeking a pilot or demonstration project to evaluate technical capability, economic feasibility, and viability for full-scale implementation to test an

unproven material or technology, for future coverage of canals with solar panels.

On a motion of Director Ric Ortega, seconded by Director Joe Tonascia, the Board authorized to pursue Solar Over Canals application for federal non-reimbursable funding. The vote on the motion was as follows:

AYES:	Weisenberger, Lucchesi, Hansen, Pattison, Franson, Bourdeau, Diedrich, White, J. Martin, Michael, Ortega, Baker, Wittry, Tonascia, Amorelli
NAYS:	None
ABSTENTIONS:	None

6. Agenda Item 8: Board of Directors to Consider Adoption of 2023 Strategic Plan.

Executive Director Federico Barajas reported that the Board-approved FY2024 budget included funds for an update to the 2019 Strategic Plan. Barajas reported that Water Authority retained Rauch Communications, Inc., and working with Martin Rauch, held a series of Special Board Workshops to discuss updates to the Strategic Plan and to brainstorm, develop, and formulate key goals and objectives. Barajas reported that the final workshop was held August 10, 2023 and during this workshop, Board members had the opportunity to provide feedback, ask questions, have open dialogue about each of the goals and objectives, and discuss future direction for the organization. Barajas reported that each of the goals and objectives was fully deliberated and revised to reflect the direction of the Board. The proposed 2023 Strategic Plan (included in the packet) was distributed to the Board in September for final review prior to inclusion in the October 2023 Board Meeting packet.

Federico then introduced Martin Rauch of Rauch Communications, and he provided a brief overview of the 2023 Strategic Plan.

Chair Cannon Michael suggested distributing a survey evaluating the process in order to provide feedback for future Strategic Plan updates. Executive Director Federico Barajas agreed to work with Martin Rauch on creating one.

On a motion of Director William Bourdeau, seconded by Alternate Director Chris White, the Board adopted the 2023 Strategic Plan. The vote on the motion was as follows:

AYES:	Weisenberger, Lucchesi, Hansen, Pattison, Franson, Bourdeau, Diedrich, White, J. Martin, Michael, Ortega, Baker, Wittry, Tonascia, Amorelli
NAYS:	None
ABSTENTIONS:	None

5. Agenda Item 9: Board of Directors to Consider Resolution Certifying the B.F. Sisk Dam Raise and Reservoir Expansion Project Final Environmental Impact Report (SCH #2009091004), Adopting a Mitigation Monitoring and Reporting Program, and Authorizing Related Actions.

Chief Operating Officer Pablo Arroyave described the proposed B.F. Sisk Dam Raise and Reservoir Expansion Project, which would include raising the dam crest an additional 10 feet above the 12-foot

embankment raise under development by the B.F. Sisk Dam Safety of Dams Modification Project. Arroyave reported that the 10-foot embankment raise would support an increase in reservoir storage capacity of 130,000 acre-feet.

Arroyave reported that the proposed action is to certify the B.F. Sisk Dam Raise and Reservoir Expansion Project Final Environmental Impact Report. Arroyave reported that through the proposed resolution, the Board would also adopt CEQA Findings of Fact and Statement of Overriding Considerations, adopt a Mitigation Monitoring and Reporting Program, and authorize filing of a Notice of Determination. Arroyave reported that in addition, the proposed resolution would acknowledge that Activity Agreement Members have agreed with Reclamation to pursue a revised federal investment option of 30% CVP-only and 70% investor-directed storage, and would direct Water Authority staff to pursue the Project as agreed. Arroyave reported that these financing relationships do not affect the physical scope or environmental effects analyzed for the project. Arroyave reported that the B.F. Sisk Dam Raise and Reservoir Expansion Project Final EIR/SEIS is necessary to complete CEQA review of the Project.

Chris Park from CDM Smith provided a brief overview of a PowerPoint presentation titled “B.F. Sisk Dam Raise Project Final EIR/SEIS”.

On a motion of Alternate Director Aaron Baker, seconded by Director Ric Ortega, the Board adopted the resolution certifying the B.F. Sisk Dam Raise and Reservoir Expansion Project final Environmental Impact Report (SCH #2009091004), adopting a Mitigation Monitoring and Reporting Program, and authorizing related actions. The vote on the motion was as follows:

AYES:	Weisenberger, Lucchesi, Hansen, Pattison, Franson, Bourdeau, Diedrich, White, J. Martin, Michael, Ortega, Baker, Wittry, Tonascia, Amorelli
NAYS:	None
ABSTENTIONS:	None

REPORT ITEMS

6. Agenda Item 10: Report on Completion of Jones Pumping Plant Unit Rewind Project.

Chief Operating Officer Pablo Arroyave reported that the Jones Pumping Plant unit rewind project has been completed, and all six units are fully functional. Arroyave introduced Facilities O&M Director Bob Martin, who presented a PowerPoint describing five years of work, and an expenditure summary tied to the rewind project. Martin reported that there were no reportable injuries, the project was completed within budget, and completed within four months of original schedule.

Chair Cannon Michael expressed his gratitude to Authority staff, and suggested some type of recognition for this milestone achievement.

7. Agenda Item 11: Report on State and Federal Affairs.

Water Policy Director Scott Petersen reported that Reclamation has planned an interactive Tribes and stakeholders workshop to be held at the Denver Federal Center in Lakewood, Colorado, October 17-18, 2023. Petersen also provided updates related to Reclamation funding opportunities, Consultation on Long-Term Operations of the CVP and SWP, NEPA, California Water Plan Update 2023, FY24 appropriations, the Farm bill, voluntary agreements, and upcoming hearings. Petersen answered Board questions throughout his presentation. Additional information was provided by Dennis Cardoza, Bill Ball, and Kristin Olsen.

8. **Agenda Item 12: Executive Director’s Report.**

- a. **Inflation Reduction Act Funding** – Executive Director Federico Barajas reported that the second round of funding applications is open as of October 1, 2023.
- b. **B.F. Sisk Record of Decision (ROD) Signing Event**– Executive Director Federico Barajas reported that the B.F. Sisk ROD signing event is scheduled for October 20, 2023.

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

Chief Operating Officer Pablo Arroyave reported that the contractor finished up the work on building UZ11A last week. Arroyave reported that during testing, WAPA confirmed installation issues, and Authority staff is in discussions with the contractor to make the necessary repairs.

10. **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. Kiteck provided updates regarding CVP storage, operations, and the latest forecasts.

11. **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** – Committee did not meet.
- c. **O&M Committee** – No report.

12. **Agenda Item 16: Outside Agency/Organization Reports.**

- a. **State and Federal Contractors Water Agency (SFCWA)** – No report.
- b. **Family Farm Alliance (FFA)** – Report included in the packet.
- c. **Farm Water Coalition (FWC)** – Director Bill Diedrich reported that FWC is working on new fact sheets regarding water usage.
- d. **Association of California Water Agencies (ACWA)** – Director Bill Diedrich reported that

the San Joaquin Valley Water Forum next week, and online registration is open until tomorrow. General Counsel Rebecca Akroyd reported that the Legal Affairs Committee will meet next week. Water Policy Director Scott Petersen reported that ACWA's Federal Relations Director Dave Reynolds retired, and ACWA is currently looking for a replacement.

- e. **Water Blueprint for the San Joaquin Valley (WBSJV)** - Water Policy Director Scott Petersen indicated his availability to answer questions regarding Blueprint items.
- f. **SJV CAP** - Water Policy Director Scott Petersen provided a brief report.
- g. **CVPWA** – Director Anthea Hansen provided a brief report.

13. **Agenda Item 17: Board Member Reports.**

Director Ric Ortega reported that he is on the We Grow California Podcast.

14. **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 11:51 a.m. Upon return to open session at approximately 12:40 p.m., Chair Cannon Michael stated that no reportable actions were taken.

15. **Opportunity for Public Comment**

No public comment.

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

General Counsel Rebecca Akroyd briefly answered a question from Director Anthea Hansen regarding the B.F. Sisk Dam Raise Project agenda item regarding beneficial impacts identified in the EIR materials.

17. **Agenda Item 21: Adjournment.**

The meeting was adjourned at approximately 12:45 p.m.



MEMO

TO: Board of Directors

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

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

DATE: November 9, 2023

Attached are the Financial & Expenditures Reports.

San Luis & Delta-Mendota Water Authority

Receivable Activity Report (Does Not Include Water Payment Transactions)

Month Ending September 30, 2023

	MEMBERS	USBR EMERGENCY	OTHER	TOTAL RECEIVABLE
RECEIVABLE BALANCE AUGUST 31, 2023	\$ 1,321,998.63	\$ 94,032.05	\$ 290,469.10	\$ 1,706,499.78
Billings:				
ACWA/JPIA - Claim reimbursement			1,921.74	1,921.74
Cobra - Various Employees			2,740.81	2,740.81
Miscellaneous - Employee Reimbursement			461.97	461.97
Miscellaneous - Reimbursed (vendor refund)			500.00	500.00
Los Vasqueros Reservoir Expansion Project - Various Districts			619,500.00	619,500.00
San Joaquin Valley Drainage Authority			8,716.42	8,716.42
USBR - Meal Reimbursements			40.00	40.00
TOTAL BILLINGS	\$ -	\$ -	\$ 633,880.94	\$ 633,880.94
Collections:				
ACWA/JPIA - Claim reimbursement			1,921.74	1,921.74
BF Sisk Cash Call			133,751.00	133,751.00
Cobra - Various Employees			1,772.67	1,772.67
Miscellaneous - Reimbursed (vendor refund)			500.00	500.00
Membership - FY24 2nd Installment	356,005.89			356,005.89
SJRECWA Transfers - Various Districts			10,534.68	10,534.68
State of CA Depart of Tax & Fee Admin - Diesel Fuel Refund			2,504.00	2,504.00
USBR - Volta Wells services			1,645.60	1,645.60
USBR - Meal Reimbursements			40.00	40.00
TOTAL COLLECTIONS	\$ 356,005.89	\$ -	\$ 152,669.69	\$ 508,675.58
RECEIVABLE BALANCE SEPTEMBER 30, 2023	\$ 965,992.74	\$ 94,032.05	\$ 771,680.35	\$ 1,831,705.14

**San Luis & Delta-Mendota Water Authority
SLDMWA
A/R Aging Summary-Sorted by Category
As of September 30, 2023**

Customer	Current	(30)	(60)	(90)	(>90)	Category	Total
CAMP-MEMB Camp 13 Drainage District	\$0.00	\$0.00	\$26,093.50	\$0.00	\$26,093.50	MEMBERSHIP	\$52,187.00
FRESNO CO-MEMB Fresno County	\$0.00	\$0.00	\$48,202.00	\$0.00	\$0.00	MEMBERSHIP	\$48,202.00
PDD-MEMB Panoche Drainage District	\$0.00	\$0.00	\$289,980.30	\$0.00	\$0.00	MEMBERSHIP	\$289,980.30
PERE M Madeline Pereira	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	MEMBERSHIP	(\$1.00)
PERR AMK AMK Pereira, LLC	\$0.00	\$0.00	\$0.00	\$0.00	(\$1.00)	MEMBERSHIP	(\$1.00)
PWD-MEMB Pacheco Water District	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.01)	MEMBERSHIP	(\$0.01)
SLWD-MEMB San Luis Water District	\$0.00	\$0.00	\$0.00	\$0.00	(\$10.00)	MEMBERSHIP	(\$10.00)
TRACY-MEMB City of Tracy	\$0.00	\$0.00	\$6,430.50	\$0.00	\$0.00	MEMBERSHIP	\$6,430.50
WID LLC-MEMB Widren LLC	\$0.00	\$0.00	\$2,352.00	\$0.00	\$0.00	MEMBERSHIP	\$2,352.00
WWD-MEMB Westlands Water District	\$0.00	\$0.00	\$566,925.95	\$0.00	(\$73.00)	MEMBERSHIP	\$566,852.95
	\$0.00	\$0.00	\$461.97	\$0.00	\$0.00	MISC	\$461.97
	\$0.00	\$47.14	\$10.00	\$0.00	\$0.00	MISC	\$57.14
BBID-MISC Byron-Bethany Irrigation District	\$123,900.00	\$0.00	\$0.00	\$0.00	\$0.00	MISC	\$123,900.00
	\$0.00	\$921.00	\$0.00	\$0.00	\$0.00	MISC	\$921.00
DPWD-MISC Del Puerto Water District	\$123,900.00	\$0.00	\$0.00	\$0.00	\$0.00	MISC	\$123,900.00
PANOCHÉ-MISC Panoche Water District	\$123,900.00	\$0.00	\$0.00	\$0.00	\$0.00	MISC	\$123,900.00
SBCWD-MISC San Benito County Water District	\$0.00	\$0.00	\$0.00	\$1,147.82	\$0.00	MISC	\$1,147.82
SJVDA San Joaquin Valley Drainage Authority	\$8,716.42	\$0.00	\$0.00	\$0.00	\$0.00	MISC	\$8,716.42
SWC State Water Contractors	\$0.00	\$0.00	\$0.00	\$0.00	\$7,125.00	MISC	\$7,125.00
TRACY-MISC City of Tracy	\$123,900.00	\$0.00	\$0.00	\$133,751.00	\$0.00	MISC	\$257,651.00
WWD-MISC Westlands Water District	\$123,900.00	\$0.00	\$0.00	\$0.00	\$0.00	MISC	\$123,900.00
USBR-SERVICES U.S. Bureau of Reclamation	\$0.00	\$0.00	\$0.00	\$0.00	\$94,032.05	USBR-SERVICES	\$94,032.05
Total	\$628,216.42	\$968.14	\$940,456.22	\$134,898.82	\$127,165.54		\$1,831,705.14

**San Luis & Delta-Mendota Water Authority
Grant and USBR Funds Cash Activity Detail Report
For Month Ending September 30, 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 8/31/2023		243,343.91	0.00	0.00	73,914.84	317,258.75
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
		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	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 9/30/2023		243,343.91	0.00	0.00	73,914.84	317,258.75

San Luis & Delta-Mendota Water Authority
Cash Activity Detail Report - JPP Unit Rewinds Bond 2021A
For Month Ending September 30, 2023

		Account Information:	CVCB Bond 2021A	US Bank Bond 2021A	Total
		Cash Balance as of 8/31/2023	0.00	462,949.25	462,949.25
Date	Payment Receipts				
			0.00	0.00	0.00
			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
			0.00	0.00	0.00
Date	Incoming / Outgoing Funds				
			0.00	0.00	0.00
			0.00	0.00	0.00
			0.00	0.00	0.00
Date	Interest Earned / Adjustments				
09/30/23	Interest Earned		0.00	1,953.39	1,953.39
09/30/23	Adjustment		0.00	(10,234.75)	(10,234.75)
			0.00	(8,281.36)	(8,281.36)
		Cash Balance as of 9/30/2023	0.00	454,667.89	454,667.89

I:\FIN_Reports\Finance_SS\CASH\Cash Activity\FYE2-24\07 cashactivity September 2023.xlsx]2023 Operational

10/30/23

San Luis & Delta-Mendota Water Authority
SLDMWA
A/P Register
September 1, 2023 - September 30, 2023

Account Type	Date	Document	Vendor	Paid
ACCOUNTS PAYABLE				
Vendor Bill Payment	9/6/2023	39055	1636 BAKER SUPPLIES & REPAIRS	\$523.07
Vendor Bill Payment	9/6/2023	39056	25689 BRIGHTVIEW LANDSCAPE SERVICES dba EMERALD LA	\$1,590.00
Vendor Bill Payment	9/6/2023	39057	2332 CALIFORNIA FARM WATER COALITION	\$61,666.00
Vendor Bill Payment	9/6/2023	39058	2362 CALTRONICS BUSINESS SYSTEMS	\$4.71
Vendor Bill Payment	9/6/2023	39059	2250 CDW GOVERNMENT	\$41.66
Vendor Bill Payment	9/6/2023	39060	25704 CITRIN COOPERMAN ADVISORS LLC	\$562.50
Vendor Bill Payment	9/6/2023	39061	25715-EMPLOYEE	\$88.50
Vendor Bill Payment	9/6/2023	39062	2555 DON'S MOBILE GLASS INC.	\$263.30
Vendor Bill Payment	9/6/2023	39063	3617 FRANCHISE TAX BOARD / COURT ORDERED DEBT	\$134.52
Vendor Bill Payment	9/6/2023	39064	25652 GB AUTO SERVICE, INC. dba BRUCE'S TIRE & AUTO SEI	\$1,960.22
Vendor Bill Payment	9/6/2023	39065	25714-EMPLOYEE	\$185.08
Vendor Bill Payment	9/6/2023	39066	25550 GILTON SOLID WASTE MANAGEMENT INC. / LBFO	\$73.16
Vendor Bill Payment	9/6/2023	39067	4004 GILTON SOLID WASTE MANAGEMENT INC. / O'Neill	\$97.08
Vendor Bill Payment	9/6/2023	39068	4544 HACH COMPANY	\$9,301.69
Vendor Bill Payment	9/6/2023	39069	6026 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD	\$3,878.07
Vendor Bill Payment	9/6/2023	39070	3624-EMPLOYEE	\$268.75
Vendor Bill Payment	9/6/2023	39071	25518 LOS BANOS PROPERTY MANAGEMENT SERVICES	\$8,524.80
Vendor Bill Payment	9/6/2023	39072	7077 MODESTO STEEL COMPANY, INC.	\$1,487.17
Vendor Bill Payment	9/6/2023	39073	7556 N&S TRACTOR - DOS PALOS & MERCED	\$146.07
Vendor Bill Payment	9/6/2023	39074	25547 O'REILLY / LOS BANOS 1068974	\$1,884.64
Vendor Bill Payment	9/6/2023	39075	8055 O'REILLY / TRACY 2347935	\$408.29
Vendor Bill Payment	9/6/2023	39076	15008 PAPE MACHINERY, INC. /POWERPLAN 1123714	\$158.54
Vendor Bill Payment	9/6/2023	39077	8612 QUINCY COMPRESSOR LLC	\$13,957.49
Vendor Bill Payment	9/6/2023	39078	6805 RELX INC. DBA LEXISNEXIS	\$208.00
Vendor Bill Payment	9/6/2023	39079	10066 SAFE-T-LITE OF MODESTO, INC.	\$2,851.28
Vendor Bill Payment	9/6/2023	39080	10000 SAVE MART SUPERMARKETS	\$79.97
Vendor Bill Payment	9/6/2023	39081	10314 SIERRA CHEMICAL COMPANY	\$58.99
Vendor Bill Payment	9/6/2023	39082	25548 TERRACON CONSULTANTS, INC.	\$183,090.00
Vendor Bill Payment	9/6/2023	39083	10601 TURLOCK IRRIGATION DISTRICT	\$101.55
Vendor Bill Payment	9/6/2023	39084	11552 VERIZON WIRELESS	\$178.38
Vendor Bill Payment	9/6/2023	39085	12111 WARDEN'S	\$1,577.27
ACH	9/8/2023	24138	25536 SLDMWA EE ASSOCIATION	\$445.00
ACH	9/8/2023	24139	5004 ICMA RETIREMENT TRUST	\$99,364.48
ACH	9/11/2023		VISA PAYMENT	\$31,658.44
Vendor Bill Payment	9/13/2023	39086	2178 ALAMEDA COUNTY ENVIRONMENTAL HEALTH	\$2,950.00
Vendor Bill Payment	9/13/2023	39087	1169 ALL INDUSTRIAL ELECTRIC SUPPLY, INC.	\$1,745.08
Vendor Bill Payment	9/13/2023	39088	25615 AT&T MOBILITY 287314028407	\$1,299.58
Vendor Bill Payment	9/13/2023	39089	1519 BUCKLES-SMITH ELECTRIC COMPANY	\$284.17
Vendor Bill Payment	9/13/2023	39090	2362 CALTRONICS BUSINESS SYSTEMS	\$3,244.87
Vendor Bill Payment	9/13/2023	39091	2407 CDM SMITH INC.	\$28,924.27
Vendor Bill Payment	9/13/2023	39092	25667-EMPLOYEE	\$324.50
Vendor Bill Payment	9/13/2023	39093	25704 CITRIN COOPERMAN ADVISORS LLC	\$2,643.75
Vendor Bill Payment	9/13/2023	39094	2631 D8A COMMUNICATION TECHNOLOGIES	\$1,706.00
Vendor Bill Payment	9/13/2023	39095	2639 DHR HYDRO SERVICES INC.	\$24,389.15
Vendor Bill Payment	9/13/2023	39096	2611 DIEPENBROCK ELKIN	\$1,575.00
Vendor Bill Payment	9/13/2023	39097	5047 INDUSTRIAL SCIENTIFIC CORP.	\$844.36
Vendor Bill Payment	9/13/2023	39098	6049 KAHN, SOARES & CONWAY, LLP	\$5.12
Vendor Bill Payment	9/13/2023	39099	6026 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD	\$72,802.88
Vendor Bill Payment	9/13/2023	39100	7008 MARFAB INC.	\$297.55
Vendor Bill Payment	9/13/2023	39101	7037 MERCED COUNTY DEPT. OF AG.	\$4,192.50
Vendor Bill Payment	9/13/2023	39102	7009 MERCED COUNTY REG. WASTE MGMT AUTHORITY	\$225.16
Vendor Bill Payment	9/13/2023	39103	25636 MIZUNO CONSULTING, INC.	\$7,341.10
Vendor Bill Payment	9/13/2023	39104	5555 MLJ ENVIRONMENTAL	\$3,796.05
Vendor Bill Payment	9/13/2023	39105	7557 NAPA AUTO PARTS-TRACY / 04141	\$185.28
Vendor Bill Payment	9/13/2023	39106	8595 PACIFIC ECO-RISK LAB. INC.	\$3,517.52
Vendor Bill Payment	9/13/2023	39107	8583 PANOCHE DRAINAGE DISTRICT	\$16,979.76
Vendor Bill Payment	9/13/2023	39108	15035 PAPE KENWORTH / 1051618	\$822.59
Vendor Bill Payment	9/13/2023	39109	3616-EMPLOYEE	\$324.50
Vendor Bill Payment	9/13/2023	39110	1676-EMPLOYEE	\$324.50
Vendor Bill Payment	9/13/2023	39111	15042 PIONEER LAW GROUP, LLP.	\$5,977.50
Vendor Bill Payment	9/13/2023	39112	15086 PYANGO LLC	\$1,625.00
Vendor Bill Payment	9/13/2023	39113	9579 RAMOS OIL COMPANY, INC.	\$8,717.33
Vendor Bill Payment	9/13/2023	39114	11036 UNITED RENTALS INC.	\$847.16
Vendor Bill Payment	9/13/2023	39115	12119 WIENHOFF DRUG TESTING	\$20.00
Vendor Bill Payment	9/13/2023	39116	12057 WINDECKER. INC.	\$18,719.33

WIRE	9/14/2023	24155	25610 AT&T MOBILITY 287312990252	\$1,047.28
Vendor Bill Payment	9/20/2023	39117	1041 ACWA/JPIA - Insurance Premiums	\$199,504.56
Vendor Bill Payment	9/20/2023	39118	25523 ALHAMBRA / LBAO 9459657	\$147.82
Vendor Bill Payment	9/20/2023	39119	10048 ALHAMBRA / LBFO 9459721	\$230.21
Vendor Bill Payment	9/20/2023	39120	25552 ALHAMBRA / SLDM PUMP 4914649	\$300.55
Vendor Bill Payment	9/20/2023	39121	10195 AT&T 960 758 3850 555 7	\$2,502.90
Vendor Bill Payment	9/20/2023	39122	10196 AT&T LONG DISTANCE BAN:806492911	\$52.09
Vendor Bill Payment	9/20/2023	39123	1667 BLANKINSHIP & ASSOCIATES, INC.	\$2,325.14
Vendor Bill Payment	9/20/2023	39124	1654 BOBCAT CENTRAL INC.	\$338.15
Vendor Bill Payment	9/20/2023	39125	2197 COORDINATED WIRE ROPE INC. dba CERTEX USA, INC.	\$396.49
Vendor Bill Payment	9/20/2023	39126	2315 CREATIVE OUTDOOR ENVIRONMENTS, INC.	\$1,160.00
Vendor Bill Payment	9/20/2023	39127	2629 DK ENTERPRISES INC. dba KINGS ROOFING	\$13,950.00
Vendor Bill Payment	9/20/2023	39128	3542 FGL ENVIRONMENTAL, INC.	\$663.00
Vendor Bill Payment	9/20/2023	39129	3604 FIRESTONE COMPLETE AUTO CARE	\$686.39
Vendor Bill Payment	9/20/2023	39130	3597 FOLEY & LARDNER LLP	\$32,000.00
Vendor Bill Payment	9/20/2023	39131	4026 GRANITE CONSTRUCTION COMPANY, INC.	\$941.06
Vendor Bill Payment	9/20/2023	39132	4605 HOMEWOOD SUITES	\$2,067.30
Vendor Bill Payment	9/20/2023	39133	5021 INDUSTRIAL ELECTRICAL COMPANY	\$4,583.71
Vendor Bill Payment	9/20/2023	39134	6052 KEY-SEAL PRODUCTS, INC.	\$888.24
Vendor Bill Payment	9/20/2023	39135	6026 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD	\$3,878.07
Vendor Bill Payment	9/20/2023	39136	25718 LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY	\$619,500.00
Vendor Bill Payment	9/20/2023	39137	25698 LTI POWER SYSTEMS, INC.	\$5,595.19
Vendor Bill Payment	9/20/2023	39138	10262 MATRIX SCIENCES INTERNATIONAL INC./SOUTH DAKOTA	\$5,752.25
Vendor Bill Payment	9/20/2023	39139	7556 N&S TRACTOR - DOS PALOS & MERCED	\$577.42
Vendor Bill Payment	9/20/2023	39140	7570 NAPA AUTO PARTS-LOS BANOS / 15111	\$361.45
Vendor Bill Payment	9/20/2023	39141	7005 PACIFIC VALLEY COFFEE	\$110.80
Vendor Bill Payment	9/20/2023	39142	8511 PG&E 7262165466-3	\$5,762.37
Vendor Bill Payment	9/20/2023	39143	8612 QUINCY COMPRESSOR LLC	\$2,849.38
Vendor Bill Payment	9/20/2023	39144	10016 SAFETY-KLEEN SYSTEMS, INC.	\$398.10
Vendor Bill Payment	9/20/2023	39145	10325 SHRED-IT, C/O STERICYCLE, INC.	\$291.20
Vendor Bill Payment	9/20/2023	39146	10665 TALLEY OIL INC.	\$294,718.23
Vendor Bill Payment	9/20/2023	39147	25548 TERRACON CONSULTANTS, INC.	\$144,195.56
Vendor Bill Payment	9/20/2023	39148	10623 TRI AIR TESTING, INC.	\$227.00
Vendor Bill Payment	9/20/2023	39149	10580 TRIANGLE ROCK PRODUCTS, LLC.	\$1,238.31
Vendor Bill Payment	9/20/2023	39150	25662 UNITED SITE SERVICES / ACT-00908631	\$81.30
Vendor Bill Payment	9/20/2023	39151	25608-EMPLOYEE	\$200.00
Vendor Bill Payment	9/20/2023	39152	12103 WESTERN TOOL & SUPPLY CO.	\$237.69
Vendor Bill Payment	9/20/2023	39153	12123 WOODARD & CURRAN INC.	\$5,828.75
Vendor Bill Payment	9/21/2023	39154	25710 GORDON THOMAS HONEYWELL GOVERNMENT RELATIONS	\$10,000.00
ACH	9/22/2023	24156	25536 SLDMWA EE ASSOCIATION	\$450.00
ACH	9/22/2023	24157	5004 ICMA RETIREMENT TRUST	\$99,297.21
Vendor Bill Payment	9/27/2023	39155	1141 AFLAC	\$993.00
Vendor Bill Payment	9/27/2023	39156	5503 ARCTIC GLACIER USA, INC. / LOS BANOS 96103091	\$676.08
Vendor Bill Payment	9/27/2023	39157	25555 ARCTIC GLACIER USA, INC. / TRACY 96103092	\$507.52
Vendor Bill Payment	9/27/2023	39158	1073 ARGENT COMMUNICATIONS	\$955.00
Vendor Bill Payment	9/27/2023	39159	10233-EMPLOYEE	\$150.00
Vendor Bill Payment	9/27/2023	39160	2217 C.A. SHORT COMPANY, INC	\$1,428.98
Vendor Bill Payment	9/27/2023	39161	9633 CALIBER COLLISION	\$5,238.96
Vendor Bill Payment	9/27/2023	39162	2362 CALTRONICS BUSINESS SYSTEMS	\$1,073.95
Vendor Bill Payment	9/27/2023	39163	2250 CDW GOVERNMENT	\$268.46
Vendor Bill Payment	9/27/2023	39164	12059-EMPLOYEE	\$168.34
Vendor Bill Payment	9/27/2023	39165	9602 CORE & MAIN LP dba R&B COMPANY	\$1,628.90
Vendor Bill Payment	9/27/2023	39166	2188 COUNTY OF ALAMEDA	\$270.00
Vendor Bill Payment	9/27/2023	39167	2028 COUNTY OF FRESNO	\$27.00
Vendor Bill Payment	9/27/2023	39168	2105 COUNTY OF STANISLAUS / Fink Road Landfill	\$198.00
Vendor Bill Payment	9/27/2023	39169	7583 DARLENE NEVES/PCLBFO	\$246.00
Vendor Bill Payment	9/27/2023	39170	2519 DELTA DISPOSAL SERVICE - 3354700	\$723.14
Vendor Bill Payment	9/27/2023	39171	3025 ELECTRO-SENSORS, INC.	\$2,743.08
Vendor Bill Payment	9/27/2023	39172	3075 EVOQUA WATER TECHNOLOGIES LLC	\$2,038.90
Vendor Bill Payment	9/27/2023	39173	12019 GRAINGER INC.	\$4,551.25
Vendor Bill Payment	9/27/2023	39174	4544 HACH COMPANY	\$282.25
Vendor Bill Payment	9/27/2023	39175	25626 HALLMARK GROUP	\$14,139.38
Vendor Bill Payment	9/27/2023	39176	4531 HIXCO	\$3,546.58
Vendor Bill Payment	9/27/2023	39177	15053-EMPLOYEE	\$200.00
Vendor Bill Payment	9/27/2023	39178	7529 NEW YORK LIFE INSURANCE	\$767.87
Vendor Bill Payment	9/27/2023	39179	8064 OCCU-MED, LTD.	\$162.00
Vendor Bill Payment	9/27/2023	39180	15039 PACIFIC PRODUCTS & SERVICES	\$1,683.25
Vendor Bill Payment	9/27/2023	39181	25529 PG&E 0664015301-8	\$86.00
Vendor Bill Payment	9/27/2023	39182	25531 PG&E 2125628853-7	\$73.22
Vendor Bill Payment	9/27/2023	39183	25530 PG&E 8833159983-2	\$1,157.61
Vendor Bill Payment	9/27/2023	39184	15074 PLATT	\$5,913.03
Vendor Bill Payment	9/27/2023	39185	8581 PREMIER URGENT CARE/DBA PATEL, PULLIAM & HUBLI	\$68.00
Vendor Bill Payment	9/27/2023	39186	15015 PRINCIPAL LIFE INSURANCE COMPANY	\$5,559.53
Vendor Bill Payment	9/27/2023	39187	9631 RAUCH COMMUNICATION CONSULTANTS, INC.	\$9,995.00

Vendor Bill Payment	9/27/2023	39188	25638-EMPLOYEE	\$1,182.08
Vendor Bill Payment	9/27/2023	39189	25614 S.P. KINNEY ENGINEERS, INC.	\$507.00
Vendor Bill Payment	9/27/2023	39190	10189 SIMONDS MACHINERY CO.	\$8,831.86
Vendor Bill Payment	9/27/2023	39191	10580 TRIANGLE ROCK PRODUCTS, LLC.	\$1,166.24
Vendor Bill Payment	9/27/2023	39192	11042 ULINE	\$504.38
Vendor Bill Payment	9/27/2023	39193	11060 UNWIRED BROADBAND INC. A00015979	\$2,399.91
Vendor Bill Payment	9/27/2023	39194	25521 UNWIRED BROADBAND INC. A00019063	\$749.94
Vendor Bill Payment	9/27/2023	39195	12096 WEX BANK	\$797.59
WIRE	9/28/2023	24160	11045 BUREAU OF RECLAMATION - SL JOINT/USBR POWER	\$333,445.00
WIRE	9/28/2023	24162	11045 BUREAU OF RECLAMATION - SL JOINT/USBR POWER	\$3,775,336.04
WIRE	9/28/2023	24158	10326 STOEL RIVES LLP	\$121.00
WIRE	9/28/2023	24159	10327 SHEPHERD OU	\$960.00
WIRE	9/28/2023	24161	11045 BUREAU OF RECLAMATION - SL JOINT/USBR POWER	\$1,684,115.00
Total - ACCOUNTS PAYABLE				\$7,986,441.72

San Luis & Delta-Mendota Water Authority

Activity Agreements Budget to Actual

Paid/Pending Comparison Summary

March 1, 2023 through September 30, 2023

FAC 11/6/23 & BOD 11/9/23

	FY Budget 3/1/23 - 2/29/24	Actual To Date Paid/Expense	% of Budget	Amount Remaining
03 General Membership	926,259	508,546	54.90%	417,713
05 Leg/CVP Operations	2,923,141	852,918	29.18%	2,070,223
06 Reallocation Agreement	0	0	0.00%	0
35 Contract Renewal Coordinator	30,337	39,621	130.60%	(9,284)
09 Leg/CVP Operations #3	0	0	0.00%	0
28 Yuba County Water Transfers	27,000	8,303	30.75%	18,697
22 Grassland Basin Drainage #3A	2,078,148	709,510	34.14%	1,368,638
63 SGMA - Coordinated	525,332	434,521	82.71%	90,811
64 SGMA - Northern Delta-Mendota Region	562,382	104,256	18.54%	458,126
65 SGMA - Central Delta-Mendota Region	562,382	106,505	18.94%	455,877
67 Integrated Regional Water Management	185,606	17,159	9.24%	168,447
68 Los Vaqueros Reservoir Expansion Project	9,235	2,710	29.34%	6,525
44 Exchange Contractors - 5 Year Transfer	20,000	13,636	68.18%	6,364
56 Long-Term North to South Water Transfer	197,587	19,451	9.84%	178,136
69 B.F. Sisk Dam Raise & Reservoir Exp	740,125	394,164	53.26%	345,961
16 DHCCP	1,175	72	6.13%	1,103
TOTAL	8,788,709	3,211,372	36.54%	5,577,337
	7/12 X 8,788,709	\$ 5,126,747	58.33%	
	Budget vs. Actual	<u>1,915,374</u>		



MEMORANDUM

TO: Finance & Administration Committee

FROM: Raymond Tarka, Treasurer/Director of Finance

DATE: November 6, 2023

RE: Quarter Ending September 30, 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 September 30, 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 September 30, 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.
- Additional Disclosures: In August, 2023, \$9MM was transferred from LAIF, which was yielding 3.52%, to the CalTrust liquidity fund, yielding 5.47%. The annualized additional earnings at this rate difference approximates \$192,000. It is within the guidelines of the Authority's investment policy to invest in either or both of these investment choices without regard to a dollar limit.

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 September 30, 2023

Page 2 of 3

Prepared by: D. Ratliff

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 @9/30/23</u>	<u>Yield 9/30/2023</u>	<u>Yield 8/31/2023</u>	<u>Yield 7/31/2023</u>
CASH									
CVCB - Checking - Sweep	Daily	\$ -		\$ -					
CVCB - Payroll	Daily	\$ 5,000.00		\$ 5,000.00					
CVCB - Transactional	Daily	\$ 448,661.66		\$ 448,661.66		0.750%	0.750%	0.750%	0.750%
CVCB - Muni	Daily	\$ 2,214,915.85		\$ 2,214,915.85		0.750%	0.750%	0.750%	0.750%
CVCB - Money Market	Daily	\$ 216,044.60		\$ 216,044.60		3.200%	3.200%	3.200%	3.200%
LOCAL AGENCY INVESTMENT FUND (LAIF)	Daily	\$ 174,600.39	1	\$ 174,600.39		1.350%	3 3.480%	3.520%	3.390%
CalTRUST - Short Term	Next Day	\$ 525,260.65	2	\$ 525,264.89	\$ 4.24	5.160%	5.190%	5.150%	5.140%
CalTRUST - Medium Term	Monthly	\$ 476,383.13	2	\$ 478,365.13	\$ 1,982.00	4.893%	4.970%	4.870%	4.840%
CalTRUST - Black Rock Fed	Daily	\$ -		\$ -	\$ -				
CalTRUST - Liquidity	Daily	\$ 21,549,147.33		\$ 21,549,147.33	\$ -	5.333%	5.460%	5.470%	5.070%
CalTRUST - Black Rock (LEAF)	Daily	\$ -		\$ -	\$ -				
TOTAL OPERATIONAL CASH		\$ 25,610,013.61		\$ 25,611,999.85	\$ 1,986.24				

OTHER

OM&R Project

US Bank - Series 2021A Bond Reserve Fund	2045	\$ 454,667.89		\$ 454,667.89					
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Notes:

The year-to-date weighted average yield on all funds invested or maintained in financial institutions/Federal Securities is 0.63% (this considers the interest rates trend since January).

1. LAIF: Average Life of Portfolio (Average Maturity in days) is 304 days or 0.83 years.
2. CalTRUST: Average Life of Portfolio is 0.91 years for short term (ST) and 2.26 years for medium term (MT).
3. Quarter Ending 9/30/23 LAIF Apportionment Rate.

San Luis & Delta-Mendota Water Authority

Treasurer's Report

Quarter Ended September 30, 2023

Detail to Support Report
 Page 3 of 3
 Prepared by: D. Ratliff

CASH

Central Valley Community Bank (CVCB)

	1	2	3	4	5
	6/30/2023				9/30/2023
	Beginning Balance	Deposits or Transfer IN	Draws or Transfer OUT	Change in Value	Ending Balance
	Market Value				Market Value
CVCB - Checking - Sweep	\$ -			N/A	\$ -
CVCB - Payroll	\$ 5,000.00	\$ 700.00	\$ (700.00)	N/A	\$ 5,000.00
CVCB - Transactional	\$ 11,849,931.78	\$ 38,504,327.38	\$ (49,905,597.50)	N/A	\$ 448,661.66
CVCB - Muni	\$ 2,210,779.42	\$ 4,136.43		N/A	\$ 2,214,915.85
CVCB - Money Market	\$ -	\$ 8,024,264.60	\$ (7,808,220.00)	N/A	\$ 216,044.60
Local Agency Invest. Fund-State of Ca.	\$ 9,630,043.70	\$ 44,556.69	\$ (9,500,000.00)	N/A	\$ 174,600.39
<u>Investment Trust of California (CalTRUST)</u>					
CalTRUST - Short Term	\$ 519,037.21	\$ 6,231.92	\$ -	\$ (4.24)	\$ 525,264.89
CalTRUST - Medium Term	\$ 476,056.34	\$ 4,290.78	\$ -	\$ (1,981.99)	\$ 478,365.13
CalTRUST - Black Rock Fed	\$ 7,148,442.50	\$ -	\$ (7,148,442.50)		\$ -
CalTRUST - Liquidity	\$ 4,137,418.85	\$ 23,611,728.48	\$ (6,200,000.00)		\$ 21,549,147.33
CalTRUST - Black Rock (LEAF)	\$ 7,160,150.35	\$ -	\$ (7,160,150.35)	\$ -	\$ -
TOTAL- OPERATIONAL CASH	\$ 43,136,860.15	\$ 70,200,236.28	\$ (87,723,110.35)	\$ (1,986.23)	\$ 25,611,999.85

Other

US Bank-Series 2021A Reserve Fund-OM&R Project	\$ 459,288.75	\$ 5,613.89	\$ (10,234.75)	\$ -	\$ 454,667.89
--	---------------	-------------	----------------	------	---------------

- 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
Darlene Neves, Accounting Supervisor
SUBJECT: FY24 O&M Budget to Actual Report Through September 30, 2023
DATES: 11.06.23 FAC and 11.09.23 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 September 30, 2023 are over budget by \$655,527. This unfavorable variance is predominantly the result of over-budget DWR conveyance charges for DCI activity of \$1,546,719. All controllable O&M expenditures are below budget.

Outstanding

2022 Water Year (FY 3/1/22-2/28/23)

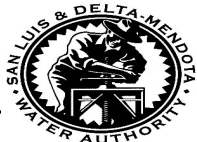
Staff mailed draft contractor records for the WY22 Final Accounting to all contractors on Monday, September 25, 2023. Contractors have responded with any reconciling differences.

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 FY2023

FY2023 Audit is underway and staff is working to provide the auditors with all necessary information for a timely audit.



San Luis & Delta Mendota-Water Authority
11.06.23 FAC and 11.09.23 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
Total	\$ 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: SEPTEMBER 30, 2023
58.33%

	Total	UPPER	Intertie	Volta Wells	LWR	O'NEILL O&M		
						DIRECT	STORAGE	SL DRAIN
DMC	\$ 4,530,751	\$ 2,733,855			\$ 1,796,896			
JPP	\$ 3,202,129	\$ 3,202,129						
WW	\$ 119,426	\$ 89,569			\$ 29,856			
Intertie O&M / DWR Conveyance	\$ 157,970		\$ 157,970					
Volta Wells	\$ 40,795			\$ 40,795				
Mendota Pool	\$ 114,019				\$ 114,019			
O'Neill	\$ 1,869,788					\$ 1,861,582	\$ 8,206	
SL Drain	\$ 143,041							\$ 143,041
Total	\$ 10,177,919	\$ 6,025,553	\$ 157,970	\$ 40,795	\$ 1,940,772	\$ 1,861,582	\$ 8,206	\$ 143,041

R, O&M Actual COSTS BY COST POOLS THROUGH: SEPTEMBER 30, 2023

	Total	UPPER	Intertie	Volta Wells	LWR	O'NEILL O&M		
						DIRECT	STORAGE	SL DRAIN
DMC	\$ 4,627,726	\$ 2,792,370			\$ 1,835,356			
JPP	\$ 2,412,859	\$ 2,412,859						
WW	\$ 52,086	\$ 39,065			\$ 13,022			
Intertie O&M / DWR Conveyance	\$ 1,704,689		\$ 1,704,689					
Volta Wells	\$ 10,839			\$ 10,839				
Mendota Pool	\$ 95,480				\$ 95,480			
O'Neill	\$ 1,844,268					\$ 1,836,174	\$ 8,094	
SL Drain	\$ 85,499							\$ 85,499
Total	\$ 10,833,446	\$ 5,244,293	\$ 1,704,689	\$ 10,839	\$ 1,943,858	\$ 1,836,174	\$ 8,094	\$ 85,499

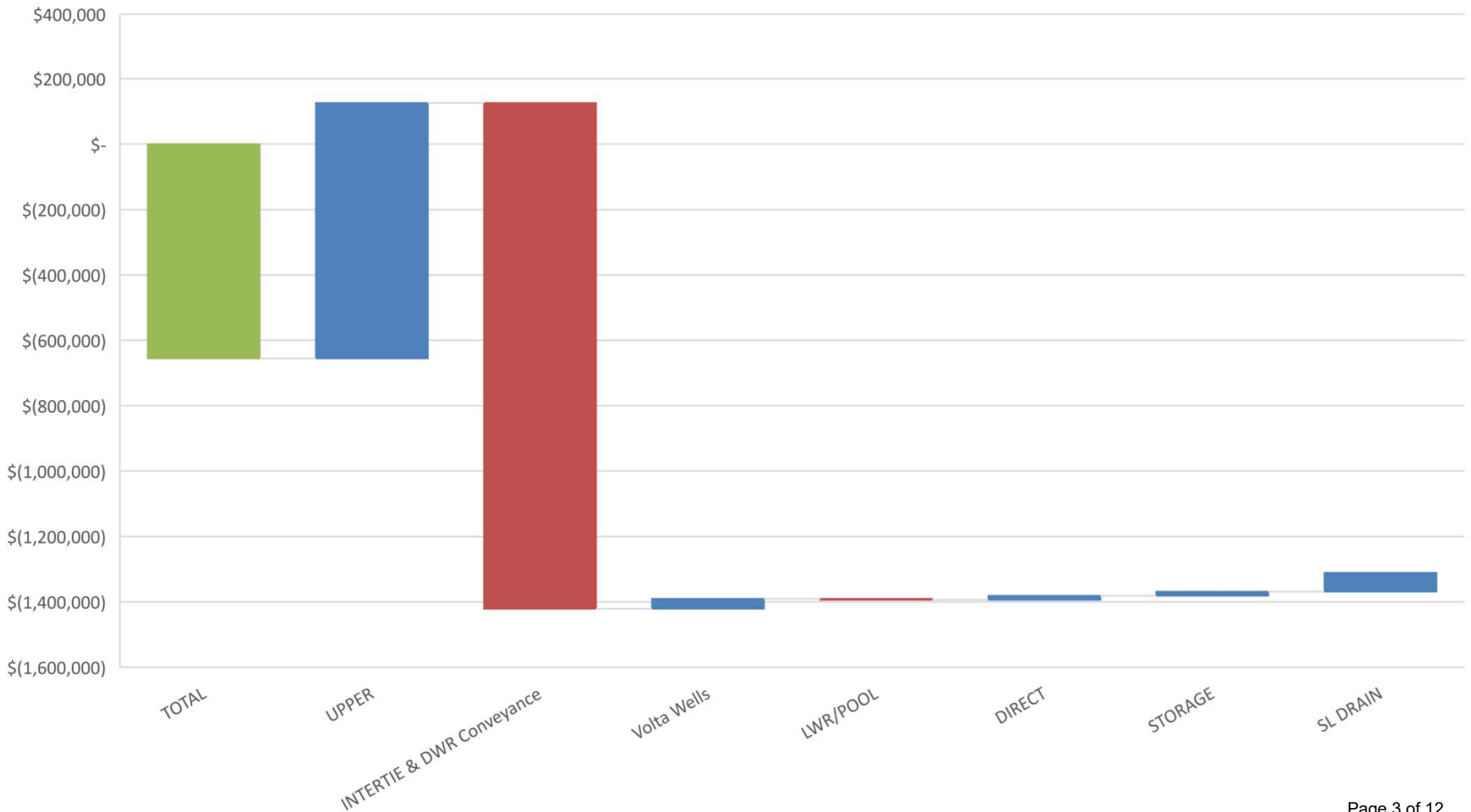
R, O&M BUDGET vs Actual COSTS THROUGH: SEPTEMBER 30, 2023

	TOTAL	UPPER	INTERTIE & DWR		LWR/POOL	O'NEILL O&M		
			Conveyance	Volta Wells		DIRECT	STORAGE	SL DRAIN
R, O&M Budget	\$ 10,177,919	\$ 6,025,553	\$ 157,970	\$ 40,795	\$ 1,940,772	\$ 1,861,582	\$ 8,206	\$ 143,041
R, O&M Actual	\$ 10,833,446	\$ 5,244,293	\$ 1,704,689	\$ 10,839	\$ 1,943,858	\$ 1,836,174	\$ 8,094	\$ 85,499
Difference	\$ (655,527)	\$ 781,260	\$ (1,546,719)	\$ 29,956	\$ (3,086)	\$ 25,408	\$ 112	\$ 57,542
	OVER	UNDER	OVER	UNDER	OVER	UNDER	UNDER	UNDER
		-6.440675%	OVER BUDGET					



San Luis & Delta Mendota Water Authority
FY24 Budget to Actual Report through September 30, 2023
BUDGET VARIANCES
FAC 11/06/2023 BOD 11/09/2023

■ 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 September 30, 2023
FAC 11/06/23 & BOD 11/09/23

		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		3,150,312		58.26%		2,257,227
Operate & Maintain Wasteways	S/F 04	133,829		32,703		24.44%		101,126
Mendota Pool	S/F 05	127,829		87,862		68.73%		39,967
Operate & Maintain JPP	S/F 11	3,532,461		1,593,288		45.10%		1,939,173
Intertie Maintenance	S/F 12	183,548	A	190,177		103.61%		(6,629)
Volta Wells Pumping	S/F 13	46,381		6,858		14.79%		39,523
Operate & Maintain O'Neill	S/F 19	2,118,671		1,229,040		58.01%		889,631
Maintain Tracy Fish Facility	USBR 30	36,347		248,174		682.80%		(211,827)
Operate & Maintain San Luis Drain	S/F 41	160,495		54,451		33.93%		106,044
Maintain Delta Cross Channel	USBR 44	38,500		10,085		26.19%		28,415
Safety Equipment Training	50	322,300		3,033		0.94%		319,267
IT Expense	51	774,335		337,953		43.64%		436,382
Warehousing	52	236,695		65,494		27.67%		171,201
Tracy Field Office Expense	54	624,985		367,736		58.84%		257,249
Direct Administrative/General Expense	56	1,154,281		1,001,982		86.81%		152,299
Indirect O & M LBAO Admin.	58	2,633,617		1,475,099		56.01%		1,158,518
TOTAL		17,531,812		9,854,247		56.21%		7,677,566
Total from Self-Funding - page 2		17,447,862		9,420,663		53.99%		8,027,199
Total from USBR - page 3		83,950		370,657		441.52%		(286,706)
Total from Special Projects - page 4		-		62,927				(62,927)
Totals		17,531,812		9,854,247				7,677,566
YTD %				58.33%				

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 September 30, 2023

FAC 11/06/23 & BOD 11/09/23

		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		3,150,312	58.26%	2,257,227
Operate & Maintain Wasteways	04	133,829		32,703	24.44%	101,125
Mendota Pool	05	127,829		87,862	68.73%	39,968
Operate & Maintain JPP	11	3,532,461		1,593,288	45.10%	1,939,172
Intertie Maintenance	12	183,548	A	190,177	103.61%	(6,629)
Volta Wells Pumping	13	46,381		6,858	14.79%	39,523
Operate & Maintain O'Neill	19	2,118,671		1,229,040	58.01%	889,631
Operate & Maintain San Luis Drain	41	160,495		54,451	33.93%	106,044
Total Direct O & M		11,710,753		6,344,691	54.18%	5,366,062
Safety Equipment Training	50	321,789		2,869	0.89%	318,920
IT Expense	51	773,108		319,729	41.36%	453,380
Warehousing	52	236,320		61,962	26.22%	174,358
Tracy Field Office Expense	54	623,995		347,906	55.75%	276,089
Direct Administrative/General Expense	56	1,152,452		947,950	82.26%	204,502
Indirect O & M LBAO Admin.	58	2,629,444		1,395,556	53.07%	1,233,888
Total Indirect Allocated to O & M		5,737,109		3,075,972	53.62%	2,661,137
Total SLDMWA O&M		17,447,862		9,420,663	53.99%	8,027,199

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 September 30, 2023

FAC 11/06/23 & BOD 11/09/23

	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	248,174	682.80%	(211,827)
Maintain Delta Cross Channel 44	38,500	10,085	26.19%	28,415
Total Direct USBR Facilities	74,847	258,259	345.05%	(183,412)
Safety Equipment Training 50	511	105	20.53%	406
IT Expense 51	1,227	11,683	952.39%	(10,456)
Warehousing 52	375	2,264	603.81%	(1,889)
Tracy Field Office Expense 54	990	12,713	1283.97%	(11,723)
Direct Administrative/General Expense 56	1,829	34,639	1894.25%	(32,810)
Indirect O & M LBAO Admin. 58	4,172	50,994	1222.25%	(46,822)
Total Indirect Allocated USBR Facilities	9,103	112,398	1234.71%	(103,294)
TOTAL USBR FACILITIES	83,950	370,657	441.52%	(286,706)

San Luis & Delta-Mendota Water Authority

DMC Indirect Cost Allocated to Special Projects

March 1, 2023 through September 30, 2023

FAC 11/06/23 & BOD 11/09/23

			Allocated To Date		
Safety Equipment Training	50		59		
IT Expense	51		6,541		
Warehousing	52		1,268		
Tracy Field Office Expense	54		7,117		
Direct Administrative/General Expense	56		19,393		
Indirect O & M LBAO Admin.	58		28,549		
Total Indirect Allocated to SPECIAL PROJECTS			62,927		
TOTAL INDIRECT ALLOCATED TO SPECIAL PROJECTS			62,927		

San Luis & Delta-Mendota Water Authority
DMC WITH CIP / E O & M
Budget to Actual Paid/Pending Comparison Summary
March 1, 2023 through September 30, 2023
 FAC 11/06/23 & BOD 11/09/23

		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	3,037,408	132.19%		(739,708)
Extra Ordinary O&M	EO&M 26	6,198,000	2,884,781	46.54%		3,313,219
Operate & Maintain DMC	S/F 02	5,407,539	3,150,312	58.26%		2,257,227
Operate & Maintain Wasteways	S/F 04	133,829	32,703	24.44%		101,126
Mendota Pool	S/F 05	127,829	87,862	68.73%		39,967
Operate & Maintain JPP	S/F 11	3,532,461	1,593,288	45.10%		1,939,173
Intertie Maintenance	S/F 12	183,548	190,177	103.61%	A	(6,629)
Volta Wells Pumping	S/F 13	46,381	6,858	14.79%		39,523
Operate & Maintain O'Neill	S/F 19	2,118,671	1,229,040	58.01%		889,631
Maintain Tracy Fish Facility	USBR 30	36,347	248,174	682.80%		(211,827)
Operate & Maintain Tracy USBR	USBR 33	-	-	0.00%		-
Operate & Maintain San Luis Drain	S/F 41	160,495	54,451	33.93%		106,044
Maintain Delta Cross Channel	USBR 44	38,500	10,085	26.19%		28,415
Safety Equipment Training	50	349,917	3,389	0.97%		346,528
IT Expense	51	840,688	377,565	0.00%		463,123
Warehousing	52	256,978	73,171	28.47%		183,807
Tracy Field Office Expense	54	678,540	410,839	60.55%		267,701
Direct Administrative/General Expense	56	1,253,190	1,119,427	89.33%		133,763
Indirect O & M LBAO Admin.	58	2,859,290	1,648,000	57.64%		1,211,290
TOTAL		26,519,903	16,157,530	60.93%		10,362,373
Total from Self-Funding - page 2		17,447,862	9,420,663	53.99%		8,027,199
Total from USBR - page 3		83,950	370,657	441.52%		(286,706)
Total from Special Projects - page 4		-	62,927			(62,927)
Total from EO&M		8,988,091	6,303,283	70.13%		2,684,808
Totals		26,519,903	16,157,530			10,362,374
YTD %			58.33%			

A Does NOT include DWR Wheeling

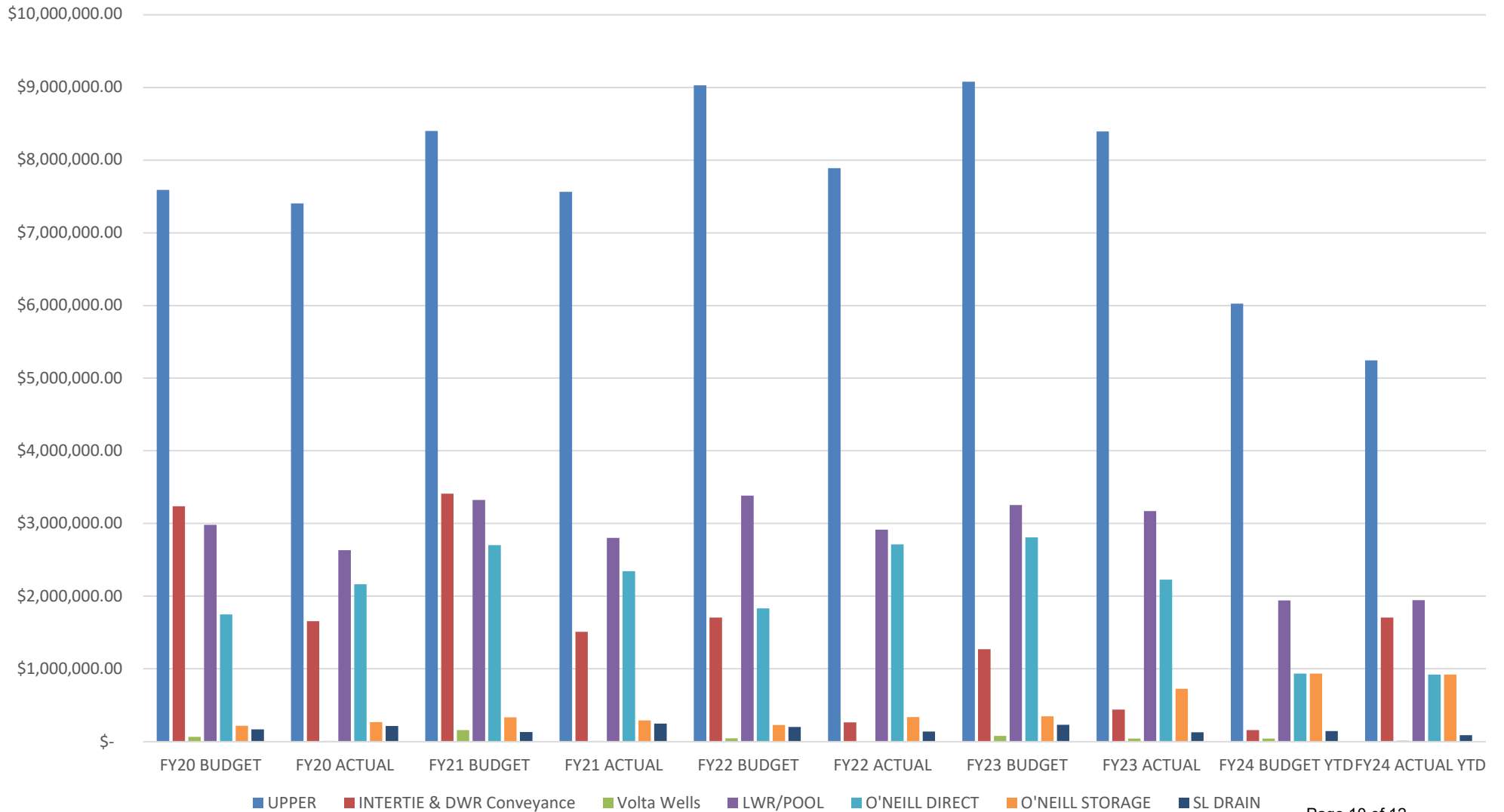
San Luis & Delta-Mendota Water Authority
DMC WITH CIP / E O & M With Indirect Allocated
Budget to Actual Paid/Pending Comparison Summary
March 1, 2023 through September 30, 2023

FAC 11/06/23 & BOD 11/09/23

		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	3,150,312	40.67%	1,477,414	4,627,726 *
Operate & Maintain Wasteways	S/F 04	32,703	0.53%	19,383	52,086 *
Mendota Pool	S/F 05	87,862	0.21%	7,617	95,479 *
Operate & Maintain Jones Pumping PI	S/F 11	1,593,288	22.56%	819,571	2,412,859 *
Intertie Maintenance	S/F 12	190,177	2.80%	101,729	291,906 *
Intertie DWR Conveyance	S/F 12	1,412,784			1,412,784 *
Volta Wells Pumping	S/F 13	6,858	0.11%	3,981	10,839 *
Operate & Maintain O'Neill	S/F 19	1,229,040	16.94%	615,228	1,844,268 *
Maintain Tracy Fish Facility	USBR 30	248,174	2.93%	105,902	354,076
Operate & Maintain San Luis Drain	S/F 41	54,451	0.85%	31,048	85,499 *
Maintain Delta Cross Channel	USBR 44	10,085	0.18%	6,497	16,581
CIP	25	3,037,408	6.33%	229,989	3,267,397
EO&M & Scada Project	26	2,884,780	4.16%	151,105	3,035,886
SPECIAL PROJECTS	XX		1.73%	62,927	62,927
				3,632,391	17,570,313
			100.00%		
Safety Equipment Training	50	3,389			
IT Expense	51	377,565			
Warehousing	52	73,171			
Tracy Field Office Expense	54	410,839			
Direct Administrative/General Expense	56	1,119,427			(6,303,283) less CIP&EO&M
Indirect Administrative/General Expense	57	-			
Indirect O & M LBAO Admin.	58	1,648,000			(370,657) less USBR Facilities
Total Indirect to be Allocated			3,632,391		(62,927) less Special Projects
TOTAL		17,570,313			10,833,446 *SLDMWA O&M Costs
		includes intertie DWR conveyance			

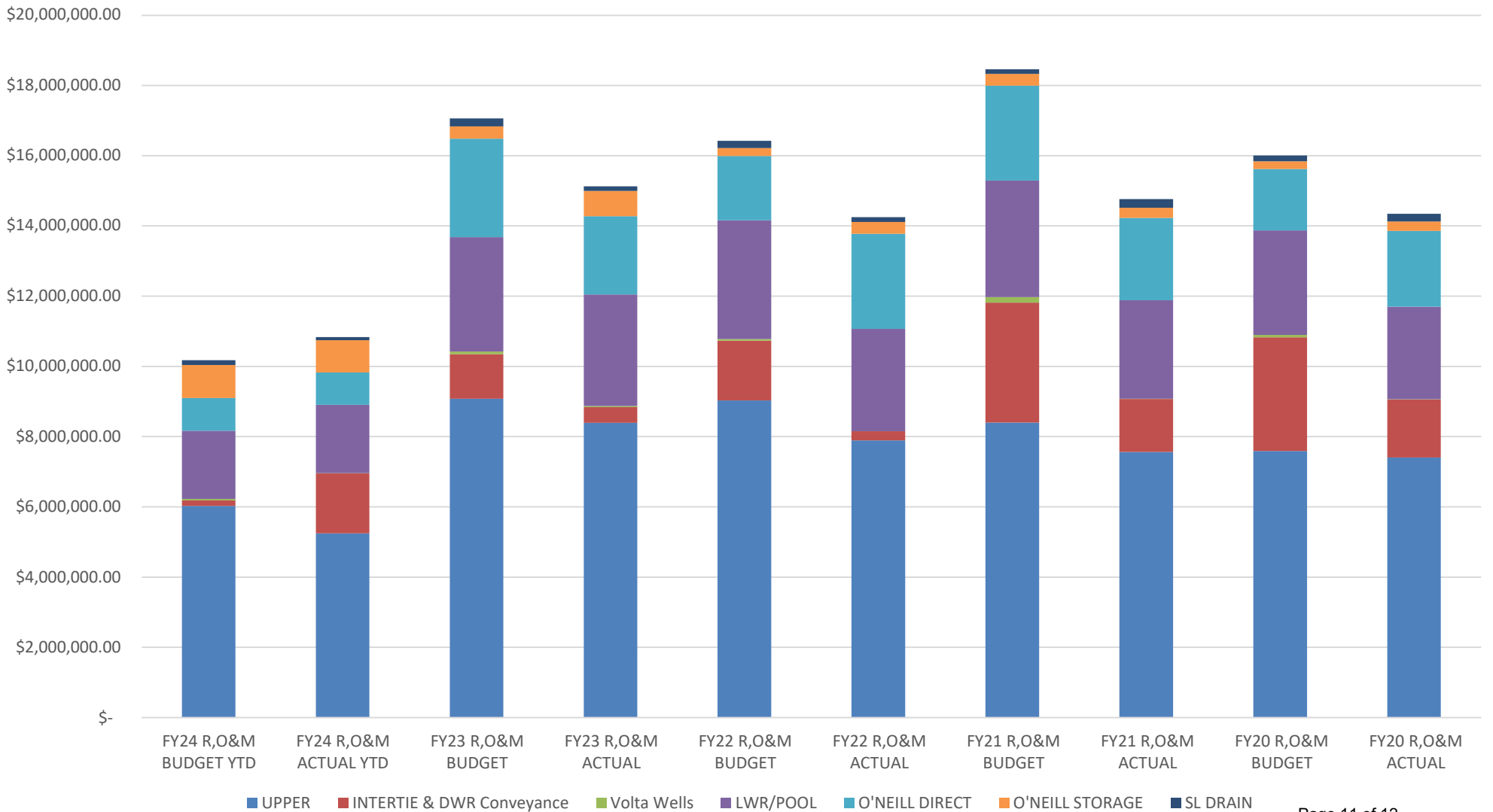


San Luis and Delta-Mendota Water Authority
O&M Budget to Actual
FY20-FY24 YTD (09/30/2023)
FAC 11/06/2023 BOD 11/09/2023



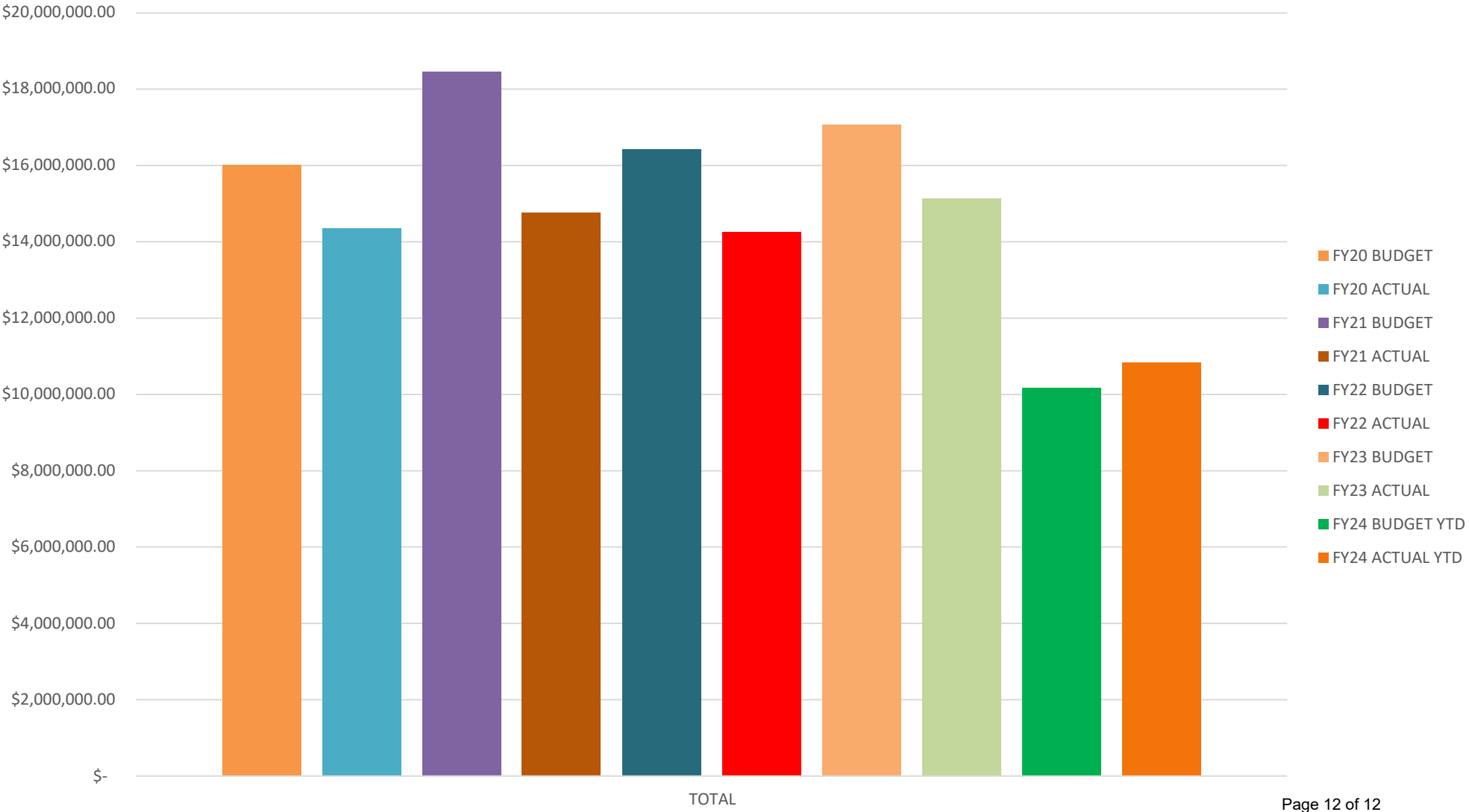


San Luis and Delta-Mendota Water Authority
O&M Budget to Actual
FY20-FY24 YTD (09/30/2023)
FAC 11/06/2023 BOD 11/09/2023





San Luis and Delta-Mendota Water Authority
HISTORICAL O&M BUDGET TO ACTUAL TOTAL
FY20-FY24 YTD (09/30/2023)
FAC 11/06/2023 BOD 11/09/2023





November 09, 2023

To: Pablo Arroyave, Chief Operating Officer

From: Bob Martin, Facilities O&M Director

Subject: O&M Report for October 2023

OPERATIONS DEPARTMENT

The C.W. “Bill” Jones Pumping Plant (JPP) operated between 3 & 5 units through October 17th. On October 18th, 2 units were operated and from October 19th to the end of the month, 1 unit was operated. The average rate of pumping for the JPP was 2,251 cfs for the month.

Total pumping at the JPP for the month of October was 138,393 acre-feet. The O’Neill Pump/Generating Plant (OPP) generated 25,157 acre-feet, and pumped 21,805 acre-feet during the month. 3,464 acre-feet was pumped at the Delta-Mendota Canal/California Aqueduct Intertie Plant (DCI) and 0 acre-feet was reversed from the DCI into the DMC for the month of October.

The Federal share in the San Luis Reservoir at the end of October was 714,690 acre-feet as compared to 187,956 acre-feet for the end of October 2022.

During the month of October, releases from Friant Dam ranged from 377 to 413 cfs with 7,145 acre-feet entering the Mendota Pool during the month. Flows past the Mendota Dam for the San Joaquin River Restoration Program (SJRRP) were 7,448 acre-feet for the month.

Canal Operations Department

The Canal Operations crews worked on the following activities this month:

- Pitot Tube flow measurements at MP’s

19.39 L	26.89 R	56.80 R
19.59 R	27.80 R	63.96 L
21.25 L	32.36 L	67.55 L
22.50 R	32.61 R	Meyers East Side 1 MP
25.02 R	47.89 RA	

- Open Channel flow measurement at DMC MP’s and Volta Wasteway Locations

4.98	72.38	76.05	115.90
Volta 10’ Gate	Volta Cross Channel	Volta Wasteway	Volta Freeman

- Serviced flow meters at DMC MP's

19.18 L	35.04 R	44.24 R
22.20 L	35.73 R	45.20 L
22.50 R	36.39 L	45.35 R
22.78 L	36.45 R	45.38 L
23.41 L	36.68 L	50.70 R
23.81 L	39.20 R	58.90 L
24.38 L	39.22 L	66.68 L
31.60 L	39.78 L	96.15 LA
31.60 R	40.39 R	96.15 LB
32.61 R	42.51 L	100.48 LA
32.62 R	43.22 L	100.48 LB
34.63 R	43.73 L	102.64 LA
		102.64 LB

- Coordinated flow testing at Volta for Grasslands facilities
- Bi-weekly meter readings on all active 200 plus turnouts
- Inspected Wasteways
 - Westley
 - Newman
 - Volta
 - Firebaugh
- Collected water samples at MP 10.62, 20.63, 29.95, 39.21, and 45.77
- Groundwater well soundings
 - Upper DMC Warren Act
 - Lower DMC Warren Act
 - ARRA Wells
 - USGS Monitoring Wells
- Routine patrols
 - DMC
 - Mendota Pool
 - San Luis Drain

Other Activities

The Control Operations crew performed the following switching/clearance orders this month:

- C-23-DM-35 Volta Well pump removal and inspection
- C-23 ON-57 OPP Unit 4 distributor shaft oil leak
- C-23-DM-61 DMC Milepost 96.81 dive inspection (DRS Marine)
- C-23-JP-62 Switchgear Bldg. UZ11A PT inspection/reset
- C-23-JP-63 JPP Unit 6 warranty inspection
- C-23-DM-64 Turnout gate installation MP 69.21 Left
- C-23-JP-65 JPP Unit 6 suction elbow inspection
- C-23-DM-66 Turnout gate replacement MP 54.01 Left
- C-23-DM-67 Turnout gate replacement MP 43.01 Left
- C-23-ON-68 OPP domestic water tank rehabilitation
- C-23-JP-69 JPP Unit 6 BFV accumulator tank PM

MAINTENANCE DEPARTMENT

The SLDMWA Facilities maintenance crews worked on the following projects this month:

Jones Pumping Plant

Electrical/C&I Maintenance Crews:

- JPP Unit 6 rewind warranty 5-year stator and rotor inspection
- JPP Trash Rake cleaner sensor troubleshooting and repair
- Wheel pit high level alarm troubleshoot and repair
- JPP Domestic Water Treatment Plant replacement
- Building UZ11A tie breaker T5 troubleshoot and repair
- JPP Kinney Strainer trip troubleshoot and repair
- JPP Unit 2 butterfly valve failed start troubleshoot and repair
- Repaired power cables to JPP Machine Shop welder and oil configuration
- JPP emergency lighting inspection PM
- Control Room phone system repairs and replacements
- JPP center tube siphon breaker CCA panel troubleshoot and repair

Mechanical Maintenance Crews:

- JPP Unit 6 rewind warranty 5-year stator and rotor inspection
- JPP Unit 6 annual maintenance (BFV)
- JPP Unit 6 annual maintenance (motor)
- JPP Unit 6 annual maintenance (pump)
- JPP power outage support
- JPP shop rail cart re-assembly
- JPP wheel pit maintenance and inspections
- Repair BFV stop and platform modifications
- OPP sand filter system rehabilitation support

Civil Maintenance Crews:

- Trash rack cleaning support

O'Neill Pumping/Generating Plant

Electrical/C&I Maintenance Crews:

- OPP Unit 1 vibration monitor device upgrade and install
- OPP semi-annual security camera and equipment PM
- OPP emergency lighting PM
- OPP Cathodic Protection System test and inspection PM
- OPP Sump Pump test and inspection
- OPP Station Service battery internal resistance test and inspection PM
- OPP Station Service battery test and inspection PM
- OPP security gates test and inspection PM
- OPP Station Service battery charger test and inspection PM
- OPP Station Service dry transformer test and inspection PM
- OPP ½ ton chain hoist crane test and inspection PM
- OPP 65/10 ton bridge crane test and inspection PM
- OPP 5 ton stoplog crane test and inspection 4-month PM
- OPP compressed air system LP test and inspection PM
- OPP low pressure air compressor test and inspection PM
- Pigeon Roost Lighting PM

- OPP trash rack crane test and inspection PM
- Machine and Welding shop equipment test and inspection 4-month PM
- OPP UPS battery internal resistance test PM

Mechanical Maintenance Crews:

- OPP Unit 1 stuffing box water line leak pipe repair and replacement
- OPP Unit 4 distributor hub oil leak investigation and repair
- OPP Unit 4 cooling water pump leak repairs
- OPP Unit 2 sewage system test and inspection PM
- OPP low pressure air compressor test and inspection PM
- Machine Shop equipment test and inspection 4-month PM
- OPP HVAC system test and inspection PM
- OPP Siphon Building system service and repair
- OPP spare cooling water pump and Kinney Strainer repair and rebuild
- OPP 5 ton stop log gantry crane test and inspection PM
- OPP Sump Pump inspection PM
- OPP 3 ton jib crane test and inspection PM
- OPP ½ ton chain hoist crane test and inspection PM
- OPP 1 ton chain hoist crane test and inspection PM
- OPP high pressure air compressor test and inspection PM
- OPP shop cleanup and organization
- OPP Water Storage Tank rehabilitation

Civil Maintenance Crews:

- None to report

DMC/CA Intertie Pumping Plant

Electrical/C&I Maintenance Crews:

- None to report

Mechanical Maintenance Crews:

- Annual compressor PM
- Annual valve pit ventilation system PM
- Annual door PM
- Annual HVAC system maintenance PM
- Annual bulkhead gate PM
- Annual service water PM

Civil Maintenance Crews:

- Monthly generator inspection PM

Delta-Mendota Canal

Electrical/C&I Maintenance Crews:

- DMC Checks supervisory system inspection and maintenance
- DMC Check 1 level detector failure troubleshoot and repair
- Check 21 PLC repair and replacement
- Checks 11, 14, and 19 electrical system troubleshoot and repair
- LBFO Domestic Well tank and pump test and inspection 4-month PM
- LBAO general lighting inspection and repairs

- LBAO facility lighting inspection 4-month PM
- LBFO HVAC system 4-month PM

Mechanical Maintenance Crews:

- Annual mechanical systems/equipment PM for Checks 10-13
- Annual Newman Wasteway mechanical PM
- Annual Westley Wasteway mechanical PM
- Volta Wasteway drive system electrical test and inspection bi-annual PM

Civil Maintenance Crews:

- Mechanical weed control MP 1.00 to 116.00
- Trash collection from MP 1.00 to 116.00
- Haz Mat Waste inspection PM
- Test Can modifications and maintenance along the DMC
- Repair gates and fences along the DMC from MP 1.00 to 116.00
- DMC meter box maintenance and repairs
- Repaired erosion damage from MP 1.00 to 116.00 PM
- Grading of DMC roads from MP 1.00 to 116.00 PM
- Cleaned drain inlets from MP 1.00 to 116.00 PM
- DMC farm bridge traffic strip replacement
- DMC float line maintenance and repair
- LBFO above ground fuel storage tank inspection PM
- Fabricate and install handrails
- Replaced turnout gates at MP's 41.03L, 54.01L, 69.21L
- Inspection of all DMC overchutes
- Class A driver training
- SLD grading

Tracy Field Office

Electrical/C&I Maintenance Crews:

- Tracy Electric Shop lighting inspection 4-month PM
- Control Building emergency lighting PM
- JPP Domestic Water Treatment Plant replacement project
- TFO Admin Office lighting 4-month PM
- TFO Warehouse loading dock gate 4-month PM
- TFO Warehouse lighting inspection 4-month PM
- CMT/VMT HVAC system 6-month PM
- Repair and retro fit lighting in the Control Building Server Room
- TFO conference room phone system troubleshoot and repair
- Water Treatment Plant lighting inspection 4-month PM

Mechanical Maintenance Crews:

- Control Room bathroom facility annual inspection PM
- JPP Domestic Water Treatment Plant rehab
- Machine Shop changing room and bathroom repairs

Civil Maintenance Crews:

- JPP power outage support
- JPP Domestic Water Treatment Plant replacement project
- JPP trash rack cleaning

- Building UZ11A repairs
- JPP Unit 6 rewind support
- OPP industrial water trash rack fabrication
- JPP Domestic Water Treatment Plant replacement project
- OPP Water Storage Tank rehabilitation
- Replace signage on TFO buildings

Other Activities

- None to report

USBR Support Services

The Water Authority crews supported the following work at USBR facilities during the outage this month:

- TFCF Hyacinth Pits 1 and 2 debris removal and relocation
- Installed new 24" flap gate into the HT vault

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
 - Adding U3 & U4 functionality and visibility to SCADA
 - Working on PLC construction drawings
 - Network wiring landed and tested
- Operator C station development
- DMC work on PLC replacement plan for check structures
- OPP actuator rod procurement/installation
- OPP SCADA user station development
- OPP insulation tester replacement
- OPP siphon house air compressor replacement
- DMC check motor replacement
- OPP Kinney Strainer shaft repair
- OPP compressed air dryer replacement
- OPP trash rack for industrial water inlet
- OPP Unit 1 vibration monitor replacement
- JPP Unit 6 warranty inspection prep work
- JPP Unit 6 ramp test preparation
- Research to replace ammeters in UZ11A
- JPP unit wheel pit float switch replacements
- OPP high pressure air compressor replacement
- TFO sewer line inspection planning

Land Management Activity Summary:

The Engineering staff issued three (3) Access Permits this month:

- Access Permit P2402030 was issued to Del Puerto Water District allowing landowner to relocate the existing PG&E power pole within the canal right-of-way at MP25.02-L
- Access Permit P2402039 was issued to Del Puerto Water District allowing temporary drafting of water from the Delta-Mendota Canal at MP34.39-R

- Access Permit P2402032 was issued to Phillips 66 Company allowing roadway access to their existing equipment vault for routine maintenance

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

- Orestimba Creek Recharge Project
- San Joaquin County Pacific Gateway Project, EIR public comments

SAFETY DEPARTMENT

The Safety Department worked on the following items this month:

- Provided Job Hazard Analysis support to the crews
- Sent out Safety Topics for the month of October to all SLDMWA staff:
 - 10-1-2023 Personal Protective Equipment
 - 10-2-2023 Ladder Safety
 - 10-3-2023 Machine Guarding
 - 10-4-2023 Fall Protection
 - 10-5-2023 Power Tools
- Provided Safety Message for October 2023 Newsletter
 - Keys to Safe Driving
- Scheduled annual hearing tests for selected employees
- Provided Adult CPR, AED, & First Aid Training
- Coordinated permit required Confined Space Rescue Training with CMC Rescue
- Review Job Hazard Analysis with contractors: American Asphalt
- Scheduled Hazardous Waste pickup from OPP and TFO

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
- Resolved various invoice issues and disputes
- Closed out several pending NetSuite tickets for various issues
- WAM Staff attended CPR Training
- WAM staff attended Employee Appreciation Day
- WAM staff attended Adobe PDF training
- Contracts/PO Agreements/LOA's Status Update:
 - F23-TFF-017 Tension Arm Repairs - Contract executed 4/12/23, with start date still pending funding from Bureau
 - F24-OPP-003 Plant Water Storage Tank Rehab – Contract executed with work ongoing. Change Order 1 processed due to unanticipated quality of the tank
 - F24-TFO-001 Slurry Seal Project – <\$60k. Work completed with invoice pending
 - F24-OPP-013 UPS Battery Replacement – No bids received on due date, working with single vendor and pending receipt of bid documents
 - F24-OPP-009 Station Battery Replacement – Received one single bid, with revisions needed. Pending updated bid documents from vendor
 - F24-ALL-006 Heavy Equipment Rental Master Agreement – Pre solicitation stage, Scope of Work (SOW) being developed
 - F24-DMC-010 Diving Services Master Agreement – Pre-solicitation stage, developing SOW for contract

- F24-ALL-005 Biological Survey Master Agreement - Pre-solicitation stage, SOW being developed for contract
- F24-TFO-002 Fuel Delivery Master Agreement – Pre-solicitation stage
- F24-TFF-016 Wood Grinding and Pole Disposal Contract – Contract executed with bonds pending
- F24-DMC-014 Flowmeter Phase 3 – Pending contract review
- F24-ALL-017 Storm Drain Vault Cleaning – PO issued 8/22, pending PO increase due to unanticipated events
- F24-ALL-020 Fire Sprinkler Inspection – Pre-solicitation stage, pending SOW update from Project Manager
- F24-TFO-021 Tree Stump Removal – Contract executed and work completed with invoice pending
- F24-JPP-025 JPP Pipe Inspection – Ongoing service
- F24-TFO-024 Tracy Warehouse Roof Reseal – Ongoing solicitation
- F24-LBFO-026 Supply and Delivery Of Pesticides – Ongoing solicitation
- F24-DMC-027 MP 96.82 Emergency Liner Repair – Pending contract review
- F24-DMC-028 Check 18 Void Repair Crane Rental – Pending contract review

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, 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:

Administrative Activities:

- Monthly FAC, WRC and BOD meetings with Zoom
- Creating policies for BYOD with Legal
- FY25 RO&M budget
- Strategic Plan workshop
- South of Delta Drought Plan meeting
- Evaluated quotes to move POT's lines, AT&T vs Granite

General Network & Desktop Support:

- Desktop support calls
- Firewall firmware updates
- Research abnormal network activity as reported by Darktrace
- LBAO Board Room sound troubleshoot
- Server Security updates
- Installed new AD Server in Sacramento office
 - Prepped for file history (laptop backups)
- Re-imaged “Hot Spare” surface for COO
- Configured AT&T Portals
 - Set all invoices to be emailed to accounts.payable@sldmwa.org
 - Created additional portal access for employees
- Arranged Adobe Acrobat training
- Purchased and installed Blubeam to Mechanical Engineers
- Developed a connection to existing security cams to be viewed on new security screens until all cameras are swapped
- Upgraded Scott Petersen to Office 2021 and Adobe Pro
- Upgraded SSL Certificate to email server
- Conducted Adobe Acrobat training for end users on 10/21/23
- Configured and deployed laptop for Electrical Engineer
- Reviewed “Decision Document” from USBR through multiple meetings on this topic

Ongoing:

- NetSuite
 - User and Administration
 - Bi-Weekly Implementation Team meetings
 - Monitor Citrin Cooper support activities for NetSuite
- Shepherd
 - Weekly progress meetings
- Server refresh prep for deployment to LBFO and OPP
 - WAM Servers, prepping for redeployment
- Cybersecurity
 - Monitor Symantec Anti-Virus Management Console
 - Update Symantec or move to Sentinel One
 - Security updates on Servers
 - Monitor Firewall
 - Monitor Darktrace appliance reporting
 - Update additional AV security settings
 - (MFA) Multi Factor Authentication vendor SurePassID
 - Cyber Security training and webinars
 - Cyber Readiness Institution Certification Course
 - Cyber Security Team
 - Cyber Security Incidence Response Plan
 - Disaster Recovery Plan
 - Business Continuity Plan
 - Monitor IBM (MAAS360) Mobile Device Management

- Review Infragard dispatches – FBI Cyber Security group
- Monitoring Darktrace Cyber Security appliance in IT network
 - Advanced configurations IT/OT
- Continue to Troubleshoot Email autodiscover issues
- Water Operations iPads and new app deployments via MDM
- Deployment of Office 2021
- Gate control planning
- DWR regarding use of Fiber from a 1992 contract agreement
- Document management evaluating quotes
- Logistical and technical support provided to Trofholz, new site security installation vendor hired by USBR
- Review quotes for surface and laptop refresh cycle

HUMAN RESOURCES DEPARTMENT

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

General Administrative Activities:

- Active Recruitments
 - None to report
- Closed Recruitments
 - Control Operator
- Candidates Selected
 - Control Operator (2)
- Skills testing
 - None to report
- New Hire Orientations
 - Control Operator (1)

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:

- EEOC report tracking
- Affirmative Action report tracking

Ongoing:

- Performance appraisal tracking
- 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: No changes this month. 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 (\$40k estimate), 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 planning and discussions are required. 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 delayed while the USBR review is ongoing. The Feasibility Team held a Technical Workshop with the USBR policy group and reviewers, and incorporated review comments that were applicable. CDM Subconsultants are preparing the final Wetland Delineation and Archeological reports, and should be available in the next reporting period. These documents support the environmental and permitting efforts and have no bearing on the Feasibility Study. Geotechnical consultant Terracon was awarded a Contract Amendment to complete the final Geotechnical Investigation Phases 2 & 3 in December 2022 and has completed 100% of the CPT's, 96% of the drill holes, and 100% of test pits. USBR is requesting additional services to have Terracon prepare foundation design recommendations. USBR has prepared a draft SOW for SLDMWA review; however, it will require further coordination with Caltrans to ensure it captures all requirements. A new proposal is anticipated to be prepared in support of a new contract over the next couple of reporting periods. Staff will begin reviewing Caltrans requirements and look for a multi-disciplined consultant to assist with managing the bridge design deliverables necessary to gain Federal Highway Administration funding for the subsidence project. The deliverables are typically prepared years in advance of project approvals.

Numerous design data collection efforts have been coordinated and continue to be discussed. Looking towards the fall, USBR is planning to visit the DMC to assess conditions of the Lower DMC embankments during a planned dewatering of the Mendota Pool. The assessment will include a photogrammetric survey to capture topographic data of the Lower DMC canal prism.

EXTRAORDINARY O&M & CAPITAL PROJECTS

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). All field work and commissioning has been completed. USBR is awaiting spare parts from the contractor to issue final acceptance. SLDMWA activities to integrate the pumps into SCADA are in progress.

DMC Turnout Flowmeter Upgrade Program – Phase 3 (FY23)

Status: The list of needed flowmeters for this phase was provided to McCrometer several weeks back, and the quote came back significantly higher than anticipated. With increased McCrometer rates, staff reevaluated the list of meters to purchase during this phase to remain within budget. The list has been finalized and revised quote has been requested to enter into the single-source contract.

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

Status: All site work completed, pending final retention invoicing.

DMC D/S Check 18 Concrete Lining Repair, MP96.82 (ERF)

Status: Use of the Emergency Reserve Fund (ERF) was approved by Reclamation this month. Planning is currently underway, including agreements for dive services, crane services, and multiple material purchases. Work is scheduled to begin next month.

DMC Concrete Lining Repair and Farm Bridge Abutment Stabilization, MP41.49 (ERF)

Status: Use of the Emergency Reserve Fund was approved by Reclamation this month. Site work will be scheduled when flows decrease in the Upper DMC.

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 (LOA). The 100% design package (SpecB) is scheduled for completion in January 2024. Once received, SLDMWA staff will begin putting together the solicitation package. SLDMWA has received notice that the application for \$25M of BIL (Aging Infrastructure) funding was approved and is working with Reclamation on repayment details. A separate LOA has been executed to fund the repayment negotiations, and SLDMWA is awaiting Reclamation to schedule a meeting. Staff is currently working with Reclamation to resolve issues regarding the communication protocols that will be incorporated into the design.

JPP Wear Ring Purchase (FY22)

Status: No activity

JPP Unit No. 3 Rewind

Status: Jones Unit 3 Rewind Project is complete. Reclamation is preparing the substantial complete letter and acceptance of the performance test results. Staff is preparing the final invoices for the project.

EXTRAORDINARY O&M & CAPITAL PROJECTS

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 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, other damaged components. CVO has provided approval for the two unit outage (U2 & U6). These units are the units connected to the UZ11A Switchgear Building.

Powell started on the repairs for UZ11A on September 18, 2023 and completed them on September 26, 2023. SLDMWA supported Powell with tools, operating heavy equipment, and technician assistance with relay tests. Tasks included replacing bushing box, one set of CTs, bus bars and connections, surge arresters, modifications to seal bottom openings, installing rain hoods, electrical tests of protective relays, power circuit breakers, PTs, CTs, ammeters, voltage circuits, and CT circuits. Powell and SLDMWA worked through the week days and Saturday.

Commissioning was performed September 27th to 30th and several issues were encountered with the PTs, the relay settings, and with how the information transmits to WAPA. In order to make the pumps available again, the power was again routed through the adjacent switchgear building as a temporary configuration. Powell is scheduled to mobilize back to resolve all outstanding issues the week of January 8, 2024.

JPP Concrete Slab by Trashrake Dumpster (FY23)

Status: Project is currently in the planning and design phase. Technical specifications that incorporate the Geotechnical Report prepared by a consultant are approximately 70% complete, with the design drawings 100% complete. Once all technical specifications have been completed, a schedule will be developed for the solicitation and construction phases.

O'NEILL PUMPING/GENERATING PLANT (OPP)

Main Transformers Rehabilitation/Replacement

Status: SLDMWA is currently in contract with Cal Electro Inc. (CEI) to complete the OPP Main Transformers Rehabilitation. The contract was awarded to CEI on May 10th and the Notice to Proceed was issued on May 18th. SLDMWA entered into a Professional Services Agreement with DHR Hydro Services Inc. to provide project management services for the duration of the CEI contract. Onsite construction is planned during April and May 2024 during a 45-day system outage at OPP, pending favorable hydraulic conditions.

To date, CEI has finalized configurations for ProCore (CDMS) and provided submittals for arresters, high side bushing, relays, and fan kit for the cooling system, and Baseline Schedule. TSC has reviewed and approved the high side

EXTRAORDINARY O&M & CAPITAL PROJECTS

bushing, preapproved the fan kit pending fan controls, and arresters are to be corrected and resubmitted. Protective Relays have been received. Efforts are under way to secure the bushings on time, which has proven challenging. The other main challenge with the contract is the lack of response from Pennsylvania Transformers (PTI). CEI continues to request information from PTI, with little response. CEI and DHR are working together on the issues with the bushings and PTI in an effort to keep the contract schedule intact.

OPP Unit Rehabilitation Project (Previously Pump Bowl Modification & Replacement)

Status: The Water Authority is moving forward with the projects included in the 10 Year Plan, with many of them identified to be included in an upcoming BIL application. Developing design and construction cost estimates for all BIL identified projects is a priority right now. USBR recently informed staff they are unable to provide cost estimates to support the BIL applications and Water Authority staff will be preparing the estimates with support from the original pump manufacturers. The following projects are anticipated to be included; 1. Unit Woodward Governor Replacement, 2. Unit Rotor & Stator Rewind, 3. Pump Bowl Replacement Program, and 4. Pump Assembly & Penstock Rehabilitation Program.

OPP UPS Battery Charging System Replacement (FY22)

Status: Staff created the contract scope of work and solicited quotes in early August and only received one bid that was determined to be nonresponsive due to inability to meet the minimum requirements. Staff is currently reaching out to other contractors to see if they have the ability to perform the work and meet the contract requirements.

OPP Station Service Backup Battery System Replacement (FY23)

Status: Staff created the contract scope of work and solicited quotes in early August and only received one bid that was determined to be nonresponsive due to inability to meet the minimum requirements. Staff is currently reaching out to other contractors to see if they have the ability to perform the work and meet the contract requirements.

OPP Plant Water Storage Tanks Rehabilitation (FY24)

Status: The contract was awarded to FD Thomas on September 15 with the Notice to Proceed issued on October 18, 2023. To date, contractor has removed the existing liner, and is in the process of recoating the 80,000 gallon tank. The contractor will transition to the 40,000 gallon tank after the first tank cures for 7 days. The contract is anticipated to be completed this year.

OPP Cooling Water System Rehabilitation Design (FY24)

Status: Design will be performed using internal staff. Rehabilitation is anticipated to be a replacement in kind, with minor modernizations and improvements. Because in-depth design services will not be required, the Board has approved a portion of the design budget to be allocated to supplement construction agreement costs of the OPP Plant Water Storage Tanks Rehabilitation. Upgrades of the

EXTRAORDINARY O&M & CAPITAL PROJECTS

installations are planned to occur during the OPP Transformer Rehabilitation outage next Spring and staff is focusing on purchasing the long lead items.

OPP Sand Filter System Rehabilitation Design (FY24)

Status: Preliminary planning activities have begun. Staff have explored the options to replace the existing tanks in-kind, or to rehabilitate the existing tanks in place. Due to the geometry of the configuration, both options present significant difficulties. During original installation, the tanks were placed prior to pouring the floor above, making it impossible to install new tanks without significant torching and welding efforts. In addition, the tanks are placed very close together giving little room to complete rehabilitation-in-place within a timely manner. In response to these difficulties, staff is exploring installing a new filter technology that incorporates a much smaller footprint, through a pilot study. The plan is to install a VAF, V-1000 self-cleaning screen filter at the JPP to test the performance of this system. If successful, the SLDMWA will present the performance results to USBR for consideration as an alternate to the existing sand filter system.

TRACY FACILITIES (TFO)

TFO Domestic Water Treatment Plant Replacement (FY20)

Status: Replacement water treatment equipment has been ordered with an anticipated delivery date in early November 2023. To date, the building has been rehabilitated with a new roof and new paint and the grading of the surrounding area has been completed. The water treatment equipment will be replaced after receipt of the ordered equipment and the project is anticipated to be completed by the end of the year.

Controls parts have been ordered and received. PLC program has been rewritten and is being tested prior to install. The HMI program is being developed for local visual and control.

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

Status: Project Complete. American Asphalt completed the slurry seal and striping of the USBR parking lot this month.

MULTIPLE FACILITIES

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

Status: The Analysis was conducted by Reclamation TSC through a LOA. The onsite surveys for TFO, LBFO, and DCI were completed in September 2022. Final report for LBFO Arc Flash Hazard Analysis has been received. Draft report for DCI Arc Flash Hazard Analysis has been reviewed and responded with feedbacks. TFO Arc Flash Hazard Analysis will be reviewed upon receipt.

EXTRAORDINARY O&M & CAPITAL PROJECTS

SCADA System Evaluation (FY23)

Status: Staff is close to finishing this project, with the following tasks in progress:

- Developing plan for testing the security, speed, and proper use of DWR fiber
- Developing plan to implement CISA and federal cyber security mandated requirements with the least amount of system downtime.
- Developing ideas for add-on boards to display current conditions on the canal and throughout the plants.
- Testing new SCADA software solutions to see if fully capable to handle our SCADA needs and to see ROI to lowering our yearly support contract
- Testing redundant server solution for the future.



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

NOTE: ALL FIGURES ARE IN ACRE FEET

	September-2023	September-2022
JONES PUMPING PLANT - PUMPED	233,647	143,644
DCI PLANT - PUMPED	16,085	0
DCI PLANT - RETURNED	0	0
O'NEILL P/G PLANT - PUMPED	74,663	71,797
O'NEILL P/G PLANT - GENERATED	0	6,394
DMC DELIVERIES	50,009	24,904
RIVER/WELL/RECYCLE WATER INTO DMC	5,682	5,113
MENDOTA POOL DELIVERIES	90,656	50,540
SHASTA RESERVOIR STORAGE	3,324,800	1,515,100
SAN LUIS RESERVOIR (SLR) STORAGE	1,656,587	585,114
SLR FEDERAL SHARE	788,049	243,442

	September-2023	September-2022
*SAN LUIS UNIT DELIVERIES	8,112	5,929
SAN LUIS UNIT WELL WATER	0	0
SAN FELIPE UNIT DELIVERIES	13,459	9,321

Jones Pumping Plant monthly average = 3,927 cfs



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

Date: 10/18/23

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	233,647			
Total Pumped @ DCI	(16,085)			
Total Reversed @ DCI	0			
City of Tracy		0	1,274	1,274
Byron Bethany I.D.		401	1	402
West Side I.D.		0	0	0
Banta Carbona I.D.		135	0	135
West Stanislaus I.D.		23	0	23
Patterson I.D.		227	0	227
Del Puerto W.D.		6,578	9	6,587
Central California I.D. - above check #13		1,047	0	1,047
San Luis W.D.- above check #13		0	0	0
Volta Wildlife Mgmt. Area (Fish & Game)		1,838	0	1,838
Fish & Wildlife (Volta) Santa Fe - Kesterson		0	0	0
Grasslands W.D. (Volta)		13,479	0	13,479
Total Pumped @ O'Neill PP	(74,663)			
Total Generated @ O'Neill PP	0			
Central California I.D. - below check #13		366	0	366
Grasslands W.D. (76.05-L)		18,663	0	18,663
Fish & Game Los Banos Refuge (76.05-L)		1,043	0	1,043
Fish & Wildlife Kesterson (76.05-L)		1,069	0	1,069
Freitas Unit (76.05-L)		892	0	892
Salt Slough Unit (76.05-L)		892	0	892
China Island (76.05-L)		108	0	108
San Luis W.D. - below check #13		619	0	619
Panoche W.D.		1,019	2	1,021
Eagle Field W.D.		100	0	100
Oro Loma W.D.		18	0	18
Mercy Springs W.D.		0	0	0
Firebaugh Canal W.D. (D.M.C.)		206	0	206
River and Groundwater well pump-in	3,586			
North Valley Regional Recycled Water Program	2,096			
Change in Canal Storage	158			
Wasteway Flushing and Spill	0			
Total Available in Delta-Mendota Canal	148,739			
TOTAL DELIVERY FROM DELTA-MENDOTA CANAL	(50,009)	48,723	1,286	50,009
Theoretical DMC Delivery to Mendota Pool	98,730			
Total DMC Metered Delivery to MP	93,186			
Estimated (Loss) or Gain in DMC	(5,544)			
Estimated % Loss or Gain in DMC	-2.31%			



**San Luis & Delta-Mendota Water Authority
Monthly Deliveries
September 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	93,186			
Mendota Pool Groundwater Well Pump-In	337			
(+)SJRRP Releases into Mendota Pool	6,978			
(+)Available Flood Releases from Friant into Mendota Pool	0			
(+)Other San Joaquin River Water	0			
(+)Kings River Flood Releases into Mendota Pool	583			
<u>Mendota Pool Delivery Information</u>				
<u>Exchange Contractors:</u>				
Central California Irrigation District (CCID)		45,869	0	45,869
Columbia Canal Company (CCC)		4,149	0	4,149
Firebaugh Canal Water District (FCWD)		3,221	0	3,221
San Luis Canal Company (SLCC)		12,423	0	12,423
<u>Refuge:</u>				
Conveyance Losses		44	0	44
Calif Dept of F/G-LB Unit (CCID)		297	0	297
Calif Dept of F/G-LB Unit (SLCC)		901	0	901
Calif Dept of F/G-Salt Slough Unit (CCID)		253	0	253
Calif Dept of F/G-China Island Unit (CCID)		31	0	31
US Fish & Wildlife-San Luis Refuge (SLCC)		0	0	0
US Fish & Wildlife-Freitas (CCID)		253	0	253
US Fish & Wildlife-Kesterson (CCID)		304	0	304
Grasslands WD (CCID)		5,275	0	5,275
Grasslands WD (SLCC)		1,979	0	1,979
Grasslands (Private)		32	0	32
San Luis WD Conveyance (CCID)		130	0	130
Del Puerto WD Conveyance (CCID)		0	0	0
<u>San Joaquin River Restoration Project:</u>				
SJRRP		6,962	0	6,962
<i>Other: (see MP Operations Report)</i>		8,533	0	8,533
<i>Total Available Water in Mendota Pool</i>	101,084			
TOTAL DELIVERY FROM MENDOTA POOL	(90,656)	90,656	0	90,656
*Estimated (Loss) or Gain in Mendota Pool	(10,428)			
*Estimated % Loss or Gain in Mendota Pool	-10.32%			
Total System Delivery	(140,665)			
*Total Estimated System (Loss) or Gain	(15,972)			
*Total Estimated % System Loss or Gain	-6.46%			

Special Notes:
Check 18 gates cleared to protect damaged liner area at MP 96.81 Right



Jones Pumping Plant
September - 2023

Date	# OF UNITS	TIME ON/OFF	AVG DAILY CFS
1	5	CONTINUOUSLY	4276
2	5	CONTINUOUSLY	4286
3	5	CONTINUOUSLY	4282
4	5	CONTINUOUSLY	4258
5	5	CONTINUOUSLY	4246
6	5	CONTINUOUSLY	4247
7	5	CONTINUOUSLY	4238
8	5	CONTINUOUSLY	4280
9	5	CONTINUOUSLY	4284
10	5	CONTINUOUSLY	4282
11	5	CONTINUOUSLY	4277
12	5	CONTINUOUSLY	4282
13	5	CONTINUOUSLY	4268
14	5	CONTINUOUSLY	4281
15	5	CONTINUOUSLY	4263
16	5	CONTINUOUSLY	4284
17	5	CONTINUOUSLY	4280
18	4	CONTINUOUSLY	3483
19	4	CONTINUOUSLY	3483
20	4	CONTINUOUSLY	3494
21	4	CONTINUOUSLY	3499
22	4	CONTINUOUSLY	3489
23	4	CONTINUOUSLY	3483
24	4	CONTINUOUSLY	3472
25	4	CONTINUOUSLY	3473
26	4	CONTINUOUSLY	3462
27	4	CONTINUOUSLY	3458
28	4	CONTINUOUSLY	3454
29	4	CONTINUOUSLY	3467
30	4	CONTINUOUSLY	3466
31			
AVG CFS for the month			3927



NON-PROJECT WATER CREDITS REPORT

(ALL FIGURES IN ACRE FEET)

September 2023 WA Credits

Date: 10/4/23

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	12,924	12,924	1	0	BBID	0	0	0	120
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	45,587,578	46,124,099	1	0	BCID	1,647	(82)	1,565	8,151
20.42-L	45,587,578	46,124,099	1	0	USBR/FWA	0	0	0	5,619
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	3,081	3,081	1	0	DPWD	0	0	0	0
29.95-R	1,342	1,342	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	2,150	2,150	1.03	0	DPWD	0	0	0	0
31.31-L1	87,783	87,783	1	0	WSTAN	0	0	0	0
31.31-L2	87,783	87,783	1	0	DPWD	0	0	0	0
31.31-L3	87,783	87,783	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	753	753	0.94	0	DPWD	0	0	0	0
36.80-L	1,849	1,849	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	6,919,226	7,007,249	1	0	PID	0	0	0	0
42.53-L	6,919,226	7,007,249	1	0	DPWD	0	0	0	0
42.53-L	6,919,226	7,007,249	1	0	USBR/FWA	2,021	0	2,021	3,990
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	1,496	1,496	1	0	DPWD	0	0	0	0
58.28-L	3,367	3,371	1.02	(4)	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								3,586	17,879



NON-PROJECT WATER CREDITS REPORT

(ALL FIGURES IN ACRE FEET)

September 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
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	4,088	4,088	1	0	WIDREN WD	0	0	0	0
LOWER DMC SUB TOTAL								0	0
WARREN ACT CONTRACT CREDIT TOTAL								3,586	17,879
TOTAL GROSS PUMP-IN								CREDIT	
TOTAL (BYRON BETHANY IRRIGATION DISTRICT)						0	0	0	0
TOTAL (BANTA CARBONA IRRIGATION DISTRICT)						0	0	0	0
TOTAL (DEL PUERTO WATER DISTRICT)						0	0	0	0
TOTAL (WEST STANISLAUS IRRIGATION DISTRICT)						0	0	0	0
TOTAL (PATTERSON IRRIGATION DISTRICT)						0	0	0	0
TOTAL (SAN LUIS WATER DISTRICT)						0	0	0	0
TOTAL (PANOCH/MS WATER DISTRICT)						0	0	0	0
TOTAL (MERCY SPRINGS WATER DISTRICT)						0	0	0	0
TOTAL (WIDREN WATER DISTRICT)						0	0	0	0
Other Warren Act Conveyance Credit Totals									
Del Puerto Water District:						0	0	0	0
Banta Carbona Irrigation District:						1,647	1,565	8,151	
West Stanislaus Irrigation District:						0	0	0	
Byron Bethany Irrigation District:						0	0	120	
Patterson Irrigation District:						0	0	0	
San Joaquin River Restoration Pump Back BCID:						0	0	5,619	
San Joaquin River Restoration Pump Back PID:						2,021	2,021	3,990	

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: 10/13/2023

Revised 10/23/23

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
FRESNO SLOUGH	0	60	0	95	61	84	95	137	54				586
TPUD	0	18	0	0	0	7	19	20	5				69
JAMES I.D.	916	2,156	0	28	1,028	1,221	2,413	1,750	1,475				10,987
MEYERS	0	0	876	1,638	2,114	2,437	1,868	646	1,448				11,027
M.L. DUDLEY & INDART 1	0	0	206	182	395	414	647	657	0				2,501
MID VALLEY (Kings River)	0	0	0	1,446	1,949	2,756	1,688	0	0				7,839
REC. DIST. 1606	0	0	0	0	0	0	0	0	0				0
STATE FISH & WILDLIFE	199	1,119	42	7	448	463	902	1,478	2,557				7,215
TRACTION	170	566	56	0	0	258	237	369	441				2,097
UNMETERED	40	125	0	0	20	90	300	350	525				1,450
Total	409	1,810	98	7	468	811	1,439	2,197	3,523	0	0	0	10,762
COELHO FAMILY TRUST 2	0	18	0	474	916	1,663	994	190	526				4,781
TRANQUILITY I.D.	0	678	197	1,261	2,468	3,968	4,703	2,737	1,476				17,488
WESTLANDS LATERAL-6	0	0	0	0	0	0	34	0	0				34
WESTLANDS LATERAL-7	610	477	2,160	2,326	56	461	512	0	0				6,602
CARVALHO TRUST	0	0	0	41	80	91	92	49	26				379
TOTAL	1,935	5,217	3,537	7,498	9,535	13,913	14,504	8,383	8,533	0	0	0	73,055

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

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

Article 215 Water

March Westlands WD 2,160 AF
March Meyers 90 AF
April Westlands WD 2,326 AF
April Meyers 90 AF
May Westlands WD 56 AF

Kings River Water

February Tranquility ID 44 AF
March Tranquility ID 197 AF
March Meyers 486 AF
April Tranquility ID 1,261 AF
April Mid Valley 1,446 AF
April Meyers 1,548 AF
April James ID 28 AF
April Coelho Trust 74 AF
May Tranquility ID 2,468 AF
May Mid Valley 1,949 AF
May Meyers 2,114 AF
May James ID 1,028 AF
May Triangle T WD 1,503 AF
May Coelho Trust 613 AF
May Dudley-Indart 56 AF

June Tranquility ID 3,968 AF
June Mid Valley 2,756 AF
June Meyers 2,437 AF
June James ID 1,221 AF
June Triangle T WD 1,529 AF
June Westlands WD 461 AF
June Coelho Trust 1,303 AF
July Tranquility ID 1303 AF
July Mid Valley 1688 AF
July Meyers 1868 AF
July James ID 2413 AF
July Coelho Trust 761 AF
July Dudley-Indart 638 AF

Aug Meyers 226 AF
Aug James ID 1,750 AF
Aug Coelho Trust 110 AF
Aug Dudley-Indart 439 AF
Aug Tranquility ID 143 AF
Sept James ID 583 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	Feb, 2023 DMC Inflow 18672 AF James Bypass Flows 1,619 AF	Mar, 2023 DMC Inflow 2,341 AF James Bypass Flows 162,266 AF	Apr, 2023 DMC Inflow 0 AF James Bypass Flows 247,471 AF
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May, 2023 DMC Inflow 0 AF James Bypass Flows 248,598 AF	June, 2023 DMC Inflow 0 A.F James Bypass Flows 193,992 AF	July, 2023 DMC Inflow 23,852 AF James Bypass Flows 104,100 AF	Aug, 2023 DMC Inflow 105,324 AF James Bypass Flows 2,668 AF
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Sept, 2023 DMC Inflow 93,186 AF James Bypass Flows 583 AF	Oct, 2023 DMC Inflow AF James Bypass Flows 0 AF	Nov, 2023 DMC Inflow AF James Bypass Flows 0 AF	Dec, 2023 DMC Inflow AF James Bypass Flows 0 AF
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SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
 METER READINGS-MENDOTA POOL
 NON PROJECT WELLS
 Sep-23

Date: 10/2/23

TURNOUT	START METER READING	END METER READING	FACTOR	ADJUST	COMMENTS	TOTAL	LESS 5%	MONTH	YEAR	
TL-1	174	174	1.1			0	0	0	0	
TL-2	182	182	0.95			0	0	0	0	
TL-3	827	827	1			0	0	0	0	
TL-4	988	988	0.85			0	0	0	0	
TL-5	466	466	0.93			0	0	0	0	
TL-6	209	209	0.95			0	0	0	0	
TL-7	0	0	1			0	0	0	0	
TL-8	18	18	1			0	0	0	0	
TL-9	46	46	1			0	0	0	0	
TL-10	0	0	0.94			0	0	0	0	
TL-11	0	0	1			0	0	0	0	
TL-12	0	0	1			0	0	0	0	
TL-13	173	173	0.88			0	0	0	0	
TL-14	1,158	1,158	0.88			0	0	0	0	
TL-15	929	929	0.89			0	0	0	0	
TL-16	030	030	1.13			0	0	0	0	
TL-17	962	962	0.71			0	0	0	0	
TL-18	556	556	0.92			0	0	0	0	
TL-19	342	342	1			0	0	0	0	
TL-20	10	10	1			0	0	0	0	
TL-21	2,196	2,196	1			0	0	0	0	
TL-22	4,266	4,266	1			0	0	0	0	
TL-23	896	896	1		no meter	0	0	0	0	
TL-24	866	866	1			0	0	0	0	
TL-25	473	473	1			0	0	0	0	
TL-26	832	832	1			0	0	0	0	
SUB TOTAL (TERRA LINDA)									0	0
CGH-1	885	885	1		no meter	0	0	0	0	
CGH-2	260	260	1		no meter	0	0	0	0	
CGH-3	125	125	1		no meter	0	0	0	0	
CGH-4	0	0	1			0	0	0	0	
CGH-5	0	0	1			0	0	0	0	
CGH-6	4,369	4,467	1.91			187	(9)	178	178	
CGH-7	2,592	2,607	0.71			11	(1)	10	10	
CGH-8	0	0	1			0	0	0	0	
CGH-9	56	56	1.18		no meter	0	0	0	0	
CGH-10	1,257	1,284	1.09			29	(1)	28	28	
CGH-11	150	197	1			47	(2)	45	45	
SUB TOTAL (COELHO-GARDNER-HANSEN)									261	261
BF-1	3,238	3,238	1			0	0	0	0	
BF-2	0	0	1			0	0	0	0	
BF-3	0	0	1			0	0	0	0	
BF-4	0486	0486	1			0	0	0	0	
BF-5	0	0	1			0	0	0	0	
SUB TOTAL (BAKER FARMING)									0	0
FWD-1	0	0	1		no meter	0	0	0	0	
FWD-2	0	0	1		no meter	0	0	0	0	
FWD-3	0	0	1		no meter	0	0	0	0	
FWD-4	0	0	1		no meter	0	0	0	0	
FWD-5	0	0	1		no meter	0	0	0	0	
SUB TOTAL (FARMERS WATER DISTRICT)									0	0



SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
 METER READINGS-MENDOTA POOL
 NON PROJECT WELLS
 Sep-23

MEYERS-6	0	0	1	No Meter	0	0	0	0	
MEYERS-7	0	0	1	No Meter	0	0	0	0	
MEYERS-EW1A	955	955	1	Banked	0	0	0	11	
MEYERS-EW1B	1,148	1,148	1	Banked	0	0	0	33	
MEYERS-EW2A	300	300	1	Banked	0	0	0	34	
MEYERS-EW2B	806	806	1	Banked	0	0	0	28	
MEYERS-EW3A	1,355	1,355	1	Banked	0	0	0	27	
MEYERS-EW3B	406	406	1	Banked	0	0	0	6	
MEYERS-EW5	781	781	1	Banked	0	0	0	52	
MEYERS-EW6	016	016	1	Banked	0	0	0	42	
MEYERS-EW7	1,468	1,468	1	Banked	0	0	0	55	
MEYERS-EW8	808	808	1	Banked	0	0	0	71	
MEYERS-EW9	1,515	1,515	1	Banked	0	0	0	67	
MEYERS-EW10	157	157	1	Banked	0	0	0	44	
MEYERS-EW11	1,103	1,103	1	Banked	0	0	0	37	
MEYERS-EW12	361	361	1	Banked	0	0	0	43	
MEYERS-EW13	519	519	1	Banked	0	0	0	95	
MEYERS-EW14	1,145	1,145	1	Banked	0	0	0	72	
MEYERS-M1	1,026	1,026	1		0	0	0	0	
MEYERS-DW1	301	301	1		0	0	0	0	
MEYERS-DW1A	386	386	1	No Meter	0	0	0	0	
SUB TOTAL (MEYERS FARMING)								0	717
SILVER CREEK-3B	000	000	1		0	0	0	0	
SILVER CREEK-4B	226	226	0.97	No Meter	0	0	0	0	
SILVER CREEK-5B	741	741	1	No Meter	0	0	0	0	
SILVER CREEK-6B	149	149	1	No Meter	0	0	0	0	
SUB TOTAL (SILVER CREEK)								0	0
FRESNO SLOUGH-1	0	0	1	No Meter	0	0	0	0	
FRESNO SLOUGH-2	0	0	1	No Meter	0	0	0	0	
FRESNO SLOUGH-3	3,953	3,953	1	No Meter	0	0	0	0	
FRESNO SLOUGH-4	2,721	2,721	1		0	0	0	0	
SUB TOTAL (FRESNO SLOUGH)								0	0
FCC - FCWD2	0	0	1		0	0	0	0	
FCC - FC 40	3,893	3,893	1	No Meter	0	0	0	0	
FCC - CITY WELL	726,171	750,880	1		76	0	76	417	
FCWD 7/HALL 2	5,465	5,465	1		0	0	0	34	
SUB TOTAL (FCWD)								76	451
FORDEL	8,630	8,630	1		0	0	0	430	
COELHO WEST	1,173	1,173	1	No Meter	0	0	0	0	
CASACA VINYARDS	4,313	4,313	1	No Meter	0	0	0	0	
DPF	276	276	1	No Meter	0	0	0	0	
SOLO MIO	025	025	1	No Meter	0	0	0	0	
TRANQUILITY-1	7,518	7,518	1	No Meter	0	0	0	0	
TRANQUILITY-2	20,359	20,359	1	No Meter	0	0	0	0	
TRANQUILITY-3	1,059	1,059	1		0	0	0	0	
TRANQUILITY-4	179	179	1		0	0	0	0	
TRANQUILITY-5	1,715	1,715	1		0	0	0	0	
TRANQUILITY-6	2,454	2,454	1		0	0	0	0	
TRANQUILITY-7	2,344	2,344	1		0	0	0	0	
SUB TOTAL (TID)								0	0
Carvalho-1	860	860	1		0	0	0	0	
Carvalho-2	2,390	2,390	1		0	0	0	0	
Carvalho-3	580	580	1		0	0	0	0	
SUB TOTAL (CARVALHO TRUST)								0	0
Etchegoinberry	1,790	1,790	1		0	0	0	79	
Yribarren Farms	277	277	1		0	0	0	10	
LSK-1	5,683	5,683	1		0	0	0	186	
TOTAL (ALL)								337	2,134

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

Updated 10/19/2023

SEPTEMBER 2023

REACH TOTALS	POOL	INFLOW INTO AQUEDUCT	CUSTOMERS	AMOUNT IN AF
R3A 13459			Parks & Rec. @ San Luis Reservoir	0
			Santa Clara Valley Water District	10500
			Casa de Fruta (Santa Clara Valley Water District)	0
			San Benito Water District	2959
R3 410	13		DFG @ O'Neill Forebay	118
	13		Parks & Rec. @ O'Neill Forebay	1
	13		DWR Water Truck at O'Neill 0 AF for Cattle Program @ O'Neill Forebay	0
	13		Santa Nella County Water District	25
	13		San Luis Water District	266
R4 14645	14		City of Dos Palos	111
	14		Pacheco Water District	738
	14		San Luis Water District	2777
	14		Panoche Water District	58
	15		San Luis Water District	1209
	15		Panoche Water District	2886
R5 46355	15		Westlands Water District	6866
	16		DFG @ Lat. 4L (Pilibos)	0
	16		DFG @ Lat. 4L	0
	16		DFG @ Lat. 6L	0
	16		DFG @ Lat. 7L	0
	16		Westlands Water District	9096
	17		Westlands Water District	9057
	18		City of Coalinga	1051
R6 13909	18		Pleasant Valley Pumping Plant	17917
	18		Westlands Water District	9234
	19		Alta Gas	0
	19		City of Huron (P&R-Area 11) @ Lat. 22R	4
	19		DWR Water Truck @ 22R/F&G @ Lat.22R	0
	19		Lemoore N.A.S. thru WWD 28L,29L,&30L	163
R7 14168	19		Kings County thru WWD 30L	0
	19		Westlands Water District	13742
	20		City of Huron @ Lat. 23R	80
	20		DWR Water Truck @ 23R	0
	20		Westlands Water District	8394
	21		City of Avenal	206
102946	21		Kings County thru WWD 37L,38L	0
			Westlands Water District	5488
		0	<---TOTALS--->	102946
TOTALS BY CUSTOMERS				
Inflow Into Aqueduct:				
0 AF TOTAL for PUMP-IN				
0 AF TOTAL for FLOOD				
			Santa Nella County Water District	25
			Pacheco Water District	738
			San Luis Water District	4252
			Panoche Water District	2944
			Westlands Water District	79794
			AltaGas	0
			City of Huron @ LAT. 23R	80
			City of Huron (P&R/Area 11 @ 22R)	4
			Lemoore N.A.S. thru WWD @ 28L,29L&30L	163
			Kings County thru WWD Laterals in Reach 6	0
			City of Avenal	206
			City of Dos Palos	111
			City of Coalinga	1051
			DFG @ O'Neill Forebay	118
			Pacheco Tunnel	13459
			DFG @ Lateral 4L & 6L & 7L	0
			DWR Water Truck @ 22R/F&G @ Lat.22R	0
			Parks & Recreation	1
			0 AF for DWR Water Truck at O'Neill, 1 AF for Cattle Program @ O'Neill Reservoir	0
Pool 12 - Reach 2B			Customers Total:	102946
VA Turnout Use AF = 34				
DWR 3137(Rev.9/15)				102980



Monthly Availability Report

CW "Bill" Jones Pumping Plant
September - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts	Comments
							Pump	
Unit-1	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-2	720	302.9	42.07%	0.0	0.00%	57.93%	3	
Unit-3	720	0.0	0.00%	0.0	0.00%	100.00%	1	
Unit-4	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-5	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-6	720	302.9	42.07%	0.0	0.00%	57.93%	1	
Total	4320	605.8	14%	0.0	0.00%	86.00%	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
September - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts		Comments
							Pump	Gen	
Unit-1	720	0.0	0.00%	0.0	0.00%	100.00%	1	0	
Unit-2	720	118.9	16.51%	48.0	6.67%	76.82%	3	0	
Unit-3	720	0.0	0.00%	0.0	0.00%	100.00%	1	0	
Unit-4	720	137.2	19.06%	0.0	0.00%	80.94%	0	0	
Unit-5	720	0.0	0.00%	0.0	0.00%	100.00%	1	0	
Unit-6	720	0.0	0.00%	0.0	0.00%	100.00%	1	0	
Total	4320	256.1	6%	48.0	1.11%	92.89%	7	0	

Notes:

(1) Planned maintenance

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



Monthly Availability Report

DCI Pumping Plant

September - 2023

Unit #	Max Hours	Scheduled Outages (1)	%	Unscheduled Outages (2)	%	Over-all Availability %	Starts	Comments
							Pump	
Unit-1	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-2	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-5	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Unit-6	720	0.0	0.00%	0.0	0.00%	100.00%	0	
Total	2880	0.0	0%	0.0	0.00%	100.00%	0	

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: November 9, 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	\$5,000

	Coordination Group to the U.S. Bureau of 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 monitoring and evaluation strategy for the components of the VA science projects. This effort will include several appendices to the plan including the peer review process, use of best available science, tributary monitoring plans, and prioritization of hypotheses.

Delta Coordination Group (DCG):

Staff participated in the DCG meetings and provided input on the recommendations for temperature thresholds for Habitat Suitability Index. The DCG is applied the 100 TAF of water provided to support the Delta Smelt habitat salinity requirements with gate actions from August 15 – October 17. The update on the smelt cage study is underway. Staff is also participating on the planning committee for the Summer-Fall Habitat and Salmon Juvenile production independent reviews. Looking forward, the DCG will prepare the draft report by April 2024 and update the Science and Monitoring plan.

CAMT/CSAMP:

The CAMT discussed the report from the Salmon Technical Working Group and the Reorienting to Recovery (R2R) Workshop. The CAMT members are contemplating whether to combining these salmon efforts into one workgroup; however, the R2R group is not yet funded for future workshops. In addition, the PWA group will be provided the monitoring approach report for comment.

ReROC

The cooperating agency draft of the ReROC EIS was provided by Reclamation in mid-September. Staff submitted both formal and informal review and comments on October 16th. The current draft contains the alternative descriptions, but does not include all the modeling. The quantitative draft of the Biological Assessment is anticipated in Fall 2023. Staff submitted a list of nominations for the National Academies of Science independent review of the Long-term Water Operations of the CVP and SWP. The panelist list will be available for public comment next week.

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. Initial selections for the workgroup were provided for each division. The kick-off meeting was held on October 13th.

The group will be developing goals and objectives during November. In addition, the group will be reviewing the draft science plan.

November 9, 2023

Page 4 of 4

Additional Coordination Activities

Staff is participating to the Reorienting to Recovery – Salmon Workshops which focus on the identifying key challenges and improving science. Staff also participated in the Sacramento River Science Program Drought to Deluge workshop. On November 3rd, staff attended an academic lightning talk meeting at UC Merced to better understand the ongoing research and the potential partnerships.



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: John Brodie, Water Resources Programs Manager
Chris Linneman, Regional Drainage Coordinator
Orvil McKinnis, Westside Watershed Coalition Coordinator

DATE: November 9, 2023

RE: Activity Agreements – Staff Report for October 2023

This memorandum serves as the Staff Report for October 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 is progressing on the two remaining projects funded by the California Department of Water Resources Proposition 1 Round 1 IRWM Implementation grant. The Orestimba Creek Recharge and Recovery Project is constructing approximately 60 acres of recharge ponds and associated infrastructure. The project is expected to add 15,000 acre-feet/year in water supply to the Westside San Joaquin IRWM Region. The project is sponsored by the Central California Irrigation District. The Broadview Aquifer Storage and Recovery Project sponsored by Westlands Water District will add approximately 1,200 acre-feet/year to the region's lower aquifer. The project is expected to improve groundwater management, drought resiliency, and data monitoring. Both projects are now scheduled for completion in 2024.

Staff continues to reach out to water agencies in the West Side San Joaquin IRWM Region for information on existing efforts to assist Disadvantaged Communities (DACs) in the region with drinking water concerns. It's part of a larger collaborative project with the non-profit Self-Help Enterprises to update water needs assessments for those communities. The information gathered from local water agencies will be used to inform and guide Self Help's work.

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).

2. Sustainable Groundwater Management Activity (SGMA) Activity Summary

General SGMA Activities

Progress continues on projects funded by the SGMA Round 1 Implementation Grant. All six Groundwater Sustainability Plan (GSP) groups received funding for projects, efforts to fill data gaps, and public outreach about SGMA compliance activities. A total of \$7.6 million dollars was awarded to the Subbasin. More than \$4 million of that total will go to groundwater enhancement and water supply reliability projects.

Data collection and analysis is underway for the Delta-Mendota Subbasin's annual report of SGMA Implementation activities. The reports are required to be submitted to DWR, even for subbasins with groundwater sustainability plans (GSPs) deemed "inadequate" by DWR and now under the purview of the State Water Resources Control Board.

Coordinated Activities

Members of groundwater sustainability agencies (GSAs) are reviewing the first two chapters of a consolidated single GSP for the Delta-Mendota Subbasin. DWR ruled the Subbasin's previously submitted six GSPs as "inadequate" in March, triggering State Water Resources Control Board (SWRCB) oversight of the GSP amendment process. Coordination Committee members and technical consultants are meeting with SWRCB staff on a regular basis in an attempt to receive guidance on achieving approval for a revised single GSP.

Coordination Committee members are taking SWRCB Board members and staff on tours of the Subbasin to show them groundwater management activities, some of which pre-date SGMA legislation. The goal of the tours is to give both Board members and staff the opportunity to see the coordination, collaboration, and cooperation among the Subbasin's 23 GSAs. SWRCB members will determine whether the GSP revisions now underway are sufficient to address the deficiencies identified by DWR. The revisions address the three deficiencies identified by DWR, update the representative monitoring network, and use recent data to inform the Subbasin's water budget.

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

- **General administration:** Review and approve consultant billing. Field review of drainage conditions and correspondence with SJRIP manager.
- **Mud Slough Restoration Project:** The intent of this project is to restore Mud Slough in accordance with the 2010 MOU between the Authority and California Department of Fish

and Wildlife (CDFW). The Water Authority adopted the CEQA for the project in December 2021, which was not challenged. GBP management staff had a meeting with CDFW on August 15th during which CDFW committed to providing a revised MOU that would outline the specific tasks required to complete restoration of Mud Slough. A second meeting between Newman Land Co. (NLC) and CDFW was held on September 26 to discuss potential alternatives to the proposed project.

- 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. All 10 observation wells have been installed, with the last well completed in June. The GBD are working on developing a monitoring plan to measure groundwater levels and quality.
- 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.
- 13267 Order Report Part 2: The Authority received a 13267 Order from the Central Valley Regional Water Quality Control Board (Regional Board) in February 2020. This order required the Authority to submit two reports on water quality and fish tissue data, the first of which was submitted in July of 2021. The second and final report was submitted on October 31.

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. Coalition staff submitted membership roll to the Regional Board on July 31, 2023. Sent out follow-up MPIR forms to growers for 2020 Nitrogen outliers and 2022 pyrethroid exceedances. Prep for upcoming pyrethroid Focused Outreach meeting for the Salt Slough watershed.
- Groundwater Protection Formula, Values and Targets: Coalitions have developed a methodology to establish nitrogen loading Values and Targets as required by the WDRs.

Approval of the targets was granted June 30,2023 with two conditions that must be met by April 2024 and July 2024 respectively. Conduct strategy meetings on methods to inform growers about the program and their needed cooperation to meet the watershed's targets.

- Management Practices Effectiveness Program: Attend conference call meetings of the MPEP group. Developing work schedules to implement nitrogen control measures for farmer member compliance. Work with other Coalitions to produce the required final report.
- 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. Attend Valley Water Collaborative budget committee meetings to establish SJVDA FY25 Management Zone budget. Prepare the contracts and agreements that will be used going forward. Contact non-ag Permittees to inform them of the program. Attend Central Valley Salinity Coalition meetings to inform SJVDA 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). Consultants are compiling data in order to characterize current salinity conditions of both surface and groundwater across the Central Valley. 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. As of October 2023, grant funds billed is \$669,944 with \$185,056 remaining. The project has been extended to December of this year and the remaining funds will be used for the purchase of spare monitoring equipment.

San Luis & Delta-Mendota Water Authority
Procurement Activity Report
From September 26, 2023 to October 31, 2023

Date Executed	Contract Title	Vendor or Service Provider	Contract Amount	Contract Solicitation Type	Contract Type	Funding Source	Notes
10/3/2023	Plant Water Storage Tank Rehab	F.D. Thomas, Inc.	\$ 200,112.00	Formal IFB	Construction	E O&M 26-L3-60	Board action 9/14/23
10/25/2023	Wood Grinding and Pole Disposal	Mountain F. Enterprises, Inc.	\$ 61,145.00	Informal IFB	Construction	O & M	
9/27/2023	S.P. Kinney Automatic Self-Cleaning Strainer Purchase	Frank A. Olsen Co	\$ 75,125.13	Single Source	PO	E O&M 26-L0 ONP-60	PO6374

CONTRACT CHANGE ORDER NOTIFICATIONS:

Date Executed	Contract Title	Vendor or Service Provider	Change Order Amount	Original Contract Amount	% Change	Justification
10/24/2023	Plant Water Storage Tank Rehabilitation- Change Order 1	F.D. Thomas, Inc.	\$3,485.00	\$200,112.00	1.74%	Due to unforeseen conditions, additional surface preparation was required. Contractor needs to scrape off build up on walls and wash prior to work

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

FROM: Scott Petersen, Water Policy Director

DATE: November 6, 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. 5664 (Schrier), Water Infrastructure Finance and Innovation Act Amendments of 2023

Summary

H.R. 5664 (Schrier), Water Infrastructure Finance and Innovation Act Amendments of 2023

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation (1) reauthorizes the Water Infrastructure Finance and Innovation Act of 2014, (2) creates an authority to provide technical assistance to communities under 25,000 in population, (3) modifies the WIFIA program to restore WIFIA funding and financing eligibility to state entities and non-federal cost shares in federally involved projects, and (4) extends the loan length for projects with a useful life greater than 35 years.

Status

H.R. 5664 was introduced on September 21, 2023, and has been referred to the House Subcommittee on Water Resources and Environment.



Importance to the Authority

This legislation makes two important changes to the WIFIA program. The first change is that it provides WIFIA funding eligibility for projects on a federal facility where that WIFIA loan would be repaid by non-federal funding sources. Current law treats these projects differently for budgetary scoring purposes than projects that are not owned by the federal government and this change would provide flexibility for projects like the B.F. Sisk Dam Raise and Reservoir Expansion Project or the Delta-Mendota Canal Subsidence Correction Project to be eligible for WIFIA funding.

The second key change is that the legislation provides for an extension of the loan maturity date for WIFIA loans with a useful project life over 35-years to be extended to either 55 years or the project useful life, rather than the existing 30-year loan term under the current program. This would provide for longer financing windows that better align with the useful life of large infrastructure projects.

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 delegee 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. 5664

To reauthorize the Water Infrastructure Finance and Innovation Act of 2014,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Ms. SCHRIER (for herself, Mr. NEWHOUSE, Mr. GARAMENDI, Mr. LAMALFA, Mr. COSTA, Mrs. CHAVEZ-DEREMER, and Ms. DAVIDS of Kansas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the Water Infrastructure Finance and
Innovation Act of 2014, 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 “Water Infrastructure
5 Finance and Innovation Act Amendments of 2023”.

1 **SEC. 2. CLARIFICATIONS REGARDING SMALL COMMU-**
2 **NITIES AND RURAL WATER PROJECTS.**

3 (a) DEFINITIONS.—Section 5022 of the Water Re-
4 sources Reform and Development Act of 2014 (33 U.S.C.
5 3901) is amended—

6 (1) by redesignating paragraphs (11) through
7 (15) as paragraphs (13) through (17), respectively;

8 (2) by redesignating paragraph (10) as para-
9 graph (11);

10 (3) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) RURAL WATER PROJECT.—The term
13 ‘rural water project’ includes—

14 “(A) a rural water supply project author-
15 ized under the Reclamation Rural Water Sup-
16 ply Act of 2006 (43 U.S.C. 2401);

17 “(B) any project authorized under part III
18 of subtitle A of title X of the Omnibus Public
19 Land Management Act of 2009 (Public Law
20 111–11), for a federally recognized Indian
21 Tribe; and

22 “(C) any rural water project or rural water
23 supply project authorized under—

24 “(i) section 1110 of title XI of divi-
25 sion FF of the Consolidated Appropria-
26 tions Act, 2021 (Public Law 116–260); or

1 “(ii) any other Federal law.”; and

2 (4) by inserting after paragraph (11), as so re-
3 designated, the following:

4 “(12) SMALL COMMUNITY.—The term ‘small
5 community’ means a city, town, or unincorporated
6 area that has a population of not more than 25,000
7 inhabitants.”.

8 (b) ELIGIBLE PROJECT COSTS.—Section
9 5028(a)(2)(B) of the Water Resources Reform and Devel-
10 opment Act of 2014 (33 U.S.C. 3907(a)(2)(B)) is amend-
11 ed by striking “\$5,000,000” and inserting “\$1,000,000”.

12 (c) AUTHORITY TO PROVIDE ASSISTANCE FOR
13 PROJECT DEVELOPMENT.—Section 5023 of the Water
14 Resources Reform and Development Act of 2014 (33
15 U.S.C. 3902) is amended by adding at the end the fol-
16 lowing:

17 “(c) TECHNICAL ASSISTANCE TO SMALL COMMU-
18 NITIES.—

19 “(1) IN GENERAL.—The Administrator may
20 provide technical assistance to small communities to
21 aid such communities in developing a proposal for
22 an eligible project and seeking assistance under this
23 subtitle to carry out such project.

1 “(2) TYPES OF ASSISTANCE.—Assistance under
2 paragraph (1) may be in the form of engineering
3 and financial planning assistance.”.

4 (d) CONFORMING AMENDMENTS.—

5 (1) ELIGIBLE PROJECT COSTS.—Section
6 5028(a)(2)(B) of the Water Resources Reform and
7 Development Act of 2014 (33 U.S.C. 3907(a)(2)(B))
8 is further amended by striking “a community of not
9 more than 25,000 individuals” and inserting “a
10 small community”.

11 (2) FUNDING.—Section 5033 of the Water Re-
12 sources Reform and Development Act of 2014 (33
13 U.S.C. 3912) is amended—

14 (A) in subsection (b)(2) by inserting
15 “(other than technical assistance under section
16 5023(c))” after “technical assistance”; and

17 (B) in subsection (c)(1) by inserting “and
18 for technical assistance to small communities
19 under section 5023(c)” before the period at the
20 end.

21 (3) OUTREACH PLANS.—Section 5036 of the
22 Water Resources Reform and Development Act of
23 2014 (33 U.S.C. 3915) is amended to read as fol-
24 lows:

1 **“SEC. 5036. OUTREACH PLAN TO SMALL COMMUNITIES.**

2 “Not later than 180 days after the date of enactment
3 of the Water Infrastructure Finance and Innovation Act
4 Amendments of 2023, the Administrator, in consultation
5 with relevant Federal agencies, shall develop and begin im-
6 plementation of an outreach plan to promote financial as-
7 sistance available under this subtitle to small commu-
8 nities.”.

9 **SEC. 3. CLARIFYING ELIGIBILITY FOR CERTAIN PROJECTS.**

10 The Water Infrastructure Finance and Innovation
11 Act of 2014 (33 U.S.C. 3901 et seq.) is amended—

12 (1) in section 5023(b)(3) (33 U.S.C.
13 3902(b)(3)), by striking “under paragraph (8) or
14 (10)” and inserting “under paragraphs (8), (10),
15 (11), (12), or (13)”; and

16 (2) in section 5026 (33 U.S.C. 3905)—

17 (A) in paragraph (10), by striking “or (8)”
18 and inserting “(8), (11), (12), or (13)”; and

19 (B) by adding at the end the following:

20 “(11) A State-led storage project (as such term
21 is defined in section 4007(a) of the Water Infra-
22 structure Improvements for the Nation Act (43
23 U.S.C. 390b note)).

24 “(12) Transferred works (as such term is de-
25 fined in section 9601 of the Omnibus Public Land
26 Management Act of 2009 (43 U.S.C. 510)).

1 “(13) A congressionally authorized water re-
2 sources development project that is owned or oper-
3 ated by a non-Federal entity.”.

4 **SEC. 4. COLLABORATIVE PROJECT DELIVERY METHODS.**

5 (a) IN GENERAL.—Section 5028 of the Water Infra-
6 structure Finance and Innovation Act of 2014 (33 U.S.C.
7 3907) is amended—

8 (1) by redesignating subsection (c) as sub-
9 section (d); and

10 (2) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) COLLABORATIVE PROJECT DELIVERY METH-
13 ODS.—

14 “(1) AUTHORIZATION.—The Secretary or the
15 Administrator, as applicable, may select, in accord-
16 ance with this section, a project to be carried out
17 using a collaborative project delivery method (con-
18 sistent with any applicable State or local law), in-
19 cluding a construction management at-risk method
20 and a design-build method.

21 “(2) DEFINITIONS.—In this subsection:

22 “(A) COLLABORATIVE PROJECT DELIVERY
23 METHOD.—The term ‘collaborative project de-
24 livery method’ means a method for carrying out
25 a capital project that involves close collabora-

1 tion among the eligible entity, the owner of the
2 project (if different from the eligible entity), the
3 designer of the project, and the contractor for
4 the project, from design through completion of
5 construction.

6 “(B) CONSTRUCTION MANAGEMENT AT-
7 RISK METHOD.—The term ‘construction man-
8 agement at-risk method’ means a collaborative
9 project delivery method in which an engineering
10 firm and a construction management at-risk
11 firm are retained under 2 separate contracts for
12 design and construction, respectively.

13 “(C) DESIGN-BUILD METHOD.—The term
14 ‘design-build method’ means a collaborative
15 project delivery method under which a single
16 lead contract is entered into with a design-
17 builder for design and construction.”.

18 (b) STUDY ON THE USE OF COLLABORATIVE
19 PROJECT DELIVERY METHODS.—Not later than 180 days
20 after the date of enactment of this Act, the Administrator
21 of the Environmental Protection Agency, in coordination
22 with the Regional Administrators, and the Secretary of the
23 Army, acting through the Chief of Engineers, shall carry
24 out, and make public the results of, a study that—

1 (1) evaluates the use of collaborative project de-
2 livery methods in projects carried out using assist-
3 ance received under the Water Infrastructure Fi-
4 nance and Innovation Act of 2014 (33 U.S.C. 3901
5 et seq.);

6 (2) determines barriers to increased use of col-
7 laborative project delivery methods in such projects;

8 (3) assesses the potential benefits of using col-
9 laborative project delivery methods in such projects;
10 and

11 (4) identifies areas of need to educate agency
12 staff in collaborative project delivery method imple-
13 mentation and best practices.

14 **SEC. 5. MATURITY DATE.**

15 Section 5029(b)(5) of the Water Infrastructure Fi-
16 nance and Innovation Act of 2014 (33 U.S.C. 3908(b)(5))
17 is amended—

18 (1) in subparagraph (B), by striking “The final
19 maturity date” and inserting “Notwithstanding sub-
20 paragraphs (A) and (B), the final maturity date”;

21 (2) by redesignating subparagraph (B) as sub-
22 paragraph (C); and

23 (3) by inserting after subparagraph (A) the fol-
24 lowing:

1 “(B) PROJECTS WITH A USEFUL LIFE OF
2 MORE THAN 35 YEARS.—Notwithstanding sub-
3 paragraph (A), for a project with a useful life
4 of more than 35 years (as determined by the
5 Secretary or the Administrator, as applicable),
6 the final maturity date of a secured loan under
7 this section shall be not later than the earlier
8 of—

9 “(i) the date that is 55 years after the
10 date of substantial completion of the rel-
11 evant project (as determined by the Sec-
12 retary or the Administrator, as applicable);
13 and

14 “(ii) if the useful life of the project is
15 less than 55 years, the useful life of the
16 project.”.

17 **SEC. 6. REAUTHORIZATION OF CORPS OF ENGINEERS**
18 **WATER INFRASTRUCTURE FINANCING FUND-**
19 **ING.**

20 Section 5033 of the Water Resources Reform and De-
21 velopment Act of 2014 (33 U.S.C. 3912) is further
22 amended—

23 (1) by amending subsection (a)(3) to read as
24 follows:

1 “(3) FISCAL YEARS 2023 THROUGH 2027.—

2 There is authorized to be appropriated to carry out
3 this subtitle, to remain available until expended—

4 “(A) \$68,000,000 to the Administrator for
5 each of fiscal years 2023 through 2027; and

6 “(B) \$15,000,000 to the Secretary for
7 each of fiscal years 2023 through 2027.”; and

8 (2) in subsection (b)(2), by striking “the Ad-
9 ministrator” and inserting “the Secretary or the Ad-
10 ministrator, as applicable,”.

11 **SEC. 7. BUDGETARY TREATMENT OF CERTAIN AMOUNTS**
12 **OF FINANCIAL ASSISTANCE.**

13 The Water Infrastructure Finance and Innovation
14 Act of 2014 (33 U.S.C. 3901 et seq.) is amended by add-
15 ing at the end the following:

16 **“SEC. 5037. BUDGETARY TREATMENT OF CERTAIN**
17 **AMOUNTS OF FINANCIAL ASSISTANCE.**

18 “If the recipient of financial assistance for a project
19 under this subtitle is an eligible entity other than a Fed-
20 eral entity, agency, or instrumentality, and the dedicated
21 sources of repayment of that financial assistance are non-
22 Federal revenue sources, such financial assistance shall,
23 for purposes of budgetary treatment under the Federal
24 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

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

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

4 **SEC. 8. REPORTS TO CONGRESS.**

5 (a) EPA REPORT.—Not later than 1 year after the
6 date of enactment of this Act, the Administrator of the
7 Environmental Protection Agency shall submit to Con-
8 gress a report on the implementation of—

9 (1) section 4301 of America’s Water Infrastruc-
10 ture Act of 2018 (33 U.S.C. 3909 note); and

11 (2) any agreement entered into under section
12 5030(g) of the Water Infrastructure Finance and
13 Innovation Act of 2014 (33 U.S.C. 3909(g)) pursu-
14 ant to such section 4301.

15 (b) CORPS OF ENGINEERS REPORT.—Not later than
16 1 year after the date of enactment of this Act, the Sec-
17 retary of the Army, acting through the Chief of Engineers,
18 shall submit to Congress a report on the implementation
19 of the Corps Water Infrastructure Financing Program
20 carried out pursuant to the Water Infrastructure Finance
21 and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), in-
22 cluding issues pertaining to such implementation with re-
23 spect to levees and congressionally authorized projects de-
24 scribed in section 5026(1) of such Act.

1 (c) GAO REPORT.—Section 5034(b) of the Water In-
2 frastructure Finance and Innovation Act of 2014 (33
3 U.S.C. 3913(b)) is amended—

4 (1) in paragraph (1), by striking “Not later
5 than 3 years after the date of enactment of the
6 Water Resources Development Act of 2018” and in-
7 serting “Not later than 4 years after the date of en-
8 actment of the Water Infrastructure Finance and
9 Innovation Act Amendments of 2023”; and

10 (2) in paragraph (2)—

11 (A) by redesignating subparagraphs (B)
12 and (C) as subparagraphs (C) and (D), respec-
13 tively, and inserting after subparagraph (A) the
14 following:

15 “(B) an evaluation of the implementation
16 of this subtitle by the Secretary;” and

17 (B) in subparagraph (D) (as so redesign-
18 nated)—

19 (i) by inserting “evaluations and” be-
20 fore “recommendations”; and

21 (ii) by striking “subparagraphs (A)
22 and (B)” and inserting “subparagraphs
23 (A), (B), and (C)”.

1 **SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.**

2 The Water Resources Reform and Development Act
3 of 2014 (33 U.S.C. 2201 et seq.) is amended—

4 (1) in section 1(b)—

5 (A) in the item relating to the heading for
6 subtitle C of title V, by striking “Pilot”;

7 (B) in the item relating to section 5034, by
8 striking “pilot”; and

9 (C) by inserting after the item relating to
10 section 5035 the following:

“5036. Outreach plan to small communities.

“5037. Budgetary treatment of certain amounts of financial assistance.”;

11 (2) in the heading for subtitle C of title V, by
12 striking “**Pilot**”; and

13 (3) in section 5022(12), by striking “et.” and
14 inserting “et”.

○



MEMORANDUM

TO: SLDMWA Finance and Administration Committee, Board of Directors, Alternates

FROM: Pablo Arroyave, Chief Operating Officer

DATE: November 9, 2023

RE: Resolution Authorizing Application for Extended Repayment and Funding in the Amount of up to \$873.1M From the Aging Infrastructure Account in Fiscal Year 2024 for Extraordinary Maintenance Work on O'Neill Pumping-Generating Plant and the Delta-Mendota Canal

BACKGROUND

The 2021 Bipartisan Infrastructure Law (BIL) authorized \$3.2 billion for extraordinary maintenance (XM) of Reclamation facilities. These funds are available to both reserved and transferred works facilities and will be administered through the Aging Infrastructure Account (Account), a Reclamation-wide revolving fund created to sustain investment in XM. The Water Authority submitted BIL applications in December 2022 for the Jones Pumping Plant Excitation and Control Modernization Project and for the DMC Subsidence Correction Project, and was awarded \$25 million for each project. Reclamation's FY 2024 Spend Plan authorizes \$680 million from the Account through a competitive funding process with the application period open from October 3, 2023 until December 1, 2023. Reclamation has indicated that there will be four additional application periods for a total available between federal FY 2023 and FY 2027 of approximately the \$3.2B authorized in the BIL.

As a transferred works entity, the Water Authority may apply for funds to support XM of transferred works facilities. Each individual project for which an application is submitted will be evaluated independently, and there is no guarantee of any project or projects being selected for award. Projects that are selected will follow the established reimbursability and terms for extended repayment, not to exceed 50 years. Projects will be selected in, or around, March 2024. Following selection, the recipients will be required to negotiate and execute repayment contracts with Reclamation.

The Water Authority has evaluated its existing 10-Year Plan and established criteria to help inform the selection of projects for inclusion in the application. The criteria include:

1. Projects that have an appraisal level cost estimate completed;
2. Multi-Year Projects over \$1M/year; and/or
3. Single-Year Projects over \$1.5M

Two EO&M projects meet this criteria for Fiscal Year 2025:

- Delta-Mendota Canal (DMC) Subsidence Correction Project: Total project cost is currently estimated at \$830M. (Note: Reclamation awarded \$25 million to this project in 2022, and has indicated that the Water Authority should reapply to be eligible for additional BIL funding.)
- O'Neill Pumping-Generating Plant (OPP) Upgrades Project: Total project cost for all projects at OPP is currently approximately \$68.1 million. Further refined cost estimates are due to the Bureau of Reclamation in January 2024. The following projects have been identified and incorporated into the OPP Upgrades Project: 1. OPP Rewind, 2. OPP Pump Bowl Replacement, 3. OPP Woodward Governor Rehabilitation, and 4. OPP Penstock and Pump Unit Rehabilitation.

ISSUE FOR DECISION

Whether the Board of Directors should adopt the proposed Resolution authorizing application for extended repayment and funding in the amount of up to \$873.1 million from the Aging Infrastructure Account in Fiscal Year 2024 for extraordinary maintenance work on the DMC Subsidence Correction Project and the O'Neill Pumping-Generating Plant Upgrades Project.

RECOMMENDATION

Water Authority Staff recommends adoption of the proposed Resolution.

ANALYSIS

The application process is described in Reclamation Directive and Standard (D&S) PEC 05-03 (attached). If one or all of the proposed projects is selected, the Water Authority must be willing to negotiate and execute a contract or contracts for extended repayment of funds. The Water Authority would seek at least a 30-year repayment term and would explore additional repayment terms with Reclamation during the application review process. Per Reclamation staff, per D&S PEC 11-01, *Irrigation Ability to Pay Analysis*, an Ability to Pay Study is required for any repayment term greater than 30-years. Any repayment contract would be brought to the Water Authority Board of Directors for future review and action.

Per Section 8E **Acreage Limitation**, on page 8 of D&S PEC 05-03, extended repayment of O&M expenses does **not** trigger Reclamation Reform Act pricing or acreage limitations.

ATTACHMENTS

1. Resolution Authorizing Application for Extended Repayment and Funding in the Amount of up to \$873.1M From the Aging Infrastructure Account in Fiscal Year 2024 for Extraordinary Maintenance Work on O'Neill Pumping-Generating Plant and the Delta-Mendota Canal
2. Applicant Cover letter template
3. Reclamation Directive and Standard (D&S) PEC 05-03

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2023-xxx

RESOLUTION AUTHORIZING APPLICATION FOR EXTENDED REPAYMENT AND FUNDING IN THE AMOUNT OF UP TO \$873.1M FROM THE AGING INFRASTRUCTURE ACCOUNT IN FISCAL YEAR 2024 FOR EXTRAORDINARY MAINTENANCE WORK ON O'NEILL PUMPING-GENERATING PLANT AND THE DELTA-MENDOTA CANAL

WHEREAS, the San Luis & Delta-Mendota Water Authority (“**Water Authority**”) is a transferred works operator responsible for the operation, maintenance, and replacement (“**OM&R**”) of certain Central Valley Project (“**CVP**”) facilities, including the O’Neill Pumping-Generating Plant (“**OPP**”), which moves water between the Delta-Mendota Canal (“**DMC**”) into the O’Neill Forebay; and the DMC, a 116.5-mile long canal that carries water from the Delta near Tracy to the Mendota Pool, about 30 miles west of Fresno; and

WHEREAS, the OPP was constructed in 1968, and the U.S. Bureau of Reclamation (“**Reclamation**”) has determined that the unit pump bowls are at the end of their useful life and recommended for replacement per Technical Memorandum dated October 7, 2019, with Subject Line “San Luis Delta Water Authority – O’Neill Pumping Plant Pump Bowl Modification – Delta Division – Central Valley Project (CVP), California;” and

WHEREAS, the Water Authority and Reclamation have worked closely to plan four extraordinary maintenance projects for OPP, including the OPP rewind, OPP pump bowl replacement, OPP Woodward Governor rehabilitation, and OPP penstock and pump unit rehabilitation (together, the “**OPP Upgrades Projects**”); and the preliminary construction cost estimate for all projects is \$68.1 Million; and

WHEREAS, the DMC has experienced significant land subsidence that has resulted in a reduced conveyance capacity and the Water Authority and Reclamation are working closely to develop and further the DMC Subsidence Correction Project, and the feasibility level construction cost estimate is \$830 Million; and

WHEREAS, the Water Authority was awarded \$25 million in Bipartisan Infrastructure Law (“**BIL**”) funding in FY23 for the DMC Subsidence Correction Project and has begun the negotiation procedures to determine the terms of the repayment contract; and

WHEREAS, the Water Authority is now pursuing all possible financing options, including reasonable cost share provisions, or non-reimbursable funding, with which to pay the cost of extraordinary maintenance at the OPP and the DMC; and

WHEREAS, the Water Authority is authorized to fund and negotiate contracts for the repayment of extraordinary maintenance projects; and

WHEREAS, Congress provides federal funding for extraordinary maintenance work by means of discretionary and mandatory appropriations and, with the addition of the Aging

Infrastructure Account, federal funding will also be provided by repayment amounts from extraordinary maintenance contracts that were funded by the Aging Infrastructure Account; and

WHEREAS, if the OPP Upgrades Project and/or the Delta-Mendota Canal Subsidence Correction Project are/is selected to receive extended repayment and funding from the Aging Infrastructure Account in Fiscal Year 2023, the Water Authority would proceed in negotiating a contract for extended repayment of funds, and the contract would be brought to the Water Authority Board of Directors for review and action; and

WHEREAS, authorizing application for funding for extraordinary maintenance and negotiation of a repayment contract with the United States do not constitute a project or projects under the California Environmental Quality Act (“CEQA”) because the proposed actions represent administrative actions of the Water Authority that will not result in direct or indirect physical changes in the environment (CEQA Guidelines Section 15378(b)(5)); further, because it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed action is not subject to CEQA (CEQA Guidelines section 15061(b)(3)); further, future CEQA review will be completed prior to approval or any construction of the extraordinary maintenance in question.

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 hereby authorizes the Executive Director to submit an application on behalf of the Water Authority for Extended Repayment and Funding from the Aging Infrastructure Account in Fiscal Year 2024 for two projects, the O’Neill Pumping-Generating Plant Upgrade Project and the Delta-Mendota Canal Subsidence Correction Project.

Section 3. The Executive Director and Chief Operating Officer, and such Water Authority employee or consultant as either of such officers may designate, are further authorized and directed to enter into negotiations with the United States for a repayment contract or repayment contracts, with the expectation that any such contract will be presented to the Board of Directors for approval.

Section 4. The Executive Director and Chief Operating Officer, and such Water Authority employee or consultant as either of such officers may designate, are further authorized and directed to take such additional steps, and to execute such additional documents, as may be required or reasonably necessary to the completion of the activities authorized by this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of November, 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 9th day of November, 2023.

Federico Barajas, Secretary

[Date]

[Name]

[Title]

[Organization]

[Address]

[City, State, Zip Code]

Subject: Application for Funding from the Aging Infrastructure Account in FY 2024,
[District/Association/Entity Name] [(Abbreviated Name)], [Reclamation Project], [State]

[Abbreviated Name] is a transferred works operator responsible for reimbursable costs of operating and maintaining [Reclamation Facility or Facilities]. We are formally applying for [Funding Request in \$] from the Aging Infrastructure Account (Account) in FY 2024 for extraordinary maintenance (XM) work on [Reclamation Facility or Facilities] (XM Project).

The estimated cost of the XM Project is based on [attached cost estimate documentation]. This funding will be used to [short, high-level description of activities for which funding is requested].

We understand that compliance with Federal environmental laws and regulations is required for the XM Project before any funding allocations can be made.

We request an advancement of funds from the Account for the proposed XM work. If the work is selected for funding from the Account and Reclamation advances funds, [Abbreviated Name] understands there is an obligation to repay our share of the reimbursable costs and that we will be required to sign a contract for extended repayment of the funds. We acknowledge that the [Facility or Facilities] transferred works would be using the funds to perform justified XM work.

We understand that Reclamation has the authority to fund and negotiate contracts for the repayment of XM projects. We have worked with your staff to satisfy the application and eligibility requirements.

We have evaluated the following non-Federal funding options:

[List any non-Federal funding options evaluated]

None of these options were feasible due to [explanation for infeasibility].

We have also attached [# of years of financial records (minimum of 1 year: the prior year)] and the fiscal operating budget for [Abbreviated Name]. This constitutes our financial justification for extended repayment by demonstrating that the costs of the work are greater than 10 percent of the operating entity's annual O&M budget for the facility or at least \$100,000 in total.

We request a repayment term of [requested repayment period] years. We confirm that the proposed work is major, non-recurring maintenance to ensure the continued safe, dependable, and reliable delivery of authorized project benefits.

Please accept this letter and application to request funding from the Account.

[Required: Electronic/Wet Signature with Date Stamp]

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Directives and Standards

Subject:	Extended Repayment of Extraordinary Maintenance Costs
Purpose:	To state requirements for repayment of extraordinary maintenance work. The benefit of this Directive and Standard is consistent and budget-conscious application of the relevant authorities by Bureau of Reclamation staff.
Authority:	The Reclamation Act of June 17, 1902 (32 Stat. 388), as amended and supplemented, in particular, Title IX, Subtitle G of Pub. L. 111-11, and Title XI, Section 1101 of Pub. L. 116-260 (43 U.S.C. § 510, et seq.) (XM authority).
Approving Official:	Director, Policy and Programs
Contact:	Reclamation Law Administration Division (84-55000)

1. **Introduction.** Pub. L. 111-11 authorizes Reclamation to fund extraordinary maintenance (XM) work and execute contracts for extended repayment of the reimbursable costs. Pub. L. 116-260 expanded the authority by establishing the Aging Infrastructure Account (Account), requiring an annual application process and a Congressional reporting requirement. The XM authority does not include extended repayment of annual, routine operation, maintenance, and replacement (OM&R) costs. This Directives and Standards (D&S) ensures that Reclamation uses its authority to meet the most critical needs.
2. **Applicability.** This D&S applies to all Reclamation offices and staff in administering the provisions of the XM authority.
3. **Federal Funds.** Congress provides Federal funding for XM work by means of discretionary and mandatory appropriations and, with the addition of the Account, Federal funding will also be provided by the receipts (or repayment amounts) from XM contracts that were funded by the Account. The XM work requested through the application process set out in this D&S will be funded from the Account whenever there are sufficient funds in the Account to do so, with the following exception.¹ If XM work is urgent but does not qualify as emergency XM (EXM), regional directors (RDs), through the Basis of Negotiation (BON) process, can request authority to fund the work with their region's funds and not require the transferred works operator to go through the application process.

¹ As a practical matter, any action or work needed to minimize imminent harm to life and property cannot typically wait to go through the application process, which is required to use funds from the Account. Regions are responsible for funding emergency XM work from their regularly budgeted funds.

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4. Eligibility.

A. **XM.** Work is XM if:

- (1) it is major, non-recurring maintenance of a mission critical asset,
- (2) its purpose is to ensure the continued safe, dependable, and reliable delivery of authorized project benefits (any additional benefits being strictly incidental to that purpose),
- (3) its costs are greater than 10 percent of Reclamation's or the operating entity's annual O&M budget for the facility or at least \$100,000 in total, and
- (4) it is not eligible to be performed or funded under the repayment provisions of Section 4(c) of the Reclamation Safety of Dams Act of November 2, 1978, as amended (43 U.S.C. § 506).

B. **EXM.** Work is EXM if it qualifies as XM and it is necessary to minimize the risk of imminent harm to public health or safety or to property. The Commissioner reserves the discretion to determine if XM work qualifies as EXM.

C. **Qualified EXM.** If designated as qualified EXM, 35 percent of the Federal funding advanced or expended is non-reimbursable. Application of the 35 percent non-reimbursable funding applies only the amounts advanced and allocable to the transferred works operating entity.² Otherwise, the work will be reimbursable in the same manner as XM work, as described in Paragraph 8.A of this D&S. XM work on Transferred Works that meets the criteria for EXM and the additional conditions outlined below is eligible for designation as qualified EXM.

- (1) During the last 10 years, all Category 1 OM&R recommendations, as defined in Paragraph 7.A.(1) of Reclamation Manual (RM) D&S, *Review of Operation and Maintenance (RO&M) Program Examination of Associated Facilities (Facilities other than High- and Significant-Hazard Dams)* ([FAC 01-04](#)), related to XM work identified under urbanized canal inspections or through inspection/assessments conducted under existing review programs have an identified timeframe for work to be completed and work has been completed within that timeframe.
- (2) During the last 10 years, all Category 2 OM&R recommendations, as defined in Paragraph 7.A.(2) of FAC 01-04 related to XM work identified under urbanized canal inspections or through inspection/assessments conducted under existing review programs, and reasonably within the ability of the operating entity to

² See 43 U.S.C. 510b(c)(3).

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address, have an identified timeframe for work to be completed and work has been completed within that timeframe.

5. Annual Application Process

- A. **Annual Notice and Deadlines.**³ By October 31 of each year, regional office staff will issue a public notice of the annual application process for funding of XM projects. The public notice will include posting information on Reclamation websites and reasonable efforts to notify project beneficiaries on reserved and transferred works and transferred works operating entities.⁴ The notice will include relevant information from the XM authority and this D&S, including descriptions of the minimum required application content described in Paragraph 5.B. of this D&S, and a main point of contact for interested applicants. The notice will state that applications will be accepted until December 31. Both reserved and transferred works are eligible. The Reclamation Law Administration Division (RLAD) will coordinate with other affected offices to continually evaluate the appropriateness of these dates in the application cycle and make adjustments as necessary.
- B. **Applicants.** Eligible applicants include transferred works operators and project beneficiaries responsible for repayment of reimbursable costs on reserved and transferred works. If a project beneficiary on transferred works applies for extended repayment but the operator does not apply or request advanced funds, Reclamation, the operator, and the applicant may enter a three-party contract to advance the applicant's share of the XM project to the operator.
- C. **Region Office Application Review**
- (1) As applications are received, and no later than January 24, area or regional office staff will review applications for the following required content:
- (a) a description of the project for which the funds are requested,
 - (b) the amount of funds requested,
 - (c) the repayment period requested by the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs,
 - (d) alternative non-Federal funding options that have been evaluated,

³ Reclamation Law Administration Division and other appropriate offices will continually assess and refine the application process timelines described in this D&S, as needed.

⁴ Reclamation staff will coordinate with project beneficiaries responsible for repayment of reimbursable costs on reserved works when they request extended repayment. When using funds from the Account, applications are required for XM work on reserved works.

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- (e) the financial justification for requesting an extended repayment period,
 - (f) at least 1 year of the financial records of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs,
 - (g) to the extent that it is the responsibility of the applicant, any remaining environmental compliance that is required before the project commences, and
 - (h) the official level of cost estimate as defined in RM D&S, *Cost Estimating* ([FAC 09-01](#)), and provided as required by RM D&S, *Representation and Referencing of Cost Estimates in Bureau of Reclamation Documents Used for Planning, Design and Construction* ([FAC 09-03](#)).
- (2) Area or regional office staff will add any information of relative importance regarding each submitted project and the Major Rehabilitation & Replacement categorization rating to each application. To the extent that it is the responsibility of Reclamation, they will also identify any remaining environmental compliance that is required before the project commences.
 - (3) Area or regional office staff will add documentation used to fulfill RM D&S, *Reclamation Value Program* ([CMP 06-01](#)), and RM D&S, *Planning for Major Rehabilitation and Replacement of Existing Assets* ([CMP 09-04](#)), requirements to each application, respectively.
 - (4) If regional office staff determine that any applications are ineligible for funding or incomplete, they will make reasonable efforts to contact the applicant and allow them to supplement or amend their application before December 31.
 - (5) No later than January 24, regional office staff, through their RD, will send all applications and an analysis of the reporting content required under 43 U.S.C. § 510b(d)(5)(C) to RLAD.
- D. **Review and Report.** RLAD staff will review all applications to determine whether all qualification criteria are met, including a review of the regional office analyses. RLAD, Program and Budget, and Asset Management Division staff will categorize the applications based on the criteria above and then recommend a categorization of applications and funding and send all applications to the Commissioner no later than February 15. RLAD staff will also draft the report required under 43 U.S.C. § 510b(d)(5).
- E. **Commissioner Review, Office of Management and Budget, and Report to Congress.** By March 8, after obtaining the Commissioner's final determinations and

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consent, Reclamation will submit a report to Congress, as required by 43 U.S.C. § 510b(d)(5).

- F. **Congressional Alternative Allocation.** Under 43 U.S.C. § 510b(d)6, Reclamation staff will wait for Congress, as applicable under the “alternative allocation” requirement, to act, if it chooses, and direct an alternate allocation of funds before responding to applicants. Following the required waiting period and passage of full-year appropriations for energy and water development and related agencies, RLAD staff will notify RDs and regional office staff of the final allocation of funds for the relevant application period. Regional office staff will notify successful applicants as soon as possible.
- G. **Funding Appropriated into the Account.** Funds appropriated into the Account can be expended without the requirement above in Paragraph 5.G.
- H. **Fund Administration and Oversight.** The Director, Program and Budget, maintains administration and oversight of all funds control of the Account. In addition to the standard validation and verification that Program and Budget provides, RLAD and Asset Management Division will also provide appropriate oversight of the funded XM projects.
6. **Repayment Contracts Are Required.**
- A. **XM.** With the exception of EXM, Reclamation will not advance funds for XM work before execution of a repayment contract or contracts.
- B. **EXM.** Reclamation will only advance funds for EXM work without first executing a repayment contract if:
- (1) Reclamation has received written assurance from the governing body of a project beneficiary that it will enter good faith negotiations toward execution of a repayment contract, and
 - (2) the Commissioner has made an initial written determination that the intended work meets the EXM criteria under Paragraph 4.B. of this D&S and has authorized the advancement of funds prior to execution of a contract. The BON and approval memorandum process will formalize this determination.
7. **Conditions and Limitations for Advanced Funds on Transferred Works.**
- A. **Operating Entity’s Funds.** The advancement of funds is conditioned on the operating entity’s expenditure of its own funds as follows:

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- (1) Advanced Funds for EXM will not be advanced to the operating entity until it has expended at least 75 percent of any contractually required reserve funds on the emergency work for which the funding is requested.
 - (a) When a contractor has expended reserve funds and is current in re-accumulating the funds expended according to contractual requirements, the 75 percent will be based on whatever amount the contractor has accumulated.
 - (b) If the contractor has not maintained the reserve fund in accordance with the contract, Reclamation will require it to expend an amount equal to 75 percent of the contractually required reserve fund.
 - (2) If an existing contract between the operating entity and Reclamation does not require explicitly designated reserve funds, the RD will determine an appropriate amount of funds the operating entity must expend before Reclamation will advance funds. The BON will include this determination.
 - (3) The financial analysis described in Paragraph 8.C.(1)(b) will verify the availability of reserve funds for XM work.
- B. Exhausting Non-Federal Funding Options.** Advanced funds for XM work will not be advanced to the operating entity before reasonably available non-Federal funding options have been analyzed. The RD is responsible for making this determination.
- C. Limits on Use of Advanced Funds.** RDs will ensure the operating entity uses advanced funds solely for the purposes for which advanced.

8. Contracting and Contract Requirements.

- A. **Allocation of Costs.** Reclamation will allocate costs for XM and EXM work in accordance with the existing allocation of OM&R costs of the project or facility. See RM Policy, *Allocation of Operation and Maintenance Costs* ([PEC P07](#)), for specific requirements associated with allocation of OM&R costs. For qualified EXM work on transferred works, 35 percent of the advanced funds for the costs of the EXM work allocable to the operating entity is non-reimbursable.
- B. **Statutory Credits.** Repayment obligations will be repaid with available statutory credits only after the work has been authorized and funds appropriated. Statutory credits cannot be applied against annual OM&R costs. For additional information on the application of statutory credits toward an XM cost obligation see Paragraph 4.A. of RM D&S, *Crediting Requirements for Incidental Revenues* ([PEC 03-01](#)).

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C. Repayment Terms.

(1) Repayment Period.

- (a) **Maximum Term.** The repayment period will not exceed the service life of the repair or 50 years from the date on which the RD declares the work is substantially complete. Additionally, if the BON proposes any repayment period longer than 30 years, a financial analysis must justify the proposed repayment period.
- (b) **Financial Analysis.** The financial analysis must include a review of the contractor's financial records and reserve funds. If an ability-to-pay study has been completed within the last 5 years, it will be used in the financial analysis. A new ability-to-pay study is not required in all cases unless it is needed to justify a repayment period greater than 30 years. Reclamation will not pay for new ability-to-pay studies because they are reimbursable in this circumstance.
- (c) **Water Service Contractors.** If the repayment entity's primary water-related contract with Reclamation is a water service contract, the period for repaying XM or EXM costs will not exceed the remaining term of the water service contract. If, however, the RD determines that the repayment period should extend beyond the expiration of the contractor's water service contract because the remaining term is too short, and the requirement will be a financial hardship on the contractor, the RD will include this information in the BON.

- (2) **Interest.** Reclamation will assess interest on all reimbursable costs of XM and EXM regardless of the project purpose to which the costs are allocated. Reclamation will assess interest on the repayment amount as of the date of disbursement of the funds through completion of repayment. The interest rate for the reimbursable costs of XM and EXM work performed under the XM authority will be the rate determined by the Secretary of the Treasury that is in effect for the fiscal year in which the XM or EXM work is commenced and corresponding to the applicable reimbursement period. The applicable rates can be found in the Range of Maturities (Table 1) for the year in which construction commences. See <https://www.treasurydirect.gov/government/interest-rates-and-prices/certified-interest-rates/annual/>.

- (3) **Administrative Costs.** The RD will require each project beneficiary to provide an advance payment sufficient to cover an appropriate share of the administrative costs of the environmental compliance, development of the BON, and development and negotiation of the contract(s).

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- (4) **Ability to Pay.** XM work is not considered construction for repayment purposes, and as a result, ability-to-pay relief and aid to irrigation are not available for repayment of these costs.⁵
- (5) **Deferrals.** Deferrals allowed under Section 17.B of the Reclamation Project Act of August 4, 1939, as amended (43 U.S.C. § 485b-1), apply to repayment of construction costs under that Act, and are not authorized under the XM authority.
- D. **Standard Articles.** Paragraph 6 of RM Policy, *Reclamation Standard Water-Related Contract Articles* ([PEC P10](#)) identifies the standard articles required for XM and EXM contracts. Reclamation may exclude standard articles 5, 6, 7, 8, 9, 14, 18, 19, 20, 21, and 29 if the primary O&M transfer contract includes their most recent version.
- E. **Acreage Limitation.** The acreage limitation provisions of Federal Reclamation law do not apply to XM repayment contracts. Specifically, contracts for repayment of the costs of XM or EXM will not:
- (1) be considered in determining whether a district, as defined in Section 202(2) of the Reclamation Reform Act of October 12, 1982 (43 U.S.C. § 390bb), has discharged its obligation to repay the construction costs of the project facilities used to make irrigation water available for delivery to land in the district,
 - (2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation, or
 - (3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.
- F. **Public Participation.** Public participation is required for all XM repayment contracts. Refer to RM Policy, *Water-Related Contracts—General Principles and Requirements* ([PEC P05](#)) for general public participation requirements for water-related contracts.
- G. **No External Discussion of Pre-Decisional Positions.** Reclamation managers and employees will not make any pre-decisional commitment to the operating entity concerning the eligibility of proposed XM work for emergency status until the Commissioner issues a written initial determination of eligibility. Reclamation managers and employees will also not make any pre-decisional commitment to the operating entity concerning reduced reimbursable costs until the Commissioner makes a final determination that the proposed XM work meets the criteria of qualified EXM.

⁵ XM work may meet the capitalization criteria for assets under construction for financial reporting. Contact the regional finance office for assistance.

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- H. **Wage Rate Requirements (Construction).** The relevant provisions of the Davis-Bacon and Related Acts (40 U.S.C. § 3141, 29 U.S.C. § 201, 41 U.S.C. § 351, 40 U.S.C. § 3701, 41 U.S.C. § 35, 40 U.S.C. § 3145) apply to every contract in excess of \$2,000 to which the Federal Government is a party, for the construction, alteration, or repair of public buildings and public works of the Federal Government and which requires or involves the employment of mechanics and laborers.
- I. **National Environmental Policy Act (NEPA).** Reclamation's categorical exclusion (CE) 516 Department Manual 14.5D(1)⁶ is appropriate to use for XM projects if the scope of the project is consistent with the terms of the CE, and there are no extraordinary circumstances. Consideration for a CE does not guarantee that a CE will be appropriate. Reclamation will make the determination on the level of NEPA review and documentation, including whether an XM proposal satisfies the CE language or would trigger any of the extraordinary circumstances as described in 43 CFR 46.215. In cases where the project does not meet the above criteria or where any extraordinary circumstances exist, a higher level of NEPA evaluation will be required.
9. **BON Requirements.** Except as noted in Paragraph 6.B. above, a BON and approval memorandum are required for all advances and repayment of funds for XM or EXM work. See RM D&S, *Preparing Bases of Negotiation for New, and Amendatory Water Service, Repayment, and Related Contracts (PEC 06-01)*, for the general requirements of the BON and approval memorandum. In addition, the following requirements apply.
- A. **XM BONs.** A BON for an XM contract will include:
- (1) a determination of eligibility under Paragraph 4.A. with supporting evidence,
 - (2) an estimate of costs allocable to the project beneficiaries, which follows the existing annual OM&R allocation for the relevant facilities,
 - (3) a proposed repayment term, and
 - (4) if applicable, an explanation of how the proposed contract will meet the requirements of Paragraph 7, above.
- B. **EXM BONs.** In addition to the requirements in Paragraph 9.A., EXM BONs will include:
- (1) written assurance from the contractor of their intention to enter a repayment contract if funds are expected to be advanced prior to execution of a contract, and

⁶ 516 DM 14.5(D)(1) Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation.

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- (2) a justification for the determination that the work on the project facility will likely meet the criteria for qualified EXM and a recommendation that 35 percent of the advanced funds for the EXM costs be non-reimbursable. The approval memorandum will document the final decision on this determination.
10. **Substantial Completion.** At the appropriate time, RDs are responsible for making the determination that XM work is substantially complete. RDs will also prepare and transmit written notice to the contractor of substantial completion and the initiation of repayment.⁷
11. **Definitions.**
- A. **Advanced Funds.** Funds that Reclamation advances to an operating entity to cover costs of extraordinary maintenance or emergency extraordinary maintenance work performed pursuant to the XM authority.
 - B. **Mission Critical Asset.** A facility or structure that sustains essential functions of a Reclamation project and for which an alternative facility or structure capable of continuously sustaining those functions is unavailable. This definition encompasses major asset classes such as dams, power plants, canals, siphons, pipelines, distribution systems, and associated structural, mechanical, and electrical systems and subcomponents.
 - C. **Operating Entity.** An organization that is contractually responsible for OM&R of transferred works.
 - D. **Project Facility.** Any part or feature of a Reclamation-owned project constructed under the authority of the Reclamation Act of June 17, 1902, or acts amendatory of, or supplemental to, that Act.
 - E. **Reserved Works.** Any project facility at which Reclamation carries out the OM&R of the facility.
 - F. **Risk of Imminent Harm.** Immediate danger or threat of injury to persons or damage to or loss of tangible property.
 - G. **Transferred Works.** Project facilities for which the OM&R is carried out by an operating entity under the provisions of a formal contract.
12. **Review Period.** The originating office will review this release every 4 years.

⁷ When XM work is performed by an operating entity, coordination with that entity will be necessary; however, the RD still must make a determination and provide the operating entity with a written notice of substantial completion. The written declaration of substantial completion by Reclamation to the operating entity initiates commencement of the repayment period.



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates
SLDMWA Finance & Administration Committee Members, Alternates

FROM: Pablo Arroyave, Chief Operating Officer
Jaime McNeil, Engineering Manager

DATE: November 9, 2023

RE: Recommendation Regarding Emergency Reserve Fund Expenditure Repayment

BACKGROUND

The Transfer Agreement between the United States and the San Luis & Delta-Mendota Water Authority (“Water Authority”) contains Article 14, which governs the accumulation and maintenance of an emergency reserve fund “to meet costs incurred during periods of special stress caused by damaging droughts, storms, earthquakes, floods, or other emergencies threatening or causing interruption of water service.”

Use of the Emergency Reserve Fund is presently needed to finance “costs associated with addressing conditions which threaten or cause interruption of water service” and/or “costs associated with addressing conditions which threaten the safety or integrity of the Project Works. (Transfer Agreement, Art. 14(a).) The Delta-Mendota Canal (DMC) requires critical repairs in two locations:

1. DMC Downstream Check 18 Concrete Lining Repair at milepost 96.82
 - a. Estimated Cost: up to \$500,000
 - b. Description of Damage and Proposed Repairs: Extensive damage to both the invert of the canal and the lining of the side slope (right bank) has occurred due to substantial material loss behind the liner. The proposed repairs include repair of approximately 50’ of failed/buckled concrete lining on the side slope and at the invert. The repair will proceed as soon as possible and will likely be completed before the end of 2023.

2. DMC Concrete Lining Repair and Farm Bridge Abutment Stabilization at milepost 41.49
 - a. Estimated Cost: up to \$750,000
 - b. Description of Damage and Proposed Repairs: This damage was caused when the Salado Creek levee breached in January 2023. The proposed repairs include repair of approximately 50’ of failed/buckled concrete lining, removal of sediment/debris deposits in the DMC, and the stabilization of the right abutment of the Farm Bridge at the location. The repair will proceed in early 2024, preferably when San Luis Reservoir fills.

As required by the Transfer Agreement, Water Authority staff formally requested Reclamation's approval to utilize the Emergency Reserve Fund by letter dated October 18, 2023 (Attachment 1). Reclamation provided their approval on the same day (Attachment 2).

ISSUE FOR DECISION

Whether the Water Authority should utilize a five year repayment period to recoup the anticipated Emergency Reserve Fund expenditures.

RECOMMENDATION

In order to mitigate the reserve water rate effects, Water Authority staff recommends that repayment of the Emergency Reserve Fund expenditures occur over the maximum authorized period of five years, beginning in March 2024.

ANALYSIS

Under Article 14(d) of the Transfer Agreement, the Water Authority has up to five years to repay the Emergency Reserve Fund, although repayment can occur more quickly if desired. Staff estimates the impact on the reserve component in water rates would be an increase of \$.60 per acre foot if repaid in a single year, compared to \$.12 per acre foot if repaid over five years.

BUDGET IMPLICATIONS

The current Emergency Reserve Fund balance is \$2,214,916. If the Water Authority staff recommendation is accepted, the expended funds would be repaid through the reserve rate in 5 equal installments beginning on March 1, 2024.

ATTACHMENTS:

1. Water Authority Request for use of the Emergency Reserve Fund dated 10/18/23
2. Reclamation approval to use the Emergency Reserve Fund dated 10/18/23



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Federico Barajas, Executive Director

DATE: November 9, 2023

RE: Resolution Adopting the 2024 Regular Meeting Calendar for the San Luis & Delta-Mendota Water Authority Board of Directors, Water Resources Committee, and Finance & Administration Committee

The Water Authority Bylaws set the regular meeting dates, time, and place for Board, Water Resources Committee, and Finance & Administration Committee meetings, except as otherwise determined by the Board. To allow for advance planning, staff has prepared an annual calendar for regular meetings of the Board of Directors, Water Resources Committee, and Finance & Administration Committee for upcoming calendar year 2024.

ISSUE FOR DECISION

Whether the Board of Directors should adopt the Resolution Adopting the 2024 Regular Meeting Calendar for the San Luis & Delta-Mendota Water Authority Board of Directors, Water Resources Committee, and Finance & Administration Committee.

RECOMMENDATION

Staff recommends adoption of the proposed resolution. Pertinent dates and times are included in the proposed resolution, and copied below for ease of reference.

For those meetings held in person and not via teleconference, the regular meeting place will be the Water Authority's Los Banos Administrative Office at 842 6th Street, Los Banos, California 93635.

Month	Water Resources Committee 10:00 a.m.	Finance & Administration Committee 12:00 p.m.	Board of Directors 9:30 a.m.
January		1/8/2024	1/11/2024
February		2/5/2024	2/8/2024
March		3/4/2024	3/7/2024
April		4/1/2024	4/4/2024
May		5/13/2024	5/16/2024
June		6/3/2024	6/6/2024

Memo to SLDMWA Board of Directors

November 9, 2023

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July	7/8/2024	7/11/2024
August	8/5/2024	8/8/2024
September	9/9/2024	9/12/2024
October	10/7/2024	10/10/2024
November	11/4/2024	11/7/2024
December	12/9/2024	12/12/2024

ATTACHMENT

1. Proposed Resolution Adopting the 2024 Regular Meeting Calendar for the San Luis & Delta-Mendota Water Authority Board of Directors, Water Resources Committee, and Finance & Administration Committee.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2023-___

**RESOLUTION ADOPTING THE 2024 REGULAR MEETING CALENDAR FOR THE
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD OF DIRECTORS,
WATER RESOURCES COMMITTEE, AND FINANCE & ADMINISTRATION
COMMITTEE**

WHEREAS, Article 11 of the San Luis & Delta-Mendota Water Authority’s (“Water Authority”) Joint Exercise of Powers Agreement provides that its Board of Directors (“Board”) will determine the time and place of regular meetings by resolution adopted by the Board; and

WHEREAS, on April 8, 2021, the Board adopted Resolution No. 2021-480, adopting Bylaws, which provide that the regular meeting date, time, and place of the Board will be the first Thursday after the first Monday of each month, at 9:30 a.m., at 842 6th Street, Los Banos California, except as otherwise determined by the Board; and

WHEREAS, the Water Authority Bylaws also provide that the Water Resources Committee will hold its regular meetings on the Monday prior to the regular meetings or adjourned regular meetings of the Board, and the Finance & Administration Committee will hold its regular meetings on the Monday prior to the regular meetings or adjourned regular meetings of the Board, on such alternate dates as may be selected by the Chair of the Committees, or as otherwise determined by the Board; and

WHEREAS, the Board has determined to establish the time, date, and place for its regular Board of Directors, Water Resources Committee, and Finance & Administration Committee meetings for the calendar year 2024.

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. During calendar year 2024, the time and date for regular meetings of the Board of Directors, Water Resources Committee, and Finance & Administration Committee are set as follows:

Month	Water Resources Committee 10:00 a.m.	Finance & Administration Committee 12:00 p.m.	Board of Directors 9:30 a.m.
January	1/8/2024		1/11/2024
February	2/5/2024		2/8/2024
March	3/4/2024		3/7/2024
April	4/1/2024		4/4/2024
May	5/13/2024		5/16/2024
June	6/3/2024		6/6/2024

July	7/8/2024	7/11/2024
August	8/5/2024	8/8/2024
September	9/9/2024	9/12/2024
October	10/7/2024	10/10/2024
November	11/4/2024	11/7/2024
December	12/9/2024	12/12/2024

Section 3. For those meetings held in person and not via teleconference, the regular meeting place will be 842 6th Street, Los Banos, California.

Section 4. All meetings of the Board of Directors, Water Resources Committee, and Finance & Administration Committee will be noticed and conducted subject to the provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq.

Section 5. Prior to the end of calendar year 2024, a calendar of regular meetings will be adopted for the subsequent calendar year.

PASSED, APPROVED AND ADOPTED this 9th day of November, 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 9th day of November, 2023.

Federico Barajas, Secretary



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Rebecca Harms, Deputy General Counsel
Cindy Meyer, Special Programs Manager
Frances Mizuno, Mizuno Consulting

DATE: November 9, 2023

RE: Resolutions Authorizing Execution of the (1) Exchange Contractors 2024-2025 Transfer Agreement and Actions Related Thereto, and (2) Exchange Contractors 2024-2025 Transfers Activity Agreement and Actions Related Thereto

BACKGROUND

Environmental Document – The U.S. Bureau of Reclamation (“Reclamation”) and the San Joaquin River Exchange Contractors Water Authority (“Exchange Contractors”) prepared the Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority 2014-2038 Final Environmental Impact Statement/Environmental Impact Report (the “2013 EIS/EIR”). The certified 2013 EIS/EIR includes analysis of the environmental effects of transfer of up to 150,000 acre-feet per year of water from the Exchange Contractors for refuge use and to Central Valley Project (“CVP”) water service contractors within the San Luis & Delta-Mendota Water Authority (“Water Authority”) for irrigation and certain specified municipal and industrial (“M&I”) uses.

Transfer Agreements – Based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, and the Water Authority entered into a 2014-2018 Transfer Agreement¹ and, subsequently, a 2019-2023 Transfer Agreement². Both 2014-2018 and 2019-2023 Transfer Agreements provided for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and by the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers.

¹ Agreement for the Acquisition of Water by the United States, San Luis & Delta-Mendota Water Authority, and Madera Irrigation District from the San Joaquin River Exchange Contractors Water Authority 2014-2018, Agreement No. 14-WC-20-4520.

² Agreement for the Acquisition of Water by the United States and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2019-2023, Agreement No. 19-WC-20-5476.

Activity Agreements – The Water Authority also entered into Activity Agreements for the 2014-2018 and 2019-2023 Transfer Agreements. Pursuant to these Activity Agreements, the Water Authority purchased transfer water on behalf of the Activity Agreement Participants. With the exception of 2014, 2015, 2021 and 2022, when the Exchange Contractors did not receive their full allocation, Water Authority Activity Agreement Participants obtained supplemental water supply each year through these agreements. These agreements provide the largest block of reliable south of Delta supplemental water supply for Water Authority members.

New Transfer Agreement and Activity Agreement – Based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, and the Water Authority are in the process of finalizing a new 2024-2025 Transfer Agreement³, the current draft of which provides the terms and conditions for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of two (2) years, to be implemented through successive one-year transfers. The Water Authority is also in the process of finalizing a new Activity Agreement for the 2024-2025 Transfer Agreement.

ISSUES FOR DECISION

1. Whether the Water Authority should adopt the proposed Resolution Authorizing Execution of the Exchange Contractors 2024-2025 Transfer Agreement and Actions Related Thereto
2. Whether the Water Authority should adopt the proposed Resolution Authorizing Execution of the Exchange Contractors 2024-2025 Transfers Activity Agreement and Actions Related Thereto

RECOMMENDATION

Staff recommends the Board adopt both proposed resolutions.

ANALYSIS

The Exchange Contractors, Reclamation, and the Water Authority are working diligently to finalize the 2024-2025 Transfer Agreement, and staff anticipates that the Transfer Agreement will be finalized prior to the Board's December 7th meeting. Given this timing, the Board is being asked to authorize execution of the Transfer Agreement contingent upon the Water Authority member agencies participating in the Activity Agreement's concurrence to the terms of the Transfer Agreement. The Activity Agreement can be finalized when the terms of the Transfer Agreement are finalized, thus, the Board is being asked to authorize execution of the Activity Agreement contingent upon the completion of the Transfer Agreement.

³ Agreement for the Acquisition of Water by the United States, and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2024-2025

Upon adoption of the resolution regarding the Transfer Agreement and following execution of the Transfer Agreement by the Water Authority, the Transfer Agreement would become effective on January 1, 2024. Upon adoption of the resolution regarding the Activity Agreement and following execution of the Activity Agreement by at least two member agencies, the Executive Director would execute the Activity Agreement. As currently drafted, the Activity Agreement would become effective on January 1, 2024.

The activities contemplated in the Transfer Agreement and Activity Agreement are within the scope of the Exchange Contractors' approved 2014-2038 transfer program and certified 2013 EIS/EIR, such that no subsequent or supplemental CEQA review is required. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163, 15168(c).)

The Water Authority's participation in the Activity Agreement will require staff time to manage the project and coordinate with the Activity Agreement Participants. Pursuant to the Activity Agreement, participants are responsible for all financial (including Water Authority staff time) obligations and liabilities associated with the Water Authority's engagement.

BUDGET

No direct budget impact due to the proposed structure of the Activity Agreement whereby the cost for the Water Authority's coordination of water transfer activities pursuant to the Activity Agreement, and any additional financial obligations and liabilities associated with the coordination of transfer activities, will be paid for by only the Activity Agreement Members.

EXHIBITS

1. Resolution No. 2023-XX Authorizing Execution of the Exchange Contractors 2024-2025 Transfer Agreement and Actions Related Thereto
2. Draft Agreement for the Acquisition of Water by the United States, and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2024-2025
3. Resolution No. 2023-XX Authorizing Execution of the Exchange Contractors 2024-2025 Transfers Activity Agreement and Actions Related Thereto
4. Draft San Luis & Delta-Mendota Water Authority Exchange Contractors 2024-2025 Transfers Activity Agreement

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2023-

**RESOLUTION AUTHORIZING EXECUTION OF THE EXCHANGE CONTRACTORS
2024-2025 TRANSFER AGREEMENT AND ACTIONS RELATED THERETO**

WHEREAS, together with the U.S. Bureau of Reclamation (“Reclamation”), the San Joaquin River Exchange Contractors Water Authority (“Exchange Contractors”) prepared the Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority 2014-2038 Final Environmental Impact Statement/Environmental Impact Report dated January 2013, with the Record of Decision adopted by Reclamation on July 30, 2013 and the Environmental Impact Report certified by the Exchange Contractors on March 1, 2013 (the “2013 EIS/EIR”), analyzing the environmental effects of transfer of up to 150,000 acre-feet per year of water from the Exchange Contractors for refuge use; to Central Valley Project (“CVP”) water service contractors within the San Luis & Delta-Mendota Water Authority (“Water Authority”) for irrigation and certain specified municipal and industrial (“M&I”) uses; and to certain other CVP or State Water Project contractors; and

WHEREAS, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, Madera Irrigation District, and the Water Authority developed the Agreement for the Acquisition of Water by the United States, San Luis & Delta-Mendota Water Authority, and Madera Irrigation District from the San Joaquin River Exchange Contractors Water Authority 2014-2018, Agreement No. 14-WC-20-4520 (“Exchange Contractors 2014-2018 Transfer Agreement”), which provided the terms and conditions for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and by Madera Irrigation District and the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers; and

WHEREAS, the Water Authority and individual Water Authority member agencies Byron-Bethany Irrigation District, Del Puerto Water District, Eagle Field Water District, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Benito County Water District, Santa Clara Valley Water District, San Luis Water District, and Westlands Water District executed the Exchange Contractors 2014-2018 Transfer Program Activity Agreement, effective November 16, 2015, to participate in the benefits and incur the obligations of the Exchange Contractors 2014-2018 Transfer Agreement; and

WHEREAS, subsequently, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, the Water Authority and Reclamation entered into the Agreement for the Acquisition of Water by the United States and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2019-2023, Agreement No. 19-WC-20-5476 (“Exchange Contractors 2019-2023 Transfer Agreement”), which provided the terms and conditions for the sale and transfer by the Exchange Contractors,

and for the purchase by Reclamation for refuge supply and by the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers; and

WHEREAS, the Water Authority and individual Water Authority member agencies Del Puerto Water District, Panoche Water District, San Benito County Water District, Santa Clara Valley Water District, San Luis Water District, and Westlands Water District executed the Exchange Contractors 2019-2023 Transfer Program Activity Agreement, effective April 22, 2019, to participate in the benefits and incur the obligations of the Exchange Contractors 2019-2023 Transfer Agreement; and

WHEREAS, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, and the Water Authority are in the process of finalizing the Agreement for the Acquisition of Water by the United States, and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2024-2025 (“Exchange Contractors 2024-2025 Transfer Agreement”), the current draft of which provides the terms and conditions for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of two (2) years, to be implemented through successive one-year transfers; and

WHEREAS, the Water Authority is in the process of finalizing the Exchange Contractors 2024-2025 Transfers Activity Agreement for Water Authority members who desire to participate in the benefits and incur the obligations of the Exchange Contractors 2024-2025 Transfer Agreement, by the terms of which the costs of the water transfers will be paid by Activity Agreement Members, and not by non-participating members of the Water Authority; and

WHEREAS, the Board has considered the latest draft of the Exchange Contractors 2024-2025 Transfer Agreement, a copy of which has been presented to the Board; and

WHEREAS, the activities contemplated in the Exchange Contractors 2024-2025 Transfer Agreement and Exchange Contractors 2024-2025 Transfers Activity Agreement are within the scope of the Exchange Contractors’ 2014-2038 approved range of potential transfers and certified 2013 EIS/EIR, such that no subsequent or supplemental CEQA review is required. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163, 15168(c).)

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 hereby authorizes the Executive Director to execute the Exchange Contractors 2024-2025 Transfer Agreement subject to such additions, deletions, and other revisions as the said Executive Director shall approve prior to execution and further subject to the contingencies described in Section 3 of this Resolution.

Section 3. The authorization conferred by this Resolution shall be contingent upon the agreement of the Water Authority member agencies participating in the Exchange Contractors 2024-2025 Transfers Activity Agreement to the terms of the Exchange Contractors 2024-2025 Transfer Agreement.

Section 4. In the event the contingencies described in Section 3 fail to occur, the authorization conferred by this Resolution is revoked *ab initio*, and any documents executed by the Water Authority in reliance upon this Resolution or the Exchange Contractors 2024-2025 Transfer Agreement shall have no binding force or effect.

Section 5. The Executive Director, Chief Operating Officer, or such Water Authority employee or consultant, as either of such officers designate, are further authorized and directed to take such additional steps, and to execute such additional documents, as may be required or reasonably necessary to the completion of the activities authorized by this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of November, 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 9th day of November, 2023.

Federico Barajas, Secretary

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1 UNITED STATES
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF RECLAMATION
4 Central Valley Project, California
5

6 AGREEMENT FOR THE ACQUISITION OF WATER
7 BY THE UNITED STATES, AND
8 SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
9 FROM THE
10 SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY
11 2024-2025
12

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PREAMBLE

34 THIS AGREEMENT FOR THE ACQUISITION OF WATER BY THE UNITED
35 STATES AND SAN LUIS & DELTA-MENDOTA WATER AUTHORITY FROM THE SAN
36 JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY from 2024-2025 is
37 made this ____ day of _____, 2023, pursuant to section 3406(d)(2) of Title XXXIV of the
38 Act of October 30, 1992 (106 Stat. 4706) Central Valley Project Improvement Act (CVPIA),
39 among the UNITED STATES OF AMERICA, acting by and through the Bureau of Reclamation
40 (Reclamation), the SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER
41 AUTHORITY (Exchange Contractors) on behalf of the San Luis Canal Company, the Central
42 California Irrigation District, the Columbia Canal Company, and the Firebaugh Canal Water
43 District, collectively referred to as the Exchange Contractors; and the SAN LUIS & DELTA-
44 MENDOTA WATER AUTHORITY (Water Authority), acting for and on behalf of its
45 participating member agencies each of whom holds a contract with the United States for water
46 service from the Central Valley Project.
47
48

RECITALS

49 WHEREAS, Reclamation and the Exchange Contractors have jointly prepared the Final
50 Environmental Impact Statement/Environmental Impact Report Dated March 1, 2013, with the
51 Record of Decision being adopted July 30, 2013, analyzing the environmental effects of the
52 transfer of water for refuge use, irrigation and certain specified M&I uses within a defined
53 geographic region for the Water Transfer Program for the San Joaquin River Exchange
54 Contractors Water Authority 2014-2038; and
55

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56 WHEREAS, there are no significant new or additional potential environmental effects
57 from the extension of the Water Transfer Program for an additional period during the calendar
58 years 2024 through calendar year 2025 upon the terms of this Agreement; and

59 WHEREAS, Reclamation, the Exchange Contractors, the Water Authority and Madera
60 ID previously entered into Agreement Number 6-WC-20-3336 (the 5-Year Transfer Agreement)
61 dated June 3, 2006 for the period of January 1, 2006 through and including December 31, 2010,
62 and the First Amendment to that agreement dated November 4, 2010, whereby the 5-Year
63 Transfer Agreement was extended and amended to supply Transfer Water to Reclamation,
64 Madera ID and the Water Authority; and

65 WHEREAS, Reclamation, the Exchange Contractors, the Water Authority and Madera
66 ID extended the term of the 5-Year Transfer Agreement for a period of three years, through
67 calendar year 2013, and amended certain provisions thereof by the First Amendment; and

68 WHEREAS, Reclamation, the Water Authority on behalf of its participating member
69 agencies, and Madera ID entered into Agreement Number 15-WC-20-4673 to acquire transfer
70 water made available by the Exchange Contractors during the calendar years 2014 through
71 calendar year 2018; and

72 WHEREAS, thereafter, Reclamation, and the Water Authority on behalf of its
73 participating member agencies, entered into Agreement Number 19-WC-20-5476 to acquire
74 transfer water made available by the Exchange Contractors during the calendar years 2019
75 through calendar year 2023; and

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77 WHEREAS, Reclamation and the Water Authority on behalf of its participating member
78 agencies are willing to enter into this Agreement and acquire the Transfer Water made available
79 by the Exchange Contractors during calendar years 2024 through calendar year 2025 subject to
80 the conditions specified in Reclamation’s annual transfer approvals and the other terms and
81 conditions set forth in this Agreement.

82 NOW THEREFORE, in consideration of the mutual and dependent covenants
83 herein contained, it is hereby mutually agreed by the parties hereto as follows:

84 DEFINITIONS

85 1. When used herein unless otherwise distinctly expressed, or manifestly
86 incompatible with the intent hereof, the term:

87 (a) “Agreement” shall mean this Agreement For The Acquisition Of Water By
88 The United States And San Luis & Delta-Mendota Water Authority From The San Joaquin River
89 Exchange Contractors Water Authority for the period of the calendar years from 2024 through
90 2025.

91 (b) “CVP” or “Project” shall mean the Central Valley Project as those terms are
92 defined in Section 3403(d) of the CVPIA.

93 (c) “CVP SoD Contract Allocation” shall mean the supply of CVP water made
94 available to the CVP repayment contractors in the Delta and San Felipe Divisions and the San
95 Luis Unit for agricultural use during the March 1 - February 28/29 CVP contract water year in
96 accordance with the terms of their contracts with Reclamation.

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97 (d) “CVPIA” shall mean the Central Valley Project Improvement Act, Title
98 XXXIV of the Act of October 30, 1992 (106 Stat. 4706).

99 (e) “Exchange Contract” shall mean the Second Amended Contract for
100 Exchange of Waters entered into between Central California Irrigation District, San Luis Canal
101 Company, Firebaugh Canal Water Company and Columbia Canal Company and Reclamation on
102 or about February 14, 1968.

103 (f) “Jones Pumping Plant” shall mean the federal pumping plant used to pump
104 water from the Sacramento San Joaquin Delta into CVP facilities south of said Delta.

105 (g) “Level 4 Refuge Water Needs” shall mean, pursuant to Section 3406(d)(2)
106 of the CVPIA, the water needs identified in the “Dependable Water Supply Needs” table for
107 those habitat areas set forth in the Refuge Water Supply Report. (h) “M&I Users” shall
108 mean Water Authority Participating Members, San Luis Water District, Santa Clara Valley
109 Water District, San Benito County Water District, and Westlands Water District acquiring
110 Transfer Water for M&I use during a particular Year.

111 (i) “Operations Plan” shall mean that certain document attached hereto as
112 Appendix 1, describing the principles and procedures for establishing the anticipated quantities
113 of water to be delivered in each month and each Year; establishing mechanisms for scheduling
114 the water and making adjustments to schedules; establishing the Points of Delivery; and
115 establishing and adjusting other operational details required to implement this Agreement. The
116 parties may amend the Operations Plan from time to time by unanimous written agreement by
117 attaching to this Agreement a revised written Operations Plan marked and signed by all parties

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118 and stating on its face that it is intended to be an “Operations Plan” under this provision to show
119 the effective date, without any formal amendment of this Agreement being required. In the
120 event of any inconsistencies between the terms of the Operations Plan and of this Agreement, the
121 terms of this Agreement shall prevail.

122 (j) “Point of Delivery” or “Points of Delivery” shall mean for the Water
123 Authority and Reclamation, such respective points as each shall designate with the approval of
124 Reclamation in Mendota Pool, in the Delta-Mendota Canal upstream of Mendota Pool, or in San
125 Luis Reservoir.

126 (k) “Refuge Water Supply Report” shall mean the report issued by the Mid-
127 Pacific Region of the Bureau of Reclamation of the U.S. Department of the Interior entitled
128 Report on Refuge Water Supply Investigations, Central Valley Hydrology Basin, California
129 (March 1989).

130 (l) “Secretary” or “Contracting Officer” shall mean the Secretary of the United
131 States Department of the Interior or a duly authorized representative.

132 (m) “Substitute Water” shall have the meaning set forth in the Exchange
133 Contract.

134 (n) “Transfer Participants” shall mean Reclamation and the Water Authority.

135 (o) “Transfer Water” shall mean the amount of Substitute Water provided for
136 transfer to the Transfer Participants by the Exchange Contractors each Year pursuant to the terms
137 of this Agreement through actions taken by the Exchange Contractors in accordance with the San
138 Joaquin River Exchange Contractors Water Authority’s Water Transfer Program Final 2014-

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139 2038 EIR/EIS dated March 1, 2013 and adopted July 30, 2013 to develop water for transfer,
140 consisting only of tailwater recaptured and water made available through other conservation
141 measures.

142 (p) “Refuge Water Supply Program” shall mean the program established by the
143 United States to acquire and deliver water supplies pursuant to Section 3406(d)(2) of the CVPIA.

144 (q) “Water Authority’s Participating Member Agencies” shall mean Water
145 Authority member agencies that are participating in the San Luis & Delta-Mendota Water
146 Authority Exchange Contractors 2024 – 2025 Transfer Program Activity Agreement as listed in
147 Exhibit C.

148 (r) “Year” shall mean the applicable calendar year.

149 TERM

150 2. This Agreement shall be effective on the date first herein above written and shall
151 remain in effect through December 31, 2025; provided, that the Exchange Contractors may elect
152 in writing to earlier terminate the Agreement as provided in Article 11(c).

153 (a) No later than six months prior to expiration of the Term, the Parties shall
154 commence good faith negotiations concerning the possible extension of this Agreement or a new
155 agreement. Any such extension or new agreement shall require the mutual agreement of the
156 Parties.

157 WATER MADE AVAILABLE AND PURCHASED

158 3. (a) Subject to the terms of this Agreement, the Exchange Contractors shall
159 make available to the Transfer Participants for purchase in non-Critical water years, as described

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160 in Article 6 of the Exchange Contract, a minimum of 20,000 acre feet (AF) and a maximum of
161 up to 80,000 AF of Substitute Water, including the 5,000 AF described herein for M&I Users for
162 M&I use, annually as Transfer Water for irrigation, refuge and M&I uses as described in Article
163 5. Each Year of this Agreement, subject to the provisions of Section 4(b)(i) below concerning
164 water for M&I use, the Transfer Participants shall purchase for their use the amount of Transfer
165 Water made available by the Exchange Contractors subject to the terms of this Agreement.

166 (b) The Exchange Contractors will notify the Transfer Participants by February
167 15th of each Year of the quantity of Transfer Water to be made available during the period of
168 March 1 and December 31 of that Year. If the announcement of the Exchange Contractors'
169 allocation of Substitute Water is delayed or conditioned by Reclamation, the notification to the
170 Transfer Participants shall be made within fifteen (15) days of the announcement by Reclamation
171 pursuant to Article 7 of the Exchange Contract.

172 (c) The Transfer Water shall be scheduled and delivered during the period
173 between March 1 and December 31 of each Year, subject to the requirements and limitations
174 specified in Articles 3(e) through 3(h), 5 and 6 of this Agreement and the terms set forth in the
175 Operations Plan; said delivery period may be expanded by Transfer Participants rescheduling
176 Transfer Water into the following Year with the approval of Reclamation.

177 (d) The Exchange Contractors shall not be obligated to provide any amount of
178 Transfer Water during any Year in which delivery of Substitute Water to the Exchange
179 Contractors is reduced under the terms of the Exchange Contract, or during any period in which
180 an unforeseen or highly unusual circumstance or condition exists that reduces delivery capacity

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181 of Substitute Water to the Exchange Contractors, or in the instance that any other provision of
182 this Agreement provides for interruption or termination of the delivery of Transfer Water.

183 (e) In the event the Exchange Contractors determine that the full quantity of
184 80,000 AF of Transfer Water will not be made available in any Year in which transfers are
185 otherwise required to be made hereunder during the term of this Agreement, the Exchange
186 Contractors shall not transfer any water outside of the boundaries of the Exchange Contractors
187 during such Year other than the quantities of Transfer Water they make available pursuant to the
188 terms of this Agreement and the quantities made available pursuant to the exceptions described
189 in Article 3(f) below.

190 (f) In the event the Exchange Contractors determine that the full quantity of
191 80,000 AF of Transfer Water will not be made available in any Year, they may nonetheless
192 transfer Substitute Water that is made available for transfer to other persons or parties as follows:

193 (i) through fallowing of lands within the Exchange Contractors
194 service area, including but not limited to, fallowing of lands by landowners within the Exchange
195 Contractors service area for transfer to the same or related landowners under Section 3405(a) of
196 the CVPIA;

197 (ii) through any program or plan to reduce or mitigate for saline
198 drainage flows or discharges to the San Joaquin River;

199 (iii) pursuant to any successor agreement similar to the San Joaquin
200 River Agreement (Vernalis Adaptive Management Plan) providing for fishery or water quality
201 enhancement through the purchase of water;

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- 202 (iv) by commingling and direct delivery of groundwater to lands
203 adjacent to Exchange Contractors lands;
- 204 (v) from Central California Irrigation District to the City of Dos Palos
205 pursuant to existing agreements or extensions of those agreements;
- 206 (vi) from Central California Irrigation District and Firebaugh Canal
207 Water District to Panoche Water District pursuant to existing agreements or extensions of those
208 agreements;
- 209 (vii) transfers by San Luis Canal Company in cooperation with Eastside
210 Canal Irrigation District and/or other Merced County water serving entities;
- 211 (viii) for service of water to lands in proximity to the Exchange
212 Contractors' Members' facilities or service area which water service may protect Exchange
213 Contractors' service area lands or facilities from damage through reducing groundwater use by
214 those lands receiving the Transfer Water, or which water service may be in accordance with the
215 Exchange Contractors Groundwater Sustainability Agency's Groundwater Sustainability Plan;
216 and additionally,
- 217 (ix) the Exchange Contractors may provide Substitute Water in
218 compliance with the terms of an involuntary administrative or court order requiring the water to
219 be made available for use outside of the service area established under the Exchange Contract;
220 water transferred pursuant to the exclusions described in this Article 3(f) shall be limited only by
221 the Exchange Contractors obligation to perform this Agreement in good faith.

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222 (g) Neither Substitute Water proposed to be transferred by the Exchange
223 Contractors in excess of 80,000 AF in any Year nor Substitute Water transferred pursuant to the
224 exclusions described in Article 3(f) above shall be subject to a first right of refusal of the parties
225 to this Agreement to acquire these amounts of water or any other limitation upon transfer.

226 (h) In the event that on or before February 15 of any Year, Reclamation has
227 declared that the Year is a critical calendar year under Article 4 and/or Article 7 of the Exchange
228 Contract, and at any time prior to July 1 of such Year that declaration is changed to a non-critical
229 calendar year, within 30 days after the change in the declaration the Exchange Contractors shall
230 notify the Transfer Participants of the quantity of Water the Exchange Contractors elect to make
231 available pursuant to this Agreement during that Year, if any. The Transfer Participants shall be
232 obligated to purchase their allocations of the Transfer Water (except as provided in Article 5c)
233 the Exchange Contractors elect to make available at the prices determined under this Agreement,
234 and shall schedule the delivery of such water under the Operations Plan.

235 (i) In the event that on or before February 15 of any Year, Reclamation declares
236 that the Year is a non-critical calendar year under Article 4 and/or Article 7 of the Exchange
237 Contract and that declaration is subsequently changed to a critical calendar year, the Transfer
238 Participants shall purchase any amounts of Transfer Water made available prior to such
239 declaration change in accordance with this Agreement, but the Exchange Contractors shall have
240 no further obligation to make available Transfer Water during that Year.

241 WATER PRICE AND PAYMENT TERMS

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242 4. The Transfer Participants shall pay the Exchange Contractors for all Transfer
243 Water as set forth in this Article.

244 (a) The price for Transfer Water is based upon the June CVP SoD Contract
245 Allocation for “Ag,” announced by Reclamation for each Year at the rates set forth in Exhibit A
246 for different allocation levels. Exhibit A pricing shall be applied for each month Transfer Water
247 is made available under this Agreement for that Year, applicable retroactively to any Transfer
248 Water made available before the June announcement and prospectively for Transfer Water made
249 available during the balance of the Year, even if Reclamation adjusts the SoD Contract
250 Allocation subsequent to the June announcement upward or downward. The prices shown in
251 Exhibit A, shall commence on January 1st of each Year commencing January 1, 2024, during the
252 term of this Agreement for both the Agricultural and Refuge Price Schedule and the M&I Price
253 Schedule. (b) The timing and process for M&I Users shall be as set forth in this

254 subdivision.

255 (i) The Water Authority shall notify the Exchange Contractors in
256 writing on or before March 1 (the “Option Date”) each Year of the amount of Transfer Water for
257 M&I Users the Water Authority wishes to purchase for such Year and shall concurrently tender
258 to the Exchange Contractors a non-refundable payment of Fifty Dollars (\$50) per acre foot (the
259 “Option Payment”) for such Transfer Water.

260 (ii) On or before April 1, or, if the announcement of Reclamation to the
261 Exchange Contractors pursuant to Article 7 of the Exchange Contract is delayed, the date that is
262 fifteen (15) days following Reclamation’s announcement (the applicable date being the “Call

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263 Date”), the Water Authority shall provide the Exchange Contractors with further written notice
264 of the final quantity of Transfer Water for M&I Users the Water Authority wishes to purchase
265 for such Year.

266 (iii) In the event the total quantity of water for M&I Users the Water
267 Authority requested as of the Option Date exceeds the amount of water for M&I Users the Water
268 Authority requests on the Call Date, the balance of such Transfer Water shall be offered a) for
269 agricultural uses to the Water Authority; and b) for refuge uses to Reclamation at the price for
270 such water set forth in Exhibit A, subject to the allocation provisions of Article 5 of this
271 Agreement. Provided, that in the event Reclamation does not desire to purchase its allocated
272 share of the balance of Transfer Water for M&I Users requested on the Option Date but not
273 taken on the Call Date, the Water Authority shall be obligated to purchase such Transfer Water
274 for its agricultural users.

275 (iv) Any Option Payment will be applied toward the total purchase price
276 of the quantity of Transfer Water for M&I Users as of the Call Date for such Year. However,
277 the Exchange Contractors shall be entitled to retain the Option Payment for the amount of
278 Transfer Water, if any, reserved for M&I Users on the Option Date but not requested by those
279 M&I Users on the Call Date for such Year.

280 (v) Notwithstanding the characterization of the Option Payment as “non-
281 refundable” in this Article 4, if for any reason the Transfer Water for M&I Users is not made
282 available or the quantity of Transfer Water during a Year allocated to M&I Users pursuant to
283 Exhibit B is not available under Article 5(d), including pursuant to the circumstance of a transfer

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284 of M&I water to third parties, the Exchange Contractors shall reimburse to the Water Authority
285 the Option Payment for such quantity of Transfer Water.

286 (c) In addition to paying the Transfer Water prices to the Exchange
287 Contractors, (i) since the Exchange Contractors do not have a payment responsibility for their
288 Substitute Water, the Water Authority shall confirm that its Participating Members pay directly
289 to Reclamation the applicable water rate(s) for any additional facility services required to
290 effectuate the transfer. Such payment shall be made to Reclamation prior to any Transfer Water
291 being delivered. To the extent practicable, such payment shall be made two months in advance
292 of delivery. The first payment shall be due upon approval of the scheduled delivery of the water
293 as referenced in Article 6 of this Agreement or in the month of March, if applicable, and
294 subsequent payments being due each month thereafter as applicable. The additional facility
295 services are identified in the then existing “Final Policy on Water Rates for Water Transfers from
296 One Central Valley Project (CVP) Contractor to Another CVP Contractor” as may be amended
297 by Reclamation; and (ii) Reclamation and the Water Authority’s Participating Members shall pay
298 operation and maintenance, and conveyance pumping charges directly to the Water Authority for
299 any conveyance and conveyance pumping facilities used to deliver the water; and (iii) the
300 Exchange Contractors shall pay directly to Reclamation the administrative costs incurred by
301 Reclamation to process the transfer applications referred to in Article 6 of this Agreement.
302 Payment of the administrative cost is to be made at the time the transfer application referred to in
303 Article 6 is submitted to Reclamation.

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304 (d) The Exchange Contractors shall submit appropriate invoices to Reclamation
305 and the Water Authority subsequent to the last day of each month during which the Exchange
306 Contractors have made available Transfer Water to such party. Payment for all Transfer Water
307 during such month shall be paid to the Exchange Contractors within 30 days upon verification of
308 the quantity of Transfer Water made available and receipt of such invoice. Reclamation's
309 payments shall be subject to the Prompt Payment Act. For the Water Authority, interest shall
310 accrue at the rate of 7% per annum on any balance that is not paid within thirty (30) days of the
311 invoice date.

312 (d) Invoices to Reclamation shall include the following information for
313 verification and payment processing purposes:

314 (i) the method of measurement and quantity of Transfer Water made
315 available to Reclamation at each Point of Delivery during the preceding month;

316 (ii) the Point(s) of Delivery and total quantity of Substitute Water
317 diverted by and for the Exchange Contractors during the preceding month pursuant to the
318 Exchange Contract;

319 (iii) the Exchange Contractors' Taxpayer Identification Number;

320 (iv) the Agreement Number; and

321 (v) the Remittance Address and Point of Contact.

322 (f) Invoices to the Water Authority shall include the information set forth in this
323 Article 4 and any mutually agreed-upon additional information.

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324 (g) If payment for the Transfer Water is not made within 30 days as required by
325 this Article 4, the Exchange Contractors may take the actions set forth below:

326 (i) The Exchange Contractors may immediately stop making Transfer Water
327 available to the non-paying party and shall provide notice to such party that the Agreement will
328 terminate as to the non-paying party if the party does not pay all outstanding invoices in full
329 within an additional 30 days.

330 (ii) In the event a non-paying party other than the Water Authority
331 fails to cure an event of non-payment in accordance with subdivision (i) of this Article 4(g), the
332 Exchange Contractors shall provide notice to the Water Authority, and the Water Authority shall
333 purchase the Transfer Water that the Exchange Contractors make available, but have not yet
334 delivered, to the non-paying party.

335 (iii) Notwithstanding the above, nothing in subdivisions (i) or (ii) of
336 this Article 4(g) obligates any party to pay the Exchange Contractors for non-payment for
337 Transfer Water made available by the Exchange Contractors to another party, and the Exchange
338 Contractors shall retain all remedies available at law to collect such delinquent payment from the
339 non-paying party.

340 ALLOCATION OF WATER

341 5. The Transfer Water shall be allocated among the Transfer Participants as provided in
342 this Article.

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343 (a) The Transfer Water will be allocated to Reclamation for refuge use and the
344 Water Authority for irrigation and M&I use for each Year according to Exhibit B attached hereto
345 and included herein as if set forth in full.

346 (b) In any Year in which the Exchange Contractors provide less than 80,000 AF of
347 Transfer Water, the Transfer Water allocation to Reclamation and the Water Authority shall be
348 prorated based upon Exhibit B. Such reduced allocations shall be adjusted for Transfer Water
349 designated for M&I Users as provided in Article 5(d) by proportionately reducing the quantities
350 of water allocated under Exhibit B to Reclamation and the Water Authority.

351 (c) Contingent upon appropriation as provided in Article 15, Reclamation may be
352 unable in any Year to purchase all or a portion of any Transfer Water during such Year. In such
353 case, Reclamation shall provide notice to the Water Authority that it cannot purchase a specified
354 quantity of water by March 1 of such Year. Upon such notice, Reclamation shall not have any
355 further obligation under this Agreement for payment for such Transfer Water relinquished by
356 Reclamation. In any Year in which Reclamation cannot purchase all or part of its Transfer
357 Water allocation the allocation for the Water Authority shall be increased proportionately, and
358 the Water Authority agrees to purchase such water at the rates set forth in Exhibit A, and
359 Paragraph 4(a).

360 (d) M&I Users may acquire up to the first 5,000 AF of Transfer Water.

361 (e) In any Year in which Reclamation or the Water Authority do not need their full
362 Transfer Water allocation for their respective use, they shall offer such portion of its Transfer
363 Water allocation to the other party. If accepted by the other transferee party, that party shall

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364 receive the entire additional allocation. A party agreeing to accept additional allocation shall
365 pay the Exchange Contractors for such additional allocation as provided by this Agreement.
366 Except as provided for Reclamation in Section 5(c) of this Agreement, no party shall be relieved
367 of its obligation to purchase its entire allocation unless another party agrees to purchase and pay
368 for that allocation.

369 (f) The Water Authority agrees to calculate the allocation of Transfer Water for each
370 of the Transfer Participants, for such Year and to promptly circulate such allocation to the
371 parties. The Water Authority shall circulate updated calculations at least monthly through July
372 1st of each Year to show any adjustments in allocation or price caused by

373 (i) changes in the availability of Transfer Water pursuant to Articles 3(g) and
374 3(h);

375 (ii) changes in the SoD Contract Allocation through June 30 pursuant to
376 Article 4(a);

377 (iii) Reclamation's election not to purchase all or a portion of its Transfer
378 Water; and/or

379 (iv) by a non-paying party's failure to cure an event of non-payment under
380 Article 4(g).

381 The parties shall cooperate to develop and adjust a monthly delivery schedule pursuant to the
382 Operations Plan that will reflect the allocations of Transfer Water and any changes therein. In
383 the event any party identifies an error or disputes the calculated allocations of Transfer Water,
384 the parties shall meet and confer within 5 days to reconcile any such error or dispute. The

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385 Water Authority shall not be liable to any party for performing the service of calculating the
386 Transfer Water allocations.

387 ANNUAL TRANSFER APPROVAL

388 6. Simultaneously with the notice given pursuant to Paragraph 3(b) of the quantity of
389 Transfer Water to be made available to the Transfer Participants, the Exchange Contractors shall
390 submit to Reclamation in writing the proposed quantity and schedule of Transfer Water to be
391 made available between March 1st and December 31st of that Year. Reclamation shall promptly
392 review and approve such transfer within 15 days of receipt in writing upon its determination that
393 the transfer is consistent with Section 3405(a) of the CVPIA and Reclamation's Interim
394 Guidelines for Implementation of Transfers Pursuant to Title XXXIV of the Act of October 30,
395 1992 (106 Stat. 4706), as may be revised and/or amended, which said determination and
396 approval shall be given no later than March 1 of such Year. Provided that, the Water Authority
397 submits to Reclamation the calculated allocation schedule that reflects the monthly quantities and
398 water classifications for each of the Transfer Participants for such Year. Upon such approval,
399 Transfer Water may be delivered for irrigation, M&I, or refuge purposes in accordance with the
400 provisions of this Agreement.

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POINTS OF DELIVERY;

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RESPONSIBILITY BEYOND POINTS OF DELIVERY

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405 7. (a) The Exchange Contractors shall make available Transfer Water to the
406 Water Authority and Reclamation at their respective Points of Delivery.

407 (b) Reclamation and the Water Authority shall be responsible to provide and
408 pay for all arrangements for the conveyance and conveyance pumping required to wheel the
409 Transfer Water purchased beyond the Points of Delivery identified in Article 7(a) and shall be
410 obligated to pay for all Transfer Water made available for delivery by the Exchange Contractors
411 at the Point or Points of Delivery identified pursuant to this Article and in accordance with the
412 scheduling procedures set forth in the Operations Plan, whether or not such arrangements are
413 made .

414 (c) The Exchange Contractors shall not be responsible for the control,
415 carriage, handling, use, disposal, or distribution of Transfer Water to the Transfer Participants
416 pursuant to this Agreement beyond the Point or Points of Delivery for each established pursuant
417 to Article 7(a) of this Agreement. The Transfer Participants hereby assume responsibility for all
418 claims, demands or actions arising from their respective actions to convey and deliver Transfer
419 Water from their respective Points of Delivery identified in this Article 7 or under the Operations
420 Plan.

USE OF TRANSFER WATER

422 8. The following constraints are applicable to the use of Transfer Water by the Transfer
423 Participants.

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424 (a) No Transfer Water is to be delivered either directly or indirectly to lands which
425 are within the “Initial Drainage Study Area” described on Appendix 2 to this Agreement, unless
426 approved by the Exchange Contractors.

427 (b) Transfer Water provided under this Agreement is for the use of the Transfer
428 Participants within their respective service areas. Transfer Water shall not be transferred,
429 banked or assigned from one party to any other party on price terms higher than those specified
430 in this Agreement without the prior written consent of the Exchange Contractors. Transfer Water
431 shall not be transferred, banked or assigned to any third party at any price terms without the prior
432 written consent of the Exchange Contractors. Any Transfer Water to be transferred to any third
433 party shall be offered to the other parties to this agreement for the exercise by those other parties
434 of their first right of refusal to purchase.

435 (c) The use of the Final Environmental Impact Statement/Environmental Impact
436 Report Dated March 1, 2013 for Transfer Participants may be used to comply with necessary
437 environmental documents to transfer and/or bank Transfer Water provided under 8(b).

438 COMPLIANCE WITH LAWS AND REGULATIONS

439 9. Each party to this Agreement shall comply with all applicable Federal and state laws
440 and regulations governing water quality and the transfer of water, and shall obtain any required
441 permits or licenses from the appropriate Federal, state or local agencies.

442 FORCE MAJEURE

443 10. If any party hereto shall be delayed or prevented from the performance of any act
444 required hereunder by reasons of acts of God, labor troubles, inability to procure materials,

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445 restrictive governmental laws or regulations of the United States or State of California or any
446 political subdivision thereof, or other cause without fault and beyond the control of the party
447 obligated, specifically excepting any asserted financial difficulty including fluctuations of local
448 and national economics, performance of such act shall be excused for the period of the delay and
449 the period of the performance of any such act shall be extended for a period equivalent to the
450 period of such delay but not beyond the end of the term of this Agreement; provided that if the
451 period of delay would otherwise obligate the Exchange Contractors to make water available after
452 the end of any Year, performance by the Exchange Contractors shall be excused and this
453 Agreement as to that Year shall not be enforced as to waters not delivered because of the force
454 majeure event.

455 WATER RIGHTS AND PROTECTION

456 11. (a) No party hereto shall assert that any activity under this Agreement shall affect
457 the validity of any existing water rights held by any other party. This Agreement does not
458 constitute an amendment, modification or alteration of the Exchange Contract nor a special or
459 additional benefit pursuant to Reclamation Law.

460 (b) Without limiting the foregoing, the Exchange Contractors shall be deemed to
461 have put all of the Substitute Water made available to the Water Authority and/or to Reclamation
462 hereunder to beneficial use in accordance with the requirements of the Exchange Contract.
463 Further, in no event shall the purchase of Substitute Water pursuant to this Agreement in any
464 way affect the Exchange Contractors' rights under the Exchange Contract. Nor shall the
465 Exchange Contractors be deemed not to require the amount of Transfer Water purchased under

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466 this Agreement for use within its boundaries in the future as a result of the transfer and/or sale of
467 Transfer Water hereunder.

468 (c) If any Transfer Participant during the term of this Agreement commences or
469 participates as a complaining or moving party in an administrative proceeding or legal
470 proceeding in which that Transfer Participant takes a position or contends directly or indirectly
471 by encouraging or assisting any third party to take a position or contend that (i) use of water
472 retained by the Exchange Contractors or transferred hereunder or available to the Exchange
473 Contractors from groundwater or other sources is not reasonable or beneficial, or (ii) contends
474 that the amounts of water allocated and available to the Exchange Contractors pursuant to the
475 terms of the Exchange Contract, including any amounts transferred under this Agreement or
476 under other agreements, are in excess of the amounts reasonably and beneficially necessary to
477 provide for long-term conjunctive use and reasonable conservation of surface water and
478 groundwater quantities and quality within the Exchange Contractor service area, this Agreement
479 shall be terminated on December 31st of the calendar year in which those acts occur as to all
480 Transfer Participants upon the written election of the Exchange Contractors.

481 LIABILITY AND HOLD HARMLESS

482 12. (a) Within thirty (30) days of receipt by any party to this Agreement of any claim
483 for liability arising from actions or omissions within the scope of this Agreement, the party
484 receiving the claim shall notify the other parties of such claim and provide a copy of the claim to
485 the other parties, if it is in written form. Nothing in this Article shall be construed to limit the

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486 right of any party to assert such affirmative defenses and file such cross-complaints as may be
487 appropriate in relation to any claim affecting the liability of such party.

488 (b) The United States hereby releases and holds harmless the Exchange
489 Contractors and the Water Authority, and their respective officers, agents, and employees from
490 all claims for damage to persons or property, direct or indirect, resulting from the United States'
491 performance of this Agreement.

492 (c) The Exchange Contractors hereby release and hold harmless the United States
493 and the Water Authority, and their respective officers, agents, and employees from all claims for
494 damage to persons or property, direct or indirect, resulting from the Exchange Contractors'
495 performance of this Agreement.

496 (d) The Water Authority hereby releases and holds harmless the United States and
497 the Exchange Contractors, and their respective officers, agents, and employees from all claims
498 for damage to persons or property, direct or indirect, resulting from the Water Authority's
499 performance of this Agreement.

500 WAIVER

501 13. Waiver of any breach of this Agreement by any party hereto shall not constitute a
502 continuing waiver or a waiver of any breach of the same or another provision of this Agreement.

503 ASSIGNMENT - SUCCESSOR AND ASSIGNS OBLIGATED

504 14. This Agreement shall be binding upon and inure to the benefit of the heirs,
505 executors, administrators, assigns, and successors of the parties hereto but no assignment or

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506 transfer of this Agreement or any right or interest therein by any party shall be valid until
507 approved in writing by the other parties.

508 CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

509 15. (a) The expenditure or advance of any money or the performance of any obligation
510 of the United States under this Agreement shall be contingent upon appropriation or allotment of
511 funds. No liability shall accrue to the United States in case funds are not appropriated or
512 allotted.

513 OFFICIALS NOT TO BENEFIT

514 17. No member of or delegate to Congress, Resident Commissioner, or official of the
515 Exchange Contractors or the Water Authority shall benefit from this Agreement other than as a
516 water user or landowner in the same manner as other water users or landowners.

517 NOTICES

518 18. Any notice, demand, or request authorized or required by this Agreement shall be
519 deemed to have been given, on behalf of the Exchange Contractors and/or Transfer Participants,
520 when mailed, postage prepaid, or delivered to the designated addressee for such party listed
521 below. The designation of the addressee or the address may be changed by notice given in the
522 same manner as provided in this Article for other notices.

523	To Exchange Contractors:	Mr. Chris White
524		San Joaquin River Exchange Contractors
525		Water Authority
526		P.O. Box 2115
527		Los Banos, California 93635
528		
529	To Water Authority:	Mr. Federico Barajas
530		San Luis & Delta-Mendota Water Authority

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P. O. Box 2157
Los Banos, California 93635

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535 To Reclamation:
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537 California-Great Basin

Mr. Ernest A. Conant
U.S. Bureau of Reclamation, Interior Region 10 *

Attention: Water Acquisition, MP-410

2800 Cottage Way
Sacramento, California 95825-1898

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543 IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day
544 and year first above written:

545 THE UNITED STATES OF AMERICA
546 DEPARTMENT OF THE INTERIOR

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549 By _____
550 Regional Director, Interior Region 10 * California-
551 Great Basin
552 Bureau of Reclamation

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555 SAN JOAQUIN RIVER EXCHANGE
556 CONTRACTORS WATER AUTHORITY

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559 By _____
560 Executive Director, San Joaquin River
561 Exchange Contractors Water Authority

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563 SAN LUIS & DELTA-MENDOTA
564 WATER AUTHORITY

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567 By _____
568 Executive Director, San Luis & Delta-Mendota
569 Water Authority
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EXHIBIT A		
AGRICULTURE, REFUGE AND M&I PRICE SCHEDULE		
CVP SOD AG Allocation	2024	2025
		4%
0%	\$620.38	\$645.20
5%	\$620.38	\$645.20
10%	\$591.12	\$614.76
15%	\$561.85	\$584.33
20%	\$528.49	\$549.63
25%	\$508.01	\$528.33
30%	\$488.70	\$508.24
35%	\$468.21	\$486.94
40%	\$438.95	\$456.51
45%	\$438.95	\$456.51
50%	\$374.57	\$389.55
55%	\$351.16	\$365.21
60%	\$292.63	\$304.34
65%	\$245.81	\$255.64
70%	\$222.40	\$231.30
75%	\$204.84	\$213.04
80%	\$187.28	\$194.78
85%	\$158.02	\$164.34
90%	\$128.76	\$133.91
95%	\$111.20	\$115.65
100%	\$93.64	\$97.39

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EXHIBIT B

**ALLOCATION OF WATER BETWEEN
RECLAMATION AND WATER ALLOCATION**

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EXHIBIT C

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AUTHORITY PARTICIPANTS

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SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2023-

**RESOLUTION AUTHORIZING EXECUTION OF THE EXCHANGE CONTRACTORS
2024-2025 TRANSFERS ACTIVITY AGREEMENT AND ACTIONS RELATED
THERE TO**

WHEREAS, together with the U.S. Bureau of Reclamation (“Reclamation”), the San Joaquin River Exchange Contractors Water Authority (“Exchange Contractors”) prepared the Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority 2014-2038 Final Environmental Impact Statement/Environmental Impact Report dated January 2013, with the Record of Decision adopted by Reclamation on July 30, 2013 and the Environmental Impact Report certified by the Exchange Contractors on March 1, 2013 (the “2013 EIS/EIR”), analyzing the environmental effects of transfer of up to 150,000 acre-feet per year of water from the Exchange Contractors for refuge use; to Central Valley Project (“CVP”) water service contractors within the San Luis & Delta-Mendota Water Authority (“Water Authority”) for irrigation and certain specified municipal and industrial (“M&I”) uses; and to certain other CVP or State Water Project contractors; and

WHEREAS, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, Madera Irrigation District, and the Water Authority developed the Agreement for the Acquisition of Water by the United States, San Luis & Delta-Mendota Water Authority, and Madera Irrigation District from the San Joaquin River Exchange Contractors Water Authority 2014-2018, Agreement No. 14-WC-20-4520 (“Exchange Contractors 2014-2018 Transfer Agreement”), which provided the terms and conditions for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and by Madera Irrigation District and the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers; and

WHEREAS, the Water Authority and individual Water Authority member agencies Byron-Bethany Irrigation District, Del Puerto Water District, Eagle Field Water District, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Benito County Water District, Santa Clara Valley Water District, San Luis Water District, and Westlands Water District executed the Exchange Contractors 2014-2018 Transfer Program Activity Agreement, effective November 16, 2015, to participate in the benefits and incur the obligations of the Exchange Contractors 2014-2018 Transfer Agreement; and

WHEREAS, subsequently, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, the Water Authority and Reclamation entered into the Agreement for the Acquisition of Water by the United States and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2019-2023, Agreement No. 19-WC-20-5476 (“Exchange Contractors 2019-2023 Transfer Agreement”),

which provided the terms and conditions for the sale and transfer by the Exchange Contractors, and for the purchase by Reclamation for refuge supply and by the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers; and

WHEREAS, the Water Authority and individual Water Authority member agencies Del Puerto Water District, Panoche Water District, San Benito County Water District, Santa Clara Valley Water District, San Luis Water District, and Westlands Water District executed the Exchange Contractors 2019-2023 Transfer Program Activity Agreement, effective April 22, 2019, to participate in the benefits and incur the obligations of the Exchange Contractors 2019-2023 Transfer Agreement; and

WHEREAS, based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, Reclamation, and the Water Authority are in the process of finalizing the Agreement for the Acquisition of Water by the United States, and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority 2024-2025 (“Exchange Contractors 2024-2025 Transfer Agreement”), the current draft of which provides the terms and conditions for the sale and transfer by the Exchange Contractors, and for purchase by Reclamation for refuge supply and the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of two (2) years, to be implemented through successive one-year transfers; and

WHEREAS, the Water Authority is in the process of finalizing the Exchange Contractors 2024-2025 Transfers Activity Agreement for Water Authority members who desire to participate in the benefits and incur the obligations of the Exchange Contractors 2024-2025 Transfer Agreement, by the terms of which the costs of the water transfers will be paid by Activity Agreement Members, and not by non-participating members of the Water Authority; and

WHEREAS, the terms of the Exchange Contractors 2024-2025 Transfers Activity Agreement will be finalized once the terms of the Exchange Contractors 2024-2025 Transfer Agreement are finalized; and

WHEREAS, the Board has considered the latest draft of the Exchange Contractors 2024-2025 Transfers Activity Agreement, a copy of which has been presented to the Board; and

WHEREAS, Activity Agreement Members that plan to execute the Exchange Contractors 2024-2025 Transfers Activity Agreement agree to indemnify and hold harmless the Water Authority and its Members who do not participate in the Activity Agreement with respect to any and all costs, losses, damages, claims and liabilities arising under the Activity Agreement; and

WHEREAS, the activities contemplated in the Exchange Contractors 2024-2025 Transfer Agreement and Exchange Contractors 2024-2025 Transfers Activity Agreement are within the scope of the Exchange Contractors’ 2014-2038 approved range of potential transfers and certified 2013 EIS/EIR, such that no subsequent or supplemental CEQA review is required. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163, 15168(c).)

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 hereby authorizes the Executive Director to execute the Exchange Contractors 2024-2025 Transfers Activity Agreement subject to such additions, deletions, and other revisions as the said Executive Director shall approve prior to execution and further subject to the contingencies described in Section 3 of this Resolution.

Section 3. The authorization conferred by this Resolution shall be contingent upon the occurrence of the following actions: (1) the completion and execution of the Exchange Contractors 2024-2025 Transfer Agreement, (2) the agreement of the Water Authority member agencies participating in the Exchange Contractors 2024-2025 Transfers Activity Agreement to the terms of the Exchange Contractors 2024-2025 Transfers Activity Agreement, and (3) at least two (2) members of the Water Authority executing the Exchange Contractors 2024-2025 Transfers Activity Agreement.

Section 4. In the event the contingencies described in Section 3 fail to occur, the authorization conferred by this Resolution is revoked *ab initio*, and any documents executed by the Water Authority in reliance upon this Resolution or the Exchange Contractors 2024-2025 Transfers Activity Agreement shall have no binding force or effect.

Section 5. The Executive Director, Chief Operating Officer, or such Water Authority employee or consultant, as either of such officers designate, are further authorized and directed to take such additional steps, and to execute such additional documents, as may be required or reasonably necessary to the completion of the activities authorized by this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of November, 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 9th day of November, 2023.

Federico Barajas, Secretary

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**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
EXCHANGE CONTRACTORS 2024-2025 TRANSFERS ACTIVITY AGREEMENT**

This Activity Agreement (“**Activity Agreement**”) is entered into as of this ____ day of _____ 2023, by and among the San Luis & Delta-Mendota Water Authority (“**Water Authority**”), a joint powers agency of the State of California, and its members who execute this Agreement, who are hereinafter referred to jointly by the plural term “**Activity Agreement Members**.” Capitalized terms used in this Activity Agreement will have the meanings set forth in Section 2 below.

1. RECITALS

A. The parties to this Activity Agreement, together with certain other local agencies, have entered into an amended and restated Joint Exercise of Powers Agreement-San Luis & Delta-Mendota Water Authority dated January 1, 1992 (“**JPA Agreement**”), by and among the parties indicated therein, establishing the Water Authority for the purpose of exercising the common powers of the members, including those powers described in this Activity Agreement.

B. The Activity Agreement Members are each empowered, among other powers, to provide water service to lands within their boundaries for irrigation, municipal, and/or industrial use; to contract with the United States, the State and other public agencies, and mutual water companies and other private parties for such purposes; to control the quality of water accepted into their respective systems; to transfer water and to purchase water in order to maximize the efficient, beneficial use of the water supplies available; and to adopt rules and regulations necessary to the exercise of such powers.

C. The Activity Agreement Members have each entered into contracts with the United States for water service from the Central Valley Project (“**CVP**”) for irrigation and/or municipal and industrial (“**M&I**”) purposes within their respective jurisdictional areas and receive water conveyed through the Delta-Mendota Canal, the San Luis Canal, and/or the Pacheco Pumping Plant and Tunnel.

D. Since 1992, the Activity Agreement Members in most years have received less than the full contract allocations provided for in their CVP repayment contracts because of hydrologic conditions and/or regulatory constraints, and the Bureau of Reclamation (“**Reclamation**”) has projected continued shortages of such allocations in the future.

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E. Member agencies of the San Joaquin River Exchange Contractors Water Authority (“**Exchange Contractors**”) hold contracts for water from the United States that substitutes deliveries through the Delta-Mendota Canal for water from historical sources of surface water supplies and provides the Exchange Contractors with a highly reliable supply of water.

F. The Activity Agreement Members recognize the importance of water transfers to optimizing the use of the water supplies available from the CVP south of the Sacramento-San Joaquin River Delta and for stabilizing the quantity of water reliably available to them.

G. Together with Reclamation, the Exchange Contractors prepared the Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority 2014-2038 Final Environmental Impact Statement/Environmental Impact Report dated January 2013, with the Record of Decision adopted by Reclamation on July 30, 2013 and the Environmental Impact Report certified by the Exchange Contractors on March 1, 2013 (the “**2013 EIS/EIR**”), analyzing the environmental effects of transfer of up to 150,000 acre-feet per year of water from the Exchange Contractors for refuge supplies; to CVP water service contractors within the Water Authority for irrigation and certain specified M&I uses; and to certain other CVP or State Water Project contractors.

H. Based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, the Water Authority and Reclamation entered into the Agreement for the Acquisition of Water by the United States and San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority, Agreement No. 19-WC-20-5476, for the period of the calendar years 2019 through 2023, which provided the terms and conditions for the sale and transfer by the Exchange Contractors, and for the purchase by Reclamation for refuge supply and by the Water Authority for irrigation and M&I uses, of up to 80,000 acre-feet per year of water for a period of five (5) years, implemented through successive one-year transfers.

I. Based upon and consistent with the analysis done in the 2013 EIS/EIR, the Exchange Contractors, the Water Authority and Reclamation have developed the Agreement for the Acquisition of Water by the United States and the San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority for the period of the calendar years 2024 through 2025 (“**Exchange Contractors 2024-2025 Transfer Agreement**”), which provides the terms and conditions for the sale and transfer by the Exchange Contractors, and for the purchase by Reclamation for refuge supply and by the Water Authority for irrigation and M&I

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uses, of up to 70,000 acre-feet per year of water for a period of two (2) years, to be implemented through successive one-year transfers.

J. Water transfers commenced beginning in 2024 within the Exchange Contractors' approved range of potential transfers and covered by the 2013 EIS/EIR arranged by the Water Authority for the benefit of the Activity Agreement Members will be administered according to the terms of this Activity Agreement and consistent with the provisions of the Transfer Agreement.

K. Each of the parties to this Activity Agreement desires to participate in the benefits and is willing to incur the obligations of the Transfer Agreement, through the joint exercise of their common powers under this Activity Agreement.

L. Nothing in this agreement restricts Activity Agreement Members from pursuing water transfers that are not covered by the Exchange Contractors' approved range of potential transfers, the 2013 EIS/EIR, or this Activity Agreement.

M. The Water Authority and each of the Activity Agreement Members have shared, and continue to share, a common interest in sharing information and resources reasonably necessary to accomplish the purpose of this Activity Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the true and correct facts recited above, and of the covenants, terms, and conditions set forth herein, the Activity Agreement Members and the Water Authority agree as follows:

2. DEFINITIONS

A. "**Activity Agreement**" or "**Agreement**" shall mean this Exchange Contractors 2024-2025 Transfers Activity Agreement.

B. "**Activity Agreement Expenses**" shall mean all expenses directly incurred by the Water Authority in order to implement this Activity Agreement, together with a share of "Water Authority Administration Costs" allocable to members of this Activity Agreement; "Activity Agreement Expenses" expressly includes, but is not limited to, costs and fees associated with developing, implementing, maintaining, amending or terminating this Activity Agreement and all costs incurred by the Water Authority in pursuing, negotiating, defending litigation, holding third parties harmless or administering the Transfer Agreement.

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C. **“Activity Agreement Member”** shall mean a member of the Water Authority who is signatory to this Activity Agreement. The Activity Agreement Members are listed on Exhibit “A” attached hereto, as updated by agreement of the Activity Agreement Members from time to time; such updated Exhibit “A” shall be attached hereto and replace all prior versions of Exhibit “A”.

D. **“Administration Agreements”** shall mean those certain agreements between the Water Authority and Activity Agreement Members for the undertaking of activities and sharing of costs and benefits pursuant to Sections 22 and 23 of the JPA Agreement.

E. **“Board of Directors”** shall mean the Board of Directors of the San Luis & Delta-Mendota Water Authority.

F. **“Exchange Contractors”** shall mean the San Joaquin River Exchange Contractors Water Authority.

G. **“Exchange Contractors 2024-2025 Transfer Agreement”** or **“Transfer Agreement”** shall mean that certain Agreement for the Acquisition of Water by the United States and the San Luis & Delta-Mendota Water Authority from the San Joaquin River Exchange Contractors Water Authority for the period of the calendar years 2024 through 2025.

H. **“Exchange Contractors 2024-2025 Transfers”** shall mean the Water Authority activities under this Activity Agreement to implement one-year transfers between the Water Authority and the Exchange Contractors under the Transfer Agreement.

I. **“Fiscal Year”** shall mean the Water Authority’s March 1 through February 28/29 fiscal year.

J. **“Irrigation Users”** shall mean the Activity Agreement Members who commit to acquire Transfer Water for irrigation uses during the term of this Activity Agreement.

K. **“JPA Agreement”** shall mean that certain Amended and Restated Joint Exercise of Powers Agreement dated January 1, 1992, establishing the Water Authority, as it may be amended or restated over time.

L. **“M&I Users”** shall mean the Activity Agreement Members that may acquire Transfer Water for M&I use during a specific Year.

M. **“Transfer Water”** shall mean the water provided for transfer by the Exchange Contractors each Year pursuant to the Exchange Contractors 2024-2025 Transfer Agreement.

N. **“Water Authority”** shall mean the San Luis & Delta-Mendota Water Authority.

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O. “**Water Authority Administration Costs**” shall mean Water Authority general administration expenses, including rent and other occupancy charges, acquisition costs of office furniture and equipment, including telephone, telecopy, photocopy, cost of cars and other vehicles, insurance premiums salaries and wages of employees including payment in connection with retirement programs and other benefit programs, fees of creditors, lawyers, engineers, and other consultants, travel, telephone, telecopy, and photocopy expenses, and any other general administrative expenses, a percentage of which will be allocated to this Activity Agreement by the Water Authority.

P. “**Year**” shall mean a calendar year.

Q. All other capitalized terms used herein shall have the meaning ascribed to them in this Activity Agreement, and capitalized terms in the Exchange Contractors 2024-2025 Transfer Agreement shall have the meanings ascribed to them in that agreement; provided, that in the event of any conflicts, the terms of this Activity Agreement will prevail to determine such meanings.

3. PURPOSE OF AGREEMENT

A. The purpose of this Activity Agreement is to allow, through the joint exercise of some or all of the common powers of the Activity Agreement Members described in the Recitals above, as appropriate, the Activity Agreement Members to participate in the Exchange Contractors 2024-2025 Transfers to obtain the benefits, and to share the obligations of the Transfer Agreement under the terms set forth herein.

B. The parties acknowledge and agree that the Water Authority’s role in this Activity Agreement is to: (1) provide the umbrella joint powers agreement pursuant to which the parties may exercise their common powers and to provide services at the expense of the Activity Agreement Members; (2) act as agent for the Activity Agreement Members in order to negotiate and implement the Transfer Agreement with the Exchange Contractors for and on behalf of the Activity Agreement Members; and (3) provide administrative services relating to acquiring Transfer Water, including, but not limited to, providing notices, calculating water allocations, providing advance funding for Transfer Water, and providing billing services to the Activity Agreement Members during the term hereof.

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4. ORGANIZATION

The business of this Activity Agreement will be conducted by the Water Authority at large and therefore governed by the Board of Directors. However, it is recognized that at some time in the future the Activity Agreement Members may wish to form a separate body specifically for the purpose of directing the business of the Activity Agreement. Within twenty-four (24) months of the Effective Date, the Activity Agreement Members will evaluate whether to facilitate the formation of an Activity Agreement steering committee. Upon unanimous agreement among the Activity Agreement Members, the Board of Directors will consider establishing the organizational structure proposed by the Activity Agreement Members, which will be described in an amendment to this Activity Agreement, and that organizational structure may then serve as the governing body for this Activity Agreement.

5. POWERS RESERVED TO BOARD OF DIRECTORS AND LIMITATIONS THEREON

A. The Board of Directors will have ultimate approval authority over all Activity Agreement annual budgets based upon the recommendation of staff and approval of the Activity Agreement Members; provided, the Board of Directors may only alter an Activity Agreement annual budget in a manner consistent with the Activity Agreement Members' recommendation.

B. The Board of Directors will have the right, upon recommendation of or in consultation with staff and the approval of Activity Agreement Members, to approve all amendments to this Activity Agreement, including any amendment terminating the Activity Agreement.

C. The Board of Directors will have the right, upon the recommendation of or in consultation with staff, and the approval of the Activity Agreement Members, to act on any claims and to make decisions concerning the prosecution of, defense of, or other participation in actions or proceedings at law brought against the Water Authority arising from this Activity Agreement; provided if that action is taken at the request of the Activity Agreement Members then the costs for such action will be borne by the Activity Agreement Members.

D. The Board of Directors delegates to staff the power to conduct the activities described in this Activity Agreement pursuant to the terms of this Activity Agreement, without the required approval of the Board of Directors except as specifically provided in this Section 5. This

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delegation will specifically include, but not be limited to, the power to enter into contracts within approved Activity Agreement budgets.

6. ACCOUNTABILITY, REPORTS, AND AUDITS

A. Full books and accounts for this Activity Agreement will be maintained by the Water Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for public entities. The books and records will be open to inspection by Activity Agreement Members at all reasonable times, and by bondholders and lenders as and to the extent provided by resolution or indenture.

B. There will be strict accountability of all funds deposited on behalf of the Activity Agreement with the Water Authority. The Treasurer of the Water Authority, directly or acting through its Accounting Department, will provide regular reports of Activity Agreement accounts. Funds of the Activity Agreement will be subject to audit by the official auditor of the Water Authority. An Activity Agreement Member may request an independent audit of the Activity Agreement funds; such audit will be conducted at the expense of the requesting Activity Agreement Member.

7. AUTHORIZATION TO ALLOCATE ACTIVITY AGREEMENT EXPENSES

A. Each member of the Water Authority has entered into an Administration Agreement which authorizes agreement(s) by and among the Water Authority and any of its members or other entities (including Friends of the Water Authority) to provide for undertaking and sharing costs and benefits of any authorized activity of the Water Authority.

B. The Water Authority and the Activity Agreement Members agree that all Activity Agreement Expenses, including Water Authority Administration Costs, incurred by the Water Authority under this Activity Agreement are the expenses of the Activity Agreement Members, and not of the Water Authority, and will be paid by the Activity Agreement Members. The Activity Agreement Members agree that the Board of Directors is authorized to allocate a share of Water Authority Administration Costs as part of the Activity Agreement Expenses to cover the cost to the Water Authority of administering this Activity Agreement.

C. The Activity Agreement Members agree that the costs of Transfer Water are the expenses of the Activity Agreement Members and not of non-participating Activity Agreement Members or of the Water Authority; each Activity Agreement Member shall be bound to accept

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and pay for the actual costs of such Activity Agreement Member's allocated share of Transfer Water as set forth in Section 9 of this Activity Agreement.

8. SCHEDULING

The Water Authority, in consultation with the Exchange Contractors, Reclamation and the Activity Agreement Members, will develop a process for the scheduling of the water allocated that will be subject to modification from time to time by agreement of the parties, without formal amendment of this Agreement being required.

9. PURCHASE OBLIGATION AND PROCESS FOR ALLOCATING WATER FOR M&I USERS AND FOR IRRIGATION USERS FOR EACH YEAR

During the term of the Exchange Contractors 2024-2025 Transfer Agreement, the Activity Agreement Members shall be obligated to purchase all water made available to the Water Authority as set forth in the Exchange Contractors 2024-2025 Transfer Agreement. The Water Authority shall allocate the Transfer Water among Irrigation Users and M&I Users as set forth in this Section 9.

A. Allocation for Irrigation Users. The allocation for Irrigation Users shall be the maximum quantity designated for Irrigation on Exhibit "B" plus (1) any allocation for M&I Users not accepted by M&I Users during such Year, and (2) in years in which the CVP south-of-Delta contract allocation for irrigation is 0% through 45%, any portion of Reclamation's allocation for such Year that Reclamation cannot purchase in accordance with Section 5(c) of the Transfer Agreement, as summarized in Section 9.C of this Activity Agreement. The Water Authority shall sub-allocate the quantity of Transfer Water made available for Irrigation Users among Irrigation Users based on each Irrigation User's CVP water supply contract quantity for irrigation as of the date hereof, as agreed by the parties and set forth on Exhibit "C" attached hereto.

B. Notice and Allocation for M&I Users. Beginning in January 2024 for the 2024 Year, and thereafter on each January 15, beginning January 15, 2024, promptly upon receipt of notice from the Exchange Contractors, the Water Authority shall notify the M&I Users of the quantity of Transfer Water, up to _____ acre-feet, available for M&I use. The M&I Users must notify the Water Authority in writing of each Year of the quantity of Transfer Water they desire to acquire for M&I use for the forthcoming Year. The Water Authority shall notify the Exchange Contractors in writing on or before February 1 of each Year of the amount of Transfer Water for

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M&I Users that the Water Authority wishes to purchase for that Year as described in Section 4.b.i of the Transfer Agreement.

1. The Water Authority shall sub-allocate Transfer Water made available by the Exchange Contractors for M&I Users in any Year as follows:

a. If the Transfer Water made available for M&I Users during a particular Year is adequate to cover all of the Transfer Water requested by the M&I Users pursuant to Section 9.B. above for that Year, the Water Authority shall allocate the Transfer Water made available for M&I Users as follows: San Benito County Water District (SBCWD), 5% (up to ___ acre-feet); San Luis Water District (SLWD), 3% (up to ___ acre-feet); Santa Clara Valley Water District (SCVWD), 87% (up to ___ acre-feet); and Westlands Water District (WWD), 5% (up to ___ acre-feet), or any other allocation mutually agreed by these M&I contractors.

b. If the Transfer Water made available for M&I Users during a particular Year is inadequate to cover the combined quantities of Transfer Water requested by SBCWD, SLWD, SCVWD, and WWD pursuant to Section 9.B. above, the Water Authority shall allocate the available M&I water based on the following allocation: 5% to SBCWD, 3% to SLWD, 87% to SCVWD, and 5% to WWD. If any participating M&I User chooses not to take its allocation, that portion of the M&I water shall be allocated to the remaining participating M&I Users based on their proportional share of their M&I historic use, or upon any other allocation mutually agreed upon by the M&I Users.

2. In the event Transfer Water is reduced under any applicable provision of the Transfer Agreement, the allocation for M&I Users will be reduced proportionately from ___ acre-feet and the available allocation will be sub-allocated between M&I Users as provided in Section 9.B.1.b above.

C. Reclamation's Allocation, Election Not to Purchase, and Water Authority Obligation to Purchase in Certain Years. Reclamation shall have the right to purchase for refuge supply purposes in each Year up to the maximum allocation for Reclamation set forth in Exhibit "B" determined in reference to the corresponding CVP South-of-Delta Contract Allocation for Irrigation for such Year, on the same terms and conditions as set forth in the Transfer Agreement. Under Section 5(c) of the Transfer Agreement, Reclamation may be unable to purchase all its allocation of Transfer Water during such Year. In years in which the CVP south-of-Delta contract allocation for irrigation is 0% through 45%, the allocation for the Water Authority shall be

Commented [RH1]: Subject to final allocation among activity agreement members

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increased by the amount Reclamation does not purchase, and the Activity Agreement Members hereby agree to purchase such water. In years in which the CVP south-of-Delta contract allocation for irrigation is 46% or greater, the Water Authority may but does not guarantee that it will purchase the water that Reclamation does not purchase, and the Activity Agreement Members do not agree to purchase such water.

D. Notice of Allocation. The Water Authority will promptly calculate the respective allocations of Transfer Water for Irrigation Users and M&I Users pursuant to the terms of the Transfer Agreement and Exhibit “B” and shall notify the Activity Agreement Members of the amount of their respective allocations for the respective Water Year.

E. Reallocation. An Activity Agreement Member may obtain the written agreement of any other Activity Agreement Member(s) to accept its allocated share of Transfer Water, or a portion thereof, and the obligations under this Activity Agreement of the Activity Agreement Member arranging such substitution.

F. Reallocation to WWD. By May 20th of each Year, each Activity Agreement Member wishing to reallocate all or some portion of the Transfer Water allocated to it under this Activity Agreement for such Year to WWD shall provide written notice to WWD and the Water Authority of the quantity to be reallocated. Each Activity Agreement Member providing such notice hereby agrees that the quantity specified in the reallocation notice shall be delivered to WWD, and WWD agrees to accept and purchase such reallocated quantity in accordance with the terms of this Activity Agreement and the Transfer Agreement and to relieve each Activity Agreement Member providing such notice of its respective obligation to purchase the reallocated quantity for such Year. Nothing in this Section 9.F. precludes an Activity Agreement Member from reallocating all or some portion of the Transfer Water allocated to it under this Activity Agreement to any Activity Agreement Member(s) pursuant to Section 9.E.

10. PAYMENT FOR ACTIVITY AGREEMENT EXPENSES AND FOR TRANSFER COSTS

A. The Water Authority, in consultation with the Activity Agreement Members, will develop a process for payment of costs and timing of payments based on the principles set forth below in this Section 10.

B. Following annual budget approval, the Water Authority will bill each Activity Agreement Member for their allocated share of approved, budgeted Activity Agreement Expenses;

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such allocated share will be based on the percentage derived by dividing each Activity Agreement Member's CVP contract quantity for irrigation and M&I in acre-feet by the Activity Agreement Members' total CVP contract value for irrigation and M&I in acre-feet, and payment will be due at the same time as payment for all other amounts included on such billing. Additional Activity Agreement Expenses will be included in subsequent billings as approved and/or incurred.

C. Pursuant to Section 4(d) of the Transfer Agreement, the Exchange Contractors will invoice the Water Authority for the cost of Transfer Water subsequent to the last day of each month during which the Exchange Contractors have made Transfer Water available to the Water Authority. As soon as the Water Authority receives the invoice and verifies the deliveries to the Activity Agreement Members during such period, the Water Authority shall bill the Activity Agreement Members. The Activity Agreement Members shall remit payment upon receipt of the Water Authority's invoice, so that the Water Authority can timely pay the Exchange Contractors.

D. In addition to the cost of Transfer Water payable to the Exchange Contractors, each Activity Agreement Member hereby agrees to pay to Reclamation and the Water Authority those costs for Transfer Water described in Section 4(c) of the Transfer Agreement.

E. Each Activity Agreement Member hereby agrees to pay to the Water Authority any and all costs incurred by the Water Authority on account of such Activity Agreement Member's participation in and obligations under the Transfer Agreement, including but not limited to: (1) interest on late payments as provided in Section (4)(d) of the Transfer Agreement; (2) reimbursement of foregone interest on Water Authority accounts, if any; and (3) any other costs incurred by the Water Authority because of such Activity Agreement Member's late payment.

F. Each Activity Agreement Member shall be bound to accept and pay for the costs of such Member's allocated share of Transfer Water, except for the Transfer Water such Member reallocates pursuant to Sections 9.E and 9.F of this Agreement. The Water Authority shall have no responsibility to track changes in allocations or in payment obligations resulting from reallocations made pursuant to Sections 9.E or 9.F of this Agreement until it receives a copy of the writing or notice memorializing the allocation adjustment.

G. Within sixty (60) days following the end of each Fiscal Year during the term of this Activity Agreement, the Water Authority compare the total payments made by each Activity Agreement Member during the year to the total annual amount due from each Activity Agreement Member. The amount due will be calculated by applying the total annual Activity Agreement

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Expenses including Transfer Water costs to a percentage that is based on each Activity Agreement Member's amount of Transfer Water in acre-feet purchased under this Agreement divided by the total amount of Transfer Water in acre-feet purchased by all Activity Agreement Members under this agreement. However, if there are no transfers in a Fiscal Year, the allocation as described in Section 10.B shall apply. Immediately following such calculation, the Water Authority will provide notice of credits or bills for additional charges to the Activity Agreement Members. Each Activity Agreement Member may elect to obtain refunds or to apply any credit balance and will remit payment of bills for additional amounts within thirty (30) days.

H. Each Activity Agreement Member agrees to hold harmless the Water Authority, all other Activity Agreement Members, and all Water Authority members who are not participants in the Activity Agreement from obligations incurred by the Water Authority in order to acquire the Activity Agreement Member's respective share of the water transferred from the Exchange Contractors pursuant to this Activity Agreement.

11. SOURCE OF PAYMENTS

Each Activity Agreement Member agrees that it will, at all times, have sufficient money to meet its obligations hereunder and under the JPA Agreement. Each Activity Agreement Member hereby confirms that the Water Authority and other Activity Agreement Members are third party beneficiaries of such Activity Agreement Member's obligations under this Activity Agreement and may take such actions in law or in equity to enforce payments hereunder.

12. INDEMNIFICATION OF AUTHORITY MEMBERS WHO DO NOT PARTICIPATE IN THIS AGREEMENT

The Activity Agreement Members shall hold the Water Authority and each of its members who is not an Activity Agreement Member, free and harmless from and indemnify each of them against any and all costs, losses, damages, claims, and liabilities arising from this Activity Agreement. This indemnification obligation includes the obligation of the Activity Agreement Members to defend the Water Authority, and all members of the Water Authority which are not participants in the Activity Agreement, at the sole expense of the Activity Agreement Members, in any action or proceeding brought against the Water Authority or any of its members not participating in the Activity Agreement to recover any such costs, losses, damages, claims, or liabilities arising from this Activity Agreement.

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13. TERM

A. This Activity Agreement shall take effect on January 1, 2024 (“**Effective Date**”), assuming execution by the Water Authority and at least two (2) Water Authority members prior to that date, and will be retroactive for costs incurred negotiating and developing the Transfer Agreement and this Activity Agreement and will remain in full force and effect through the term of the Exchange Contractors 2024-2025 Transfer Agreement, or until all obligations arising under this Activity Agreement and the Transfer Agreement have been satisfied, whichever comes later.

B. In the event the Exchange Contractors 2024-2025 Transfer Agreement does not take effect or is rescinded or terminated prior to December 31, 2025, this Activity Agreement shall likewise terminate upon all Activity Agreement Members satisfying all obligations, including all payment obligations, arising under this Activity Agreement.

C. This Activity Agreement may be extended without formal amendment being required in the event of any renewal or extension of the Exchange Contractors 2024-2025 Transfer Agreement for an additional Year or Years, by attaching a new Exhibit “B” to this Activity Agreement setting forth any revised quantities or allocations among Reclamation, Irrigation Users, and M&I Users.

14. WITHDRAWAL FROM FURTHER PARTICIPATION

A. Withdrawal. An Activity Agreement Member may withdraw from this Agreement at any time by obtaining the agreement of one or more other Activity Agreement Members to fully assume the benefits and the obligations pertaining to the withdrawing Activity Agreement Member and by satisfying the process and requirements set forth in this Section 14.

B. Notice and Effective Date. An Activity Agreement Member may withdraw from this Activity Agreement at any time by providing written notice to the Water Authority and the other Activity Agreement Members. The withdrawal shall be effective thirty (30) days after sending the written notice.

C. Payment of Obligations. Withdrawal is conditioned upon the withdrawing Activity Agreement Member ensuring to the satisfaction of the other Activity Agreement Members that there are no adverse impacts to those members from the withdrawal. This may occur via the withdrawing Activity Agreement Member’s payment or agreement to pay its share of all debts, liabilities, and obligations of the Water Authority pursuant to this Activity Agreement and incurred prior to the effective date of such withdrawal. A withdrawing party shall, within thirty (30) days

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of the withdrawal date, pay all such Activity Agreement Member's financial obligations incurred prior to such withdrawal date pursuant to the terms of this Activity Agreement or enter into an agreement acceptable to the Water Authority for continuing payment of such obligations until fully paid.

D. Rights Following Withdrawal. As of the withdrawal date, all rights of participation in this Activity Agreement shall cease for the withdrawing Activity Agreement Member.

E. Obligations Following Withdrawal. Withdrawal shall not excuse the withdrawing Activity Agreement Member's performance of obligations imposed upon that party by any judgment which has been entered by a court of competent jurisdiction or regulation to which the Water Authority or the Activity Agreement Members are subject and that arise from or are related to activities of the Activity Agreement conducted during the period when the withdrawing Activity Agreement Member participated in this Activity Agreement. Furthermore, the indemnification obligations set forth in Section 12 of this Activity Agreement shall survive a party's withdrawal from this Activity Agreement for activities under this Activity Agreement conducted during the period when the withdrawing Activity Agreement Member participated in this Activity Agreement.

15. ADMISSION OF NEW MEMBERS

After January 1, 2024, no additional members of the Water Authority may become participants of this Activity Agreement without the written consent of all of the other Activity Agreement Members and of the Board of Directors. The admission of any Activity Agreement Member pursuant to this section shall be documented by that new Activity Agreement Member signing this Activity Agreement. Upon admission of a new Activity Agreement Member, the parties shall agree to the participation percentage of such new Activity Agreement Member, to be documented in an amendment to this Activity Agreement and Exhibit "B" to this Activity Agreement.

16. MISCELLANEOUS

A. Amendments. Except for an extension provision as described in Section 13, this Activity Agreement may be only amended in writing executed by the parties hereto.

B. Assignment; Binding on Successors. Except as otherwise provided in this Activity Agreement, the rights and duties of the Activity Agreement Member may not be assigned or

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delegated without the written consent of the Water Authority. Any attempt to assign or delegate such rights or duties in contravention of this Activity Agreement shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of the Water Authority then in effect. This Activity Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Water Authority and the Activity Agreement Members.

C. Counterparts. This Activity Agreement may be executed by the Water Authority and the Activity Agreement Members in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument. This Agreement, if executed in counterparts, will be valid and binding on a party as if fully executed as on one original.

D. Choice of Law. This Activity Agreement shall be governed by the laws of the State of California.

E. Severability. If one or more clauses, sentences, paragraphs or provisions of this Activity Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Activity Agreement Members and the Water Authority that the remainder of the Activity Agreement shall not be affected thereby.

F. Headings. The titles of sections of this Activity Agreement are for convenience only and no presumption or implication of the intent of the parties as to the construction of this Activity Agreement shall be drawn therefrom.

G. Reasonable Cooperation. Activity Agreement Members will reasonably cooperate with each other and the Water Authority to perform the obligations under this Activity Agreement, assist the Water Authority, when necessary, in carrying out its obligations under any and all of the water transfer agreements contemplated herein, and to carry out the purpose and intent of this Agreement.

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IN WITNESS WHEREOF, the Members and the Water Authority have executed this Activity Agreement as of the date appearing next to their respective signature lines:

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

By: _____
Name: _____
Title: _____
Date: _____

ACTIVITY AGREEMENT MEMBERS

Agency Name: _____ Agency Name: _____
By: _____ By: _____
Name: _____ Name: _____
Title: _____ Title: _____
Date: _____ Date: _____

Agency Name: _____ Agency Name: _____
By: _____ By: _____
Name: _____ Name: _____
Title: _____ Title: _____
Date: _____ Date: _____

Agency Name: _____ Agency Name: _____
By: _____ By: _____
Name: _____ Name: _____
Title: _____ Title: _____
Date: _____ Date: _____

Agency Name: _____ Agency Name: _____
By: _____ By: _____
Name: _____ Name: _____

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Title: _____ Title: _____

Date: _____ Date: _____

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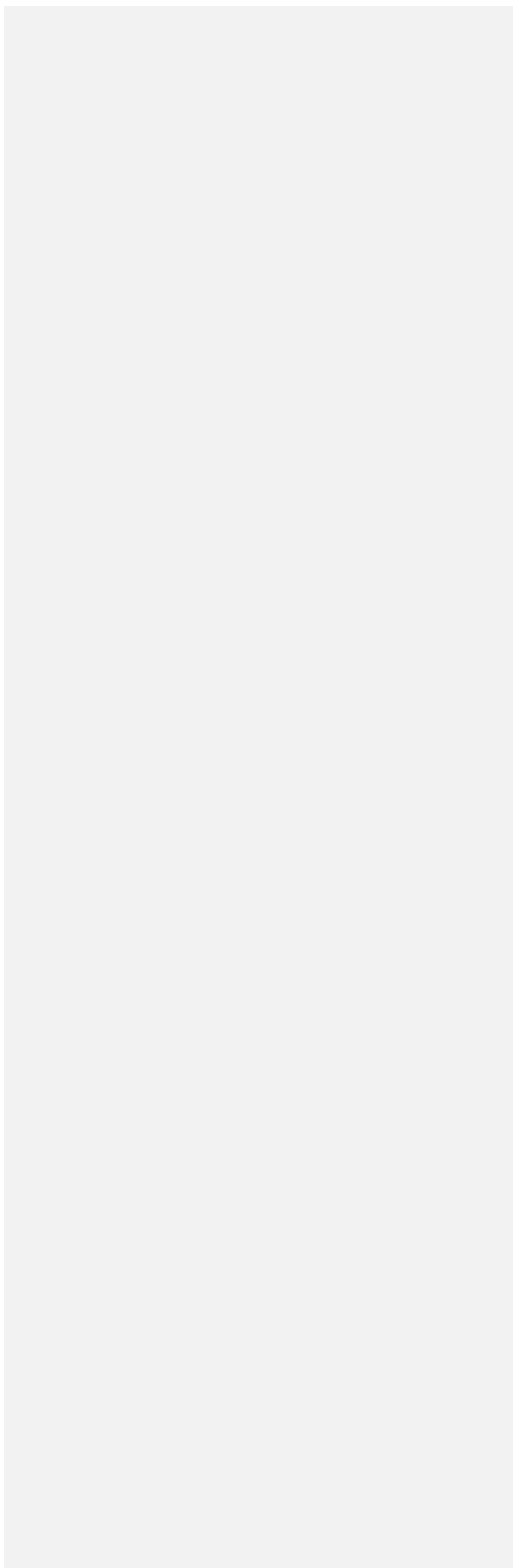


EXHIBIT A
EXCHANGE CONTRACTORS 2024-____ TRANSFERS
ACTIVITY AGREEMENT MEMBERS

[LIST]

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EXHIBIT B

**ALLOCATION AMONG RECLAMATION, IRRIGATION USERS, AND M&I USERS
BASED ON CVP SOUTH-OF-DELTA CONTRACT ALLOCATON FOR IRRIGATION**

SOD Ag Allocation (%)	Reclamation (AF)	SLDMWA (AF)	Total (AF)
0			
5			
10			
15			
20			
25			
30			
35			
40			
45			
50			
55			
60			
65			
70			
75			
80			
85			
90			
95			
100			

EXHIBIT C

IRRIGATION USERS' CONTRACT QUANTITY/ALLOCATION PERCENT

Participants	Contract Quantity (AF)	Allocation Percentage (%)

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**San Luis & Delta-Mendota Water Authority
Monday, November 6, 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/81373040097?pwd=MmdySUJoVVltSXM0Q01aMzBjMkVmdz09>

Meeting ID: 813 7304 0097

Passcode: 464953

One tap mobile

+16699006833,,81373040097#,,,,*464953# US (San Jose)

+16694449171,,81373040097#,,,,*464953# US

Dial by your location

+1 669 900 6833 US (San Jose)

+1 669 444 9171 US

Find your local number: <https://us02web.zoom.us/j/81373040097?pwd=MmdySUJoVVltSXM0Q01aMzBjMkVmdz09>

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 October 2, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
 - A. H.R. 5664 (Schrier), Water Infrastructure Finance and Innovation Act Amendments of 2023

REPORT ITEMS

6. 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)
7. Update on Water Policy/Resources Activities, Petersen
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities)
8. Update on Water Operations and Forecasts, Boardman
9. Committee Member Reports
10. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 3 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 – 3 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. 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)
- E. 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)
- F. CDWR Water Operation Cases, Sac. 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)
- G. 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)
- H. 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)
- I. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- J. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

11. Return to Open Session
12. Report from Closed Session, if any, Required by Government Code Section 54957.1
13. Reports Pursuant to Government Code Section 54954.2(a)(3)
14. 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

OCTOBER 2, 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

Absent

Division 3

Chris White, Member

Division 4

Steve Wittry, Alternate for Vincent Gin

Division 5

Manny Amorelli, Member

Board of Directors Present

Division 1

Anthea Hansen, Director
Lea Emmons, Alternate (via ZOOM)

Division 2

William Bourdeau, Vice-Chair/Director

Division 3

Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Chair/Director

Division 4

Steve Wittry, Director

Division 5

Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director

Pablo Arroyave, Chief Operating Officer (via ZOOM)

Rebecca Akroyd, General Counsel

Rebecca Harms, Deputy General Counsel (via ZOOM)

Scott Petersen, Water Policy Director

Ray Tarka, Director of Finance

Jaime McNeill, Engineering Manager

Cindy Meyer, Special Programs Manager (via ZOOM)

Stewart Davis, IT Officer

Others Present

Dana Jacobson, Valley Water (via ZOOM)

Chase Hurley, Pacheco Water District

Tom Boardman, Westlands Water District (via ZOOM)

1. Call to Order/Roll Call

Committee 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 September 11, 2023 Meeting Minutes.

Chair William Bourdeau deemed the September 11, 2023 meeting minutes approved as submitted.

5. Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Pursuit of Solar Over Canals Application for Federal Non-Reimbursable Funding.

Executive Director Federico Barajas reviewed the memo and attachment included in the packet. Barajas reported Water Authority staff has been approached by Reclamation's Regional Office and private firms that have conceptual ideas in alignment with this pilot/demonstration effort. Barajas reported that given the level of interest by Reclamation and the potential for public-private partnership, Water Authority staff sees the merit of pursuing this funding application

process for a Delta-Mendota Canal (DMC) pilot project. Barajas reported that the application is due at the end of the month. Barajas reported that Reclamation is seeking a pilot or demonstration project to evaluate technical capability, economic feasibility, and/or viability for full-scale implementation, or to test an unproven material or technology, for future coverage of canals with solar panels.

On a motion of Member Anthea Hansen, seconded by Alternate Member Steve Wittry, the Committee adopted a recommendation to authorize pursuit of Solar Over Canals application for federal non-reimbursable funding. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, White, Wittry, Amorelli
NAYS:	None
ABSTENTIONS:	None

6. **Executive Director’s Report.**

a. **Federal Government** – Executive Director Federico Barajas reported the federal government is operating under a Continued Resolution for forty-five days.

b. **ACWA Region 4**- Executive Director Federico Barajas reported that staff is working with ACWA Region 4 to schedule a Jones Pumping Plant/Tracy Fish Facility Tour.

c. **Inflation Reduction Act Funding**– Executive Director Federico Barajas reported that the second round of funding applications is open.

d. **Jones Pumping Plant Building UZ11A** – Chief Operating Officer Pablo Arroyave reported that the contractor finished up the work on building UZ11A last week. Arroyave reported that during testing, WAPA confirmed that the transformers were faulty, and replaced them. Arroyave reported that troubleshooting continues.

7. **Update on Water Policy/Resources Activities.**

Water Policy Director Scott Petersen provided a brief summary of the report included in the packet. Petersen reported on the Reinitiation of Consultation on Long-Term Operations of the CVP and SWP, the Quarterly WIIN Act meeting, SWRCB activity, and proposed NEPA regulations.

8. **Update on Water Operations and Forecasts.**

Westlands Water District’s Tom Boardman reported on Shasta and Folsom storage conditions.

Boardman also reported on export rates at Jones and Banks along with a brief explanation of the controlling export constraint.

Boardman also discussed current San Luis storage conditions and provided a brief description of expected refill projections into 2024.

9. Committee Member Reports.

Central California Irrigation District (CCID) General Manager Jarrett Martin reported that CCID will be dewatering the Mendota Pool December 1-10, 2023.

5. Closed Session

Committee Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:36 a.m. Upon return to open session at approximately 11:09 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session.

10. Agenda Item 13: Reports Pursuant to Government Code Section 54954.2

No reports.

11. Agenda Item 14: Adjournment

The meeting was adjourned at approximately 11:10 a.m.



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 6, 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).

On May 16, 2023, Reclamation provided an administrative draft copy of the Proposed Action, titled “State and Federal Cooperating Agency Draft LTO Alternative” to agencies that have executed an MOU with Reclamation on engagement. Authority staff is reviewing the document and provided feedback to Reclamation, in coordination with member agencies and other CVP contractors.

On June 30, 2023, Reclamation released a draft Qualitative Biological Assessment for review by agencies that have executed an MOU with Reclamation on engagement, though Reclamation is not accepting formal comments. Note that this release does not initiate formal ESA consultation and is being provided to assist the fishery agencies in setting up their documents and resources for the formal consultation, which we expect to begin in late September/early October.

On July 21, 2023, Reclamation released an Administrative Draft Terrestrial Biological Assessment for review by agencies that have an MOU with Reclamation on engagement, though Reclamation is not accepting formal comments. Note that this release does not initiate formal ESA consultation and is being provided to assist the fishery agencies in setting up their documents and resources for the formal consultation, which we expect to begin in late September/early October.

On September 15, Reclamation released a Draft Environmental Impact Statement for 30-day NEPA Cooperating Agency review. The SLDMWA coordinated review of the document with member agencies

³ <https://www.usbr.gov/mp/bdo/docs/lto-scoping-report-2022.pdf>

and technical consultants and submitted both high-level and technical comments on the document⁴ on October 16.

On October 6, Reclamation held another Interested Parties meeting with an update⁵ on the current status of the consultation.

Current Milestones

- November 2023: Quantitative Biological Assessment released for PWA review and to US FWS and NMFS
- December 2023 – Public Draft EIS
 - The public draft EIS will be the avenue for comments to Reclamation
 - Cooperating agencies will receive an administrative draft of the EIS
- Summer 2024 – Record of Decision

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.⁶ 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.

Phase 1 Status: The State Water Board adopted a resolution⁷ 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.

⁴ See Appendix A.

⁵ See Appendix A.

⁶ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

⁷ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)⁸ 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 comments⁹.

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 documents¹⁰ 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.

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.

⁸ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

⁹ Request from Authority staff

¹⁰ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

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.

On September 28, The State Water Resources Control Board released a draft Staff Report in support of possible updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) that are focused on the Sacramento River watershed, Delta, and Delta eastside tributaries (Sacramento/Delta).

The draft Staff Report includes scientific information and environmental and economic evaluations to support possible Sacramento/Delta updates to the Bay-Delta Plan. The report assesses a range of alternatives for updating the Sacramento/Delta portions of the Bay-Delta Plan, including: an alternative based on a 2018 Framework document identifying a 55% of unimpaired flow level (within an adaptive range from 45-65%) from Sacramento/Delta tributaries and associated Delta outflows; and a proposed voluntary agreements alternative that includes voluntary water contributions and physical habitat restoration on major tributaries to the Delta and in the Delta. In addition, based on input from California Native American tribes, the draft Staff Report identifies the proposed addition of tribal and subsistence fishing beneficial uses to the Bay-Delta Plan.

The draft Staff Report is available for review on the [Board's website](#). Written comments on the report are due by **December 15, 2023**. During the public comment period, staff will hold two public workshops to explain the report where attendees can also ask questions. The workshops will be followed by a public hearing before the State Water Board to receive oral comments on the draft Staff Report.

A Frequently Asked Questions (FAQ) document providing information on the report and the Bay-Delta Plan generally are available on the [Bay-Delta webpage](#).

Upcoming opportunities for engagement on the draft Staff Report are highlighted below:

- November 17 (9:30 am), December 1 (9:30 am), and December 11 (4:00 pm): Public hearing
- December 15: Written comments due

In addition to the public workshops, Board staff will hold a separate workshop for tribal representatives only to explain the draft Staff Report and answer questions. A separate notice inviting tribal representatives to participate in the workshop will be sent directly to tribal representatives.

Please see the [notice](#) for additional information on how to submit comments and participate in the workshops and hearing.

Schedule

LSJR Flow/SD Salinity Implementation Next Steps Assuming Regulation Path (Phase 1)

- 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/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Summer/Fall 2024: Board consideration of adoption

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.

U.S. Bureau of Reclamation

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no Draft Policies out for review.

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/>

Draft Directives and Standards

- [EMG 01-01 Emergency Management](#) (comments due 11/20/23)

Draft Facilities Instructions, Standards, and Techniques (FIST)

- [FIST 2-10 Maintenance, Inspection, and Testing of Electric and Hydraulic Elevators](#) (comments due 12/01/23)

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

The Water Blueprint for the San Joaquin Valley (Blueprint) is a non-profit group of stakeholders, working to better understand our shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley.

Blueprint's strategic priorities for 2022-2025: Advocacy, Groundwater Quality and Disadvantaged Communities, Land Use Changes & Environmental Planning, Outreach & Communications, SGMA Implementation, Water Supply Goals, Governance, Operations & Finance.

Mission Statement: *"Unifying the San Joaquin Valley's voice to advance an accessible, reliable solution for a balanced water future for all."*

Committees

Executive/Budget/Personnel

The ad hoc Finance Committee is reviewing status of 2023 contributions and a more sub basin wide focus for 2024 contributions and a category for GSA's, attempting to coincide with irrigable acres for an equitable process and avoiding redundancy. The board has directed Hallmark to reduce its workload while contributions are received to build up depleted reserves.

- Urban Water Agency & OC Water Summit: The Blueprint hosted an Agricultural/Urban Water Agency meeting that was held at Fresno State. The meeting included urban water agency representatives from both northern and southern California. Discussion focused on mutual concerns/issues faced by water scarcity as well as opportunities for collaboration including recharge, conveyance, and funding. OC Water Summit included an overview of the Blueprint, recharge, and conveyance opportunities as well as the environmentally friendly pilot. Positive feedback was provided by OC Agencies about the Blueprint and its efforts and follow up meetings are being scheduled.

Technical Committee

Two specific priorities/efforts to help bridge the water deficit in the San Joaquin Valley, the Patterson ID conveyance project, and Delta Operations have been selected. The committee is evaluating total recharge opportunities and potential environmental enhancement and utilization.

Advocacy/Communications

The Blueprint will be hosting a informational meeting at ACWA in Indian Wells and will work with ACWA for a SJV tour. Blueprint will also be scheduling a meeting in the first of the year in Sacramento to brief legislative staff, policy makers, legislators, and Advisor Villaraigosa to highlight alignment with the Governor's water resiliency plan and priorities for a potential Water Bond, highlighting policy decisions that need to be made on reducing impacts to the central valley. The Farmer to Farmer Delta/SJV summit is rescheduled to November 2nd & 3rd.

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

Fresno State is finalizing the scope of work and budget for subcontractors. They expect to have a project timeline ready by July. As a reminder the partners for the feasibility study have initially identified potential Fresno County districts/areas generally for recharge projects. Initial modeling for Fresno State/California Water Institute has preliminarily identified FID, Consolidated ID, Raisin City WD and North Fork Kings GSA for strong multi benefit 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 have kicked off the joint development of a Unified Water Plan for the San Joaquin Valley as called for in the recently awarded Bureau of Reclamation grant. Both Stantec and The Hallmark Group will be engaged on the development of the plan. The final water plan will include measures to address San Joaquin Valley needs and potential portfolios to address needs and objectives, this report will ultimately be transmitted to Congress by Reclamation in 2025. A copy of that scope is available upon request.¹³

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 Sheet¹⁴, 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.

¹³ Request from Authority staff

¹⁴ Request from Authority staff

Steering Committee members continue to meet to discuss the proposed budget and work with Reclamation regarding the requested funding.

The Steering Committee met on October 24 with the workgroup Chairs to streamline the proposed priority actions to address through the end of 2023, given the limited time remaining in the year. The original 20 priority actions were reduced to eight, with the following priorities for each workgroup:

Safe Drinking Water Workgroup

The Safe Drinking Water workgroup's actions for 2023 are the Domestic Well Protection Guidance and the SB 552 Drought Planning letters. Draft letters have been developed and will be sent to the workgroup soon. The proposal for domestic well protection guidance is still in development and will be presented to the workgroup. Justine wanted to ensure that the discussions around recharge incorporate water quality moving forward.

Sustainable Water Supply Workgroup

The Sustainable Water Supply workgroup's actions for 2023 are evaluating in-valley supplies of surplus water that can be used for various projects and developing recommendations on flexibility for groundwater recharge of flood water that may be available in the coming winter. The recharge subgroup focuses on the groundwater recharge portion. The group had a robust discussion on the language in the In-Valley Supply action about the "solicitation of projects" and what that means. The Sustainable Water Supply workgroup intends to develop a portfolio of projects that would benefit from the identified surplus water to achieve the CAP desired outcomes. The group has not fully fleshed out what the project evaluation or solicitation process will entail. However, there was concern that it may become a recharge heavy project list. It was suggested that the text around project solicitation be softened so as not to sound so prescriptive. The group also discussed the forthcoming recharge letter being drafted by the subgroup that is intended to go to the governor and seeks clarification on Senate Bill 122, which codified the theme of the Executive Orders of 2023 for diverting floodwaters to groundwater recharge, with modifications. The letter has not yet made it outside the recharge subgroup, but there is interest in broader participation and review. It was also suggested that the flood management community review the letter to ensure that concerns about liability are addressed. The letter will continue through the CAP process but with a requested sense of urgency, given the importance of establishing clarity before flood waters are present.

Ecosystem Health

The Ecosystem Health workgroup will have one priority action in 2023, which are the restoration principles that have already been developed and are with the Land Repurposing and Demand Reduction workgroup for review prior to moving through the remainder of the CAP process.

Land Repurposing and Demand Reduction Workgroup

The Land Repurposing and Demand Reduction workgroup proposed actions for 2023 are putting forth a letter with Utility Scale Solar Recommendations and the state Multibenefit Land Repurposing Program (MLRP) letter supporting state and federal funding and improvements to contract language for DAC benefits. The Utility Scale Solar Recommendations Letter is being revised and is close to making it to the workgroup for final review.

APPENDIX A: SUPPLEMENTAL MATERIAL



— BUREAU OF —
RECLAMATION

LTO Interested Parties

October 2023

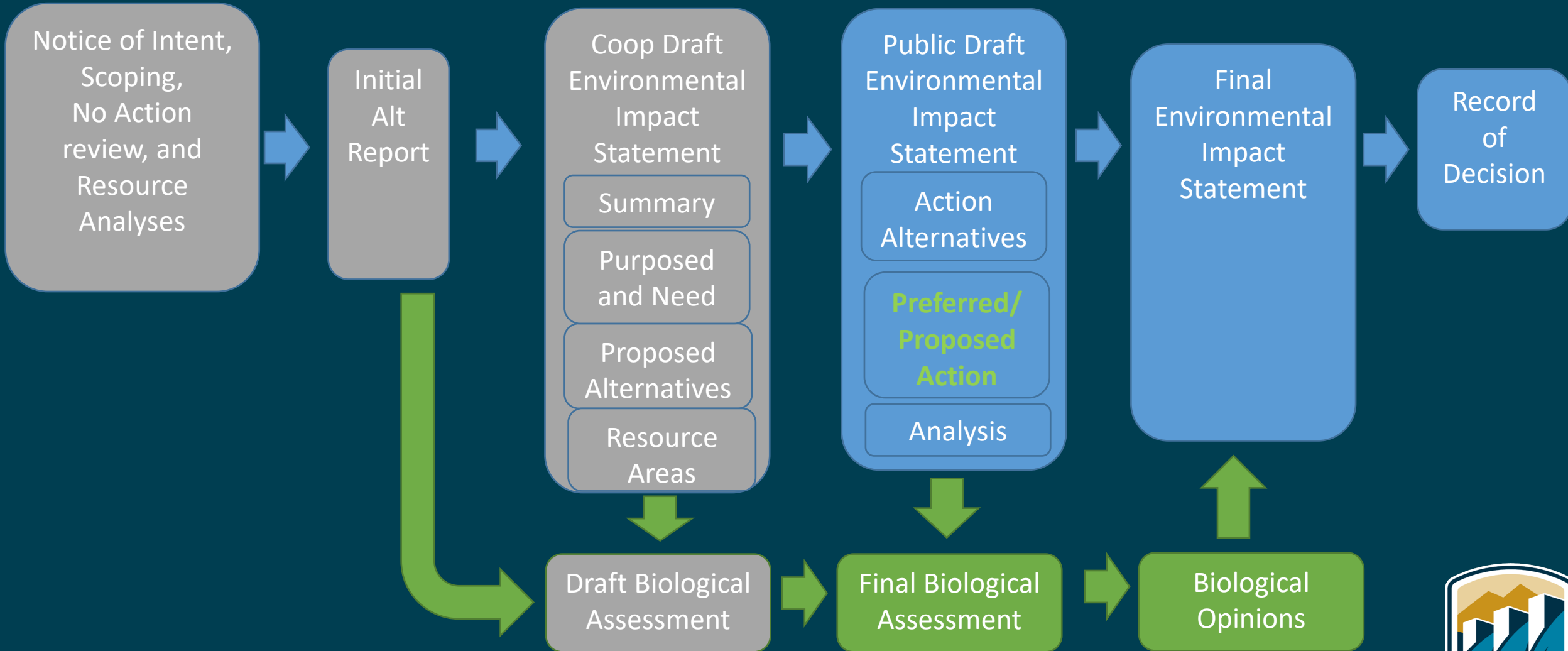


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RECLAMATION

Agenda

- Summary of current NEPA/ESA progress
- Biological Assessment Fish Chapters and Technical Appendix Updates
- Coordination/Remaining Schedule

2021 NEPA and ESA Process



Prior Monthly Meetings

- March – Scoping
- April – NEPA and ESA Process
- May – Knowledge Base Papers
- Initial Alternatives (June – October)
- November – Alternative Formulation Update
- December – WIIN Act Quarterly Update
- January – No meeting
- February – Analytical Tools
- March – WIIN Act Quarterly Update
- April – Environmental Baseline
- May – Preliminary Alternatives
- June – WIIN Act Quarterly Update
- July – Qualitative Biological Assessment
- August – Cooperating Agency Draft EIS
- September – WIIN Act Quarterly Update



Cooperating Agency Draft EIS Input



- 30-day comment period
- Comments will be considered and addressed in the Public Draft EIS, which is anticipated in late 2023
- Cooperating Agencies also will have the opportunity to provide comments on the Public Draft EIS





— BUREAU OF —
RECLAMATION

Biological Assessment- Species Analysis & Technical Appendix Updates

Effect Analysis on Federally Listed Species



— BUREAU OF —
RECLAMATION

BA Effects Analysis Chapters

Status of the Species

Distribution and abundance

Life history and habitat requirements

Limiting Factors, threats, and stressors

Management Activities

Effects Analysis

by Life stage

Critical Habitat Analysis

by habitat element

Life Cycle Analysis

NMFS (2019) Framework for Effects Analysis

- Magnitude of the Stressor
 - Severity: Beneficial, Lethal, Sublethal, or Minor
 - Proportion of the Population: Large ($\geq 70\%$), Medium ($> 2\%$), or Small ($\leq 2\%$)
 - Frequency of Years: High ($\geq 75\%$), Medium (25-75%), or Low ($< 25\%$)
- Weight of Evidence
 - High: multiple publications, species specific, location specific, quantitative, and/or strong statistical power.
 - Medium: between high and low
 - Low: single studies, unpublished data, untested hypotheses, and/or weak statistical power
- Reclamation will address magnitude through “Lines of Evidence”
- “Lifecycle Analyses” combine stressors



— BUREAU OF —
RECLAMATION

BA Chapter- Winter-run and Spring-run Chinook salmon, steelhead

Major Comments/Resolution

- Added citations about effects
- Added context on uncertainty of stressors
- Relying on quantitative methods for evaluating Effects: severity, proportion, frequency, weight of evidence





— BUREAU OF —
RECLAMATION

BA Chapter- Delta Smelt



Major Comments/Resolution

- Incorporated migratory behavior into conceptual model
- Added contaminant stressor for larvae and juveniles
- Added citations about low salinity habitat and intersection with other habitat characteristics



— BUREAU OF —
RECLAMATION

BA Chapter- Longfin smelt



Major Comments/Resolution

- Incorporated migratory behavior into conceptual model
- Added contaminants to larvae and juvenile stressors
- Added discussion of uncertainty with abundance-outflow relationship in relevant lines of evidence
- Revised distribution to include South SF Bay



— BUREAU OF —
RECLAMATION

BA Chapter- green sturgeon



Major Comments/Resolution

- Added juvenile life stage to Sacramento River in fall and winter
- Reviewed and revised contaminant stressor



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RECLAMATION

Southern Res. Killer Whale

Reclamation Egg Mortality Model

Anticipated

Egg to fry survival

Trinity Chinook S3 model

Anticipated

smolt biomass reaching ocean





— BUREAU OF —
RECLAMATION

App. I- OMR Management

Volumetric Influence- In progress

Fraction of inflow exported

DSM2 Flow into Junctions- In progress

Fraction of flow routed

DSM2 Zone of Influence- In progress

Fraction of Delta regions hydrologically altered

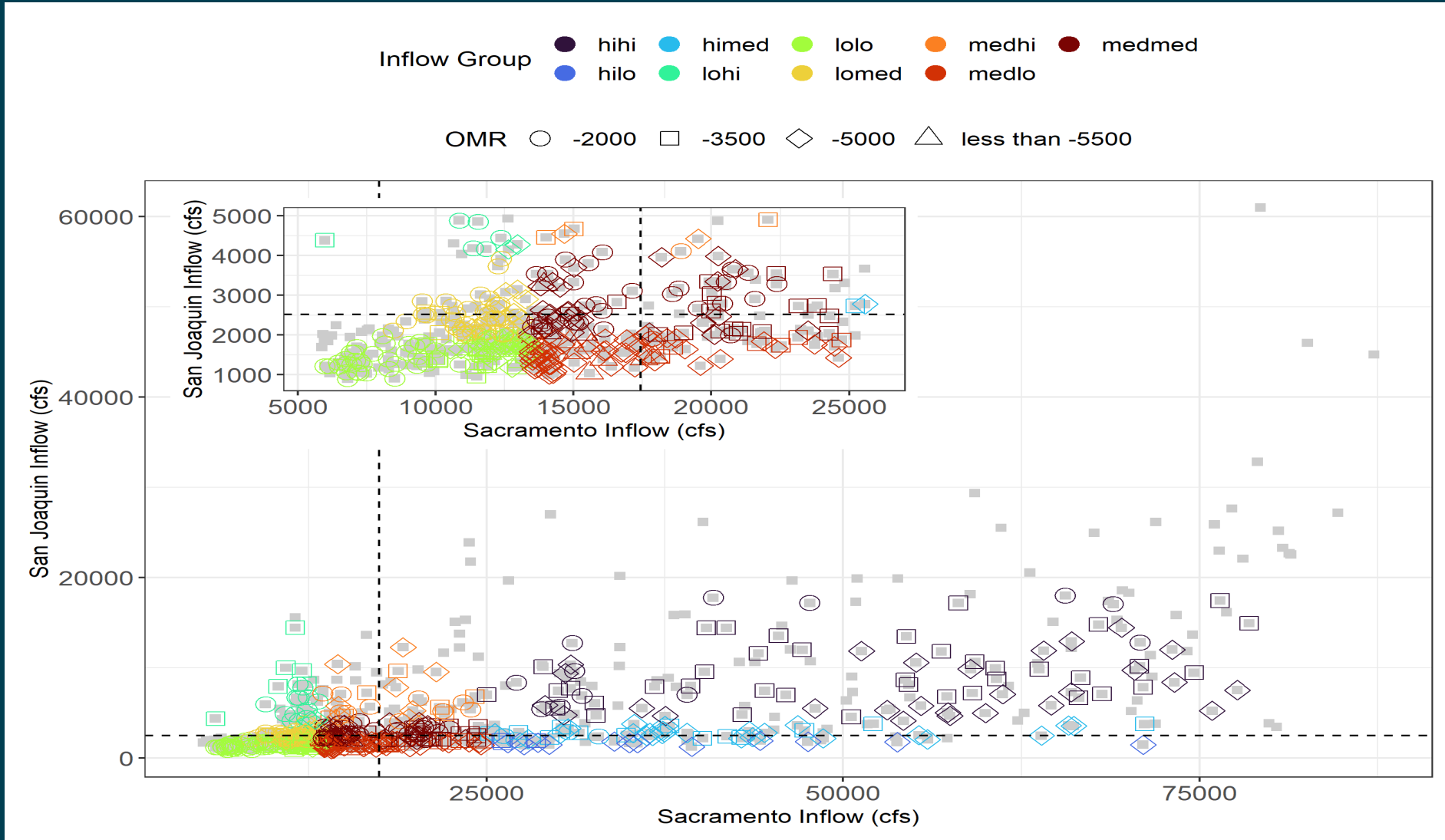
DSM2 Particle Tracking- Anticipated

Fraction of particles entrained from Delta regions





App. I- OMR Management





— BUREAU OF —
RECLAMATION

App. I- OMR Management

STARS- Drafted

Estimated routing probability and
through-Delta survival

Delta Passage Model

In progress

Estimated Delta survival to Chipps
Island

EcoPTM – Anticipated

Estimated Delta survival to Chipps Island





— BUREAU OF —
RECLAMATION

App. I- OMR Management

Longfin smelt salvage-OMR model

Anticipated

Estimated LFS adult salvage

Negative Binomial & Salvage Density

Drafted

Estimated monthly loss

Winter-run Chinook CWT proportional loss

Anticipated

Estimated CWT group loss





— BUREAU OF —
RECLAMATION

App. J- Spring Delta Outflow

Delta outflow vs. Bay species abundance- In progress

Abundance index trends

Delta outflow vs. Sturgeon Index- Drafted

YCI index trends

Zooplankton-Delta Outflow Analysis- Drafted

Estimated CPUE of key zooplankton species seasonally

Flow-Survival Juvenile Salmon Modeling- Anticipated

Estimated river outmigration survival

XT Juvenile Salmon Survival Modeling- Anticipated

Estimated river outmigration survival





— BUREAU OF —
RECLAMATION

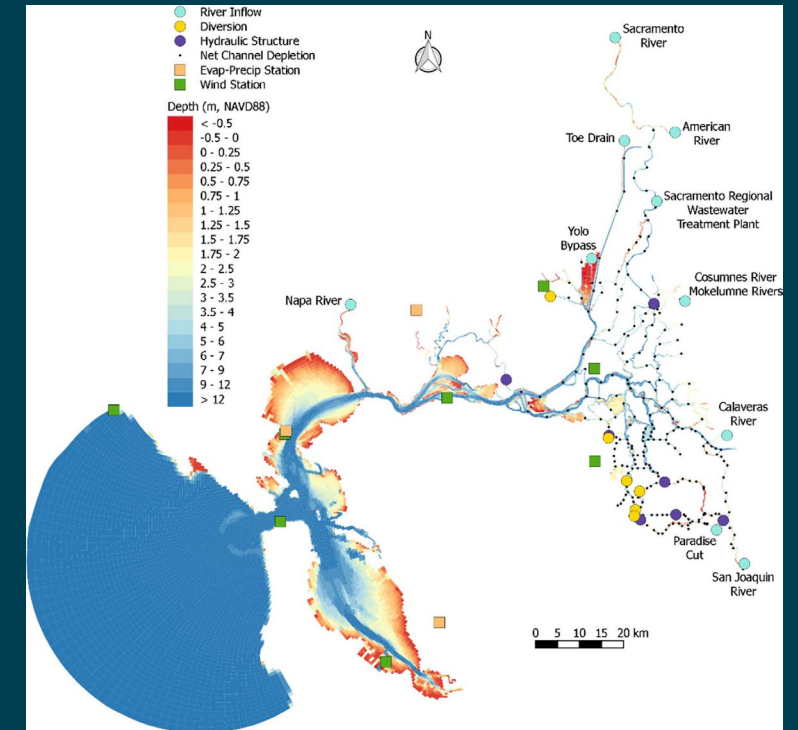
App. K- Summer/Fall X2

Delta Smelt Habitat Modeling- Anticipated

Estimated HSI

Maunder & Deriso Delta Smelt – Anticipated

Estimated populations growth rates



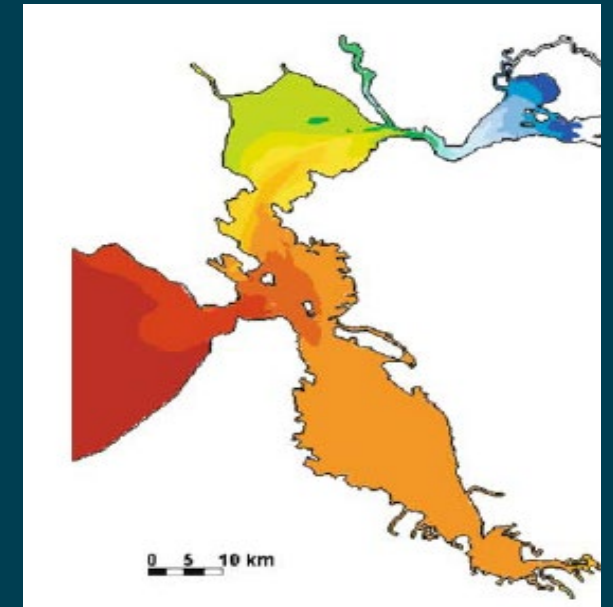
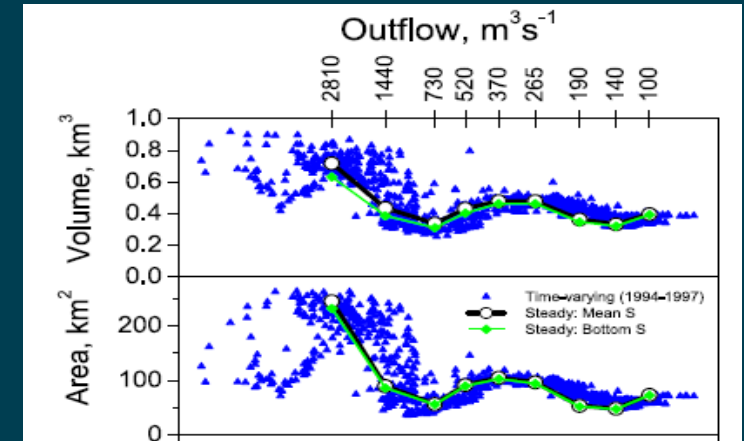


— BUREAU OF —
RECLAMATION

App. K- Summer/Fall X2

Major Comments/Resolution

- Added relevant literature about zooplankton observations, salinity, and temperatures in relation to Delta Smelt tolerances
- Added relevant literature about SCHISM validation
- Added Maunder and Deriso model





— BUREAU OF —
RECLAMATION

App. L- Shasta CWP Mgt.

Shasta CWP Carryover and Refill Analysis- In Progress

Frequency of Bin Criteria Met

Shasta Temp Analysis- Anticipated

Frequency of Temperature Criteria Met

Temperature Dependent Mortality Analysis- Anticipated

Predicted TDM

Winter-run Juvenile Production Index- Anticipated

Predicted winter-run JPI





— BUREAU OF —
RECLAMATION

App. L- Shasta CWP Mgt.

Sacramento WUA analysis- Anticipated

Estimated area available

Sacramento Dewatering analysis-

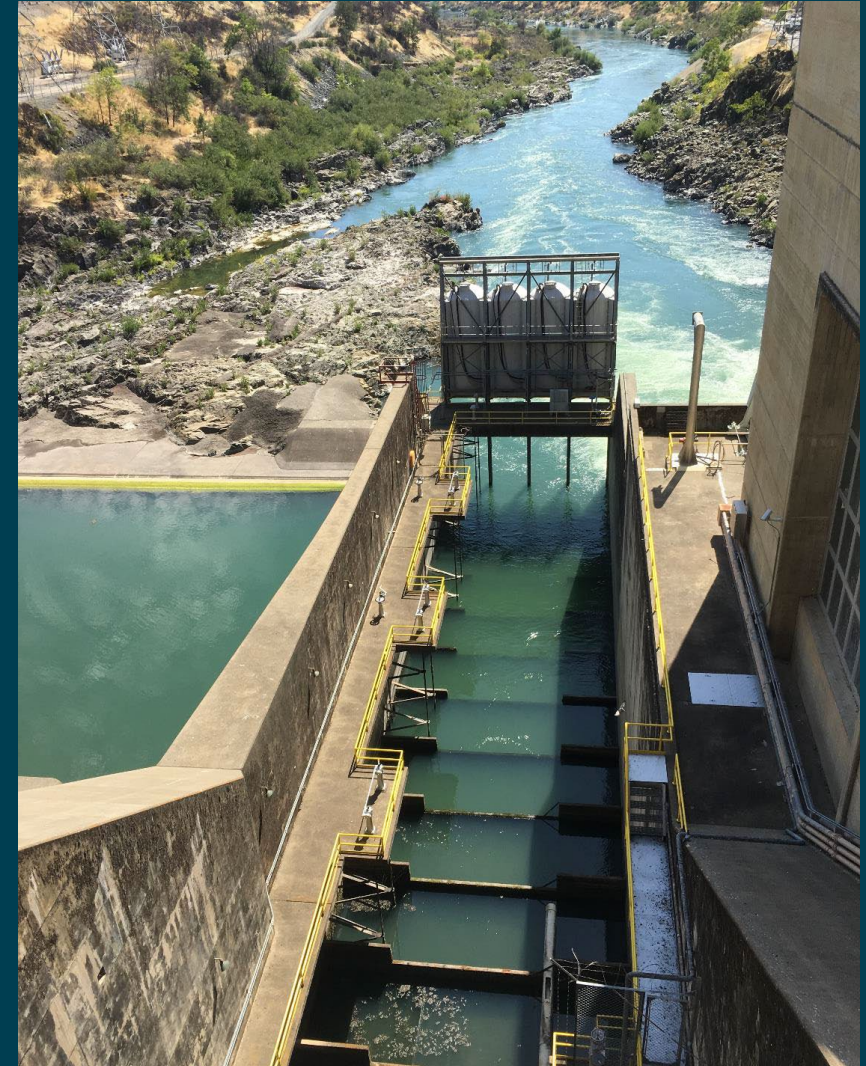
Anticipated

Estimated proportion of redds dewatered

Sacramento Juvenile stranding analysis-

Anticipated

Estimated proportion of juveniles stranded





— BUREAU OF —
RECLAMATION

App. L- Shasta CWP Mgt.

Major Comments/Resolution

- Reviewed and updated Central Valley temperature criteria for ESA and other aquatic species



— BUREAU OF —
RECLAMATION

App. M- Folsom Flow & Temp.

American River spawning WUA-

Anticipated

Estimated area available

American River temperature analysis-

Anticipated

Frequency of temperature criteria met

American River salmonid redd dewatering-

Anticipated

Estimated proportion of redds dewatered





— BUREAU OF —
RECLAMATION

App. N- Stanislaus SRP

Stanislaus River temperature analysis- Anticipated

Frequency of Temperature Criteria Met

Major Comments/Resolution

- Considering adding a WUA rearing and spawning analysis, based on availability.



— BUREAU OF —
RECLAMATION

App. O- Tributary Habitat

SIT DSM habitat modeling

Drafted

Estimated area available

Clear Creek WUA for spawning and rearing

Anticipated

Estimated area available

Clear Creek Temp Analysis- Anticipated

Frequency of Temperature Criteria Met





— BUREAU OF —
RECLAMATION

App. P- Delta Habitat

No quantitative lines of evidence

Major Comments/Resolution

- Added literature regarding Delta habitat and contaminants, lower trophic food web, clams, and predation





— BUREAU OF —
RECLAMATION

App. Q- Georgiana Barrier

No quantitative lines of evidence

Major Comments/Resolution

- Reviewing and adding relevant DWR barrier effectiveness modeling, monitoring study plan, and performance measures



— BUREAU OF —
RECLAMATION

App. U-Monitoring

No quantitative lines of evidence

Major Comments/Resolution

- Reviewed and included some ITP monitoring (i.e. FRP, Yolo Bypass monitoring projects)



— BUREAU OF —
RECLAMATION

Lifecycle Analyses

IOS- Anticipated

pop'n growth rate, abundance and production trends

OBAN- Anticipated

pop'n growth rate, abundance and production trends

SIT Winter-run and Spring run LCA- In progress

pop'n growth rate, abundance and production trends

Delta smelt LCM-E- Drafted

pop'n growth rate



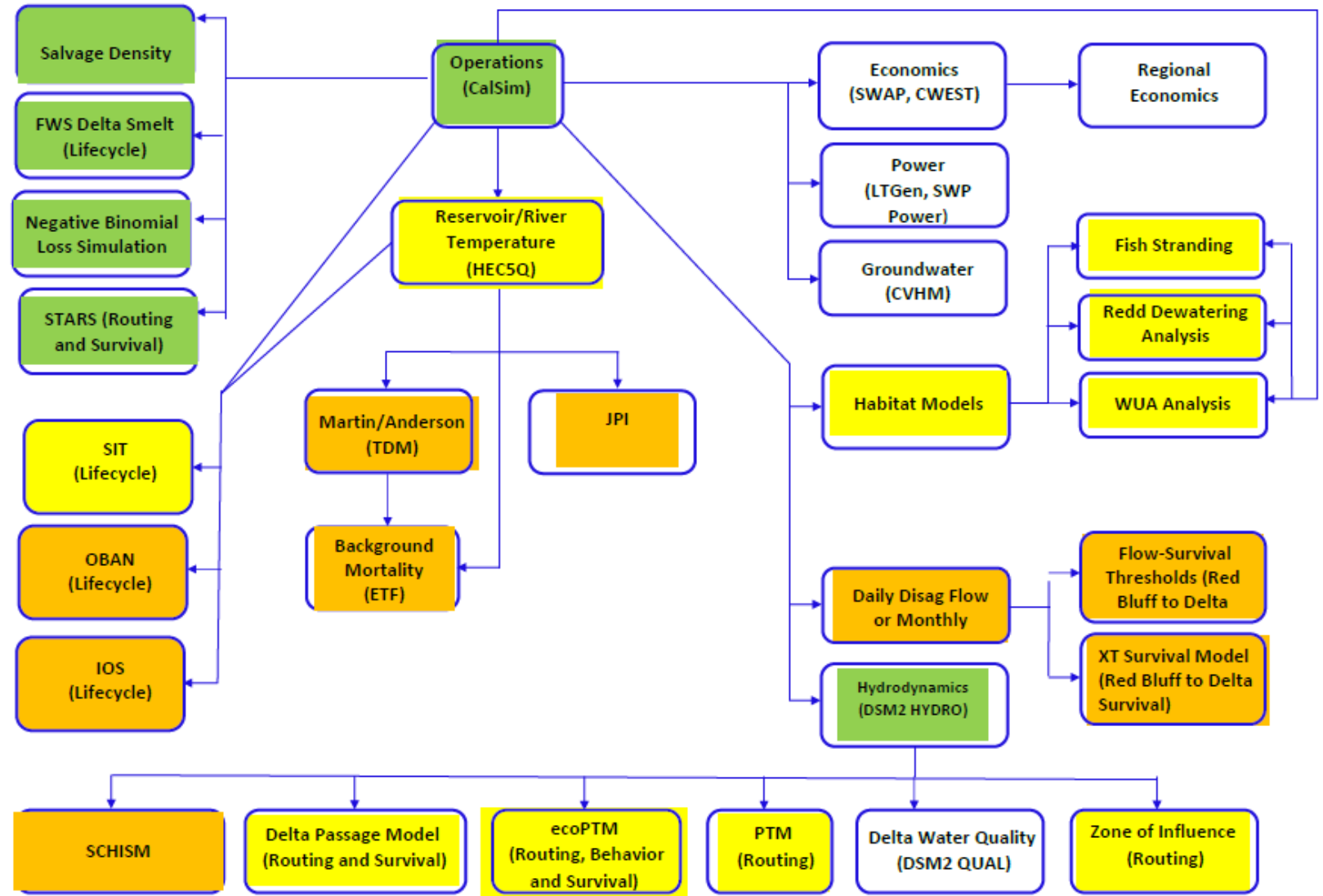
BUREAU OF RECLAMATION

Drafted

In progress

Anticipated

DRAFT – SUBJECT TO REVISION



Coordination and Remaining Schedule

- Cooperating Agency Draft Environmental Impact Statement
- Public Draft EIS and Final Biological Assessments
- Record of Decision





— BUREAU OF —
RECLAMATION

Thank you





**San Luis & Delta-Mendota Water Authority
Monday, November 6, 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/81142535610?pwd=aGFScQmx3Wkkra0hqUTBWOWFDNjRPQT09>

Meeting ID: 811 4253 5610

Passcode: 075402

One tap mobile

+16694449171,,81142535610#,,,,*075402# US

+16699006833,,81142535610#,,,,*075402# US (San Jose)

Dial by your location

• +1 669 444 9171 US

• +1 669 900 6833 US (San Jose)

Find your local number: <https://us02web.zoom.us/u/kdXBwloTfm>

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 September 11, 2023 Meeting Minutes**
5. **Finance & Administration Committee to Consider Recommendation to Board of Directors to Accept the Treasurer's Report for the Quarter Ending September 30, 2023, Tarka**
6. **Finance & Administration Committee to Consider Recommendation to Board of Directors to Adopt Resolution Authorizing Application for Extended Repayment and Funding in the Amount of up to \$873.1M from the Aging Infrastructure Account in Fiscal Year 2024 for Extraordinary Maintenance Work on O'Neill Pumping-Generating Plant and the Delta-Mendota Canal, Arroyave**
7. **Finance & Administration Committee to Consider Recommendation to Board of Directors Regarding Emergency Reserve Fund Expenditure Repayment, Arroyave**
8. **Finance & Administration Committee to Consider Recommendation to Board of Directors to Approve the Proposed Fiscal Year 2025 OM&R Budget, including Routine OM&R and Extraordinary OM&R/Capital Improvement Project Budgets, Arroyave**

REPORT ITEMS

9. FY24 Activity Agreements Budget to Actual Report through 9/30/23
10. FY24 O&M Budget to Actual Report through 9/30/23
11. Procurement Activity Reports
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)
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 FINANCE & ADMINISTRATION COMMITTEE REGULAR MEETING-SPECIAL
BOARD OF DIRECTORS WORKSHOP
MINUTES FOR SEPTEMBER 11, 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

Division 2

Justin Diener, Member

Division 3

Chris White, Member - Jarrett Martin, Alternate

Division 4

Joyce Machado, Member - Dana Jacobson, Alternate

Division 5

Absent

Friant Water Authority

Wilson Orvis, Alternate for Jason Phillips

Board of Directors Present

Division 1

Anthea Hansen, Director

Division 2

Justin Diener, Alternate

William Bourdeau, Vice-Chair/Director

Division 3

Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Chair/Director

Division 4

Steve Wittry, Director
Joyce Machado, Alternate

Division 5

Absent

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
Lauren Viers, Accountant III
Jaime McNeill, Engineering Manager
Stewart Davis, IT Officer

Others in Attendance

Vince Gin, Valley Water
Bobbie Ormonde, Westlands Water District (ZOOM)

1. Call to Order/Roll Call

Chair Anthea Hansen called the meeting to order at approximately 12:00 p.m. and roll was called.

2. Additions or Corrections to the Agenda

No additions or corrections.

3. Opportunity for Public Comment

No public comment.

4. Finance & Administration Committee to Consider Approval of the August 7, 2023 Meeting Minutes.

Chair Anthea Hansen deemed the August 7, 2023 minutes approved without correction.

5. Finance & Administration Committee to Consider Recommendation to Board of Directors to Authorize Award of Contract, Execution of Construction Agreement for O'Neill Pumping-Generating Plant Water Storage Tank Rehabilitation, and Expenditure of up to \$220,000 from the FY 2024 EO&M Budget; CEQA Exemption.

Chief Operating Officer Pablo Arroyave introduced the item, and reviewed the memo included in the packet. Arroyave then referred to Engineering Manager Jaime McNeill who provided further background on the project. McNeill noted that the project was originally intended to be completed in-house but the Authority does not currently have the resources to do so. McNeill also stated that there is no expected impact to operations during this project.

On a motion of Alternate Member Wilson Orvis, seconded by Member Justin Diener,

the Committee adopted a recommendation for award of contract, execution of construction agreement for O'Neill Pumping-Generating Plant water storage tank rehabilitation, and expenditure of up to \$220,000 from the FY 2024 EO&M Budget and CEQA Exemption. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, Diener, White, Machado, Orvis
NAYS:	None
ABSTENTIONS:	None

REPORT ITEMS

6. FY23 Activity Agreements Budget to Actual Report through 7/31/2023

Director of Finance Raymond Tarka presented the Budget to Actual Report through July 31, 2023 for the Activity Agreement funds. Tarka stated that for the five-month period, the budget was trending positive overall with actual spending through July 31, 2023 at 27.17% of the approved budget.

7. FY23 O&M Budget to Actual Report through 7/31/23

Director of Finance Raymond Tarka reported that for WY23, the self-funded routine O&M expenses through June 30, 2023 were over budget by \$90,505. This is mainly due to additional operating costs at the Intertie and the Lower Pool. The water year 2022 final accountings, fiscal year 2023 audit, and the Intertie OM&R true-up remain outstanding.

8. Procurement Activity Report

Director of Finance Raymond Tarka presented the procurement activity report for the period of August 1st through August 31st. On August 15th, the Authority awarded a contract to Talley Oil, Inc. for DMC road maintenance chip seal. The contract amount was \$310,230 and the funding source is the EO&M budget. One contract change order was issued on August 4th to Terracon Consultants, Inc. in the amount of \$173,527.80 for DMC Subsidence Mitigation Geotechnical Exploration.

9. Executive Director's Report

Executive Director Federico Barajas provided updates to the committee.

- a. O&M Budget – Barajas stated the O&M budget process is underway, with the Authority planning the first O&M technical committee meeting for October.
- b. Yuba Tour – Barajas stated that the Authority will be providing a tour for the Yuba

Water Agency to show the importance of their water transfers and how they benefit Authority member water users.

10. Committee Member Reports

No reports.

11. Reports Pursuant to Government Code Sec 54954.2

No reports.

12. Adjournment.

The meeting was adjourned at approximately 12:26 p.m.



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: NOVEMBER 6, 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 advancing farm bill ideas with Western Senators and committee staff, following up on action items generated by our late September fly-in to DC, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

POLITICO Weekly Agriculture this morning reported that a new poll from *The New York Times* and Siena College showed President Biden losing to former President Donald Trump in key swing states— [including those that the administration is blitzing](#) to tout the president’s rural achievements. The poll did not include Minnesota, where the president kicked off the rural tour last week. But it did include Wisconsin, Michigan and Arizona — battlegrounds that key officials are visiting. President Biden was trailing Trump in Michigan and Arizona, while holding a slight lead in Wisconsin. The administration is quick to tout the tens of billions of dollars it has spent on rural communities. The NYT/Siena poll casts doubt on whether that strategy is working.

1. Daniel-Davis Named as Replacement for Boudreau as Deputy Secretary

Laura Daniel-Davis, currently principal deputy assistant secretary for lands and mineral management at the Department of Interior (DOI), has been named as former Deputy Secretary Tommy Beaudreau’s replacement. Daniel-Davis did her first stint at the Interior Department during the Clinton administration in 1993 as an aide to then-Secretary Bruce Babbitt. She served

as chief of staff to then-Interior secretaries Ken Salazar and Sally Jewell during the Obama administration before working in senior roles at National Wildlife Federation. Daniel-Davis has been a key player in President Biden's Interior Department since the start of his administration. Biden [announced her appointment](#) as principal deputy assistant secretary for land and minerals management on Jan. 20, 2021, the day he was sworn in. She had her nomination to join the administration as Interior's assistant secretary for lands and minerals management stalled earlier this year after Senator Joe Manchin (D-WV) pulled his support. Her allies broadly expressed their support last week, even as some [lawmakers criticized the Biden administration](#) for appointing her to one top job after she failed to win confirmation for another.

2. DOI, Bureau of Reclamation (Reclamation)

a. Stakeholder Workshop

A small group of Alliance members last month participated in Reclamation's Tribal and Stakeholder workshop at Reclamation's Technical Services Center near Denver. I attended the first day of the workshop, and Alliance member Craig Simpson (WASHINGTON) provided me with a quick summary of how the second day went, where the attendance was way down, due in part to one of the Reclamation presenters testing positive for COVID on Day 1. Here's a list of the topics that Reclamation covered: 1) Aging Infrastructure Account; 2) Implementation of the Inflation Reduction Act (IRA); 3) Water Resource Planning Activities; 4) Climate Change Adaptation Strategy; 5) WaterSMART; and 6) Tribal Initiatives. Reclamation's presentations are now available at <https://www.usbr.gov/stakeholders/>, so I won't go into a ton of details about every workshop session.

b. Reclamation Leadership Conference

We continue to work with a subset of Reclamation leadership, led by the Commissioner's office, to find ways to make the WaterSMART program more efficient and responsive to water user concerns. Also, I've been invited to participate in a panel discussion on November 15 at the Reclamation Leadership Conference in Austin (TEXAS). I'll participate in this virtual forum on a panel chaired by Governor Stephen Lewis (Gila River Indian Community) along with Kyle Arthur (Central Oklahoma Master Conservancy District), John Entsminger (Southern Nevada Water Authority), Leslie James (Colorado River Energy Distributors Association), Gene Shawcroft (Colorado River Authority of Utah), and April Snell (Oregon Water Resources Congress). There will be 200 upper-level Reclamation managers there, and the panel is intended to provide perspectives on what is working at Reclamation and what is not.

c. NOFO Announcement for Small-Scale Water Efficiency Projects

Reclamation has released a WaterSMART Notice of Funding Opportunity (NOFO) Announcement for the Small-Scale Water Efficiency Projects to complete on-the-ground small-

scale water efficiency upgrades supported by previous planning efforts. Projects eligible for funding include installation of flow measurement or automation in a specific part of a water delivery system, lining or piping a section of a canal to address seepage, municipal meters, landscape efficiencies, or other similar projects. Eligible applicants include, as Category A applicants: States, Tribes, irrigation districts, water districts, and other organizations with water or power delivery authority. Category B applicants are eligible so long as they partner with a Category A applicant. Applicants may request up to \$100,000 for projects to be completed within two years. A 50% non-federal cost share is required. This funding includes four application periods. Application will be due each January and July through July 2025. The funding opportunity is available on [grants.gov](https://www.grants.gov) by searching for opportunity number R24AS00059. **The first application period closes on Tuesday, January 16, 2024.** Learn more about the Small-Scale Water Efficiency Projects program at <https://www.usbr.gov/watersmart/swep/index.html>

2. DOI, Fish and Wildlife Service (FWS)

a. \$36 million for Fish Passage Projects

FWS last month announced the availability of up to \$36 million for fish passage projects across the nation that address outdated, unsafe or obsolete dams, culverts, levees and other barriers fragmenting our nation's rivers and streams. Projects will be part of a five-year, \$200 million BIL investment to restore aquatic ecosystems. An inter-agency task force is supporting an efficient and collaborative approach to investing a total of \$2 billion in fish passage projects under the BIL across the Departments of the Interior, Transportation, Agriculture, and Commerce. These projects and funding opportunities are available at the recently updated [Fish Passage Portal](#). Interested parties should submit a Letter of Interest to the [appropriate National Fish Passage Program regional coordinator](#), via email, by Nov.17, 2023. More information, including a list of National Fish Passage regional coordinators, may be found at [Grants.Gov](#) or by visiting the [National Fish Passage Program's informational website](#).

b. Pond Turtle Proposed ESA Listing

FWS has proposed to list the northwestern pond turtle, a species from Washington, Oregon, Nevada, and northern and central California, and the southwestern pond turtle, a species from central and southern California and Baja California, Mexico, as threatened species under the Endangered Species Act (ESA). The western pond turtle is now recognized by FWS as two separate species (northwestern pond turtle and southwestern pond turtle). If FWS finalizes this rule as proposed, it would add the northwestern pond turtle and southwestern pond turtle to the List of Endangered and Threatened Wildlife and extend ESA protections to the two species. FWS also concludes that the designation of critical habitat for the northwestern pond turtle and southwestern pond turtle is not determinable at this time. FWS will accept comments received or postmarked on or before December 4, 2023.

I've discussed this matter with some of our members and also Western state farm bureau offices. Apparently, there are many voluntary and regulatory mechanisms at both the federal and state levels already happening. Importantly, irrigation ditches are included in their aquatic habitat in addition to naturally occurring water bodies. Habitat loss due to a lack of connectivity or fragmentation is a theme with urbanization and agriculture named as the impetus for land use changes. In these areas, the [Federal Register Notice](#) states that "upland land conversion and draining of the extensive wetlands or channeling of streams have resulted in the decline and extirpation of many populations and left the remaining western pond turtle populations within these areas disjunct, scattered, and isolated from each other with little upland habitat available for nesting." It also states that these areas include additional impacts associated with human activity (recreation, roads, contaminants). The FR Notice does acknowledge the reduced resiliency of dry forests and the threats wildfire can bring to the species.

The 4(d) rule includes forest or wildland management activities, habitat restoration activities, nonnative bullfrog removal, and routine management and maintenance of livestock ponds. There are some good inclusions here, but it would be good for us to think of suggestions to expand the 4(d) provisions, if needed. We'll likely work on coordinating a comment letter with our members and allies in agriculture, such as the California Farm Bureau Federation.

DEVELOPMENTS IN CONGRESS

After 22 days without a Speaker of the House, Rep. Mike Johnson (R-LA) won the election last month by a vote of 220-209. Rep. Johnson began his Speakership by saying his "first priority" is avoiding a government shutdown. In doing so, the House Leadership canceled the Chamber's originally scheduled two-week recess. Speaker Kevin McCarthy (R-Calif.) was ousted as Speaker of the House one month ago. His Speakership lasted only nine months and ended after fellow Republican Rep. Matt Gaetz (R-Fla.) filed a motion to vacate the Speaker. Rep. Gaetz's move led to the removal of McCarthy as the vote passed 216-210 when eight Republicans joined all Democrats to remove the Speaker. Following the removal of Speaker McCarthy, Rep. Patrick McHenry was selected as Speaker pro tempore until a new Speaker was elected – over three weeks later. House Republicans – after multiple rounds of voting for a plethora of potential leadership candidates, finally elected Rep. Johnson to serve as the 56th Speaker of the House.

3. New Speaker of the House

Speaker Johnson said he wants to restore people's faith in the House. The new Speaker is a relative unknown to many in the Western U.S., but he is a member of the Congressional Western Caucus, whose chairman Rep. Dan Newhouse (R-WASHINGTON) issued a public statement congratulating the new Speaker on the election. According to a recent article in *GREENWIRE*, House Speaker Mike Johnson is wary of "unelected bureaucrats," federal regulations and government bans on gas stoves. He has long pushed to limit agencies' regulatory powers and boost domestic energy production. Speaker Johnson has been broadly critical of government rules since he joined the House. He praised then-President Donald Trump's effort to overhaul how the federal

government reviews infrastructure projects under the National Environmental Policy Act (NEPA). Speaker Johnson introduced legislation in 2020 that would limit the Interior Department's authority to designate species' critical habitats.

4. Implications of Drawn-out Speaker Election

With no Speaker of the House for over three weeks, the House of Representatives could not pass any legislation. The November 17 deadline established in the 45-day Continuing Resolution (CR) Congress passed is now less than two weeks away, making time limited for Congress to resolve differences and pass long-term government spending. The Farm Bill, Federal Aviation Administration, and National Flood Insurance Program reauthorizations are all legislative items that Congress must act on. Following an attack last month on Israel, members from both sides also spoke of an urgency to assist Israel. The House has passed six funding bills so far, leaving six appropriations bills for FY 2024 to pass before November 17. Rep. Andy Harris (R-MD), the chair of the subcommittee that crafted the House GOP's annual agriculture funding bill, is casting doubt on the legislation's chances of passage this month amid divisions on abortion and spending. If Congress cannot pass all 12 bills by the 17th, the Speaker is on record saying he will aim to pass a CR funding the government through January 15, 2024.

5. House Passes Interior, Environment Appropriations Bill

Last week, the House passed H.R. 4821: The Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2024. The bill provides \$56.9B in discretionary spending, including \$32.5B in defense spending, an increase of \$1.1B; and \$24.4B in non-defense spending, a decrease of \$857M which is \$2.6B below the President's Budget Request. The bill also rescinds \$5.6B from the IRA). Western Caucus priorities are featured throughout this bill, including provisions to block the Bureau of Land Management's "Landscape and Conservation Health" proposed rule, expand American resource production, protect American landowners' rights by repealing the Administration's onerous WOTUS rule, and blocking regulations under the Endangered Species Act (ESA). The Office of Management and Budget (OMB) issued a statement that the President would veto H.R. 4394 if he were presented with it.

6. Fate of the 2023 Farm Bill

House Speaker Johnson is laying out an ambitious floor schedule that calls for the chamber to vote on a new farm bill in December. In a dear colleague letter sent late last month, Speaker Johnson said he would aim to pass the House's farm bill version in December, though that timeline appeared to rely on lawmakers quickly passing remaining appropriations bills, including the currently-stalled agriculture funding bill (*POLITICO Pro*, 10/25/23). There's a lot happening on the Farm Bill right now, and its fate is tied up in a lot of bigger picture politics.

Senator Stabenow (D-MI), the Chair of the Senate Ag Committee recently made a floor speech, and for the first time, suggested that Congress look at a one-year extension of the current farm bill,

to September 30, 2024. All four ag corners are now in agreement that an extension of the 2018 bill will be needed this fall, but none of them are giving up on a farm bill this Congress. Senator Stabenow, Senator John Boozman (R-Ark.), and Reps. GT Thompson (R-PA) and David Scott (D-Ga.) have all now called for an extension. The farm bill expired on September 30, but some provisions were extended in the current CR. A one-year farm bill extension would provide the Congress with some breathing room toward a five-year farm bill reauthorization in early 2024 and give growers and agriculture programs certainty.

a. Family Farm Alliance Engagement on Farm Bill

We have been working with members of the Western Agriculture and Conservation Coalition to advance Farm Bill legislative concepts with Congress that are intended to better streamline the implementation of the NRCS Regional Conservation Partnership Program and the PL-566 program (*see below*).

b. Climate Smart Agricultural Practices

The Alliance has also been working with the executive branch, advocating for flexibility as the NRCS seeks to implement over \$20 billion of “climate smart” agricultural practices granted by last year’s passage of the IRA by Congress. The Alliance, along with 19 other water user groups, Western state farm bureaus, and other ag and conservation organizations, sent a letter to USDA late last year asking that a variety of irrigation modernization and forest fuel control measures be added to the list of “climate smart” practices that are eligible for the \$20 billion. We learned some good news last month. NRCS has now added “irrigation pipelines”, “irrigation systems”, “sprinkler systems” and “pumping plants”, “brush management”, “prescribed burning”, “fuel breaks” to the climate smart list.

7. Important PL-566 Amendment Passes Key Senate Vote

As you know, we’ve been working on a variety of fronts to advance legislation that would allow more USDA dollars to be spent in the West on PL-566 (Small Watershed Program) projects that provide multi-benefits, such as irrigation modernization projects. A small group of us have been working with Senator Jeff Merkley’s office on an appropriations amendment towards that end. Senator Merkley (D-OREGON) and Senator Mike Crapo (R-IDAHO) last month announced their bipartisan amendment to significantly boost investments for multi-benefit projects under the Watershed and Flood Prevention Operations (WFPO) program, including watershed improvements and irrigation modernization projects, passed the full Senate. Clearing this key hurdle means the amendment will be included in the FY24 Senate Agriculture, Rural Development, Food and Drug Administration, and Related Agencies funding bill, which is poised to pass the full Senate soon. The WFPO program, also known as the PL-566 program, has become a vital tool to mitigate the effects of severe drought conditions harming farmers, ranchers, and wildlife, especially in Western states. Originally, \$10 million was set-aside in the FY24 Senate Agriculture funding bill for multi-benefit projects under the PL-566 program,

but Sens. Merkley and Crapo's amendment doubled the funding to \$20 million for these efforts.

The bipartisan amendment is cosponsored by fellow Western state Senators Ron Wyden (D-OREGON), Jon Tester (D-MONTANA), Steve Daines (R-MONTANA), and Michael Bennet (D-COLORADO). This amendment is supported by the Family Farm Alliance, Farmers Conservation Alliance, Trout Unlimited, and the Western Agriculture and Conservation Coalition, something that was noted in Senator Merkley's press release, which also included quotes from several Alliance members and yours truly.

8. ESA Bills Considered at House Legislative Hearing

The House Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries (WWF) last month held a legislative hearing on several bills that prosed reforms to the ESA. The following bills were included in the hearing:

- H.R. 520, introduced by U.S. Rep. Tom McClintock (R-CA), would amend the ESA by requiring the Secretaries of the Interior and Commerce to not distinguish between naturally propagated (born in the wild) and artificially propagated (born through artificial means) species.
- H.R. 5103, the Fishery Improvement to Streamline Untimely Regulatory Hurdles Post Emergency Situation Act, introduced by U.S. Rep. Byron Donalds (R-FL), would create timelines for the Office of Management and Budget to review fishery disaster requests.
- H.R. 5504, introduced by U.S. Rep. Dan Newhouse (R-WA), would require the withdrawal of three Biden administration rulemakings that remove vital regulatory certainty for stakeholders, which were proposed on June 22, 2023, dealing with the implementation of the ESA.
- H.R. 5874, the Transboundary Aquifer Assessment Program Act, introduced by U.S. Rep. Juan Ciscomani (R-AZ), would reauthorize appropriations for the United States-Mexico Transboundary Aquifer Assessment Act, which helps assess pressing water resource challenges along the U.S.-Mexico border.
- H.R. __, introduced by U.S. Rep. Garret Graves (R-LA), gives the National Oceanic and Atmospheric Administration (NOAA) additional time to conduct studies and utilize the best available science on Rice's whales and to engage with the regulated community when updating documents for the Gulf of Mexico oil and gas program.
- H.R. 2990, the National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act of 2023, introduced by U.S. Rep. Suzanne Bonamici (D-OR), expands coverage of NOAA's Sexual Harassment Prevention and Response Policy to include observers and voting members and staff of regional fishery management councils.
- H.R. 5509, the Electronic Permitting Modernization Act, introduced by U.S. Rep. Katie Porter (D-CA), would require the Secretary of the Interior to create and use an electronic system to accept and process applications for permits, forms and other paperwork.

H.R. 5504 requires the withdrawal of three proposed ESA rules issued by the Biden administration. The Alliance and other organizations representing individuals and businesses impacted by federal agency implementation of the ESA submitted formal comments expressing concerns to the Services on the proposed rule. All three proposed rules essentially roll back rules from the previous administration that our organization strongly supported. We maintain the position of support that we placed behind the substance and process used to finalize the 2020 ESA rules that have been rescinded and rewritten. On May 11, 2023, the Senate passed a Congressional Review Act resolution introduced by Senator Lummis that would overturn the Biden administration’s ESA rule related to critical habitat. The CRA is awaiting consideration in the House.

9. Rep. Simpson Introduces Urban Canal Bill

Rep. Mike Simpson (R-IDAHO) last month introduced the Urban Canal Modernization Act (H.R. 6017). This legislation – supported by the Alliance - allows Reclamation to authorize a 35% non-reimbursable cost share to help repair and rehabilitate “urban canals of concern,” canals through urban areas that would cause significant property damage or possible loss of life if the canal were to fail. Many western canals, including the New York Canal in Boise, are considered urban canals of concern and need repairs. The Urban Canal Modernization Act has support from Rep. Russ Fulcher (R-IDAHO) and Rep. Dan Newhouse (R-WASHINGTON) in the House. Extensive urban growth around irrigation canals has created new challenges for water managers throughout the west. Whereas these canals historically crossed through farm fields and other open areas, they are now surrounded by housing developments, parks, schools, shopping centers, and other development. The increase in development has resulted in many such canals being designated as urban canals of concern. Importantly, the challenges, and associated significant increase in costs for maintenance, were not anticipated when the canals were constructed. The Alliance is on record for supporting the House bill and the Senate companion - S.2160 from Sen. Jim Risch (R-IDAHO).

10. Post-Sackett Engagement on Capitol Hill

On September 8, the Corps of Engineers and the U.S. Environmental Protection Agency (EPA) published a new Revised Definition of “Waters of the U.S. (WOTUS) to conform with the Supreme Court ruling in *Sackett*. Republicans believe the modified Biden WOTUS rule is still too broad and vow to challenge it again under the Congressional Review Act (CRA) as they did earlier this Congress. In April, President Biden vetoed that bipartisan CRA resolution striking down the WOTUS rule. Congress failed to override that veto. The *Sackett* decision took away the “significant nexus” test for jurisdictional waters as WOTUS created in Justice Anthony Kennedy’s plurality opinion in *Rappanos*, replacing it with the “relatively permanent” surface water connection test from Justice Antonin Scalia’s opinion in the same case. This change takes most ephemeral, intermittent, and isolated water bodies and wetlands out of CWA jurisdiction. Both Democrats and Republicans on Capitol Hill have strong feelings on the decision.

a. House Dems Push Legislation to Restore Post-*Sackett* CWA Protections

More than 100 House Democrats have unveiled the "Clean Water Act of 2023" to restore what Clean Water Act (CWA) protections they believe were lost in the Supreme Court's decision in *Sackett v. EPA*. The controversial court ruling has Senate Democrats fuming over what they perceive as backsliding on clean water protections, while Republicans celebrate the ruling as a reining in federal overregulation of the nation's water and land resources. Under the new legislation, Congress would clarify the scope of "protected water resources" under the original CWA with the intent of mitigating *Sackett's* impact. The effort is led by Transportation and Infrastructure (T&I) ranking member Rick Larsen (D-WASHINGTON), T&I Subcommittee on Water Resources and Environment ranking member Grace Napolitano (D-CALIFORNIA) and Reps. Don Beyer (D-VA) and Melanie Stansbury (D-NEW MEXICO). Litigious environmental groups were also, for the most part, supportive of the legislation, although some believe it doesn't go far enough. The bill is unlikely to get any traction in the current Congress. Republicans, who control the House, celebrated the Supreme Court ruling and said the Biden Administration's hastily revised WOTUS rule doesn't follow it closely enough.

b. Senate EPW Committee Reviews *Sackett* Impacts

In the Senate, the Environment and Public Works (EPW) Committee held a hearing on October 18 on *Sackett's* impact on CWA enforcement. Senate Republicans are expecting further Supreme Court litigation over the definition of WOTUS as a result of what they charge is the Biden administration's failure to adequately align its rulemakings with the court's direction in *Sackett v. EPA*. On October 10, the U.S. District Court for North Dakota lifted the stay of litigation in *West Virginia et al. v. EPA*. The case was filed by a coalition of 24 states, originally requesting that the court vacate the Revised Definition of WOTUS Rule issued in January 2023. The court issued a preliminary injunction on April 12, staying the implementation of the January 2023 WOTUS Rule in the plaintiff states. The Alliance was part of an "agriculture" *amicus* brief in support of the *Sacketts* that was submitted to the Supreme Court last year. The district court ordered a deadline of November 13 for the States to amend their complaint to challenge the September 2023 WOTUS Rule. The deadline for federal agencies and intervenor defendants to file answers is December 13.

11. Padilla, Sinema Fill Important Committee Slots Left with Loss of Senator Feinstein

Following the late California Sen. Dianne Feinstein's death last month, Senate Democrats announced that Sen. Alex Padilla (D-CALIFORNIA) will join the Energy and Natural Resources (ENR) Committee, Sen. Kyrsten Sinema (I-ARIZONA) will join Senate Appropriations and Sen. Laphonza Butler (D-CALIFORNIA) will join Senate Judiciary. Sen. Butler is also getting tapped for Banking, Housing and Urban Affairs, Homeland Security and Governmental Affairs and Rules and Administration. Sen. Feinstein (D-CA) was Chair of the Energy and Water (E&W) Development Appropriations Subcommittee funding the Department of Energy, the Army Corps of Engineers, and Reclamation, among other things. Sen. Patty Murray (D-WA), who is currently Chair of the Senate Appropriations Committee, announced that she will take over the gavel of

E&W for the remainder of this Congress.

Senators Murray and Sinema have been very responsive to the needs of their agricultural constituents on water issues. It's encouraging to have Western representation like this on the Senate Appropriations Committee. We also look forward to working closely with Senator Padilla in his new role on the ENR Committee, which is one of the most important committees we work with, since it has jurisdiction over Reclamation, Western water matters, and forestry, the issues that are most important to our organization. We're grateful for the constructive relationship we have with Senator Padilla and his staff and look forward to more opportunities to work with him in this important committee assignment.

IN THE COURTS

12. *Yurok Tribe v. Klamath Water Users Association*

The Alliance last month signed on to a “friend of the court” (*amicus*) brief in support of Klamath Basin farmers’ legal arguments to have their water rights recognized in the continuing tension over Reclamation’s release of water for ESA compliance for its operations of the Klamath Project, which straddles the California-Oregon state line. The Alliance board of directors in August authorized joining an amicus brief in *Yurok Tribe, et al. v. Klamath Water User Association, et al.*, in support of the Klamath Water Users Association (KWUA). The case is currently on appeal to the 9th Circuit Court of Appeals.

KWUA in October filed opening briefs in their respective appeals to the Ninth Circuit Court of Appeals of the February 8, 2023 ruling of the U.S. District Court (Judge Orrick) in the *Yurok* litigation. Broadly, KWUA’s principal arguments on appeal are twofold. KWUA argues that Reclamation lacks discretion to curtail Project deliveries in order to benefit ESA-listed species. The organization also posits that the ESA does not preempt the application of state water law to Reclamation. The *amicus* brief signed on to by the Alliance backs this assertion, and notes that, while neither courts nor federal agencies can create more water, they can ensure the predictable and equitable allocation of existing water resources by applying the law consistently. This includes rigorously interpreting Reclamation’s federal statutory authorities to enforce the agency’s congressional mandate to follow state water law and interpreting Reclamation’s contracts to hold the federal government to its contractual commitments. The Alliance joined the brief prepared by the Oregon Water Resources Congress that also includes National Water Resources Association, Agribusiness and Water Council of Arizona, Idaho Water Users Association, Oregon Farm Bureau Federation, and Washington State Water Resources Association. The *amicus* brief is well done and has a strong consistent message that reads well. Two other amicus briefs in support of KWUA were submitted by California farm and water interests, and California and Oregon counties impacted by Klamath Project operations.

ALLIANCE INITIATIVES

13. Colorado River Initiative

DOI last month announced next steps in the formal process to develop future operating guidelines and strategies to protect the stability and sustainability of the Colorado River system. Reclamation published the Proposed Federal Action and a Scoping Summary Report related to Colorado River Basin operations post-2026. The Scoping Report, which was supported by a 60-day public scoping period, will inform the post-2026 operating guidelines. The guidelines under development would be implemented in 2027, replacing the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead, which are set to expire at the end of 2026. Reclamation last month also released a revised draft Supplemental Environmental Impact Statement (SEIS), intended to inform Reclamation's ongoing efforts to set interim guidelines through the end of 2026.

The Alliance has members in each of the 7 Colorado River Basin states, where individual perspectives clearly demonstrate the amazing diversity in views on Colorado River policy matters. Within the Basin, all of the various water users' perspectives are shaped by where they are in the system. It depends on whether they are in the Upper or Lower Basin, within or outside of the natural hydrologic basin boundaries, in which state, and the priority of their use within their state. Despite the diversity of Colorado River policy opinions within our membership, the Alliance board of directors in 2015 and again in 2022 adopted principles and recommendations intended to guide state and federal decision-makers as they negotiate a long-term operating agreement on the Colorado River. The 2022 policy paper – which has also been adopted by several water agencies served by the Colorado River – has as its top principle the need to “recognize that Western irrigated agriculture is a strategic and irreplaceable national resource”.

a. IVH2O Event

Alliance Director Steve Benson (CALIFORNIA) was recently named as the incoming chairman by IVH2O, an organization that represents the interests of Imperial Valley landowners on Colorado River issues. The first event he hosted as IVH2O Chairman on October 26 focused on the post-2026 guidelines. The Colorado River update took place on October 26 at Pioneers' Museum in Imperial. Speakers included JB Hamby, Chairman of the Colorado River Board of California and IID Board Vice President, Tina Shields, IID Water Manager, and a member of the Alliance Advisory Committee, and Mark Limbaugh. Mark previously served as IID's federal lobbyist and provided a regional and Washington D.C. perspective on Colorado River politics. He was with the George W Bush Administration when the 2006 Interim Operating Guidelines were negotiated and explained how that agreement was reached, and what we might expect this time around.

b. Rotary Club Colorado River Project

In the past year, Alliance Directors Pat O’Toole and Steve Benson were interviewed for a documentary film on the Colorado River developed by the University of Colorado and Rotary. Of course, I’m biased, but I personally believe that the comments made by Pat and Steve were the most impactful statements about the Basin and its needs in the future. The Alliance last month committed to support a unique project co-sponsored by Rotary, the University of Colorado, Boulder and the Colorado Water Center at Colorado State University. The goal is to provide information on what the Colorado River Compact is and how, as community leaders, Rotary members can become involved in both the current emergency allocation process and future negotiations for the 2026 revised operating guidelines on the Colorado River. The video came out great and project leaders soon want to distribute it to the Rotary Clubs in the 7-Basin states for viewing. Family Farm Alliance will be listed as one of the project’s sponsors.

NEWS FROM AROUND THE WEST

All reports suggest that the West will be seeing weather events driven by El Nino in the coming months. On October 12, NOAA’s Climate Prediction Center (CPC) reported that El Niño is expected to continue in the Northern Hemisphere through next spring, with an 80% chance during March-May 2024. Recent CPC observations indicate at least a “strong” event November - January. The CPC noted that strong events only increase chances that some impacts will occur, but do not guarantee strong impacts locally. The NRCS Water and Climate Update on October 12 reported disproportionate amounts of annual precipitation throughout most of the Western U.S. for the past water year 2023. The SNOTEL sites in the Pacific Northwest received some of the lowest annual precipitation amounts on record, while other locations in the intermountain west and southwestern U.S. received near-record high amounts of precipitation for the year.

El Nino is predicted to bring wetter than normal conditions across the southern one-third of the U.S., including a wetter forecast for southern and eastern Colorado into much of Kansas, but increased chances of warmer than normal temperatures across the northern U.S. An El Nino likely will make the Pacific Northwest warmer than normal this winter and cause drought to persist east of the Cascade Range, the National Oceanic and Atmospheric Administration predicted. An El Nino shifts the Pacific jet stream, meaning the northern U.S. will get less cold air than usual from upper Canada and the North Pole. The anticipated strong El Nino is the predominant factor driving the U.S. winter outlook this year. The greatest odds for warmer-than-average conditions are in Alaska, the Pacific Northwest and northern New England.

14. Lower Snake River Dams (IDAHO/WASHINGTON/OREGON)

The Biden administration revealed last week it is near a settlement in the long-running legal battle over the future of 14 controversial dams in the Pacific Northwest and expects to reach agreement in the case by mid-December. In a [joint motion](#) filed in the U.S. District Court for the District of Oregon, the Justice Department (DOJ) asked for six weeks to seek final approval on “a package

of actions and commitments" but did not offer further details on the expected settlement. The lawsuit centers on the 2020 federal plan for hydropower operations on the Snake and Columbia rivers, and the impacts of those facilities on restoring the region's endangered salmon and steelhead. DOJ and the plaintiffs in the case — which include the Nez Perce, Yakama, Warm Springs and Umatilla tribal nations, as well as the National Wildlife Federation and other conservation groups represented by Earthjustice — have sought [repeated delays](#) in the lawsuit since 2021 to allow settlement negotiations to proceed. As previously reported, the Biden administration [detailed a potential settlement](#) that would “develop a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels, honor Federal commitments to Tribal Nations, deliver affordable and reliable clean power, and meet the many resilience needs of stakeholders across the region.”

Plaintiffs claim that removing the dams is the only way to save endangered salmon runs. They brush aside arguments about the value of the electricity generated by the dams and the economic benefits of the shipping the dams facilitate. Idaho's Port of Lewiston, 465 miles from the Pacific Ocean, is the West Coast's most inland port. Agricultural stakeholders say they have no idea what's in the package, including whether it calls for breaching the dams. The Alliance earlier this year sent a letter to Agriculture Secretary Vilsack, urging his engagement on this matter, with an eye towards defending the interests of farmers and ranchers. We'll likely have a panel of experts address this topic at our annual conference next February.

ADMINISTRATIVE & MISCELLANEOUS

- I've had a few recent road trips, with more on the horizon. I delivered the keynote address two weeks ago at the Water Sustainability Summit, hosted by Mauricio Guardado, GM of the United Water Conservation District in Oxnard (CALIFORNIA).
- I'm heading up to Moses Lake (WASHINGTON) next week, where I'm delivering the keynote address at the Columbia Basin Development League annual conference. Later this month, I'm speaking at the annual conferences hosted by Oregon Water Resources Congress in Hood River and the Washington State Water Resources Association in Spokane.

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 541-892-6244 or dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.