

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
LODI, CALIFORNIA

COMMENTS ON CAL-FED STAFF DRAFT
OF THE PROGRAMMATIC EIS/EIR
FOR THE CAL-FED BAY/DELTA PROGRAM

A. IMPORTANT CONCEPTS OF CONCERN

- A1. The Mission Statement calls for development of a long-term plan to restore ecological health and improved water management for beneficial uses in the Bay-Delta System.
- A2. The Primary Objectives include reducing the mismatch between Bay-Delta water supplies and the current and projected beneficial uses dependent on the Bay-Delta System and to provide good water quality for all beneficial uses.
- A3. In the Solution Principals, it is noted that "solutions will focus on solving problems in all problem areas. Improvement for some problems will not be made without corresponding improvements for other problems. Solutions will not solve problems in the Bay-Delta System by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California."

B. GENERAL BACKGROUND

- B1. North San Joaquin Water Conservation District is located in the northern part of San Joaquin County and the following information on the District is provided:

Description. The District comprises approximately 52,700 acres of land, situated in the northern part of the County of San Joaquin, in the State of California, with nearly 3,000 acres thereof lying within the corporate limits of the City of Lodi, a municipal

corporation, and the remainder being highly productive agricultural lands lying east of the City. The population of the Lodi metropolitan area exceeds 58,000 persons. The Mokelumne River runs generally east to west and divides the District into approximately equal parts.

Land Use. Lands along the Mokelumne River have been developed for many years with initial planting and cultivation taking place over 100 years ago. Irrigated lands in 1955 included practically all District areas. Ownership in the District is generally in 20 to 80 acre parcels with a small number of farming operations in the 200 to 400 acre sizes. Increasingly, suburban-type development is encroaching into the agricultural areas and the water demands for such operations consisting partially of domestic and partially incidental use, is approximately the same as that for irrigated cropping. Individual parcels and ownerships in the District are composed of a great number of small, family-oriented operations. The lack of large corporate operations is very evident.

Water Supplies

Surface Waters. The District has sought since its formation in 1948 to obtain surface water to divert on to the District lands to offset the overdrafts and deficiencies brought about by sole dependence on groundwater sources.

On December 2, 1948, the District filed Application 12842 to divert water from the Mokelumne River through facilities to be constructed near Clements. At the same time that the hearing was held by the State of California on this North San Joaquin Water Conservation District application, action was taken on a later filing, the Application

13156 of the East Bay Municipal Utility District for diversion and export of the Mokelumne River water to the East Bay area, about 90 miles west of the Lodi area.

A predecessor of the State Water Resources Control Board, the State Engineer, rendered Decision 858 giving priority to East Bay Municipal Utility District for Mokelumne River waters. In this decision and permit, North San Joaquin Water Conservation District was given the right to take up to 500 cfs of natural flow water between December 1 of each year and July 1 of the succeeding year. The water must be surplus to the needs of East Bay Municipal Utility District, and other prior rights. East Bay Municipal Utility District thereby was given the higher priority even though Application 12842 specified among other uses, municipal water for the City of Lodi and was a prior filing. In Decision 858, the District was told to seek water from the then proposed Folsom South Canal and the District then filed an application for American River water to be diverted near Nimbus. Decision 858, in effect, ignored the watershed and area of origin principles of state law. Public interest principles regarding the Mokelumne River local area were also ignored.

North San Joaquin Water Conservation District then filed Applications 12440 and 12441 and following a hearing on North San Joaquin Water Conservation District's applications and applications of the United States Bureau of Reclamation for American River water, Decision 893 was reached by the State Water Rights Board. The District's application was denied in favor of the U.S. Bureau of Reclamation and the District was told to contract with the Bureau of Reclamation for service from the proposed federal Folsom South Canal.

In response to SRB Decision 893, the District began negotiations with the U.S. Bureau of Reclamation for a water service contract prior to the time the Folsom South Canal was authorized in 1965, and 11 separate drafts of proposed contracts have been approved by the District after preparation and submission to the District by the U.S. Bureau of Reclamation. The U.S. Bureau of Reclamation has not seen fit to execute any of these contracts which it has submitted to the District. Folsom South Canal construction has been suspended near Clay Station at the now inoperable SMUD nuclear power plant about 10 miles from the north boundary of the District.

In spite of continuing efforts by North San Joaquin Water Conservation District and others, in the 23 years since Folsom South Canal was authorized, no American River water has been available to entities in San Joaquin County and prospects are dim for an early situation change. Accordingly, the American River source cannot presently be considered to be a viable option to North San Joaquin Water Conservation District.

As East Bay Municipal Utility District water demands have increased, the water supplies available to North San Joaquin Water Conservation District have decreased. The District can now count on even less water than in the past. During the six consecutive years from 1987 through 1993, North San Joaquin did not receive a single drop of water. Without a dependable supplemental surface water supply, North San Joaquin Water Conservation District is unable to secure financing to construct additional diversion and distribution facilities.

Thus, the foundation and premises which led to Decision 858 and Decision 893 by predecessors of the present State Water Resources Control Board have proven to be faulty

with result that North San Joaquin Water Conservation District has been left in a tragic "orphan-like" position.

The District seeks 50,000 acre-feet of dependable Mokelumne River water for annual delivery into District facilities which would take advantage of local features such as creeks and channels, as well as additional pipelines which can be constructed by the District with an assured supply of water.

Over one million dollars has been expended by the District for facilities to make use of the interim Mokelumne River waters. This present system with additional capacity and lines could deliver dependable Mokelumne River water. Usage of the present system is greatly discouraged by the lack of water dependability with resultant power and operation costs to individual water users who must rely on private irrigation facilities and costly maintenance of a costly dual irrigation system.

Underground Water. The District lands are underlain by aquifers of varying capabilities for water storage. Some of the lands east of Lodi have better sands and gravels than do areas north of the Mokelumne River and along the eastern portion of the District.

Groundwater charts indicate continuing dropping of the water table in the District. It is obvious from a study of the groundwater charts that the situation is worsening. Cross-sections show this extreme lowering of groundwater levels since 1951--dropping at 5 representative sites within North San Joaquin ranging from 67 feet to 103 feet during the period 1951 through 1995. As further reductions of available Mokelumne River surface supplies occur, the groundwater levels will continue to dangerously decline with attendant water quality degradation, lack of storage space, and higher pumping costs.

California Department of Water Resources Bulletin 118-75 and Bulletin 118-80 state that the eastern San Joaquin County Ground Water Basin is "critically over drafted". Groundwater conditions have not improved since publication of these bulletins and in fact have worsened.

The San Joaquin County groundwater map with lines of equal elevation of groundwater in the fall of 1997 shows the large areas with elevations below sea level which expose such areas to possible salt water intrusion from the west and south potentially subjecting the basin to further water quality degradation.

East Bay Municipal Utility District, a public agency from the San Francisco Bay area, agrees with a California State agency -- California Department of Fish and Game -- and a federal agency--the Federal Fish and Wildlife Service to compound and worsen the water shortage problem for North San Joaquin by agreeing to discharge additional Mokelumne River water down the river channel as an additional fish release.

East Bay Municipal Utility District has benevolently volunteered to give up Mokelumne River water some of which could have been available for diversion by North San Joaquin Water Conservation District as its limited water supply. There is limited, if any impact on East Bay Municipal Utility District whatsoever!

In the street vernacular, East Bay Municipal Utility District takes credit for an increased fish release and North San Joaquin Water Conservation District pays the bill!

The present situation for North San Joaquin Water Conservation District has been and is disastrous and the situation will only be worsened if the Joint Settlement Agreement between East Bay Municipal Utility District, the California Department of

Fish and Game and the Federal Fish and Wildlife Service and the Memorandum of Understanding between East Bay and seven other exporters including Metropolitan Water District of Southern California, is approved and implemented by the California Water Resources Control Board.

East Bay Municipal Utility District must be made to bear a direct responsibility by an export reduction from the Mokelumne River.

Water Service Options. The North San Joaquin Water Conservation District has three current options, only one of which is viable:

- I. Diversion of a 50,000 acre foot supplemental dependable surface water supply from the Mokelumne River can be utilized beneficially within the District.

To effectuate this option, Mokelumne River water must be made available by order of the State Water Resources Control Board so that a block of dependable water can be applied to North San Joaquin lands directly for conjunctive use. This will bring about a cessation of pumping in some areas with resultant groundwater level improvement in lower areas, including the City of Lodi for municipal and industrial uses.

- II. Pumping of delta water supplies easterly is engineeringly feasible, but lacks financial feasibility and has many institutional problems which involve the availability of water in the delta. Federal and state project supplies are already committed to other California areas.
- III. Abandoning efforts to secure dependable supplemental surface water would bring about abandonment and bankruptcy of many individual operations in the District.

If no sources of supplemental water are made available to North San Joaquin Water Conservation District, groundwater levels will fail and water quality will diminish to the point that many, if not all, irrigators and water users will be unable financially to continue their irrigation operations.

Of the options hereinabove listed, Option I using a dependable surface supply of Mokelumne River water conjunctively in a surface and groundwater program is the only plan which will provide a satisfactory solution for North San Joaquin.

Water Allocation. Reference is made to the location of North San Joaquin Water Conservation District with respect to the California Water Code which expresses the Legislatures intent of favoring the application of water to lands within the watershed in which these waters originate. Evidence of the Legislatures intent can be found in Water Code Section 232 which states in part:

“The Legislature finds and declares that in providing for the full development and utilization of the water resources of this state it is necessary to obtain for consideration by the Legislature and the people, information as to the water which can be made available for exportation from the watersheds in which it originates without depriving those watersheds of water necessary for beneficial uses therein”. (Emphasis added)

Further, the Watershed Protection statute provides that no “watershed or area in where water originates, or an area immediately adjacent thereto which can be conveniently supplied with water therefrom” may be deprived of the prior right to all of the water reasonably required-- (Water Code Section 11460).

Also the Area of Origin statute provides that certain “protected areas” may not be deprived directly or indirectly of the prior rights to all the water reasonably required --. (Water Code Section 1216. Section 1215.5(a)(2) includes the Mokelumne River system as a “protected area”.

District Facilities.

1. To divert temporary supplies from the Mokelumne River, the District installed and owns a pumping plant and underground pipelines and a ditch commencing at a point on the south bank of the Mokelumne River approximately 1½ miles downstream from the town of Lockeford, California. This pumping plant and pipeline was constructed in 1958 to serve lands in the vicinity of Victor.

The District purchased an additional pipeline system which was connected to the District's original Mokelumne River pipeline system to serve additional areas near and south of Victor.

In 1969 the District purchased the Locust Tree pipeline system and the Alpine pipeline system. These facilities have underground concrete pipelines of diameter 48-inches down to 12-inches and 10 miles of open channels.

2. In 1972 the District purchased the Acampo Road pipeline system. Serving area north of the Mokelumne River. This system consists of a pumping station and 6.3 miles of 24-inch diameter steel pipe and concrete pipe of diameters from 48 inches down to 12 inches.
3. In total, the District system is served by 2 pumping stations, 16 miles of underground concrete and steel pipe and 10 miles of open channels. This system could be readily expanded to accomodate the diversion and distribution of the desperately needed 50,000 acre-feet of supplemental surface water which can be fully utilized in a conjunctive use program.

Finances. The District assumed and has paid off all of the interest and principal

obligations on the facilities and no debts are outstanding, although the original ten year maturity obligations were retired in 20 years due to financial difficulties.

Serious financial uncertainties face North San Joaquin Water Conservation District currently. Lack of water has eliminated any net income from water operations.

Without a dependable water supply, the District is unable to assure its constituency of reliable water service. Further, it is unable to secure construction financing to add additional diversion and distribution facilities.

Summary of District Description

1. North San Joaquin Water Conservation District is an unwitting victim of a series of state decisions and federal inaction which has resulted in a disastrous water shortage in the District.
2. Although the Mokelumne River runs through the District, no allocation of water supplies for this area has been provided despite the principles and policies of watershed protection and county of origin.
3. The California Water Resources Control Board must not approve or implement the three party Joint Settlement Agreement or the Memorandum of Agreement of the export group at the expense of North San Joaquin Water Conservation District.
4. Increased fish releases coupled with out of basin export, causes a serious and drastic shortage of water in the Mokelumne River area.
5. North San Joaquin must be given a dependable water supply from the Mokelumne River of 50,000 acre-feet annually, which will necessitate the allocation by the

California State Water Resources Control Board to North San Joaquin Water Conservation District of a dependable water right senior to that of East Bay Municipal Utility District consistent to the original and prior application of North San Joaquin Water Conservation District for agricultural and municipal and industrial uses.

East Bay can make up any losses of Mokelumne River water by its use of American River water under its current U.S. Bureau of Reclamation contract by connecting the Folsom South Canal to its Mokelumne Aqueduct.

6. The California Water Resources Control Board must fulfill the water needs of North San Joaquin Water Conservation District before authorizing the implementation of increased fish releases by East Bay Municipal Utility District.

C. SPECIFIC COMMENTS ON THE DRAFT EIS/EIR FOR CAL-FED

- C1. Reference to Volume II indicates that the basic emphasis of the CAL-FED plan is on transport and export of water with little or no attention being paid to the needs of water-short areas such as the eastern portion of San Joaquin County which includes North San Joaquin Water Conservation District.
- C2. If Reduction of Conflicts as provided in the Solution Principals is to be effective and of general benefit, conflicts such as that on the Mokelumne River involving the East Bay Municipal Utility District and the North San Joaquin Water Conservation District which lacks an adequate surface water supply due to actions of the federal and state governments all in favor of exports to a distant area should be addressed.
- C3. At page 37 of Volume II, there is discussion of Area of Origin Protection and Watershed

Protection and again the water short conditions existing in the eastern part of San Joaquin County in this regard should be addressed in the CAL-FED plan.

- C4. On page 36 of Volume II, mention is made of conjunctive management and it is obvious that such a process requires the basic availability of surface water so that groundwater recharge can be accomplished through cessation of pumping as well as deep percolation. For North San Joaquin Water Conservation District, the surface water is not available.
- C5. The importance of reliability cannot be overlooked and North San Joaquin Water Conservation District with its falling water table demonstrated the lack of reliability in that not one single drop of water was received from the Mokelumne River for six straight years.
- C6. Other "solutions" and related comments:

<u>Page</u>	<u>Method of Solution</u>	<u>Comment</u>
a. II-58	Water Transfers	Its location upstream eliminates the possibility of transfer as a supply
b. II-54	Water Use Efficiency	Large investments have been made in drip, sprinkler, laser leveling, and return flow systems to achieve better efficiency even though there is loss of ground water recharge.
c.	Socio-economic Effects	Disastrous adverse effects will result if adequate water is not available. Per all beneficial uses.
d. II-40	Land Use Changes	It is highly unlikely that opportunitites for land use changes will lessen the need for surface water as urban and suburban uses nearly equal those of agriculture.

- C7. At page 149 of Volume II, reference is made to ASSURANCES and unless ASSURANCES are FIRM and ENFORCEABLE, the efforts and funds expended in the CAL-FED effort will be worthless -- oftentimes "trade-offs" are an excuse for abandoning

ASSURANCES. Changed conditions can thwart the best efforts for ASSURANCES.

The Folsom-South Canal situation is an obvious example of what happens when a responsible state agency basis a water right decision on a proposal that does not come to completion leaving eastern San Joaquin County - North San Joaquin Water Conservation District - in limbo as an orphan without water.

D. CONCLUSIONS

- D1. Solutions achieved under the CAL-FED plan must be comprehensive and reliable, they must be equitable and they must be feasible legally, politically and financially. To solve many California water problems this is too big an opportunity for failure.
- D2. It would be unconscionable for the state and federal agencies to overlook the groundwater conditions in the eastern portion of San Joaquin County and this problem should be specifically addressed.
- D3. Additional emphasis should be placed on the protective statutes of the Area of Origin and Watershed protection of the laws with particular reference to eastern San Joaquin County.
- D4. Exports to distant areas cannot be allowed to deprive upstream areas of desperately needed water.

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