

MESSAGE FROM THE CEO



Jason Phillips
Chief Executive Officer

On Friday, April 1, the Bureau of Reclamation began releasing water from Friant Dam into the San Joaquin River to provide supplies to the San Joaquin River Exchange Contractors.

The water released from Friant Dam for the Exchange Contractors would have otherwise been available for delivery to Friant Division contractors in communities stretching from Madera and Chowchilla at the north to as far south as Bakersfield and Arvin in Kern County. The amount of water to be released could be as large as the total water supply needed to meet the needs of Los Angeles for an entire year. Currently, the Friant Division Class 1 water allocation from Reclamation is still at 15%, although that number may decrease because of these releases.

The impacts of this loss of water for the Friant Division will be staggering for both humans and the ecosystem. This summer, it's likely that dozens of small and rural or disadvantaged communities on the valley's eastside will require emergency water supplies as their wells go dry when the aquifers they rely on are not recharged with Friant water. The releases will also eliminate the cold-water pool behind Friant Dam, completely decimating the river's newly burgeoning Spring run salmon population when it returns this fall to spawn in 70-degree water.

This is occurring because Reclamation is obligated to deliver San Joaquin River water to the Exchange Contractors if the agency is unable to deliver them Sacramento River supplies pumped from the Delta. There is an ongoing and unresolved legal dispute over Reclamation's interpretation of its specific obligations to the Exchange Contractors and the Friant Contractors believe more water

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CRISIS IN CALIFORNIA WATER

By Geoff Vanden Heuvel, Director of Regulator and Economic Affairs, Milk Producers Council

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It took me a while, but I finally got through all **122 pages of the court order**, issued a few weeks ago by Federal District Court Judge Dale A. Drozd, that will dictate how water will flow through the Bay-Delta between now and September 30. I'd heard it before, but it is still shocking to read the dictates of the Endangered Species Act (ESA) on the pages of a court order cited by the Judge:

"Congress has determined that under the ESA the balance of hardships always tips sharply in favor of endangered or threatened species, courts considering and issuing injunctive relief under Section 7(a) of the ESA do not have the discretion to consider countervailing allegations of economic costs. Evidence regarding purely economic consequences of an injunction proposed to address an ESA violation is therefore arguably not relevant to the court's evaluation of that proposed injunctive relief. That is because preserving an endangered species has an "incalculable value."

The court goes on to say, in reference to another court decision:

"There, after being presented with evidence that the requested remedies would result in water shutoffs that would "financially ruin farmer families" the court nonetheless acknowledged that "typically the interests of the protected species outweigh those of farmers and ranchers."

We are in a very tough spot. This court case required the Judge to decide between dueling scientists. A major focus was how sensitive



Shasta Lake at historic low.

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EVENTS AROUND THE VALLEY

APRIL 25

FWA Finance Committee Meeting

Lindsay, CA

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APRIL 28

FWA Board of Directors Meeting

Visalia, CA

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MAY 16

FWA Executive Committee Meeting

Lindsay, CA

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MAY 23

FWA Finance Committee Meeting

Lindsay, CA

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is being taken away than is required under the Federal government's contracts. Nevertheless, the main reason for the need to release water from Friant Dam in the first place is that Delta supplies are increasingly unreliable.

And although 2022 is a dry year, poorly designed regulations meant to protect Delta-dependent fish species and our collective inaction to improve water infrastructure in the Central Valley for more than a generation are the underlying problems preventing enough water from being moved through the Delta. One day, Californians will wake up to realize that they didn't sacrifice farms to save fish – they lost both.

Jason Phillips, CEO, Friant Water Authority

IN THE NEWS

"The deceptively simple plan to replenish California's ground water," *National Geographic* (Mar. 23, 2022)

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"Newsom's drought order poses a big question on water well permits for Valley farmers," *The Sun* (Apr. 10, 2022)

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"Peace deal? Valley farmers see Treaty of Versailles in Newsom's water pact," *The Sun* (Mar. 30, 2022)

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"Western U.S. Drought Approaches Historic Levels - Here's Why That Matters to You," *Forbes* (Apr. 18, 2022)

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"Statement from FWA on the Voluntary Agreements," *Friant Water Authority* (Mar. 29, 2022)

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"DWR Releases Funds for Repairs of the Friant-Kern Canal," *Friant Water Authority* (Mar. 24, 2022)

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"Wake-up Call from an American Rancher," *Family Farm Alliance* (Mar. 16, 2022)

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winter run chinook salmon are to temperature during the early part of their life. The salmon run that originates downstream from the Shasta Dam is endangered. A water temperature of 53.5 degrees is optimal for the salmon eggs which hatch to become fry. Temperatures above that cause increased mortality, which greatly accelerates over 56 degrees. Water levels at Lake Shasta are low, greatly reducing the cold-water pool at the bottom of the lake. The prospects for increasing the water supply behind Shasta Dam are not good because of the continued drought. The specific reason for this issue being presented to the Judge for a decision is ongoing litigation over the 2019 Biological Opinions governing delta water operations, which were adopted by the federal agencies in 2019. That federal decision was immediately objected to by the State who sued the federal agencies and adopted their own plan for operating the State Water Project. The State and Federal agencies earlier this year jointly prepared an Interim Operating Plan (IOP) that is different from the federal or the state plan. The environmentalists and the water agencies objected to the IOP and brought the issue to Judge Drozd for decision.

There are also other endangered species in the delta. The delta smelt has been on the endangered list since the early 1990s. The Judge addressed delta smelt issues as well in his order, citing an expert who said:

"There is considerable concern that the Delta Smelt face imminent extinction in the wild. None have been caught in the standard sampling for the last four years. The standard sampling addresses a small fraction of the waters of the estuary so we could be missing some that are still there. A newer year-round sampling program targets areas and water conditions where Delta Smelt are expected to occur and two Delta Smelt were found in 2021, so they appear to be exceptionally rare rather than extinct. For the last 25 years, high spring outflows have usually foretold upswings in the autumn abundance of Delta Smelt. But despite the high outflows in spring 2017 and above-average outflows in 2018 and 2019, Delta Smelt have almost disappeared."

Through the 122 pages, the Judge systematically deals with all the objections presented by the parties and in the end adopts the joint federal-state Interim Operating Plan.

"The IOP modifies the decision-making guidelines and structure in ways to reinforce the IOP's prioritization of winter run [salmon] habitat needs. The guidelines come in the form of a prioritization system that gives first priority to public health and safety. Second priority is given to the habitat needs of winter-run, which are embodied in (a) temperature targets discussed above that are designed to prevent catastrophic temperature dependent mortality in dryer years and (b) the carryover targets that acknowledge the demonstrated need to plan ahead for subsequent years. Only once a water management plan is in place that addresses the second priority for the longest period possible can the third and four priorities be satisfied: deliveries to senior water contractors [Sacramento Valley] and to "Level 2" wildlife refuges; and other deliveries."

It seems clear to me that until the drought ends, south of delta water users will not get much water out of Northern California. Furthermore, whatever strategy has been deployed by the agencies in charge of the delta smelt recovery effort over the past 30 years, which has mostly consisted of restricting water deliveries to farms and towns, has failed miserably. Those agencies are unaccountable for the massive economic costs this has inflicted because Congress dictates that economic costs cannot be considered when the survival of an endangered species is at stake. This might be a subject to bring up with candidates for Congress over the next several months as they come soliciting your votes and campaign contributions. The other thing that seems obvious is that much more storage needs to be constructed – not just for water supply – but also for cold water supply since it is vital to meeting the needs of the fish while having some left over for the people. The proposed Sites Reservoir in the Sacramento Valley should be built immediately and the project to raise Shasta Dam by 18 feet, which would add about 650,000 acre-feet of storage to the lake, should also be done ASAP.



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FRIANT-KERN CANAL CAPACITY CORRECTION PROJECT UPDATE

The construction contractor has conducted mobilization activities that includes supplying the laboratory field trailers for the Bureau of Reclamation's use, placement of straw wattles for erosion control, tree removal, potholing for existing irrigation pipelines, roadway improvements where detours are planned, dust abatement activities in all active construction work areas. Excavation for the new canal has started and is moving quickly.



Excavation of the new canal prism between Avenue 128 and Avenue 136



New canal construction between Avenue 128 and Avenue 136

The following is a summary of the design, permitting, and regulatory work completed by the FWA project team in recent months.

| 2020 | | | | 2021 | | | | 2022 | | | |
|--|--|-----------------------------|--------------------------------------|------|--|----|---|------|----------------------------|----|----|
| 9 | 10 | 11 | 12 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| ● 9/18/20 Final NOA / FEIS/EIR Published | ● 10/22/20 FWA Certification of EIR | ● 10/23/20 NOD Published | ● 10/27/20 ROD Approval/Signature | | ● Q2 Issue Solicitation for Bids | | ● 10/7/21 Award Construction Contract | | ● 1/5/22 Groundbreaking | | |
| | ● 11/30/20 Project Section 106 Complete | | | | | | | | | | |

The following is a summary of the funding options and benchmarks that the FWA project team are pursuing to piece together a final finance plan.

| SOURCE OF FUNDS | AMOUNT | STATUS |
|--|---------------|-------------------------------|
| Bureau of Reclamation SJR Restoration Program | \$41.8 m | Confirmed/In-hand |
| Bureau of Reclamation SJR Restoration Program | \$9 m | Requested |
| WIIN Act FY18 and FY20 Appropriations | \$4.55 m | Awaiting Congressional Action |
| WIIN Act FY21 Trump Administration funding request | \$206 m | Signed by President Trump |
| State funding - FKC share of SB559 | \$67 m | Signed By Governor Newsom |
| Groundwater Sustainability Agency mitigation funding | \$125 - 225 m | Agreements Finalized |
| Friant contractor funding | \$50 m | Confirmed/Committed |



Excavating the existing canal embankment and backfilling the new embankment