

LOWER TULE LEGEND

August 2000

WATER WAR!

WESTLANDS MAKES HOSTILE BID FOR OUR FRIANT WATER

On Friday August 4, the Westlands Water District fired the first shot of what figures to be one of the most high profile and nastiest wars in the long history of California water. The action taken by the Westlands Board was done through their filing of an application with the State Water Resources Control Board to divert up to 750,000 acre-feet of water from the San-Joaquin River at Mendota Pool for delivery to water users within the Westlands Water District. Westlands is attempting to hang their hat on age-old state watershed protection and county of origin laws. Westlands is claiming that the water originates within their (Fresno) county's watershed and thus they are entitled to their share of that water. This special edition of the *Legend* has been printed to help give a better understanding of this most complex and serious issue as well as inform you as to the ramifications of Westlands actions to the Lower Tule River Irrigation District.

Impacts to Friant and Lower Tule

If successful, Westlands would take, on average, 520,000 acre-feet from the San Joaquin River. In dry years that amount would be reduced to 300,000 acre-feet, or roughly one-third of the entire Friant supply. Without question, any amount of water diverted away from the Friant Division to Westlands would have catastrophic long-term effects on the local farming and industrial economy. Hit hardest would be the Friant Class 1 only Districts. Those are Districts (primarily foothill area with permanent plantings) that depend almost exclusively on Friant for their water supply, year in and year out. Lower Tule, while having a Class 1 contract of 61,200 acre-feet, is designed as a conjunctive use District that depends on groundwater recharge to service grower owned wells in years when surface water is in short supply. Make no mistake however, any loss of Fri-

ant water to our District would have the long-term impact of depleting the groundwater reservoirs and would begin the process of putting many farms and ranches out of business. Friant water makes up a significant part of our average annual supply and is most often the water that is used to recharge the underground supplies. Since 1996, Lower Tule has taken delivery of over 1.4 million acre-feet of water. Almost 900,000 acre-feet of that was the Friant water that is now threatened by the Westlands action. If Westlands were to prevail and start taking delivery of San Joaquin River water, Lower Tule would stand to lose at least 60,000 acre-feet of water on an almost yearly basis, more than 30% of our average annual supply.

“What we are looking at is a classic win-lose situation. Our goal is to insure that the eastside water users are the clear winners this time around”

Kole Upton
President
Friant Water Users Authority

Covert Operation

What makes the actions of Westlands that much more dastardly was the clandestine way the Board and staff went about preparing for their attack. Flying in the face of increasingly fostered relationships of goodwill, Westlands instead spent months behind closed doors involving numerous legal and engineering firms in their plot. It wasn't until they called a press conference to announce their scheme that the rest of the water community was even made aware of the filing of the application with the State Board. Part of the Friant response strategy is to investigate whether Westlands may have violated public agency statutes by conducting their business behind obviously sealed doors.

Plan of Attack

It has become clear that the mantra of Lower Tule and the other Friant Districts that this time Westlands must do more than simply withdraw their application with the State Board. After years of battles and several attacks on our water supply

(Continued on page 2)

RESEARCH PAST
ARTICLES FOR
MORE INFOR-
MATION ON
THE WEST-
LANDS
FILING OF AN
APPLICATION
FOR OUR
SAN JOAQUIN
RIVER WATER
AT THE FRESNO
BEE WEBSITE:

<http://www.fresnobee.com/>

the Friant Districts are united in seeing that Westlands does more than retreat and instead surrenders. To that end a multi-faceted strategy involving pressure at many levels is being put into place. Through newspaper articles and editorial Board briefing we are solidifying positive public opinion that already is sympathetic to Friant's plight. In addition, local, state and federal lawmakers have been engaged to try and assist through legislative means. The final leg of the strategy involves investigating the many legal options available to the Friant Districts. The Friant Water Users collectively have some of the sharpest legal minds in the water community and have bolstered that resume with high powered litigators from Southern California. Unfortunately, the actions of Westlands will likely result in the local water users having to spend hundreds of thousands of dollars in legal fees to defend a water supply that is ours by right.

Contract Renewal Conundrum

Given the current state of contract renewal activity, the timing of the Westlands action could not have been worse. Since the later part of July the contractors had been meeting with high-ranking Bureau of Reclamation officials in small group sessions in an effort to move the slow going renewal process forward. The contractors and the Bureau had given themselves until the end of August to make the headway necessary to avoid another costly round of interim-renewal contracts. While the issues were still very involved and serious, it was becoming evident

that the smaller group process gave the contractors the best chance at attaining long term water contracts. Enter the Westlands action. Given the very serious legal nature and policy ramifications of the Westlands application, along with the fact that Westlands has long been the ball and chain around the contractors' ankles in the renewal process, the Friant contractors have recused themselves from any negotiations involving Westlands and have requested that the Bureau move immediately to Divisional negotiations with the Friant contractors. To date, the Bureau has not responded to the Friant contractors and continues to meet with the other contractors sans Friant. Regardless of the outcome of the Friant request, it is clear that bifurcating the negotiations at this point in the process makes it seem unlikely that we will be able to get a long-term contract in place any time in the near future.

Uncertain Future

Where do we go from here? The immediate activity will be centered around getting the word out and educating people on the potential devastating actions of the Westlands Board. From there we will wait to see if their application is accepted by the State Board. Regardless of the outcome, it is clear that many years and countless dollars will be spent fighting the war to defend our water supply from the attack by the Goliath from the West.

Westlands and the Cross Valley Canal Water

Complicating the Westlands—Friant war is the fact that eight members of the Friant Unit, including Lower Tule River and Pixley Irrigation Districts, have contracts for Cross Valley water from Northern California. Lower Tule and Pixley each have a contract for 31,102 acre-feet of CVC water. Both Districts have had a long-term relationship with the Westlands Water District that involved the transferring and exchanging of Cross Valley Water with Westlands and water users within Westlands. Over the past few years Lower Tule and Pixley have transferred several hundred thousand acre-feet with Westlands. Over the course of the Cross Valley Contracts that

number reaches close to 1 million acre-feet. By action of both Boards (see Resolution on page 3) the Cross Valley Water that once was transferred and exchanged with Westlands will no longer go to Westlands or any of its affiliates. The Board felt strongly that they could not support or continue any practices that involved delivering any water to Westlands. As the contracts with Westlands were not long-term, both Districts will begin to look for other means to utilize the CVC water. Prior to 1995 the CVC water was often exchanged with Arvin-Edison for Arvin's Friant Supply. Cost considerations led to the cancellation of the agreements with Arvin.

LOWER TULE BOARD TAKES STRONG STANCE

As expected, the Lower Tule Board took a very hard stance against the actions of the Westlands Water District. The following is a portion of Resolution 2000-8-1 adopted by the Board at the August meeting:

WHEREAS, the Lower Tule River Irrigation District ("District") was formed in 1950 pursuant to provisions of Division 11 of the California Water Code and serves approximately one-hundred and three thousand acres in southern Tulare County, and

WHEREAS, the District has water service contracts with the United States to receive Central Valley Project, Friant Division, San Joaquin River water stored in Millerton Lake at Friant Dam and transported to turnouts located along the Friant-Kern Canal, along with Cross Valley Canal water exported from the Sacramento/San Joaquin Delta, and

WHEREAS, the District's water service contracts provide 61,200 acre feet of Class 1 water, 238,000 acre feet of Class 2 water and 31,102 acre feet of Cross Valley water, and

WHEREAS, the District has a long history of transferring and exchanging water with the Westlands Water District and with landowners and farmers within Westlands Water District, and

WHEREAS, landowners within the District rely on the District's water supply to sustain agricultural operations, recharge underground aquifers and provide protection against drought conditions, and

WHEREAS, agriculture provides direct and indirect employment to many people in and around the District, and

WHEREAS, the District and landowners rely primarily on the Friant-Kern and Cross Valley as the sole source of surface water, and

WHEREAS, the Board of Directors of Westlands Water District ("Westlands"), located in western Fresno and Kings Counties, recently filed with the State Water Resources Control Board for Area of Origin rights to water from the San Joaquin River, and

WHEREAS, Westlands intends to secure between 300,000 acre feet dry year up to 750,000 acre feet wet year San Joaquin River water for export to their growers, and

WHEREAS, the quantity of water they have applied for exceeds the maximum storage capacity of Millerton Lake and would take all but 50,000 acre feet of total Class 1 Friant supply, and

WHEREAS, their action endangers existing exchange contracts, river restoration efforts, proposed water quality exchange programs and the further existence of 28 Friant Contractors, 8 Cross Valley Canal Contractors and several cities that have received Friant and Cross Valley water for over 50 years, and

WHEREAS, Westlands has disregarded the needs of the people, cities and counties located in eastern Southern San Joaquin Valley, who rely heavily on agribusiness for employment and revenue, in order to bolster Westlands' water supply.

NOW, THEREFORE BE IT RESOLVED that this Board of Directors finds the aforementioned actions of the Westlands Water District to be despicable and a direct and most serious threat on the District, its landowners and its water supply, and

BE IT FURTHER RESOLVED that the Lower Tule River Irrigation District Board of Directors finds it most unconscionable and disgraceful that Westlands Water District took an action that is directed at harming agricultural interests in the State of California, and

BE IT FURTHER RESOLVED that the Lower Tule River Irrigation District will use all means necessary to defend against the actions of the Westlands Water District, and

BE IT FURTHER RESOLVED that the Lower Tule River Irrigation District will review all of its transfer and exchange arrangements with Westlands and its landowners and in the future conduct **no** business with Westlands Water District including but not limited to the transferring of any District water supplies to either Westlands Water District or members within Westlands Water District, and

BE IT FURTHER RESOLVED that Lower Tule River Irrigation District will not negotiate with Westlands for water service contracts, transfers, exchanges or otherwise engage in any discussion that may include a compromise of the District's position on Westlands Area of Origin application, nor will the District negotiate or be party to any transfer or exchange agreement with other districts that ultimately results in water being delivered to Westlands, and

BE IT RESOLVED that the District will be party to and support action necessary to prevent Westlands from succeeding with their Area of Origin application to the State Water Resources Control Board and will assist any agency or entity who endeavors to take similar actions against the Westlands Water District.

ALL THE FOREGOING being on motion of Director MacMillan and seconded by Director Serafin, was authorized by a unanimous

Lower Tule River
Irrigation District

16563 Road 168
P.O. Box 4388
Porterville, California
93258-4388

Phone: 559-686-4716
Fax: 559-686-0151
Email: ltid@aol.com

*Working together to meet
your water needs now and
into our future*

Board of Directors

Robert Bowman—President

Division 5

Ben Serafin—Vice President

Division 2

Don MacMillan

Division 3

Tony Simonich

Division 1

Gary Fernandes

Division 4

The Board of Directors meets on the second Tuesday of every month at 9:00 a.m. at the District office in Woodville. The public is invited to attend.

Address

Westlands Manager Resigns

Dave Orth, General Manager of the Westlands Water District since 1995 resigned as of Monday August 14. "This decision has been in the making for several months," said Orth. "Right now I believe my skills will be of better use elsewhere in the water policy arena." Orth has been a leader in the water community and the significant transitions it has seen over the past ten years. Orth was active in

ACWA and Cal-Fed affairs. In addition to the resignation of Orth, Westlands has also seen the resignation of its Public Information Director and Tom Hurlbutt, one of its nine Board members. It is widely speculated that the recent action of the Board of Directors played a role in the resignation of these three key Westlands representatives. At the time of printing it was not known if Orth had plans for the future.

Contacts

You are encouraged to contact the Lower Tule office, staff or Board Members if you would like additional information on the Westlands matter. You are further encouraged to voice your opinion to members of the Westlands Board of Directors and our state and local legislators. They can be contacted per the below:

Westlands Board of Directors

Legislators

Congressman Cal Dooley
530 Kings County Dr., Ste. 102
Hanford, CA 93230
Ph: 559-585-8171
www.house.gov/dooley

Senator Jim Costa
2550 Mariposa Mall, Ste. 2016
Fresno, CA
Assemblyman Dean Florez

The *Legend* is published quarterly by the Lower Tule River Irrigation District. Questions about articles and items appearing in The *Legend* are encouraged. Readers are welcome to submit information they feel should be included. Both may be submitted to Daniel G. Vink, General Manager. 559-686-4716