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Special Insert– Guest editorial from VWA president Joel Nelsen

2005 WATER SUPPLIES MORE THAN ADEQUATE

Any doubt about having more than enough water for DEID growers during the 2005 water year are now long gone. So are the six straight years of below normal water years that preceded 2005.

Big Numbers

Throughout the spring months, it seemed as though the rain and snowfall in the San Joaquin River watershed just didn't want to stop. Precipitation at Huntington Lake was 357% of the average for May, and at Friant Dam precipitation totaled 567% of normal for the month. Precipitation totals for the water year were 135% at Huntington and 155% at Friant Dam at the end of May. Not records, but very, very good.



Too Much To Hold

With too much of a good thing, the Bureau of Reclamation has been releasing water since March that cannot

be safely stored in Millerton Lake. In order to provide adequate space behind Friant Dam for the impending snow melt, the Bureau has steadily increased releases to the San Joaquin River, peaking at 10,000 cubic feet per second, the equivalent of 20,000 acre-feet per day. Even with aggressive releases, Millerton is at 87 percent of its capacity of 520,000 acre-feet of storage. Releases are expected to continue into July.

Water to Eligible and Excess Lands

The abundant water supplies are providing an opportunity for DEID to make full water deliveries to both eligible lands and "excess" lands as well. Excess lands are those that are prevented from receiving any of the District's Friant water supplies due to federal Reclamation law restrictions. However, surplus Friant water has been exchanged for water that can be

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The new DEID Website is here!

Get the latest DEID news, weather forecasts, helpful links, and a section just for DEID growers. See page two for details.

DEID IS ON THE WEB!

At long last, the DEID website is up and running. The site is available to anyone with access to the Internet.

Go to www.deid.org

Information Available

The District's website has a number of helpful features including daily weather reports and forecasts, up to the minute District notices, and access to CIMIS and other water management information. The District has also tied in a quick access link to gauging stations on White River so that anyone can have real-time information on watershed conditions, rainfall, and potential flooding hazards. You can also learn about the District's history, see a map of the District, check out our operating water policies, view recent and archived copies of the *DEID Pipeline*, and review our water conservation and management efforts.

The website is designed for easy navigation and has a direct link to

contact the District staff by email, as well as having direct links to other useful sites on the Internet.

Our "Growers Only" Feature

The new DEID website also has a section reserved just for DEID growers. In this section growers can find out the latest District operation and maintenance notices, view current water rates and lift zone charges, place water orders, and view or post messages on a bulletin Board that is reserved for DEID growers only.

To access the "Growers Only" section of the website, call David Ross-Smith at the District office to register your email address. Once that is done, the District will assign you a personal password. Each password is unique and tied to the grower's email address. Sorry, the password cannot be changed once it is assigned.

Go to www.deid.org and check out our website. Let us know what you think.



VALLEY WATER ALLIANCE FORMED



A new grass roots organization has been created to educate the public and decision makers on issues concerning the San Joaquin River.

The Valley Water Alliance is a diverse group of labor, business, and locally-elected officials from Kern, Tulare, Fresno, Madera, and Merced

counties, which receive Friant water.

Recent court decisions in NRDC vs. USBR (see related story on page 3) have brought this group together. For more information on the Alliance, see the enclosed guest editorial from VWA president Joel Nelsen.

TRIAL DATE SET FOR NRDC LITIGATION

U.S. District Judge Lawrence K. Karlton has set the trial schedule for the “remedy” phase in the 17 year lawsuit known as Natural Resources Defense Council vs. Bureau of Reclamation. At stake is the future of the Central San Joaquin Valley and the regions’ Friant water supplies.

Karlton slapped a very tight schedule on remaining motions and set the trial date for February 14, 2006. The trial is expected to last 10 weeks.

When told of the aggressive time schedule, NRDC attorney Jared Huffman suggested a lack of preparation time should be no excuse. “The case has been pending for more than 16 years, It’s hard to argue that you (meaning Friant) haven’t had enough time to prepare.”

NRDC Backtrack

However, it didn’t take long for that bit of grandstanding to be exposed, by NRDC’s own words no less. In recent filings made with Karlton over the upcoming trial’s discovery process, NRDC attorneys are now attempting to delay, condense and limit the discovery and the deposition process in advance of the trial date.

NRDC told the court it could not schedule exchanges of expert witness reports until October 1. Friant attorneys have said they will be ready to go by August 15. The ability to hide whatever expert witness testimony that NRDC can muster would put the

Friant defendants “in an impossible position,” according to Friant’s brief on the stunt being attempted by NRDC. “It leaves us with insufficient time to complete discovery and prepare for trial by February 14, 2006, as ordered by the court.”

Hiding the Ball?

NRDC’s experts will have to reveal key points of how the environmental coalition sees river restoration occurring. According to Friant brief, these critical issues include “what fish flow schedules plaintiffs advocate; how much water the plaintiffs contend must be released from Friant Dam to maintain those schedules; what restoration work, if any, the plaintiffs contend must be done; the number and varieties of fish that plaintiffs contend must be restored to the river; and whether plaintiffs contend that some or all of the water lost by Friant’s citizens to provide water for fish flows can be made up by ‘replacement water’ from other water sources.” The longer that NRDC keeps this information from the defendants, the less time the defense has to prepare to argue against the NRDC’s contentions at trial.

Science-based Case

Friant attorneys have argued that the defendants right to a fair trial outweighs any inconvenience to NRDC and their expert witnesses, stating: “The remedies issues are

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...the pretrial and trial schedule ordered by the court requires this information to be produced not later than August 15, and our right to a fair trial outweighs any inconvenience to the plaintiffs of having to complete their work sooner.”

Friant’s response to NRDC’s delay tactic of not wanting to produce expert testimony until October 1, 2005.

*PROVIDING
INFORMATION
ON ISSUES OF
INTEREST TO
WATER USERS
AND GROWERS
IN THE DELANO-
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***ITRC Seminars
Available***

*The Cal-Poly Irrigation
Training and Research
Center has announced
its line up of irrigation
management and
conservation classes
being offered this
summer. All classes are
held at the San Luis
Obispo campus.*

*For a complete schedule
of classes, dates, and
cost, contact the ITRC
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(805) 756-2434*



*New DEID Website now online!
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delivered to excess lands. This is an important groundwater recharge strategy for the District and its growers, allowing groundwater to be replenished and conserved for use during the next period of inadequate surface water supplies.

Direct Recharge Activities

In addition to the “in-lieu” groundwater recharge that the District is conducting through its procurement of water for delivery to excess lands, the plentiful water supplies are also allowing the District to take “direct” groundwater recharge actions. The District’s White River recharge basins, located at the center of the District at Avenue 32 and Road 176 , are being filled with surplus water from the Friant-Kern Canal for the first time in four years. This is possible not only because of the large water supply from Friant, but also due to a price reduction in the cost of this surplus water. The price cut made direct recharge plausible in 2005.

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complex factual issues...” and, “It is essential to Friant Defendants’ defense of this case that they be accorded the opportunity to depose any expert witnesses identified by plaintiffs to determine the basis of their opinions and to probe their methodology and analysis.”

NRDC Pushes Witness Limit

Finally, in yet another attempt to stack the deck in its favor, NRDC has petitioned the judge to limit each party to 10 depositions of not more than seven hours each. In a science-based case, NRDC seeks to limit the amount of facts that Friant can produce as evidence at trial. Friant is calling for a fair trial that provides the judge with all of the facts and information that he needs to make a decision without arbitrarily limiting the number of experts or the time that it takes to record their testimony.

The judge is expected to rule on these and other pre-trial motions within the