

DELANO-
EARLIMART
IRRIGATION
DISTRICT

THE MISSION OF THE DELANO-EARLIMART IRRIGATION DISTRICT IS TO PROTECT, ENHANCE, AND MANAGE THE DISTRICT'S WATER AND ENERGY RESOURCES AND RELATED ASSETS TO BENEFIT ITS GROWERS, THE COMMUNITY, AND THE REGION IT SERVES THROUGH OUTSTANDING CUSTOMER SERVICE, COMMITMENT TO QUALITY, AND LEADERSHIP IN THE WATER RESOURCES INDUSTRY.

BOARD OF DIRECTORS:

- Harold Nelson
President
- Peter Hronis
Vice-President
- Nick Canata
- Anton Caratan
- Kelley Hampton

Dale Brogan
General Manager

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A MESSAGE FROM THE DEID BOARD OF DIRECTORS TO DEID GROWERS AND LANDOWNERS

RIVER RESTORATION NOTHING TO CELEBRATE

Much has been made over the past few days about water released from Friant dam to the San Joaquin River, beginning the process of restoring the historic salmon fishery on the river. The restoration program is being conducted under terms of a 2006 settlement of an eighteen-year-old lawsuit brought against the U. S. Bureau of Reclamation and the irrigation districts that have had water contracts for water from Friant dam since the 1950's. Delano-Earlimart Irrigation District is the largest Class 1 contractor in Friant.

A Short History

A bit of litigation history may be helpful. The settlement was entered into following a series of legal setbacks that were experienced by the defendant irrigation districts in federal court. In early 2006, federal Judge Lawrence Karlton ruled that the Bureau and the irrigation districts were liable for restoring the river back to its historic condition of supporting a salmon fishery. The Judge further stated that all that remained was for him to determine what remedy he would craft to rectify the this liability now resting with the defendants. With that, we all realized that it was "game over".

Bringing Certainty

Recognizing the circumstances were indisputably dire, Congressman George Radanovich and Senator Dianne Feinstein began a process that resulted in the environmental plaintiffs, the irrigation district defendants and the Bureau agreeing to a negotiated settlement to the lawsuit. Key points of the settlement:

- Co-equal goals of river restoration and water supply impact mitigation;
- Water supply certainty- water lost to river restoration is capped;
- Financial certainty- river restoration will not cost Friant water users any more than what they are already paying.

(Continued on page 2)

MESSAGE TO GROWERS: Continued from page 1

There are many more details and intricacies within the settlement, including the “interim flows” that begin this fall for the purpose of collecting data and other information on the river that will be used in future restoration efforts.

Best Decision in a Bad Situation

As you are aware, the DEID Board reviewed and agreed to the settlement, as did every other Friant district. We want to remind our constituents that our agreement to the settlement was for no other reason than the determination that this was the best alternative to a bad situation. Clear and simple: the DEID Board made a business decision based in the context of the dire circumstances that we faced. We have no doubt that Judge Karlton would have done far worse to us, with no opportunity to recover and/or replace the water lost to restoration. If one needs any proof as to the effect of having a federal judge in charge of an area’s water supply, just look at what is happening on the west side of the valley today.

We stand by the decision that we made and continue to believe that it was the

best, if not only, business decision that we could make.

Water Recovery Is Job One

With that said, the event of the first water being released to the river is no occasion to celebrate. We didn’t like all of the terms of this settlement, and this is one of them. Nevertheless, the settlement was agreed to as a package deal, and DEID will abide by the terms of that settlement. The settlement has been incorporated into law by an act of Congress. It is the law of the land and we will honor our obligations under the law.

So the process begins to restore the San Joaquin River. Whether this initial water release and those that will follow in the years to come ever have the desired effect of restoring salmon in the San Joaquin River is very suspect in our opinion. However, that is not our major concern: we will leave it to the environmental plaintiffs to fret about that. Rather, our focus will be on recovering the water sent down the river and to the pursuit of other measures to mitigate our losses.

You have our promise on that.



The San Joaquin River settlement included federal legislation that authorized federal action and dollars to flow to the restoration project.

“If one needs any proof as to the effect of having a federal judge in charge of an area’s water supply, just look at what is happening on the west side of the valley today”

2009-2010 Winter Interim Flows

The San Joaquin River Settlement calls for interim flows to begin on October 1, 2009. The amount of water being released is as follows:

<i>October 1-31, 2009</i>	<i>not to exceed 350 cfs per day</i>
<i>November 1-11, 2009</i>	<i>no to exceed 700 cfs per day</i>
<i>November 11-21, 2009</i>	<i>not to exceed 350 cfs per day</i>
<i>November 21, 2009 through January 31, 2010</i>	<i>no releases</i>
<i>February 1-28, 2010</i>	<i>not to exceed 350 cfs per day</i>

Total releases for the purpose of river restoration will not exceed 42,000 acre-feet. This is in addition to releases already made for the benefit of existing downstream water users.

MITIGATION PROJECTS PURSUED

Not waiting for the other shoe to drop, Delano-Earlimart Irrigation District is actively pursuing a number of projects that would help mitigate anticipated water losses to the San Joaquin River restoration program.

The District Board of Directors has determined that the District's primary effort to mitigate projected losses should be toward developing groundwater banks, both in and outside of the District. To this end, the District is currently focusing on the following projects:

Turnipseed Basin Groundwater Banking Project – As discussed in previous issues of the *DEID Pipeline*, the District is evaluating the ability of converting the existing Turnipseed groundwater recharge basin in to a banking and recovery project. A recovery well has been constructed on the site and further improvements are planned. A Landowner Advisory Committee is assisting the District Board with oversight and evaluation of the project

North Kern Water Storage District Banking Agreement – DEID entered into a banking agreement with NKWSD in 2006 and was able to store nearly 30,000 acre-feet of surplus water that year. Recovery of a portion of that water occurred in 2007 and again in 2009. DEID is working with NKWSD to expand that program to allow additional water to be banked in NKWSD in future years. The expanded program would increase the amount that could be stored in NKWSD and later recovered.

Rosedale Rio-Bravo Water Storage District Banking Program – Extensive discussions have occurred with RRBWSD over the summer in an effort to develop a multiple-year water banking project with RRBWSD. Those discussions are nearly completed with both districts expected to approve the banking program at their respective October Board meetings. The required environmental compliance work is nearing completion as well.

When in place, the program could provide a water bank that DEID could call upon of up to 100,000 acre-feet.

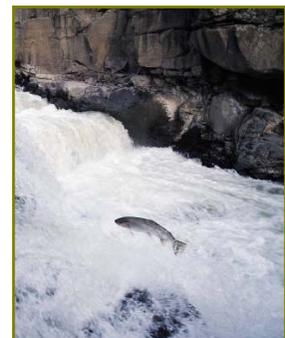
Pixley Irrigation District Groundwater Bank Feasibility Study – Studies are being conducted jointly by DEID and PID to determine the feasibility of developing a water bank along Deer Creek where the two districts share a boundary. Noting that the natural flow of groundwater is from DEID into PID, the two districts are cooperatively studying the feasibility of using the storage space currently under PID to store high flow waters for later recovery. The project is also analyzing the potential aspects of creating a regional groundwater bank, similar to what has been developed in areas of Kern County.

Each of these projects carry their own price tag and challenges, but do share one thing in common; a specific opportunity for DEID to store water in wet years for later recovery in dry years.

As noted in the letter to growers (page 1), recovering our water lost to river restoration is "Job One".



Recharge activities that occurred earlier this year at DEID's Turnipseed Basin Groundwater Banking Project.



DEID PIPELINE

*PROVIDING
INFORMATION ON
ISSUES OF
INTEREST TO
WATER USERS AND
GROWERS IN THE
DELANO-
EARLIMART
IRRIGATION
DISTRICT*

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**DEID ON THE
WEB**

You can stay up to date on all that is going on in DEID as well as access other interesting and informative websites through available links by visiting www.deid.org.



**IN THIS EDITION OF THE DEID PIPELINE
San Joaquin River restoration flows begin:
A special message from the DEID Board of Directors to all District growers
and landowners.**

EL NINO IN OUR FUTURE?

In a release dated September 10, 2009 the National Weather Service Climate Prediction Center issued an update on the presence of an El Nino weather pattern that it has been following in the Pacific. The release stated that a weak El Nino condition persisted during August 2009 and forecasted a weak to moderate El Nino pattern for the Northern Hemisphere for the fall months. The Center further stated the likelihood of at least a moderate strength El Nino formation for the winter months of 2009-2010.

The El Nino weather condition brought record precipitation during the 1983, 1997 and 1998 years.

Maybe 2009-2010?

