

This issue of the DEID's newsletter is dedicated primarily to information on new regulations being developed by the State that will regulate groundwater.

For more information on this subject please contact DEID General Manager Dale Brogan at 661-725-2526 or Coalition Steering Committee member John Schaap at 559-636-1166 ext. 504.

## 2012 Water Supply Update

The 2012 water supply has incrementally improved over the past few months, but it still ranks as the second most limited water supply in District history.

The current water supply declaration from the U.S. Bureau of Reclamation is 55 percent Class 1. That means a meager 59,840 acre-feet from the District's Class 1 contract and zero water from its Class 2 contract. Only the 1976-77 water year was drier when the Class 1 declaration topped out at 25 percent Class 1.

Matters could be worse. The District has been able to supplement its Class 1 water supply with unused water from last year (18,585 acre-feet), return of water previously banked in Rosedale-Rio Bravo Water Storage District (10,000 acre-feet), return of water previously banked in North Kern Water Storage District (6,800 acre-feet), and the projected recovery of nearly 5,300 acre-feet from the District's own Turnipseed Basin Banking Project.

All of these various supplies has given the District an opportunity to maximize the availability of District water to its growers in an otherwise dismal water year. If DEID were forced to live on just its 2012 Class 1 water supply, the prorated would have been a mere 1.5 acre-feet per acre. With the addition of the above listed water sources, DEID has been able to increase its 2012 water supply prorated to 1.9 acre-feet per acre.

Summer  
2012

ISSUE 144

PROVIDING  
INFORMATION  
ON ISSUES OF  
INTEREST TO  
DEID WATER  
USERS

# DEID Pipeline

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### Our Mission:

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*  
*Director Division 3*

Peter Hronis  
*Vice-President*  
*Director Division 5*

Kelley Hampton  
*Director Division 1*

Nick Canata  
*Director Division 2*

Anton Caratan  
*Director Division 4*

Dale Brogan  
*General Manager*

## Regional Board to Regulate Groundwater

Since 2004, the Delano-Earlimart Irrigation District has been part of a coalition of irrigation and water districts situated in the southern part of the San Joaquin Valley that organized to deal with dramatic changes in state law concerning potential discharges from irrigated agriculture to "waters of the state". And while the original changes were directed at potential discharges to surface waters, over the past two years the state has rapidly expanded the program to include the proposed regulation of groundwater through water quality standards. That means that with rare exception, everyone that irrigates a crop of any kind will be subject to new state discharge requirements.

### It started with surface water...

Changes in the historic waiver from the state's discharge standards that irrigated agriculture enjoyed for decades ended in 2000. At that time, the Central Valley Regional Water Quality Control Board (Regional Board) began a process of regulating irrigat-

ed lands that had the potential of discharging irrigation or storm water to "waters of the state", which is defined as any natural or man-made waterway. In the DEID area, it included White River and Rag Gulch, both ephemeral water courses.

Growers that considered themselves at risk of discharging to either waterway voluntarily joined a regional coalition that was set up to be the buffer between the Regional Board and individual growers on compliance issues.

The result has been the development of a reasonable, locally-managed surface water quality program that has met the needs of the Regional Board while not creating a burdensome regulatory program for individual growers.

### ...now morphed into groundwater

On its own volition, the Regional Board has continued to amend and change various components of its

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Delano-Earlimart Irrigation District  
14181 Avenue 24  
Delano, CA 93215

Phone: 661-725-2526  
Fax: 661-725-2556

Website: www.deid.org  
Email: deid@deid.org

## A Little Water Quality History

How did we get where we are today in the world of California Water Quality regulations on irrigated agriculture? A very brief summary is presented below..

**1982:** Central Valley Regional Water Quality Control Board adopts resolution 82-036 that exempts ag discharges from discharge permit requirements.

**1999:** Senate Bill 30 adopted, setting up the expiration of all water quality discharge waivers by January 1, 2000.

**December 2002:** Regional Board adopts resolution setting up a conditional waiver for irrigated lands for the following 2 years.

**July 2003:** Regional Board rescinds its December 2002 resolution and sets up specific conditional waivers, one for coalition groups and another for individuals.

**2002-2003:** Southern San Joaquin Valley WQ Coalition is organized and begins its ongoing efforts to represent participating landowners on ag discharge issues.

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Irrigated Lands Regulatory Program to include discharges to groundwater. Because all irrigation includes some fraction of applied water that leaves the root zone and can find its way to groundwater, the Regional Board's proposed plan begins with the assumption that *every irrigator* is a discharger.

### So now what?

A tremendous amount of work is going into an attempt to develop a program for groundwater dischargers that will be as successful as the current program for surface water dischargers has been. But, given the current status of those discussions and the regulatory requirements that the Regional Board staff is insisting be a part of the program, we are skeptical whether a workable outcome will be achieved. Our first look at the Regional Board's draft final regulations for groundwater will be in July, with the new regulations slated to take affect early in 2013. Between now and then, the Delano-Earlimart Irrigation District intends to provide a number of informational meetings for its growers so that they will be aware of the final regulations, what it will take to comply, associated costs, and whether the District should continue to be part of the regulatory program on behalf of its growers.

The decision whether to continue with the program or terminate the District's participation is expected to be made by the Board of Directors once the final regulations are adopted by the Regional

Board and at the conclusion of the aforementioned grower meetings.

### Options few; none pleasant

There is much at stake here. The Regional Board is headed down a regulatory trail that will lead to all irrigators either joining a local coalition such as the one currently in place for the surface water program, or will be left to deal with the Regional Board individually. Neither will be inexpensive, nor are either the preferred choice by the District. On one hand, keeping a buffer organization between the Regional Board and the individual grower has its distinct advantages, but will inherently carry with it significant costs. Said simply, the existing staff of DEID will not be able to shoulder the load, meaning new personnel and new expenses. It may even require a whole new regional organization just to administer the program that is envisioned by the Regional Board's proposed regulations. Alternatively, experience from General Order in effect for the dairy industry, which requires individual dairymen to deal directly with the Regional Board, has shown us that individual farmer compliance will run into the tens of thousands of dollars *per farm*.

So which is the correct course of action? Who knows. Whatever is ultimately decided, those within DEID will have full opportunity to become educated about the program and have their voice heard before any decision is made.

Stay tuned...



## Specifics on the Regional Board's proposal to regulate groundwater



The following is presented for those wanting additional information on particulars of the proposal by the Central Valley Regional Water Quality Control Board to regulate groundwater:

### General Order

The Regional Board issues regulations that cover those under its jurisdiction through what is known as a "General Order". In the case of the Irrigated Lands Regulatory Program, the Regional Board will issue a new General Order that will specifically regulate all "waste" discharge requirements (as defined by State of California Porter-Cologne Act) from irrigated lands that could affect groundwater and/or surface waters of the state.

### Specific GO Per Region

The Regional Board will issue up to eight individual General Orders for specific geographical areas within the Central Valley. The

first draft General Order has been released covering the east San Joaquin Valley, which includes a service area from the San Joaquin River to the north. The southern San Joaquin Valley will have its own General Order. The Regional Board is expected to release an "interested parties" review draft covering the southern San Joaquin Valley service area in July. Interested parties include virtually anyone who wants to review the document. The Coalition that DEID is a part of will provide thorough comments during this review period. Following the comment period, the Regional Board will release a new draft in late-2012. The Regional Board is scheduled to take action to adopt our region's General Order in February 2013.

### Groundwater Monitoring

Much of our Coalition's

work has been focused on the Regional Board's inclusion of groundwater monitoring into a new General Order. The Coalition is promoting a monitoring program that is representative of various commodities in like-geographic areas; something short of monitoring every acre of every commodity grown in the south Valley.

That said, any monitoring program will be costly. Some analysts have suggested costs could reach \$5-10/acre over the next several years. The Regional Board's own environmental impact document estimated that ultimate costs to the grower could reach *\$30 to \$180 per acre* depending on the level of "best management practices" that are required.

### Nutrient Management Plans

The new General Order anticipates requiring the development of nutrient

management plans for each individual farm, developed and certified by a licensed third-party.

### Best Management Practices and Education

The Regional Board expects to identify best management practices for water quality constituents of concern in a geographic area. The Regional Board then wants to implement an education process that includes all growers using that constituent (such as nitrate fertilizers, specific pesticides, etc.). This could lead to the Regional Board attempting to push regulating responsibilities to the local irrigation districts to identify growers, conduct education events, maintain attendance lists of those events, and turn over those lists to the regulators when asked to do so. DEID will oppose any effort by the Regional Board to force it to be an extension of its enforcement efforts.

