

SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
PROPOSED AGENDA FOR THE BOARD OF DIRECTORS

MARCH 23, 2023 at 9:00 A.M., LOCAL TIME

Reclamation District 108

975 Wilson Bend Road, Grimes, CA 95950

Conference Line: +1 323-538-4371

Conference ID: 945 862 334#

[Click here to join the meeting](#)

Action Item	REGULAR BOARD MEETING																								
✓	<p>1. Call to Order (Quorum)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Tier</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Board Members</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Alternates</u></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Steve Butler (2023)</td> <td>Bill Henle (2023)</td> </tr> <tr> <td>1</td> <td>Sean Doherty (2024)</td> <td>Tom Ramos (2024)</td> </tr> <tr> <td>1</td> <td>Logan Dennis (2025)</td> <td>Don Bransford (2025)</td> </tr> <tr> <td>2</td> <td>Brett Scheidel (2023)</td> <td>Lance Boyd (2023)</td> </tr> <tr> <td>2</td> <td>Roger Cornwell (2024)</td> <td>Ryan Bailey (2024)</td> </tr> <tr> <td>2</td> <td>Ed Hulbert (2025)</td> <td>Mike Hall (2025)</td> </tr> <tr> <td>3</td> <td>Andy Duffey (2023)</td> <td>Eric Schreiner (2023)</td> </tr> </tbody> </table>	<u>Tier</u>	<u>Board Members</u>	<u>Alternates</u>	1	Steve Butler (2023)	Bill Henle (2023)	1	Sean Doherty (2024)	Tom Ramos (2024)	1	Logan Dennis (2025)	Don Bransford (2025)	2	Brett Scheidel (2023)	Lance Boyd (2023)	2	Roger Cornwell (2024)	Ryan Bailey (2024)	2	Ed Hulbert (2025)	Mike Hall (2025)	3	Andy Duffey (2023)	Eric Schreiner (2023)
<u>Tier</u>	<u>Board Members</u>	<u>Alternates</u>																							
1	Steve Butler (2023)	Bill Henle (2023)																							
1	Sean Doherty (2024)	Tom Ramos (2024)																							
1	Logan Dennis (2025)	Don Bransford (2025)																							
2	Brett Scheidel (2023)	Lance Boyd (2023)																							
2	Roger Cornwell (2024)	Ryan Bailey (2024)																							
2	Ed Hulbert (2025)	Mike Hall (2025)																							
3	Andy Duffey (2023)	Eric Schreiner (2023)																							
✓	2. Adopt Agenda																								
✓	3. Approval of February 23, 2023 Minutes																								
✓	<p>4. Treasurer's Report</p> <ul style="list-style-type: none"> a. Review and Approve Financial Statements b. Review and Approve Warrants 																								
	5. Consider Partnering With Other Agencies to address Water Rights Legislation																								
	6. Bureau of Reclamation - \$30 Million Funding Opportunity for Restoration and Protection of Aquatic Ecosystems																								
	<p>7. Regular Updates:</p> <ul style="list-style-type: none"> a. Current Operations and Hydrology b. NCWA Communication Report c. Federal Update - The Ferguson Group 																								
	8. Report on On-Going Litigation																								
	9. Other Business																								
	10. Adjourn																								

SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
March 23, 2023 Board Meeting

Agenda Title:
Approval of the February 23, 2023 Minutes

Item Number: 3

Discussion:
Approve the February 23, 2023 minutes.

Recommendation:
Approve minutes.

Attachments:

- February 23, 2023 draft minutes

**MINUTES OF A MEETING OF
THE BOARD OF DIRECTORS
OF
SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
February 23, 2023**

The Annual meeting of the Board of Directors (**Board**) of Sacramento River Settlement Contractors, a California nonprofit mutual benefit corporation (**Corporation**), was held on Thursday, February 23, 2023. Chair Cornwell called the meeting to order at approximately 9:00 a.m. local time.

Board Members Present:

Roger Cornwell, Tier 2 Member, Chair
Sean Doherty, Tier 1 Member, Vice-Chair
Bill Henle, Tier 1 Member, Alternate
Ed Hulbert, Tier 2 Member
Logan Dennis, Tier 1 Member, Secretary
Brett Scheidel, Tier 2 Member
Andy Duffey, Tier 3 Member

Absent:

Steve Butler, Tier 1 Member

Also Present via teleconference:

Tom Ramos, Tier 1 Member, Alternate	Bill Vanderwaal
Don Bransford, Tier 1 Member, Alternate	Charlie Hoppin
Lance Boyd, Tier 2 Member, Alternate	Brad Mattson
Ryan Bailey, Tier 2 Member, Alternate	Greg Driver
Mike Hall, Tier 2 Member, Alternate	Tucker Burroughs
Eric Schreiner, Tier 3 Member, Alternate	Yuen Lehn
Lewis Bair	Andrea Clark
Andy Hitchings	Anthony Laney
Dan Woolery	Dustin Cooper
David Guy	Dominic Bruno
Holly Dawley	Anne Williams
Jered Shipley	Joe Kalfsbeek
Jordan Navarrot	Ben Carter
Josh Davy	Cork McIsaac
Justin Dahl	Hans Herkert
Conrad Tona	Josh Watkins
Louis Jarvis	Mimi Oji
Matt Southam	John Brennan
Meredith Nikkel	Jim Wallace
Roger Gwinn	Kayla Mendonca

Adopt Agenda

Director Henle moved to approve the agenda. Director Hulbert seconded the motion, and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Approval of February 3, 2023 Minutes

Director Henle moved to approve the February 3, 2023 minutes. Director Hulbert seconded the motion and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Treasurer's Report

Review and Approve Financial Statements and Warrants

GCID Finance Director Louis Jarvis reviewed the financial statements and warrants list.

Anne Williams from MBK also added that they are continuing the outreach efforts for the remaining drought relief funds that have not yet been claimed. The effort was extended for 90 days as of the February 3, 2023, SRSC Board meeting. She asked that the SRSC group review the list and if they know any of the folks on the remaining outreach list, please ask them to contact MBK.

Director Hulbert moved to approve the financial statements. Director Duffey seconded the motion, and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Director Henle moved to approve the payment of claims in the amount of Twelve Thousand, One Hundred Sixty-Five Dollars and Seventy-Six Cents (\$12,165.76). Director Dennis seconded the motion and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Review and Consider New Membership Applications

Chairman Cornwell reported that, since the previous Board meeting, three more Tier 3 applications have been submitted for consideration. Those applicants are Swenson Farms, LLC, Van Ruiten Bros., and Joseph and Janine Wallace. Dues for Tier 3 members have been \$1000.

Director Henle moved to approve the new membership applications and set dues for the new Tier 3 members for \$1,000. Director Duffey seconded the motion and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Review and Consider Agreements with Anchor QEA, MBK Engineers, Watercourse Engineering, and Cramer Fish Sciences, and a proposal from Bond Tax & Financial Services, for Various Services

GCID Finance Director Louis Jarvis explained that the 2023 Approved Budget for the Sacramento River Settlement Contractors included funding for a variety of consulting services. The

agreements that were up for consideration included: Anchor QEA for Winter-Run Chinook Salmon Operations and Monitoring Assessments for \$412,590; MBK Engineers for 2023 services including SRSC Operations Support, Water Supply Modeling, Monitoring, Scheduling and Planning for \$375,000; Watercourse Engineering for 2023 Flow and Temperature Modeling for \$49,383; Cramer Fish Sciences for Science Studies, Analysis, and Support for \$981,000; and Bond Tax & Financial Services for Non-profit Organization Tax Filing Preparation for \$1,020.

Director Henle moved to approve the agreements with Anchor QEA, MBK Engineers, Watercourse Engineering, Cramer Fish Sciences and a proposal from Bond Tax & Financial Services. Director Doherty seconded the motion and it was unanimously approved by the following vote:

Ayes: Directors Cornwell, Doherty, Henle, Hulbert, Dennis, Scheidel, and Duffey

Regular Updates

Current Operations and Hydrology

Yuen Lenh and Anne Williams from MBK Engineers shared an Ops & Hydrology Update PowerPoint presentation. They reviewed the 8-station index, current conditions of California major water supply reservoirs, snow water equivalent comparison, Shasta storage levels, cumulative full natural inflow to Shasta, Sacramento River Operations, and Department of Water Resources & Reclamation Temperature Urgency Change Petition (TUCP).

NCWA Communication Report

David Guy started by inviting everyone to the NCWA Annual Meeting at Sierra Nevada Brewery on Friday, March 3, 2023.

He reported that there is a lot of conversation happening with regard to water rights and a number of bills have been introduced related to this topic. He said there is a hearing next week where they will testify offering some ideas on how the water rights system can work. The goal is to improve upon the current water rights system and avoid any major changes. He also reported that there is a campaign-like effort to tell what the Sacramento River Settlement Contract is, express the unique nature of those contracts, and why they are so important to the region. He also touched on fish regulation discussions that have been happening surrounding ocean fishing in particular. They will continue to monitor this quietly and weigh in where appropriate.

Federal Update- The Ferguson Group

Roger Gwinn provided a federal update and let new members know that \$7.859 million was secured to support the floodplain reactivation effort. He reported that there are continued efforts to look for opportunities to address drought relief and expand opportunities for assistance under existing federal programs for communities and individuals impacted by drought.

Report on On-going Litigation

Counsel Hitchings and Counsel Nikkel provided updates regarding on-going litigation.

Other Business

Bill Vanderwaal provided an update on restoration projects. He reported that at the last SRSC Board meeting, the Market Street project was still in progress and was completed in late January. That project resulted in the refurbishment of about 3 acres of spawning habitat and

the importation of about 3,500 tons of spawning gravel. He reported that this week they kicked off two more projects. The Salt Creek project, located between Keswick Dam and Market Street, will involve placing 22,000 tons of spawning gravel at that location. The agencies participating in this project include GCID, Sutter Basin, RD 108 and the City of Redding. Roger Cornwell reported that they started on another project yesterday afternoon placing six ton boulders with almond tree toppings and almond root balls in the river just below Bonneview Bridge. Bill Vanderwaal reported that there has been good public outreach on these projects. Jered Shipley from ACID and Josh Watkins from City of Redding were both interviewed, and Roger Cornwell has had a number of interviews and appearances on radio shows, podcasts and TV reports.

Bill Vanderwaal also reported that he sent out notifications regarding the Sacramento Valley Regional Water Management Plan which included draft newspaper blurbs that will need to run twice for a two week period, and the need to adopt a resolution for each of the members of that water management plan. He said the goal is for each entity do their Public Hearings by the end of April. He will then coordinate with Jacobs Engineering about getting a copy of that plan to each county that has a district.

Holly Dawley from KSN reported that she is working on outreach for the upper river restoration. They're working to put together a quarterly newsletter with the goal to go out in March. Its going to cover the upper, middle and lower river and also floodplain work in the Butte, Colusa and Sutter basins. The headline of the first newsletter will highlight the upper river work and gravel injection efforts. The newsletters will be sent by print and eblasts.

The next SRSC Board meeting will be held on Thursday, March 23, 2023, at 9 a.m.

Adjourn

There being no further business to come before the meeting, the meeting was adjourned at 10:07 a.m.

Dated: _____, 2023

Logan Dennis, Secretary

SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
March 23, 2023 Board Meeting

Agenda Title: Treasurer's Report
Item Numbers: 4a - 4b
Discussion: 4a. Review and Approve Financial Statements 4b. Review and Approve Warrants
Recommendation: Review and approve the Financial Statements and Warrants
Attachments: <ul style="list-style-type: none">• Balance Sheet• Profit and Loss Sheet• Income by Customer Summary• Expenditures by Vendor• Warrants List• List of Additional Drought Relief Payments to be Distributed

1:10 PM
03/20/23
Cash Basis

Sacramento River Settlement Contractors
Balance Sheet
As of March 20, 2023

	<u>Mar 20, 23</u>
ASSETS	
Current Assets	
Checking/Savings	
US Bank Checking	3,126,436.73
US Bank Drought Relief	158,012.00
Total Checking/Savings	<u>3,284,448.73</u>
Total Current Assets	<u>3,284,448.73</u>
TOTAL ASSETS	<u><u>3,284,448.73</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	3,442,721.05
Net Income	-158,272.32
Total Equity	<u>3,284,448.73</u>
TOTAL LIABILITIES & EQUITY	<u><u>3,284,448.73</u></u>

**Sacramento River Settlement Contractors
Profit & Loss Budget Performance**
March 2023

	<u>1/01/2023 - 2/21/2023</u>	<u>2/22/2023 - 3/20/2023</u>	<u>Total</u>	<u>FY 2023 Budget</u>
	<u>A</u>	<u>B</u>	<u>C = A + B</u>	<u>D</u>
Ordinary Income/Expense				
Income				
2023 Dues	324,148	29,385	353,533	348,016
Total Income	<u>324,148</u>	<u>29,385</u>	<u>353,533</u>	<u>348,016</u>
Expense				
Conserved Water Payment	37,117	161,129	198,246	0
Legal Fees	11,902	15,165	27,067	115,000
DWR EIR Litigation	2,388	0	2,388	15,000
Water Operations Support (MBK)	44,397	36,915	81,312	375,000
Shasta Temperature Modeling	1,300	0	1,300	50,000
Biological Opinion Review	0	62,183	62,183	100,000
Brood Year Assessments	0	0	0	415,000
TDM Paper Review	0	9,186	9,186	52,000
In-River Monitoring Activities	0	76,372	76,372	1,000,000
Sac River Science Partnership Support	0	0	0	50,000
Environmental Assessment	53,735	0	53,735	80,000
Administrative Support	0	0	0	30,000
Accounting & Reporting Fees	0	0	0	1,500
Liability Insurance	0	0	0	4,000
Postage, Supplies, Bank Fees	5	12	17	500
Total Expense	<u>150,843</u>	<u>360,962</u>	<u>511,805</u>	<u>2,288,000</u>
Net Ordinary Income	<u>173,305</u>	<u>-331,577</u>	<u>-158,272</u>	<u>-1,939,984</u>
Net Income	<u>173,305</u>	<u>-331,577</u>	<u>-158,272</u>	<u>-1,939,984</u>
Retained Earnings--Beginning of Year				3,442,721
Net Income				(1,939,984)
Retained Earnings--End of Year				1,502,737

1:45 PM
03/20/2023
Cash Basis

Sacramento River Settlement Contractors
Expenses by Vendor Summary
January 1 - Mar 20, 2023

	<u>Jan 1 - Feb 21, 23</u>	<u>Feb 22 - Mar, 23</u>	<u>Total</u>
Cramer Fish Sciences	0.00	147,741.07	147,741.07
DowneyBrand	11,901.77	15,165.20	27,066.97
Glenn-Colusa Irrigation District2	53,735.18	0.00	53,735.18
MBK Engineers	44,396.85	36,914.82	81,311.67
Stoel Rives LLP	2,387.70	0.00	2,387.70
Watercourse Engineering	1,299.96	0.00	1,299.96
TOTAL	<u>113,721.46</u>	<u>199,821.09</u>	<u>313,542.55</u>

1:34 PM
03/20/23
Cash Basis

Sacramento River Settlement Contractors
Income by Customer Summary
January 1 through March 20, 2023

	<u>Jan 1 - Mar 20, 23</u>
Anderson-Cottonwood Irrigation District	21,275.00
Andreotti Associates LP	1,000.00
Baber, Jack	1,000.00
Butler, Dianne	1,000.00
Butte Creek Farms	1,000.00
Carter Mutual Water Company.	1,000.00
City of Redding.	7,891.00
Conaway Preservation Group, LLC.	10,447.00
Glenn-Colusa Irrigation District	111,358.00
Griffin & Prater, TIC	1,000.00
Henle Family Limited Partnership.	1,000.00
Howald Farms, Inc..	1,000.00
Jansen, Peter & Sandy.	500.00
Kaelin, Cameron (2)	1,000.00
KLSY.	1,000.00
M&T Chico Ranch	7,492.00
Maxwell Irrigation District	7,502.00
Meridian Farms Water Company	9,693.00
Natomas Basin Conservancy	1,000.00
Natomas Central Mutual Water Co.	20,657.00
Oji Bros. Farm, Inc.	1,000.00
Pelger Mutual Water Company.	1,000.00
Pleasant Grove-Verona MWC.	8,572.00
Princeton-Codora-Glenn Irrigation Dist.	13,915.00
Provident Irrigation District.	12,232.00
Reclamation District No. 1004.	14,377.00
Reclamation District No. 108.	35,045.00
River Garden Farms.	9,023.00
Riverby Ranches, LLC.	1,000.00
Roberts Ditch Irrigation Company	1,000.00
Sib Fedora	1,000.00
Sutter Mutual Water Company.	34,273.00
Sycamore Mutual Water Company.	9,281.00
Tarke, Stephen.	1,000.00
Tisdale Irrigation District.	1,000.00
Wallace Brothers	1,000.00
Windswept Orchards.	1,000.00
TOTAL	<u><u>353,533.00</u></u>

Sacramento River Settlement Contractors

Warrants List

March 20, 2023

	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
Cramer Fish Sciences	Bill Pmt -Check	03/20/2023		Services through February 2023	-147,741.07
DowneyBrand	Bill Pmt -Check	03/20/2023		Services v. SWRCB February 2023	-15,165.20
MBK Engineers	Bill Pmt -Check	03/20/2023		Services provided January 2023	-36,914.82
				<u>Total</u>	<u>-199,821.09</u>

Additional Drought Relief Payments to be Distributed

Since the February 21, 2023 Board meeting, MBK has collected the necessary documents from the following settlement contractors:

Riverview Golf & Country Club	7,641.63
Yocha Dehe Wintun Nation (prev. Heidrick Family Trust)	14,055.15
Total	21,696.78

1127

**Sacramento River Settlement Contractors
Special Funding Account**

U.S. Bank
Willows, CA 95988

P.O. Box 150
Willows, CA 95988
(530) 934-8881

3/20/2023

PAY TO THE ORDER OF **Cramer Fish Sciences**

\$ **147,741.07

One Hundred Forty-Seven Thousand Seven Hundred Forty-One and 07/100***** DOLLARS

Cramer Fish Sciences
7525 NE Ambassador Pl., Suite C
Portland, OR, 97220



MEMO **Services through February 2023**

AUTHORIZED SIGNATURE
SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈001127⑈ ⑆121122676⑆ 157530589819⑈

Sacramento River Settlement Contractors / Special Funding Account
Cramer Fish Sciences

3/20/2023

1127

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	SIN007391	147,741.07	147,741.07		147,741.07
					Check Amount	147,741.07

US Bank Checking Services through February 2023 147,741.07

Sacramento River Settlement Contractors / Special Funding Account
Cramer Fish Sciences

3/20/2023

1127

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	SIN007391	147,741.07	147,741.07		147,741.07
					Check Amount	147,741.07

US Bank Checking Services through February 2023 147,741.07

1128

**Sacramento River Settlement Contractors
Special Funding Account**

U.S. Bank
Willows, CA 95988

3/20/2023

P.O. Box 150
Willows, CA 95988
(530) 934-8881

PAY TO THE ORDER OF **DowneyBrand**

\$ **15,165.20

Fifteen Thousand One Hundred Sixty-Five and 20/100***** DOLLARS

DowneyBrand
621 Capitol Mall, 18th Floor
Sacramento, CA 95814



MEMO **Services v. SWRCB February 2023**

AUTHORIZED SIGNATURE
SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈001128⑈ ⑆121122676⑆ 157530589819⑈

Sacramento River Settlement Contractors / Special Funding Account
DowneyBrand

3/20/2023

1128

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	584034	15,165.20	15,165.20		15,165.20
					Check Amount	15,165.20

US Bank Checking Services v. SWRCB February 2023 15,165.20

Sacramento River Settlement Contractors / Special Funding Account
DowneyBrand

3/20/2023

1128

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	584034	15,165.20	15,165.20		15,165.20
					Check Amount	15,165.20

US Bank Checking Services v. SWRCB February 2023 15,165.20

1129

**Sacramento River Settlement Contractors
Special Funding Account**

P.O. Box 150
Willows, CA 95988
(530) 934-8881

U.S. Bank
Willows, CA 95988

3/20/2023

PAY TO THE ORDER OF **MBK Engineers**

\$ **36,914.82

Thirty-Six Thousand Nine Hundred Fourteen and 82/100*****

DOLLARS

MBK Engineers
455 University Avenue, Suite 100
Sacramento, CA, 95825



AUTHORIZED SIGNATURE
SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

MEMO **Services provided January 2023**

⑈001129⑈ ⑆121122676⑆ 157530589819⑈

Sacramento River Settlement Contractors / Special Funding Account

3/20/2023

1129

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	10056	36,914.82	36,914.82		36,914.82
					Check Amount	36,914.82

US Bank Checking Services provided January 2023 36,914.82

Sacramento River Settlement Contractors / Special Funding Account

3/20/2023

1129

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/20/2023	Bill	10056	36,914.82	36,914.82		36,914.82
					Check Amount	36,914.82

US Bank Checking Services provided January 2023 36,914.82

1126

**Sacramento River Settlement Contractors
Special Funding Account**

U.S. Bank
Willows, CA 95988

3/17/2023

P.O. Box 150
Willows, CA 95988
(530) 934-8881

PAY TO THE ORDER OF **Riverview Golf and Country Club**

\$ **7,641.63

Seven Thousand Six Hundred Forty-One and 63/100***** DOLLARS

Riverview Golf and Country Club
4200 Bechelli Lane
Redding CA 96002



MEMO 2022 Payment Conserved Water

AUTHORIZED SIGNATURE
SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈00⑆⑆26⑈ ⑆⑆2⑆⑆22676⑆ ⑆575305898⑆⑆⑆⑈

Sacramento River Settlement Contractors / Special Funding Account
Riverview Golf and Country Club
2022 Payment Conserved Water

3/17/2023

1126
7,641.63

US Bank Drought Relie 2022 Payment Conserved Water

7,641.63

Sacramento River Settlement Contractors / Special Funding Account
Riverview Golf and Country Club
2022 Payment Conserved Water

3/17/2023

1126
7,641.63

US Bank Drought Relie 2022 Payment Conserved Water

7,641.63

SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
March 23, 2023 Board Meeting

Agenda Title:

Consider Partnering with Other Agencies to address Water Rights Legislation

Item Number: 5

Discussion:

The State Legislature is considering several bills that could change the water rights system. NCWA has coordinated a response plan to work with other water agencies/tributaries to partner to fund additional lobbying activity for this legislative session.

The request is to provide contributions to NCWA who would then contract with lobbying services.

Recommendation:

Agree to amend the annual budget by adding up to \$35,000 for legislative oversight

Attachments:

- Legislative Summary

Administration of Water Rights in California: Challenges and Modernizations

*Erik Ekdahl (Division of Water Rights) &
Yvonne West (Office of Enforcement)
State Water Resources Control Board*



February 28, 2023

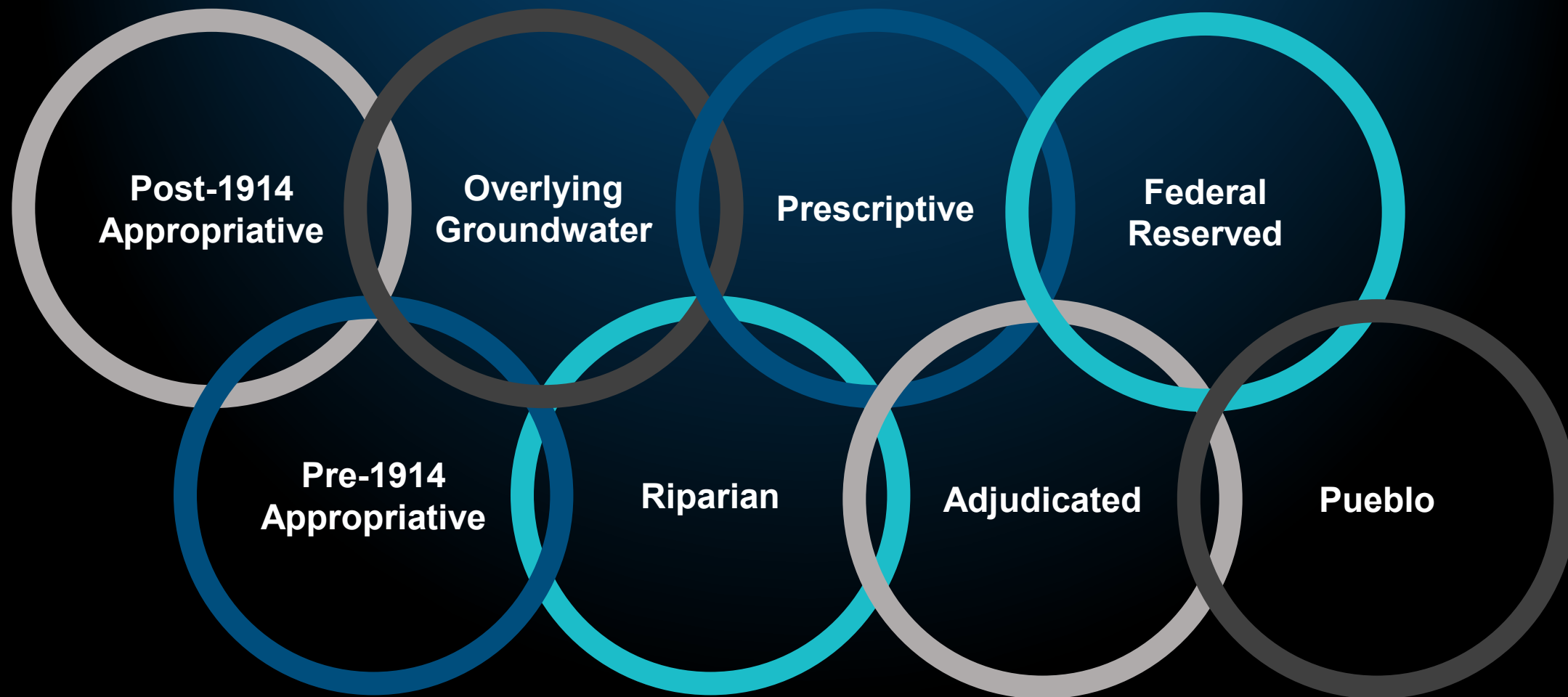
What is Water Rights Modernization?

- Updating a system created over 100 years ago, investing in modern tools
- NOT Wholesale Reform
- Working within the existing system
- Existing legal framework dictates how we approach planning, regulating, and enforcing

Timely and accurate data impacts how we plan for a resilient future



Types of Water Rights



What are we doing now?

- UPWARD- Updating Water Rights Data for CA
 - Replace antiquated data system
 - Digitize millions of paper documents
 - Establish data standards
 - Major Milestone- vendor selected!
- Drought Planning
- Supply and Demand Assessment Tools
- Telemetry Research
- Increased Enforcement



What does this get us?



Better data



Better decisions



Planning and management tools



Easier access for everyone



Innovative local solutions



Why is this necessary?

Example: Data Quality Issues in Self-Reported Diversion Data (Riparian and Pre-1914 Claims)

Watershed	Number of Claims	2018 Reported Diversion (AF) (>5,000 AFY diverters only)	2019 Reported Diversion (AF) (>5,000 AFY diverters only)
SAN JOAQUIN RIVER	2,601	3,751,671 (original) 3,229,774 (corrected) 13% reduction	4,999,286 (original) 3,742,052 (corrected) 25% reduction
SACRAMENTO RIVER	3,969	12,455,707 (original) 3,978,399 (corrected) 68% reduction	29,688,143 (original) 4,063,238 (corrected) 86% reduction

What does it look like in practice?

Russian River Voluntary Water Sharing Program

- First of its kind in California
- Foundational components:
 - Data collection and processing
 - Board staff investment
 - Local cooperation
 - Time, time, time

What's next?

- Existing processes take a long time
- Staff subject to redirection (up to 85% of Division redirected to work on emergency drought response)
- Most CA water (outside of flood flows) is spoken for or allocated
- Different approaches require structural changes to existing laws and regs, and any such structural changes would come with more substantial impacts to diverters and environment



Drought Response in 2021 and 2022

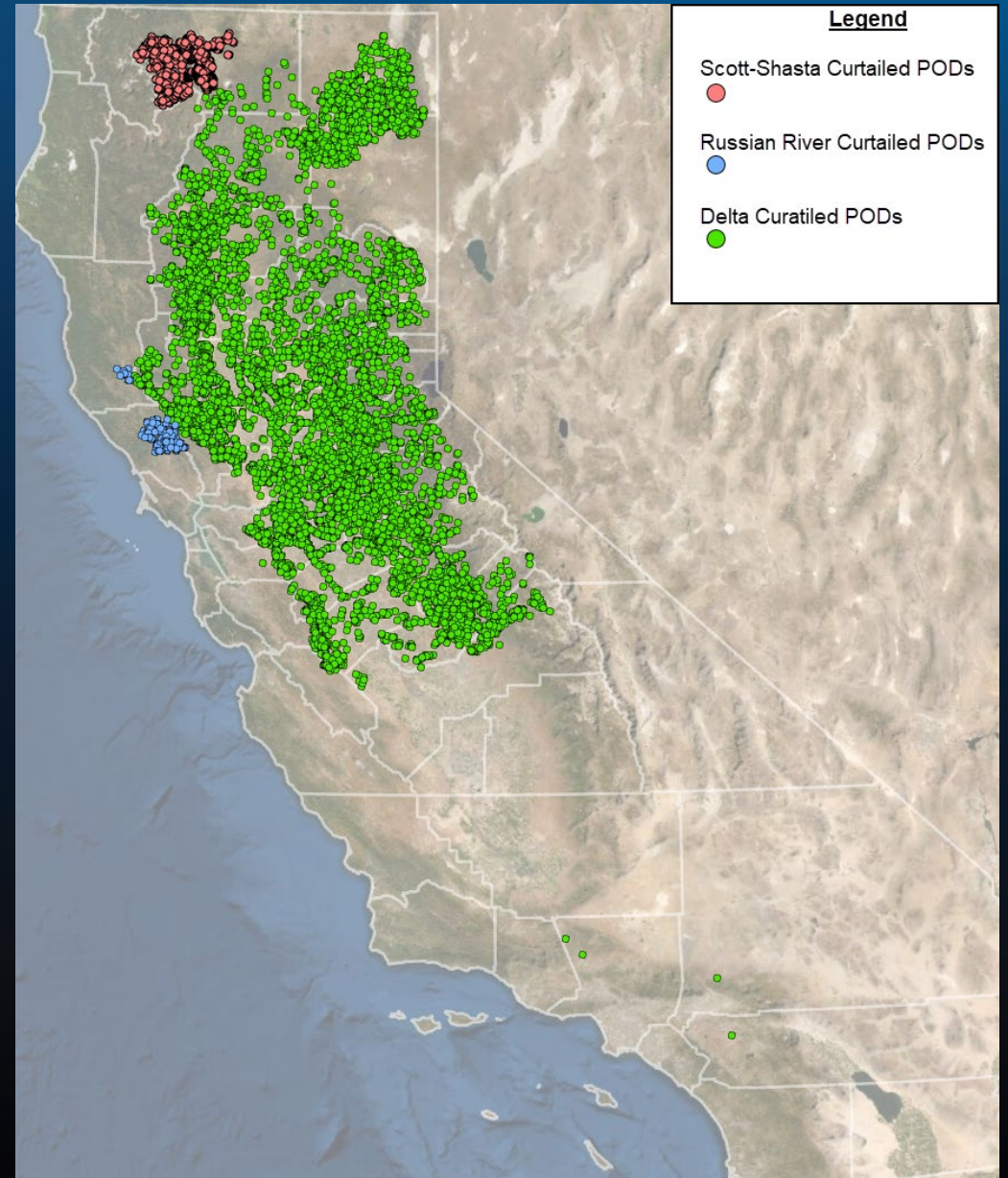
Emergency Regulations adopted in four watersheds authorizing issuance of orders:

- Emergency instream fish protection flows in key watersheds
- Curtailing water diversion and use in order of water right priority
- Seeking information relevant to determine compliance



2022 Curtailment Enforcement

- **Total inspections 1,219 | > 848 MAF**
 - Scott and Shasta: 33 | 58,194 AF
 - Sacramento-San Joaquin: 847 | 23.1 MAF
 - Russian: 339 | 87,430 AF
- Total Notices of Violation issued – 867
- Total Administrative Civil Liability Complaints issued - 312
- Complaint Investigations still pending - 116



Compliance Verification & Enforcement Tools

- **Cease and desist order**
 - Not final until 20 days to request a hearing has passed OR a requested hearing is held, and final order issued.
- **Administrative civil liability**
 - Violation of emergency regulation or curtailment order: \$500 per day (Wat. Code § 1846.)
 - Violation of a cease and desist order: \$10,000 per day during declared drought (Wat. Code § 1845, subd. (b)(1)(A)); otherwise \$1,000 per day (Wat. Code § 1845, subd. (b)(1)(B).)
- **Information orders** – explicit authority in emergency regulations
- **Immediate interim relief** – No authority to administratively issue

Challenges Illustrated – Shasta River Water Association



Enforcement Challenges

- Investigation and enforcement are time and resource intensive
- Field presence alone is not enough to prevent violations
- Violations with low risk of detection and often result in direct economic benefit
- Need for immediate compliance and enforcement in times of shortage
- Uncertainties surrounding claimed water rights and State Board jurisdiction and authority

SACRAMENTO RIVER SETTLEMENT CONTRACTORS
A California Nonprofit Mutual Benefit Corporation
March 23, 2023 Board Meeting

Agenda Title:
Bureau of Reclamation - \$30 Million Funding Opportunity for Restoration and Protection of Aquatic Ecosystems

Item Number: 6

Discussion:
Reclamation has noticed a Funding Opportunity for Aquatic/Restoration activities. Some information is attached and also available online.

Recommendation:
Information only

Attachments:

- Reclamation Notice

Biden-Harris Administration makes \$30 million in Bipartisan Infrastructure Law funds available to restore and protect aquatic ecosystems

Media Contact: Peter Soeth 303.910.7473 psoeth@usbr.gov

For Release: Mar 14, 2023



A new funding opportunity from Reclamation that is being funded through the Bipartisan Infrastructure Law.

WASHINGTON – The Bureau of Reclamation is making \$30 million from President Biden's Bipartisan Infrastructure Law available to restore and protect aquatic ecosystems. Funding will support the study, design and construction of collaboratively developed ecosystem restoration projects that provide widespread regional benefits and improve the health of fisheries, wildlife and aquatic habitat through restoration and improved fish passage. The investments are part of the \$1 billion investment provided by the Infrastructure Law for the WaterSMART program.

"Aquatic ecosystem restoration is a nature-based solution that helps build climate resilience and it is important that we restore and protect aquatic ecosystems, even in a long-term drought," said **Deputy Commissioner Michael Brain**. "The benefits of aquatic

ecosystems are far reaching. They include providing habitat for fish and wildlife, improving water quality and mitigating the impacts of drought and flood events."

The funding opportunity is available on www.grants.gov by searching for opportunity number R23AS00106. Applications are due by June 1, 2023, at 4:00 p.m. MDT.

Study and design projects are eligible for between \$500,000 and \$2 million, and construction projects can receive between \$3 and \$20 million. A non-federal cost share of at least 35% is required.

Applicants are eligible in two distinct categories. Category A eligible applicants are:

- States, Tribes, irrigation districts, and water districts.
- Regional, or local authorities, the members of which include one or more organizations with water or power delivery authority.
- Agencies established under state law for the joint exercise of powers.
- Other entities or organizations that own a dam that is eligible for upgrade, modification, or removal.

Category B eligible applicants are non-profit conservation organizations acting in partnership with those in Category A.

All Category A applicants need to be in the Western United States or Territories as identified in the Reclamation Act of June 17, 1902, specifically: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the U.S. Virgin Islands. All Category B applicants must be in the United States, or the specific Territories identified above.

To learn more about this and other funding opportunities, please view www.usbr.gov/watersmart.

[Funding opportunity on grants.gov](http://www.grants.gov)