A REGULAR MEETING OF THE BOARD OF DIRECTORS
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CA 91016
9:00 A.M. – AUGUST 26, 2020

SPECIAL NOTICE
Teleconference Accessibility
Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 pandemic, the Upper District will hold its board meeting via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Attendee Join Zoom Meeting  Meeting ID: 820 5629 9024  
https://us02web.zoom.us/j/82056299024

Telephone Dial:  Meeting ID: 820 5629 9024
1 (669) 900 - 6833

Public comments may be made through teleconference when prompted by the President during the public comment period. Public comments may also be provided by emailing christy@usgvmwd.org in advance of the meeting. Please indicate “PUBLIC COMMENT” in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email ruben@usgvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

AGENDA

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL OF BOARD OF DIRECTORS

3. ADOPTION OF AGENDA [1]

4. PUBLIC COMMENT
   Anyone wishing to discuss items should do so now. The Board of Directors may allow additional input during the meeting. A three-minute time limit on remarks is requested.

5. CONSENT CALENDAR [1]
   (a) Approve minutes of a regular meeting of the Board of Directors held on August 12, 2020 at 9:00 a.m.

6. ACTION/DISCUSSION ITEMS [1]
   (a) Strategic Plan Update. (Staff will provide an update at the meeting.)

      Recommendation

      This item is for information only. No action is anticipated.
7. INFORMATION ITEMS (These items are for the information of the Board of Directors and require no action) [2]
   
   (a) Press Releases.
   (b) Newspaper Articles.

8. ATTORNEY’S REPORT [2]

9. GENERAL MANAGER’S REPORT [2]

10. DIRECTOR’S COMMENTS [2]

11. FUTURE AGENDA ITEMS [1]

12. ADJOURN TO CLOSED SESSION
   
   (a) Conference with Legal Counsel (Government Code Section 54956.9); Potential Litigation: one case.

13. RESUME REGULAR MEETING AND REPORT ON CLOSED SESSION

14. ADJOURNMENT - To a regular meeting of the Board of Directors to be held on September 9, 2020 at 9:00 a.m. via teleconference or the most rapid means of communication available at the time.

LEGEND: [1] INDICATES ACTION ANTICIPATED BY BOARD OF DIRECTORS ON THIS ITEM
[2] INDICATES INFORMATION ITEM - NO BOARD ACTION NECESSARY

PRESIDENT ED CHAVEZ, PRESIDING
A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CALIFORNIA 91016
9:00 A.M. – August 12, 2020

Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak, the Upper District held a regular meeting of the Board of Directors via zoom teleconference on August 12, 2020 at the hour of 9:00 a.m.

ROLL CALL
DIRECTORS PRESENT: Chavez, Treviño, Contreras, Santana and Fellow.

DIRECTORS ABSENT: None.

STAFF PRESENT: Tom Love, General Manager; Steve O’Neill, District Counsel; Steve Johnson, Consulting Engineer; Robert Teck, Assistant General Manager/Chief Engineer; Evelyn Rodriguez, Director of Finance and Administration; Patricia Cortez, Director of Government and Community Affairs; Christy Hawkins, Executive Assistant; Nichol Delgado, Government and Community Affairs Assistant; Ruben Gallegos, Project Assistant; and Priscilla Lu, Accounting/Financial Analyst.

OTHERS PRESENT: Lenet Pacheco, Lynda Noriega, Skylar Stephens, Kelly Gardner, David Mueh, Anteneh Tesfaye, Ben Lewis, Che Venegas, Dan Arrighi, Jared Macias, Stephanie Moreno, Jose Martinez, and Tony Zampiello.

ADOPTION OF AGENDA
On motion by Treasurer Treviño, seconded by Secretary Fellow, the agenda was unanimously adopted as presented by the following roll call vote:

SANTANA: AYE
FELLOWS: AYE
TREVINO: AYE
CONTRERAS: AYE
CHAVEZ: AYE

PUBLIC COMMENT
None.

COMMITTEE REPORTS
Next scheduled committee meeting dates are as follows:
(a) Water Resources and Facility Management – August 25, 2020 at 4:00 p.m.
(b) Administration and Finance – August 13, 2020 at 4:00 p.m.

CONSENT CALENDAR
Vice President Contreras moved to approve Consent Calendar items (a) through (c). Secretary Fellow seconded the motion, which was unanimously approved by the following roll call vote:

SANTANA: AYE
FELLOWS: AYE
TREVINO: AYE
CONTRERAS: AYE
CHAVEZ: AYE

(a) Minutes of a regular meeting of the Board of Directors held on July 8, 2020 at 9:00 a.m.
(b) List of Demands.
   1. Financial Statements.
   3. Director’s Public Outreach.
APPROVE PROPOSED AMENDMENT TO INVESTMENT POLICY

Treasurer Treviño moved to approve the Administration and Finance Committee's recommendation to approve the proposed amendment to Upper District's Investment Policy. Secretary Fellow seconded the motion.

Vice President Contreras requested further information on the proposed addition to the District's list of authorized investments.

Evelyn Rodriguez, Director of Finance and Administration explained that supranational securities are high quality government securities issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation or Inter-American Development Bank. She stated other water districts also have supranational securities in their list of authorized investments. She added that supranational securities will provide another way for Upper District to diversify its investments should opportunities arise in the future.

District Counsel echoed Ms. Rodriguez's comments regarding supranational securities being well established and highly rated.

The motion to approve the proposed amendment to Upper District's Investment Policy was unanimously approved by the following roll call vote:

SANTANA: AYE
FELLOW: AYE
TREVIÑO: AYE
CONTRERAS: AYE
CHAVEZ: AYE

AWARD OF ARCHITECTURAL DESIGN AND DEVELOPMENT SERVICES FOR DISTRICT HEADQUARTERS BUILDING RENOVATIONS

Treasurer Treviño moved to approve the Water Resources and Facility Management Committee's recommendation to authorize the General Manager to execute a professional services contract with WLC Architects for architectural design and development services for the District headquarters building renovations, in a not-to-exceed amount of $288,000. Secretary Fellow seconded the motion, which was unanimously approved by the following roll call vote:

SANTANA: AYE
FELLOW: AYE
TREVIÑO: AYE
CONTRERAS: AYE
CHAVEZ: AYE

Treasurer Treviño commended Robert Tock, Assistant General Manager/Chief Engineer, for his excellent presentation at the committee meeting.

Vice President Contreras echoed Treasurer Treviño's comments and thanked Mr. Tock and staff for doing a great job.

JOINT WATER RESOURCES PRESENTATION

The General Manager introduced Mr. Tony Zampiello, Executive Officer of the Main San Gabriel Basin Watermaster (Watermaster).

Mr. Zampiello provided an overview of Watermaster's role and the activities it performs that impact Upper District. He discussed the different types of water rights, the quarterly well reporting pursuant to Section 44 of the Judgment and the operating safe yield process. He stated that the Watermaster board is not required to follow the engineer's preliminary determination. He added that the board follows all physical, economic, and other parameters provided in the Judgment in setting the operating safe yield. Mr. Zampiello stated that Watermaster is authorized to levy
and collect various assessments which are then accounted and only used for their specific intended purpose.

Secretary Fellow and Mr. Zampiello discussed the Alhambra Exchange Agreement and how Watermaster's in-lieu assessment is used to maintain the account. They discussed how Upper District can help in providing information during Watermaster's status conferences with Judge Duffy-Lewis. Mr. Zampiello added that Upper District can also help educate legislators and local elected officials on the importance of investing in water reliability.

Treasurer Treviño thanked Mr. Zampiello for his work and emphasized the importance of continuously taking advantage of opportunities to store water in the basin.

President Chavez left. Vice President Contreras began presiding over the meeting.

The General Manager provided a brief presentation on the Upper District's imported water services and its imported water connections. He presented the historic per capita water use in Upper District's service area and how it has stayed low long after the persistent drought ended in 2016, mainly due to conservation. He also discussed the District's historic water sales and how its fluctuations put a strain on Upper District's budget. The General Manager then presented the District's recycled water system, the sources of recycled water, and the agencies that purchase recycled water and maintain the system.

Director Santana and the General Manager discussed the historic per capita water use for the Upper District service area.

**INFORMATION ITEMS**

The following items listed on the agenda for the information of the Board were read and ordered received and filed:

(a) Press Releases.
(b) Newspaper Articles.

**ATTORNEY'S REPORT**

District Counsel reported on transactional matters and recent consultations with staff regarding a status conference on the Judgment, update of Upper District's Employee Handbook, lease termination options for existing tenants at the new district building, Devil's Gate Dam status, use of electronic signature, and responding to a Public Records Act request. He added that it appears that the Central Basin legislation is not going to be pursued at this time.

**ENGINEER'S REPORT**

The District Engineer reported that on August 7, 2020, the Baldwin Park Key Well groundwater elevation was 204.9 feet. He then reported on rainfall average, key wdl elevation changes over time, water deliveries into the Basin, canyon storage, and water releases. He also reported that no notices of wells shutdown due to contamination were received.

The following is a summary of contamination ranges found in samples under Title 22 from 20 wells during June 2020.

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Director Santana and the District Engineer discussed the probable cause of a recent flooding on a bike trail in Peck Park.

The General Manager stated that the County was moving water to Central Basin at that time, which caused the flooding.

A detailed written engineer's report on hydrologic conditions was also provided to the Board.

**GENERAL MANAGER'S REPORT**

The General Manager reported that staff continues, on a rotating basis, to work in the office and remotely from home. He then reported on the leasing status of the three remaining tenants in the new office building. He also discussed the Water Resilience Portfolio recently released by the Governor.

A General Manager's report was provided in the Board's agenda packet.

**METROPOLITAN REPORT**

A Metropolitan summary report was provided in the Board's agenda packet.

**WATER QUALITY AUTHORITY REPORT**

A Water Quality Authority summary report was provided in the Board’s agenda packet.

**WATERMASTER REPORT**

A Watermaster summary report was provided in the Board's agenda packet.

**AB 1234 COMPLIANCE REPORT**

A summary report was provided in the Board’s agenda packet.

Secretary Fellow reported on his recent attendance at the virtual ACWA conference. He commended Ms. Brenda Burman’s speech on the accomplishments and projects of the U.S. Bureau of Reclamation.

Treasurer Treviño echoed Secretary Fellow’s comments on the recent ACWA virtual conference and Ms. Brenda Burman’s speech.

**DIRECTOR'S COMMENTS**

Director Santana stated that she also enjoyed the virtual ACWA conference and found it very informative.

Secretary Fellow requested that the Board meeting be adjourned in memory of former San Gabriel Valley Municipal Water District Board Member, Mr. Raul Romero.

Treasurer Treviño stated that Mr. Romero is a true warrior for working people and that his efforts should be recognized. He then stated that he recently heard about a recent California Supreme Court ruling that the referendum process does not apply to municipal districts. He asked District Counsel to report on its potential impacts to Upper District.

**FUTURE AGENDA ITEMS**

None.

**ADJOURN TO CLOSED SESSION**

None.

**RESUME REGULAR MEETING AND REPORT ON CLOSED SESSION**

None.
ADJOURNMENT

Vice President Contreras asked if there were other business to come before the Board. There being none, the meeting was duly adjourned in memory of Mr. Raul Romero to a regular meeting of the Board of Directors to be held on August 26, 2020 at 9:00 a.m. via teleconference or the most rapid means of communication available at the time.

ATTEST

PRESIDENT

SECRETARY

SEAL
Demands numbered 20827 through 20855 on the General Fund Account of the Upper District at Citizens Business Bank, in the amount of $737,693.21 and demands numbered 917 through 922 on the Water Fund Account at the same bank in the amount of $746,460.20.

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The Metropolitan Water District of Southern California

NEWS RELEASE

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Note to editors: A photo of Director Tamaribuchi is available upon request.

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August 19, 2020

EXPERIENCED WATER VETERAN JOINS METROPOLITAN BOARD
Satoru Tamaribuchi represents Municipal Water District of Orange County

Water industry veteran Satoru “Sat” Tamaribuchi on Tuesday began representing the Municipal Water District of Orange County on the board of directors of the Metropolitan Water District of Southern California.

Tamaribuchi, who took his seat virtually, replaces Director Brett Barbre, who represented MWDOC on Metropolitan’s board since 2009. Barbre departed from the MWDOC and Metropolitan boards in June after accepting a position as general manager of the Yorba Linda Water District. Tamaribuchi will serve on the board’s Finance and Insurance, Legal and Claims, and Organization, Personnel and Technology committees.

Tamaribuchi was elected to the MWDOC Board of Directors in 2014, representing Newport Beach, Laguna Woods, portions of Irvine, Lake Forest, Laguna Hills, Aliso Viejo, and portions of Mission Viejo.

His extensive career in water began as a San Jose State student engineer for the California Department of Water Resources. He then served as a U.S. Navy Civil Engineer Corps Officer for over three years before returning to DWR to work as an engineer on water quality projects in the Sacramento-San Joaquin Delta and the San Francisco Bay. At the same time, he continued serving in the U.S. Navy Reserve for 27 years, during which he gained experience in various Navy public works and construction management positions before retiring as a captain in 1996.

After moving to Orange County in 1973, Tamaribuchi began working with the Irvine Company on environmental, water supply and water quality issues throughout the region, including leading a long-term project to control sedimentation in Upper Newport Bay. He also assisted the Irvine Ranch Water District in preparing and implementing water resources master plans.

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The Metropolitan Water District of Southern California is a state-established cooperative that, along with its 26 cities and retail suppliers, provide water for 19 million people in six counties. The district imports water from the Colorado River and Northern California to supplement local supplies, and helps its members to develop increased water conservation, recycling, storage and other resource-management programs.
Date: August 19, 2020
To: Board of Directors
    Member: Agency Managers
From: Jeffrey Kightlinger, General Manager
Subject: Passing of former Metropolitan Director Ronald “Ron” F. Deaton

Yesterday, the Metropolitan Water District adjourned its regular August board meeting in honor of Ronald “Ron” F. Deaton, who passed away on August 4 in Ensenada, Mexico. Ron served as general manager of the Los Angeles Department of Water and Power while also representing the city on the Metropolitan board.

While heading LADWP from 2004 to 2007, Ron served as a Los Angeles representative on the MWD board from May 2005 to January 2006, serving on the Water Planning, Quality and Resources Committee.

Ron, a longtime veteran of Los Angeles city government, began his city career in 1965 with LADWP, working in budget preparation and market research. From 1968 to 1976, he worked in the city administrative office, where he was responsible for budget analysis, management audits, and water and power analysis. He later joined the office of the city’s chief legislative analyst, where he assumed the helm in 1993.

He is survived by his wife Ellery; sons David and Daniel Deaton, daughters Deidre Davis and Dara Loftis; his brother, Gary Deaton and 12 grandchildren. Funeral service information was unavailable.

A Los Angeles Times obituary about Ron can be found here.
Desert Sun -8-19-20
California still has not found analyst to study Salton Sea water import proposals it asked for

Long-term fixes for the ever-shrinking Salton Sea remain stalled as California Natural Resources Agency officials on Wednesday revealed they have been unable to find an analyst to study proposed solutions to a nearly two decades-old problem.

Eleven different plans, submitted in 2018, suggested methods of importing water from the Sea of Cortez or the Pacific Ocean to decrease salinity and reverse water losses at the Salton Sea, which have exposed a toxic playa laced with pesticides and other pollutants. Although some researchers who study the lake write off the plans as financial and logistical pipe dreams, CNRA still needs to study them as part of the process to determine a long-term solution.

But multiple attempts by the agency to hire an independent analyst to review the plans failed. Agency officials, who have committed to using an outside expert, said they hope to find someone by the fall but did not explain how that would be accomplished. CNRA has already pushed back its timeline to work through the proposals, and it has a 2022 deadline to offer a solution. This and other updates came at an annual public meeting on the issue of the Salton Sea that was hosted by the California State Water Resources Control Board.

"The state is coming from behind in stabilizing the Salton Sea," CNRA Secretary Wade Crowfoot acknowledged on the video conference. "This has been a priority that has been too long deferred."

The Wednesday meeting itself was initially scheduled for March but delayed due to the COVID-19 pandemic. The event included officials from the Imperial Irrigation District, the U.S. Bureau of Reclamation, the Salton Sea Authority and various other government bodies, elected officials, and community groups.

Many of the Salton Sea's problems began in 2003 when a transfer agreement began cutting off huge amounts of water that once flowed into the lake as irrigation runoff from the Imperial Valley. Public officials on Wednesday spoke of years of frustration at the lack of progress, but the meeting had a markedly positive tone that suggested an increase in cooperation among government agencies.

"There is a renaissance if you will. There is a re-commitment, if you will, from the state," Riverside County Supervisor V. Manuel Perez said.

Other officials echoed his sentiment, saying that Gov. Gavin Newsom's administration has gone much further than former Gov. Jerry Brown's did in allocating funding and making the slow-moving public health disaster a priority.
Tens of millions of dollars in funding survived coronavirus-induced budget cuts, and the state announced 10 new positions will be created to work on Salton Sea-related issues. Several of those employees will be based at the offices of the Imperial Wildlife Area, Wister Unit, just north of Niland in Imperial County.

The Salton Sea's problems, however, are far from solved. The lake is currently impaired by toxins ranging from the likely carcinogenic insecticide DDT and ammonia to arsenic and salts, explained Maria Davydova, an environmental scientist at the Colorado River Basin Regional Water Quality Control Board. IID also predicts that there could be up to 66,948 acres of dry, exposed lakebed by 2028, according to Tina Shields, the district's water department manager.

"IID and its stakeholders hope that this year represents a turning point, but that remains to be seen," Shields said.

Since the 2003 water transfer deal, the lake has lost a total of 23,800 acres of surface area and has dropped 9.5 feet, according to Justine Herrig, senior environmental scientist with the state water board.

The Salton Sea Management Program's 10-year plan seeks to cover about 30,000 acres of exposed playa in dust suppression projects and restored habitat by 2028. And in February, CNRA released its Salton Sea Management Program annual report, which outlined a goal of 3,800 acres of dust suppression by the end of 2020.

So far, though, the state has only completed work at one site, the Bruchard Road Dust Suppression Project, which built furrows and trenches across 112 acres of playa to tamp down windblown dust.

"By the end of 2021, we will have somewhere in the range of 6,000 to 7,500 acres of work completed. Quite frankly, this is how we get caught up and get back on track," said Arturo Delgado, the state's Salton Sea czar as a CNRA assistant secretary.

Delgado said that a contractor, Kiewit Infrastructure West Co., was selected in July to begin construction in the fall to cover 3,770 acres of exposed playa. That work is expected to be completed by 2023, Delgado said, adding that while the first step will be simple dust suppression — Bruchard Road-style furrows, for example — CNRA eventually plans to convert those sites to restored habitat.

Public officials also touted another project that recently took steps toward getting off the ground.
CNRA announced on Tuesday that it signed a memorandum of understanding with the Imperial County Air Pollution Control District to move forward with the Desert Shores Channel Restoration Project. Lake levels have dropped so far that water can no longer flow into channels built into this small community along the lake's western shore.

Now, brackish water sitting at the bottom of the largely dry channels breeds insects, cyanobacteria, and a strong stench. The Imperial County-led project proposed there, which is championed by local homeowners, would build a berm across the entrance to the gap that once let Salton Sea water flow in and refill the area with water that would then be treated.

"Our ask in regard to the Desert Shores restoration is that we need to see work on the ground so we can point to some progress," Imperial County Supervisor Ryan Kelley said.

Kelley concluded his presentation with a common sentiment, calling on the state to work faster.

"Help us make a change in this corner of California," he said. "Help the forgotten Californians."
LA Times -8-19-20
Warren Buffett can save the Klamath River Basin. Will he?

By: Jacques Leslie
It should not take pleas to Warren Buffett, the billionaire leader of the Berkshire Hathaway holding company, to save the wobbling deal to take down four obsolete dams on the Klamath River.

But that is what the state of California and the Klamath’s Yurok and Karuk tribes are left with after a two-decade-long campaign to restore the ecosystem — and especially the salmon runs — of the Klamath River Basin. The dam removal, potentially the world’s largest such project ever, is crucial to the survival of the tribes, the fishery, and the river itself.

Berkshire Hathaway’s subsidiary, PacifiCorp, a Pacific Northwest utility, owns the four Klamath dams, which would make Buffett, as chief executive and chairman of Berkshire Hathaway, accountable for a cultural and environmental catastrophe that the utility is poised to make worse.

The dams range from 55 years old to more than a century old, and they generate relatively little electricity. Their reservoirs these days are cauldrons of highly toxic blue-green algae, and they block the path of salmon that have made their way down and up the Klamath, one round trip per lifetime, for thousands of years. All the river’s salmonid species are now either extinct or in severe decline.

If the dams are allowed to stand, it would deliver a punishing blow to the Yurok and Karuk, who have struggled to maintain their salmon-centric cultures, and it would ensure that the river’s appalling water quality would further deteriorate.

Considering the harm caused by the dams, PacifiCorp got a great deal when it agreed to their removal in 2010. The demolition project’s cost was pegged at $450 million. California voters approved a 2014 water bond measure that contributed $250 million, and PacifiCorp could raise another $200 million by assessing its customers a surcharge. The removal was delayed for a decade to enable the company to collect its share of the money, even as the river and the salmon population continued to decline.

As a “bedrock principle,” PacifiCorp has insisted that it would not accept liability for any costs beyond the dams’ removal, such as overruns or mitigation of problems that removal itself could cause. To deal with this demand, the tribes, environmental and fishing groups, and government agencies created a private nonprofit company, the Klamath River Renewal Corp., whose sole purpose is to take ownership of the dams and oversee their dismantling. It, not PacifiCorp, would
be responsible for any additional liabilities. With California’s contribution, the surcharge, and the creation of the new corporation in place, the four dams’ removal would end up costing PacifiCorp’s shareholders nothing.

But in July, the Federal Energy Regulatory Commission, which licenses dam removal, partly undid the deal. FERC approved the demolition, but only on the condition that PacifiCorp remained a co-owner through the process. According to some of the negotiators, that isn’t an unreasonable imposition: FERC, which is far from a hotbed of anti-dam advocacy, sees value in PacifiCorp’s experience with previous dam removals, and with other dam removals under consideration throughout the nation, it may not have wanted to set a precedent that allows dam owners to escape all liability for their dams.

In a brief statement, PacifiCorp indicated that it wanted to continue to negotiate a solution, but a week later, it also invoked a termination clause in the removal deal. The threat to end the project is puzzling because the long-term alternative to removing the dams — relicensing them for continuing operation — would cost the company more than its ratepayers’ share of the dam removal price tag, and far more than the potential liabilities they want to avoid. Relicensing would require the company to install fish ladders on the dams, at a cost expected to range between $450 million and $800 million. Considering that the dam removal deal contains insurance and bond provisions to cover costs in addition to demolition, removal advocates say PacifiCorp’s later liabilities would not amount to more than a few million dollars if that.

Of course, if the dams remain in limbo, neither consigned to demolition nor relicensed, PacifiCorp can profit from their hydroelectricity generation without having to install ladders. Those revenues — which were estimated at $24 million in a 2012 federal environmental impact statement — may explain why PacifiCorp is dithering.

Still, PacifiCorp — and Buffett — are faced with an existential choice. As Gov. Gavin Newsom said in a July 29 letter addressed to Buffett and PacifiCorp’s leaders, the company should make good on what is “an unprecedented moment of reckoning about our past and, more importantly, our future.” Failing to take down the dams will guarantee the Klamath River Basin’s continued decline, and in a time of growing awareness of the Native American genocide and its legacy, it would tell the tribes the same old story: They don’t matter.
RANCHO WATER POSTPONES RATE HIKES FOR 2020/2021 FISCAL YEAR

Rancho California Water District (Rancho Water/District) will postpone rate increases through July 1, 2021, to help ease the economic hardship caused by COVID-19.

"We are committed to helping ratepayers during these challenging times and will continue to work proactively at keeping rates affordable," said Rancho Water Board President Bill Wilson. In March, Rancho Water's Board directed staff to delay rate increases until at least January 1, 2021 which resulted in a $1.2 million dollar deficit to the budget. To make up for that loss, staff resourcefully cut $712,000 from the budget and another $488,000 was drawn from rate stabilization funds.

At a board meeting last week, Rancho Water’s Board unanimously approved delaying increases again. The latest rate deferral action will result in an additional $858,000 deficit that will be funded by rate stabilization funds.

"The Rancho Water Board and staff have in recent years prioritized strengthening our ability to not only financially weather these kind of significant hits to the economy, but to be able to get through them without asking even more from our customers," said Rick Aragon, Rancho Water’s Assistant General Manager and CFO. "We are also trying to taking advantage of the low interest rate environment caused by COVID-19, to refinance a portion of our bonds and use those savings to replenish the rate stabilization funds that will be used to cover the deficit this year from not raising the rates."
Groundwater cleanup at Los Angeles superfund sites awarded $56.6M settlement

EPA settlement will continue effort to contain and clean up large area of contaminated groundwater

LOS ANGELES -- The U.S. Environmental Protection Agency (EPA), the U.S. Department of Justice and the California Department of Toxic Substances Control (DTSC) have reached a $56.6 million settlement with Montrose Chemical Corporation of California, Bayer CropScience, Inc., TCF America, Inc., Stauffer Management Company LLC, and JCI Jones Chemicals, Inc. for further cleanup work of contaminated groundwater at the Dual Site Groundwater Operable Unit of the Montrose Chemical Corp. and Del Amo Superfund Sites (also known as the Dual Site) in Los Angeles County, California. This work will include operating and maintaining the primary groundwater treatment system for the remedy selected in the 1999 Dual Site cleanup plan. The settlement also includes payment to EPA of $4 million in past costs, another payment of costs incurred by DTSC, and payment of EPA’s and DTSC’s future oversight costs.

“This settlement ensures the long-term operation of the groundwater cleanup system,” said John Busterud, EPA’s Regional Administrator for the Pacific Southwest. “EPA is committed to the removal of contaminants from our groundwater in Los Angeles County.”

“DTSC is pleased with the strong collaborative partnership we have developed with the U.S. EPA team on this project,” said California Department of Toxic Substances Control Director, Meredith Williams. “We are looking forward to supporting U.S. EPA’s efforts and will continue to protect the state’s interests by making polluters pay for the cleanup.”

Groundwater at the Dual Site is contaminated with hazardous substances from industrial operations, including chlorobenzene from the former Montrose facility where DDT was manufactured, benzene from the Del Amo facility where synthetic rubber was manufactured, and trichloroethylene (TCE) related to several facilities. This settlement specifically addresses the chlorobenzene plume, which refers to the entire distribution of chlorobenzene in groundwater at the Dual Site and all other contaminants that are commingled with the chlorobenzene. Cleanup activities will involve pumping the groundwater in the chlorobenzene plume and treating it to federal and State of California cleanup standards identified in the 1999 remedy.
treated water will then be reinjected into the aquifer outside of the contaminated groundwater area. The objective is to contain a zone of groundwater contamination surrounding source areas (also known as the 'containment zone') and clean up the chlorobenzene plume outside of that zone. Containment will occur soon after pumping operations begin, and cleanup of groundwater beyond the containment zone is expected to take approximately 50 years to complete. In addition, EPA will pursue settlements with other parties to conduct cleanup work selected for the benzene and TCE plumes in the Dual Site cleanup plan.
A consent decree formalizing the settlement was lodged on August 6th by the U.S. Department of Justice and is subject to a 30-day public comment period and approval by the federal court.
CSDA -8-17-20

CPUC to Consider Changes to Water Utility Rate Structures

By Kristin Withrow

On August 27, the California Public Utilities Commission (CPUC) will meet to vote on a proposal affecting private investor owned water utilities and the rates they may charge customers, including special districts. The proposal before the CPUC would eliminate the practice of “decoupling” through a water revenue adjustment mechanism or “WRAM.” This practice is currently implemented by five of the state's “Class A” water companies.

ISSUE BACKGROUND

One of the objectives of the CPUC’s 2005 Water Action Plan is “to strengthen water conservation programs to a level comparable to those of energy utilities.” The plan sought to remove the inherent financial disincentive for private investor owned utilities (IOUs) to promote the conservation of water. To that end, the CPUC adopted a decoupled revenue recovery system which would remove the need for water utilities to generate company revenue growth through water sales growth. Water companies could instead rely upon a rate of return from a revenue stream separate from water sales that would cover the cost of delivering water.

The CPUC authorized IOUs to use a water revenue adjustment mechanism to account for the difference between revenue forecasts and actual revenue collected. The five IOUs allowed to implement WRAMs include the California Water Service Company, California-American Water Company, Golden State Water Company, Liberty Utilities (Park Water) Corp., and Liberty Utilities (Apple Valley Ranchos Water Company).

If forecast revenues exactly matched actual revenue, WRAM balances would be exactly zero. Over the seven years of the WRAM program, however, utilities have consistently experienced under-collection. This has led to years of these IOU customers paying higher and higher rates under the WRAM in addition to increased water rates due to scheduled water rate increases. This situation has created confusion for those customers that make efforts to conserve increasing amounts of water only to experience ever-increasing water bills.

One explanation for the increased water rates under WRAM is that the balancing account under-collections are surcharged through general water rates. The declining use of water through the WRAM mechanism then results in shortfalls in revenue, which includes a portion of fixed costs that must be then surcharged to customers for recovery. As this shortfall in revenue is then surcharged to customers in the general water rates, the quantity rate increases and customers conserve further by using even less water at these higher rates, triggering the WRAM under-collection increases.

1 of 2
In addition to creating customer confusion, WRAMs have yet to prove an effective means of promoting water conservation. In reviewing the efficacy of WRAMs, the CPUC cited evidence that the IOUs which had implemented WRAMs experienced water conservation rates like those water utilities without such mechanisms. In fact, those water utilities without WRAMs had managed to conserve slightly more water. The CPUC found that customer conservation was accomplished independently of whether a utility does or does not maintain a WRAM, in part because of the confusing price signals to water customers. Given this, the CPUC believes that a WRAM is not necessary to promote water conservation, leading it to consider whether or not to abolish the type of WRAM implemented by the five “Class A” water companies and instead shift to a different type of mechanism.

**NEXUS FOR SPECIAL DISTRICTS**

The California Special Districts Association (CSDA) has not yet weighed in on this upcoming decision by the CPUC. Given that the WRAM discussed above is specific to five of the state’s biggest private IOUs rather than public water agencies, no special district is at risk of having its revenue structure altered at the August 27 meeting of the CPUC. However, the decision rendered at that meeting may nonetheless be important to special districts that are customers of IOUs, particularly recreation and park districts and cemetery districts that consume significant amounts of water. In the near term, water districts that procure their water supply from these private water companies may also be impacted because of changes to the companies’ water rates.

Public water agencies, such as special districts, are governed by elected boards that must approve rate increases during open and public meetings that are subject to Proposition 218 protest proceedings. While the CPUC does not regulate water districts, those districts with cost recovery mechanisms similar to a WRAM, which allow the district to account for fixed costs independently of water sales, may wish to monitor this issue from a general public policy and public relations standpoint.

If you believe your agency is or may be affected as a result of the CPUC’s pending actions to abolish the WRAM for California Water Service Company, California-American Water Company, Golden State Water Company, Liberty Utilities (Park Water) Corp., and Liberty Utilities (Apple Valley Ranchos Water Company), CSDA would like to hear from you. Your feedback may be instrumental in whether CSDA engages on this issue, and to what end its involvement may be. Please share your feedback with CSDA’s Legislative Analyst Marcus Detwiler at marcusd@csda.net.
Maven's Notebook – 8-14-20

Supreme Court lets stand decision upholding Delta Stewardship Council’s authority for sustainable management of the Delta

The California Supreme Court Wednesday (April 12) denied the petition for review and request for de-publication made by the State Water Contractors in response to an April 10, 2020, Third District Court of Appeal decision. As a result, the appellate decision, which upheld the central role of the Delta Stewardship Council in Sacramento-San Joaquin Delta water management and land use planning, remains intact and is governing law. The Appellate Court decision had sided with the Council on all remaining issues from a suite of 2013 lawsuits that challenged the Council’s Delta Plan, its long-term sustainable management plan for the Delta. By declining to hear the petition for review, the Supreme Court put an end to this fight over the scope of the Council’s authority and the validity of its Delta Plan.

“We appreciate the validation of the Council’s authority to achieve the state’s coequal goals for the Delta, measure progress appropriately, reduce reliance on the Delta for water supply, and improve habitat and water supply reliability,” said Council Chair Susan Tatsyn.

“After a seven-year court battle, I am pleased that the Delta Plan is firmly in effect, and the Supreme Court and the Appellate Court acknowledged the broad discretion the Delta Reform Act confers to the Council,” said Council Executive Officer Jessica Pearson.

Immediately after the Plan was adopted, 26 parties – local agencies, organizations, and individuals – filed seven lawsuits in three counties – later consolidated – arguing that some of the policies and regulations in the Delta Plan were in conflict with the 2009 Delta Reform Act.

In 2016, the trial court sided with the Council on almost all points, but invalidated the Plan because, the Court said, it lacked legally enforceable, quantifiable targets for certain objectives and inadequately “promoted” options to improve the way water projects move water across the Delta.

The Council and other parties appealed, which placed the decision to invalidate the Plan on hold pending the April 10, 2020 appellate court ruling, and in the intervening years the Council proceeded both to implement and amend the Plan. The Appellate
Court ruling found specifically that the Council’s regulatory policies align with the Council’s authority under the Delta Reform Act, and that the Council has discretion to determine whether performance measures should be regulatory. It also found that the Council’s alleged failure to promote conveyance options and to have sufficiently specific performance measures were both moot because of subsequent amendments to the Delta Plan.

The trial court had earlier upheld all other portions of the Delta Plan, and the Appellate Court affirmed those decisions. The Appellate Court held that the Council’s appeal procedures are valid and that the Delta Plan was based on the best available science. It rejected an argument that the Council could not enforce the state’s policy of reduced reliance on the Delta.

Developed to achieve the state’s coequal goals of a reliable statewide water supply and a protected, restored Delta ecosystem in a manner that preserves the values of the Delta as a place, the Delta Plan now includes 14 regulatory policies and 95 recommendations. Collectively, these policies and recommendations address current and predicted challenges related to flood management, land use, water quality, water supply reliability, and the Delta’s ecosystems.

Created in 2009, the Council has a central role in guiding and managing the long-term sustainability of the Delta that goes beyond ensuring regulatory compliance with the Delta Plan regulations. This includes directing actions across state, federal, and local agencies that support the coequal goals and promote a shared body of transparent science upon which to base decisions.
Feinstein, Harder Introduce Water Management Bill

Aug 14, 2020

Washington—Senator Dianne Feinstein, Senator Kamala D. Harris and Representative Josh Harder (all D-Calif.) introduced the Snow Water Supply Forecasting Program Authorization Act to establish an airborne snow observatory (ASO) and measurement program within the Department of the Interior. Without accurate readings, water managers could be forced to unnecessarily release water from reservoirs or use it for groundwater pumping, resulting in millions of dollars in financial losses.

"Smarter water management in California starts with more precise readings of our mountain snowpack," said Senator Feinstein. "Our bill will ensure the federal government continues investing in proven snowpack measurement methods like the airborne snow observatory. This will help improve water conservation, supply and delivery forecasts across the Western United States."

"Many of our rivers are born in the mountains – without accurate snowpack readings, we end up wasting our most precious resource – water – as well as millions of dollars in public funds," said Representative Harder. "Creating a unified central program to get our water users the info they need is good for our farmers, good for conservation practices, and will end up saving a ton of money in the long-run."

Last December, NASA ended its ASO program that measured snowpack depth and water content using an airplane-mounted light detection instrument, commonly known as LIDAR, coupled with an imaging spectrometer. This bill would replace the NASA program with a new program at the Department of the Interior to improve the understanding, management and deployment of snowpack measurement technologies used for seasonal water forecasting. It would also provide a total of $15 million in funding for fiscal years 2022 to 2026.

Conventional survey techniques can only achieve 50 to 90 percent accuracy when measuring snow runoff. The ASO technology developed by NASA can perform more precise measurements, increasing the accuracy to within 96 to 99 percent when paired with conventional techniques. More precise measurements allow water managers to make better determinations on water allocations – using more water when it is available and conserving water when it is not.

In addition to Representative Harder, the House version is cosponsored by Representatives John Garamendi (D-Calif.), Jerry McNerney (D-Calif.), TJ Cox (D-Calif.), Diana DeGette (D-Colo.), Grace Napolitano (D-Calif.), Ami Bera (D-Calif.), Joe Neguse (D-Colo.) and Jim Costa (D-Calif.).
The bill is supported by water associations and districts across California, including the Association of California Water Agencies, Turlock Irrigation District, Modesto Irrigation District, South Valley Water Association, Friant Water Authority, Family Farm Alliance, Kings River Conservation District, San Juan Water District, City of Folsom and San Francisco Public Utilities Commission.

“The Association of California Water Agencies (ACWA) applauds the introduction of the Snow Water Supply Forecasting Program Authorization Act by Sen. Dianne Feinstein and Rep. Josh Harder. One of ACWA’s highest priorities is strategic water management with improved technologies. This legislation provides water managers with new snowpack measurement technologies that can assist in increasing water supplies, improving water management efficiencies, and enhancing flood control measures,” said Dave Eggerton, executive director of ACWA.

“I want to thank Senator Feinstein and Congressman Harder for working with TID over the last year to introduce this important legislation,” said Dr. Rob Santos, president of the Turlock Irrigation District Board of Directors. “Our water resources are far too valuable to rely on the inconsistent 75-year-old technology in modeling snowmelt and forecasted runoff to optimize the management of our water storage reservoirs. TID is proud to be one of the first water managers in the country to put this cutting-edge technology to use. This bill will build on the great technological advances of the last decade and ensure that the Federal government continues to play an active role in expanding the adoption of these technologies.”

“We applaud Senator Feinstein and Congressman Harder for their forward thinking and dedication to advancing water management in California. Together with our Tuolumne River watershed partners, MID has had proven success in utilizing this science-based, data-driven forecasting technology,” said Paul Campbell, board president of the Modesto Irrigation District. “This bill ensures that we will continue to have the very best tools and technologies to enhance our water modeling and management and without a doubt, help us navigate California’s dynamic weather patterns.”

“As one of the original funding partners for the ASO program, the South Valley Water Association sincerely appreciates Senator Feinstein and Congressman Harder for the Snow Water Supply Forecasting Program Authorization Act, which would ensure continued federal support for the ASO program.” said Dan Vink, executive director of the South Valley Water Association. “This critical legislation will ensure that the Bureau of Reclamation has the tools it needs to precisely measure snowpack in the Upper San Joaquin watershed, which will benefit flood control, water supply and the environment in the San Joaquin Valley.”

“Airborne Snow Observatory (ASO) technology generates data that greatly improves our ability to estimate water supply and runoff in the Western United States,” said Dan Keppen, executive director of the Family Farm Alliance. “This bill establishes a program within the Department of
the Interior that will help improve the understanding, management, and deployment of snowpack measurement technologies and seasonal water forecasting to increase the accuracy of runoff models. We appreciate and want to thank Congressman Harder and Sen. Feinstein for their leadership on this issue, and we're hopeful that this legislation will allow for continued ASO application in California and the expansion of ASO technology application throughout the West.”

“In California, we’re finding that the conventional methods of measuring snowpack can, in some years, result in estimates that can be ‘off’ by 40%-60%,” said Jason Phillips, CEO of Friant Water Authority. “As demand for water supplies to meet human and environmental needs increases throughout the West, we can no longer afford these costly errors. ASO is proven technology that reduces the “guesswork” of water supply forecasting so that water managers can make decisions that maximize the beneficial use of the supplies we have, especially during times of scarcity.”

“This bill will continue to advance the important role of forecasting hydrology, which directly leads to more informed planning and better management of our water supplies for people and the environment,” said David J. Guy, president of the Northern California Water Association.

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ACWA -8-13-20
EL DORADO WATER AGENCY APPROVES MORE THAN $330,000 IN COST-SHARING FUNDS

PLACERVILLE – The El Dorado Water Agency (EDWA) approved approximately $336,000 in funds to implement a series of projects throughout El Dorado County, through partner agencies including the South Tahoe Public Utility District (STPUD), Tahoe City Public Utility District (TCPUD), El Dorado Irrigation District (EID), Georgetown Divide Public Utility District (GDPUD), Grizzly Flats Community Services District (GFCS), and the American River Conservancy (ARC). Implementation program projects will include cost and technical assistance for the following categories:

- **Water Security (57 percent):** The Agency is supporting STPUD and TCPUD to finalize their water rights associated with the Truckee River Agreement. In addition, the Agency is supporting STPUD, EID, GDPUD, and GFCS to develop their urban water management plans that support the suppliers’ long-term resource planning and ensures adequate water supplies will meet existing and future water needs.

- **Assistance and Innovation (28 percent):** The Agency is supporting STPUD in technological advances for waterline protection systems to prioritize pipeline replacement, and to use artificial intelligence for predicting waterline failures. The Agency is also supporting GDPUD to implement metering that will improve conservation and water delivery efficiencies.

- **Watershed Management (9 percent):** The Agency is investing with the ARC to develop a meadow assessment and restoration plan for the North Fork Cosumnes River. This represents the initial phase of the development of a comprehensive meadow restoration and monitoring plan.

- **Communication and Advocacy (6 percent):** The Agency is supporting STPUD to complete a private well owner survey, and to gather important data on well usage and water quality. An estimated 246 well owners will be contacted as part of the survey.

“The approval of these cost-share and technical assistance initiatives showcases El Dorado Water Agency’s ongoing commitment to support and collaborate with organizations throughout the county in a shared vision of future resource planning and effective water management for the region,” said Brian Veerkamp, board chair for El Dorado Water Agency.

As part of the implementation of its 2019 Water Resources Development and Management Plan (WRDMP), the Agency is focused on leveraging regional collaborations and support for more effective planning and resource management.

“Partnerships are critical to meeting evolving and increasing water demand and maintaining the preferred rural-agricultural way of life in the county, while addressing future challenges, including those posed by climate change,” said Ken Payne, general manager for El Dorado Water Agency.
In addition to cost-sharing programs, the Agency has entered a memorandum of understanding with STPUD, that will lead the efforts to develop a groundwater sustainability plan for the South Tahoe region. These combined efforts create a more efficient allocation of time, information, and resources while fulfilling a unified approach for water management to create and protect a more resilient water supply in El Dorado County.

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