

The mission of KRCD is to provide flood protection, achieve a balanced and high quality water supply, and develop power resources on the Kings River for the public good.

Meeting Notice:

**Kings River Fisheries Management Program Executive Policy Committee**  
August 28, 3:00 p.m.  
KRCD/KRWA Board Room  
4886 E. Jensen Ave. , Fresno

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# KRCD News

## Ag Discharge Rules Target Valley Farmers

Central Valley farms and cropping patterns are being targeted by strict and potentially costly regulations that a state agency is attempting to bring down to a farm-by-farm level.

A big new water quality push is powering the change.

The Central Valley Regional Water Quality Control Board on July 11 adopted a new interim ag discharge waiver program that would require creation of watershed groups, impose new fees, require grower identification and implement costly monitoring programs. As an alternative landowners could pursue cumbersome individual discharge

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*Tailwater from irrigation as well as stormwater that may run off farmland is the focus of the ongoing debate over agricultural discharge rules.*

## Kings River Water Supply Is Adequate

Irrigation season is winding down as summer's end nears but this year's Kings River water supply has proven to be enough to do the job.

Thanks to six stormy weeks of unusually heavy April and early May rain and mountain snow, Kings River runoff for the peak April-through-July period is expected to end up at 1,036,000 million acre-feet, or 83 percent of average.

Until the spring storms hit, all parts of the southern San Joaquin Valley had been experiencing a mostly dry winter.

The spring storms boosted overall April-July Kings River runoff by about 20 percent based upon the amount of runoff predicted April 1, the date upon which the Sierra Nevada snowpack is normally assumed to peak.

Steve Haugen, Assistant Watermaster for the Kings River Water Association, said that although 2002-03 will be the fifth below-average water year in a row, conditions were ample enough to permit water deliveries to all parts of the Kings River system. Totals in three of those five years have been only modestly below average.

Water entitlements for the 28 public districts and private canal companies that hold Kings River water rights are determined by 12 monthly schedules that use each day's calculated natural flow of the river at Piedra to determine how much

water the individual KRWA member units are to receive.

Irrigation deliveries are winding down. Some Kings River units have already used their stored entitlement while others are nearing the end of their planned water runs.

Demands have been very heavy, Haugen said, and for a month and half releases from the dam averaged about 7,000 cubic feet per second (cfs).

Because of the below average snowpack, the river's calculated natural flow dropped rapidly dur-

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*Water kicks up foam as it tumbles through People's Weir, south of Kingsburg, on its way to Kings River users in western Kings and Fresno counties.*

## Orth Named Water Quality Coordinator

Kings River Conservation District General Manager David Orth is the new Southern San Joaquin Valley Water Quality Coalition Coordinator.

Orth was named in June to succeed Tim O'Halloran, who had served in the post since the Coalition was organized in 2002. O'Halloran resigned as Kings River Watermaster to take a new job in the Sacramento Valley.

The Coalition was formed by KRCD, KRWA, the Kaweah Delta Water Conservation District, Tule River Association, Kern County Water Agency, other Kern River interests and the Friant Water Users Authority.

Its purpose is to deal jointly with a growing number of water quality issues that are affecting all of the member agencies although much of the Coalition's attention and energy has been devoted to the agricultural discharge waiver issue.

"We are moving to focus on a broader strategic planning effort," Orth told the KRCD Board of Directors. "There are a number of other issues with potential impact on KRCD landowners that need to be considered."

A former Westlands Water District General Manager, Orth became KRCD's General Manager in January 2002. 🌊

## Discharge, *continued*

permits for both irrigation tailwater discharges and storm drainage.

A "sunset" clause adopted by the Regional Board essentially limits the new process to just six months. A further review is scheduled for January 2004.

The action came one day after the Regional Board rescinded a much less burdensome interim ag waiver plan that was adopted only last December and was to have run for two years. It replaced a 20-year-old ag discharge waiver that expired December 31.

The new plan is being appealed by both the environmental community and production agriculture.

(More details and analysis are in David Orth's "General Manager's Report".) 🌊



## General Manager's Report David Orth

### Regulations Miss The Target

Under the cloak of water quality improvement, new regulations appear to be more focused on creating unmanageable burdens on growers and the resource agencies that serve them.

Growers are caught right in the cross-hairs of state regulators and zealous bureaucrats who seem bound and determined to impose an expensive, cumbersome and ineffective permit system on individual agricultural water dischargers, perhaps even those who discharge nothing at all. Not only are irrigation discharges affected; so is any storm water that escapes from a farm. These new regulations will do little, if anything, to address water quality problems in our State.

This issue has been swirling around valley agriculture since before last December's expiration of a waiver granted to irrigated agriculture 20 years earlier by the Central Valley Regional Water Quality Control Board.

In order to avoid chaos and potentially help soften the regulatory landing for everyone in the farming and water businesses, Kings River interests worked closely and cooperatively with the Regional Board staff last year to fashion an interim ag waiver plan. The Regional Board approved the 2-year waiver program in December, complete with a watershed-by-watershed approach to monitoring and data collection. This program, while more modest than the environmental community wanted, would have been a major first transitional step into a regulated regime.

It didn't work out that way. Before the ink was dry, the Regional Board began a hurried backtracking that made all too clear that the regulators were not happy with their own actions.

In April, the Regional Board staff released revised and much more onerous proposed draft conditions. Instead of a few pages of conditions as had been attached to the December plan, this report was more than 220 pages long and jammed with new restrictions, well in excess of the December plan. Another staff report in June was only a little less troublesome.

By then it was evident that the Regional Board and staff wanted to impose new fees while demanding expanded information on a field-by-field basis (including cropping and pesticide use information). They also proposed use of the still-unorganized watershed groups as a regulatory arm. Our comments and objections were almost completely ignored.

On July 10, the Regional Board rescinded the December action. The next day, its members reinstated a waiver but it was much more strident than the one that had gained broad agricultural support in December. The new plan is subject to further review in January.

The plan requires that every landowner to elect to become part of a watershed group or be subject to individual discharge permits. That is hardly likely to make farmers happy.

While a case can be made that agriculture should adhere to principles of cleaning up the nation's water, mandating that each farm and farmer be identified is obviously a stretch and strongly implies other motives may be at work among those who wish to tighten the screws on growers. The object most frequently suggested is that ag discharge regulations are to be the means fervent environmentalists seek to use in limiting or eliminating any use of farm pesticides.

For the time being, everyone is upset. Production agriculture and the environmentalists are mapping appeals. Surely, no one is rushing to sign up to be in the watershed group business.

Litigation is possible. New fees are looming. State bureaucrats are wondering how with only modest staffs they would confront the daunting tasks of trying to list many tens of thousands of growers, even more fields and crops, and trying to enforce massively complex individual permits.

While it is enticing to consider withdrawal from this process altogether, KRCD will remain vigilant in pursuing a solution that minimizes grower impact in a very difficult process. 🌊

## Legislative Update by Melissa Goliti

This new legislative session has kept us focused on a number of key issues of concern to the Kings River Conservation District and the constituents we serve. These priority issues include groundwater, water quality, public power and continuing efforts to shift Multi-County Special District property tax revenues. The District has been very active in tracking, monitoring, and when appropriate, communicating with our elected delegation.

The following are priority issues the District has been monitoring.

### GROUNDWATER

SB 654 (Machado) Water Omnibus Act of 2003: Originally introduced as clean-up legislation to last year's SB 1938 (Machado) Groundwater Management Plans, the bill has been amended to include a number of other items. This has passed the Assembly Water, Parks and Wildlife Committee and moved to the Assembly Appropriations Committee.

*Status: Assembly Appropriations Committee*

### WATER QUALITY

SB 196 (Kuehl) Regional Boards: This bill was amended at the end of June to change the make-up of Board member representation on Regional Water Quality Control Boards, from nine (9) members to seven (7), reducing ag representation in the process. The bill was amended before the Assembly Water, Parks and Wildlife Committee to return ag's representation to its original status. This has passed out of the Assembly and gone back to the Senate.

*Status: Senate*

SB 923(Sher) Water Quality: As originally introduced, would have eliminated the ability to receive waivers of ag discharge permit-

ting, effectively preempting the current process under way with the Regional Water Quality Control Board. ag interests were able to achieve substantial amendments before the Assembly Committee on Environmental Safety and Toxic Materials, making the language less onerous. However, ag interests are still working to address other components within the bill including noticing and fee provisions. This has passed out of the Assembly Committee on Environmental Safety and Toxic Materials and moved to the Assembly Appropriations Committee.

*Status: Assembly Appropriations Committee*

### PUBLIC POWER

SB 888 (Dunn) Public Utilities Electrical Restructuring: As introduced, this bill seeks to enact the Electricity Deregulation Act of 2003 and would, among other things, provide that electrical and gas corporations have an obligation to serve retail customers with reliable service at just and reasonable rates. While controversial, the bill passed the Senate and moved to the Assembly, but failed to pass out of the Assembly Utilities and Commerce Committee.

*Status: Assembly Utilities and Commerce Committee*

SCR 30 (Poochigian) Electricity Cost Refunds: This resolution urges that energy-related refunds ordered by the Federal Energy Regulatory Commission, or negotiated by the Attorney General, the Governor, or any other agent of the state, should be used solely to provide relief to ratepayers and that, in order to provide relief, money from energy-related refunds should be dedicated strictly to repay the energy bonds or reduce or eliminate the rate surcharges dedicated to bond repayment.

The District is concerned that this would include those monies supporting our efforts to develop and place into operation peaking capacity in the District's service area. The District and the California Department of Water Resources have signed a Power Purchase Agreement for the power generated by these plants, which are to have a combined output of more than 90 megawatts, enough to serve some 90,000 homes. All of the new generation will be used to provide energy during the most critical use times, the hottest and coldest days of the year, and will be important tools in helping overcome power supply constraints that threaten the service area and the Central San Joaquin Valley.

As a Senate resolution, this does not mandate implicit action, but as stated "urges" that certain action be considered as the state continues to grapple with the on-going budget crisis.

*Status: Senate Appropriations*

### STATE BUDGET

SB 407 (Torlakson) Local Government Finance: This bill seeks to change the formula used to determine the amount of property tax revenues the District receives as a Multi-County Special District and shift those funds to other areas. As a Multi-County Special District, the District receives nearly \$500,000 per year in property tax revenues to augment the cost of providing necessary flood control and maintenance on the Kings River. While the recently passed state budget did not include a shift of these funds, the Legislature may still act to do so through specific bills like this. The bill passed the Senate and gone to the Assembly Appropriations Committee.

*Status: Assembly Appropriations Committee*

## Newest 5-Year Fisheries Plan Shifts Gears

The ambitious Kings River Fisheries Management Program has entered its fifth year with an updated plan of activities that is taking a different approach in order to fully evaluate what thus far has been accomplished.

The Kings River Conservation District, Kings River Water Association and California Department of Fish and Game in May 1999 joined as partners to establish the unique and model Fisheries Management Program.

Since then, the program's goals and objectives have been guided by a series of annually updated 5-year plans.

The most recent, approved by the program's Executive Policy Committee after review by the program's Public Advisory Group, does not include a wide array of new activities.

Instead, it calls for "a programmatic review of the program's direction and identification of capital habitat enhancement actions to be recommended for implementation in the future."

Being planned is a review of scientific information collected in the Program's previous monitoring efforts in order to evaluate alternative enhancement actions.

Along with extensive monitoring and evaluation activities, some of habitat enhancement and improvement projects are contemplated.

They include introducing deposits of spawning gravel in the river at three locations, vegetation planting (for fish cover) in Pine Flat Reservoir and boulder acquisition to eventually be placed in or along the river. Half logs are to be installed to provide more

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## Water Supply, *continued*

ing June from its May 28 peak of 15,526 cfs, resulting in the usual mid-summer heavy drawdown of storage in Pine Flat Reservoir.

As of August 6, Pine Flat storage was down to about 336,534 acre-feet, or 33 percent of capacity. KRWA believes that late summer's minimum storage will end up around 200,000 acre-feet, well above the 100,000 acre-feet of storage reserved as a temperature control pool under the Kings River Fisheries Management Program.

Spring's maximum storage in Pine Flat, on June 8, was 804,527 acre-feet, just over 80 percent of capacity and considerably greater than had been anticipated earlier in the season.

For the water year that concludes September 30, Kings River runoff is currently anticipated to be 84 percent of average. 🌊

## KRCD Helps Manage Surplus San Joaquin Water

The KRCD is usually a water agency lacking a supply of its own but that changed briefly in early June.

KRCD joined some Kings River Water Association member units as well as other southern San Joaquin Valley agencies in acquiring and helping beneficially manage surplus flows created when the San Joaquin River's Millerton Lake filled and began spilling in early June.

The situation came about, despite a drier-than-average water supply, because of the small size of the U.S. Bureau of Reclamation reservoir behind Friant Dam. Even though the San Joaquin River annually produces about the same amount of runoff as does the Kings River, Millerton Lake is just over half the size of Pine Flat Reservoir on the Kings.

On June 5, the Bureau began making surplus water (under Section 215 of the Reclamation Reform Act of 1982) available from Friant Dam.

KRCD a year ago negotiated a Section 215 contract with the Bureau to have in place in case such supplies were to develop. The Laguna Irrigation District purchased Section 215 water under the KRCD contract. Other Kings River units negotiated their own Section 215 contracts.

In all, some 15,000 acre-feet of surplus Friant water was imported into the Kings River service area over a period from June 5-13. The Bureau permitted the Kings River to receive a maximum Section 215 delivery of 1,150 cfs. 🌊

## Tours Have Been Changed But Still Offered

Kings River informational tours have been restructured and are still being offered by the Kings River Conservation District and Kings River Water Association.

Although the U.S. Army Corps of Engineers has continued to keep the area immediately adjacent to Pine Flat Dam closed to all public access, KRCD and KRWA have hosted a number of tours over the past few months to other locations along the Kings River and Pine Flat Reservoir.

"Even though we are currently unable to take visitors to the dam or the Pine Flat

Power Plant, we do see places and facilities along the river and provide a great deal of information to help understand achievements, operations, issues and needs," said Cristel Tufenkjian, KRCD Public Affairs Officer.

The dam was closed to all public access as a security precaution following the terrorist attacks of September 11, 2001.

Itineraries can be tailored to groups with special interests.

There is no charge. Lunch is provided. To reserve your space, call KRCD at 237-5567. 🌊

## 5-Year Plan, *continued*

cover for fish in the Thorburn Spawning Channel.

In order to expedite projects, the program also plans to seek permits that embraces a substantial section of the river rather than seeking permits on a project-by-project, site-by-site basis.

Non-capital elements of the plan include studying fishing access improvement, investigating grant and gift funding opportunities and other projects are also listed.

Ongoing projects include such activities as maintenance of the Thorburn Spawning Channel, and operation and maintenance of streamside incubators (for hatching trout eggs). 🌊

### KRCD News

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*Prepared by the Public Information Staff of KRCD*

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