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May 31, 2019

State Water Resources Control Board
Division of Water Rights
Attn: Mitchell Moody
P.O. Box 2000
Sacramento, California 95812-2000
Mitchell.Moody@waterboards.ca.gov

By Email and U.S. Mail

Re: Petition to Revise the Declaration of Fully Appropriated Stream Systems –
Kings River System

Dear Mr. Moody:

This firm represents the James Irrigation District (“James”). James is a member of the Kings River Water Association (“KRWA”) and serves agricultural water supplies to approximately 23,000 acres in central Fresno County located around the City of San Joaquin. Growers and landowners within the boundaries of James do not pump groundwater themselves and are wholly reliant on James for all irrigation water deliveries. James diverts surface water from the Kings River, San Joaquin River,¹ and receives water from the Central Valley Project (“CVP”). When surface water is not adequate to meet irrigation demands, James extracts groundwater from district-owned wells to makeup the shortage.

On May 25, 2017, Semitropic Improvement District of the Semitropic Water Storage District (“Semitropic”) submitted a petition to revise the fully appropriated stream (“FAS”) status of the Kings River system and a proposed water right application to appropriate any unappropriated water for Semitropic’s proposed Tulare Lake Storage and Floodwater Protection Project in Kern County.² A person seeking to revoke or revise the State Water Resources Control Board’s (“SWRCB”) FAS declaration for a stream must include information based upon which the SWRCB’s Deputy Director for the Division of Water Rights may determine that reasonable cause exists to hold a hearing on whether to make the proposed revocation or revision. (Cal. Code Regs., tit. 23, § 871, subd. (c)(1); see Water Code,

¹ James has a Settlement Contract with the United States, Contract No. 14-06-200-700A, for adjustment and settlement of certain claimed water rights to waters in the Fresno Slough tributary to the San Joaquin River.

² On May 9, 2017, three KRWA members – Alta, Consolidated and Fresno Irrigation Districts (collectively, the “Upper Districts”) – also submitted a FAS petition and water right application, but characterized them as dependent on whether the SWRCB found that there is unappropriated water. This letter addresses Semitropic’s petition.

§ 1205, subd. (a).) If the petition does not meet this standard, then the Deputy Director must deny the petition and provide notice to the petitioner and interested parties. (Cal. Code Regs., tit. 23, § 871, subd. (c)(5).)

Semitropic's petition does not meet the standard for the SWRCB to hold a hearing, because the Kings River water that is the subject of Semitropic's petition is not available for appropriation by Semitropic. James's rights to surface water and groundwater would be injured if Semitropic is allowed to divert and use the flows that are the subject of Semitropic's petition. Semitropic's project would also inhibit sustainable management of groundwater in the Kings Subbasin of the San Joaquin Valley Groundwater Basin, which is where James is located.

1. Joinder in KRWA's and the Upper Districts' Response to Semitropic FAS Petition

James joins in and incorporates the comments submitted by KRWA and the Upper Districts concerning the lack of any unappropriated flows in the Kings River System, the application of federal flood-control rules that preclude Semitropic's petition, effects of Semitropic's proposal on Sustainable Groundwater Management Act ("SGMA") compliance in the Kings Subbasin and the area of origin statutes. In particular, the arguments by KRWA and the Upper Districts concerning the application of federal flood-control rules demonstrate that any high flows that flow out of the Kings River System through the North Fork pursuant to those rules are not available for appropriation by Semitropic. Because the federal flood-control rules require that those water continue to flow through the North Fork system, they can only be diverted from within that system and cannot be appropriated via diversion into the South Fork system.

2. The relevant Kings River water is already subject to James's rights to divert and use surface water from the North Fork Kings River system.

James holds pre-1914 appropriative water rights to divert and use water from the North Fork Kings River system on lands within its boundaries.³ Landowners within James also hold riparian rights on the Kings River and exercise their riparian rights through James. The water that Semitropic seeks to appropriate is subject to these rights, which James recently reclaimed after leasing them for many years to other Kings River water users.

2.1. Background on James' surface-water rights

Use of Kings River water within James's service area dates back at least to the 1850's. Initially, James's predecessor, Jefferson G. James, began to divert Kings River floodwaters to raise grain and flood grazing lands. In the 1880's and 1890's, Mr. James and successor entities developed canal systems and diversion facilities to divert and use Kings River water to irrigate the lands that would become James's service area. (See *Chowchilla Farms, Inc. v.*

³ A more complete description of James's history is attached to this letter.

Martin (1933) 219 Cal. 1, 5, 12, 19 (discussing reclamation and development of the lands that would become James's service area.) By 1910, growers had developed a comprehensive plan for reclamation of James lands and irrigation with Kings River water and groundwater. (*Ibid.*)

With this letter, James is providing more detailed information concerning the development of surface water use and rights on which James relies. Enclosed with this letter is summary timeline developed by JRP Historical Consulting that provides more detail concerning the development of water use and facilities in the area where James is located. As this information indicates, substantial facilities were constructed beginning in the 1880s and continuing into the early 1900s to divert Kings River water from the North Fork system for irrigation in the area. Until 1920, the implementation of these facilities and water uses, along with the coordinated development of the area as an agricultural community, occurred through private entities. In the years leading up to 1920, landowners recognized the need to improve the facilities and the advantages of forming an irrigation district with the power to issue public bonds to finance the improvements. In February of 1920, however, the Fresno County Board of Supervisors approved of James's formation and James assumed these rights and facilities and has been the agricultural water supplier within its boundaries since that time.

Beginning in the 1920's, James's appropriative water rights to the Kings River were recognized in a series of agreements with other Kings River water users that, with James, would ultimately become the original KRWA members. In 1927, the original KRWA members formed the association and adopted a water schedule for diversions of Kings River water. Additional water users were added to the KRWA in 1949. In 1963, these entities executed a series of agreements that were intended to address the effect of the construction of Pine Flat Dam and Reservoir on the entities' various water rights.⁴ Under these agreements, between 1963 and 2016, James leased its Kings River water entitlement, and Pine Flat Reservoir storage space, to other KRWA members in exchange for funding James's purchase of CVP supplies that James received from the Mendota Pool. The State Water Board recognized James' water rights and the lease arrangement in 1967 in Decision 1290. (See D-1290, at p. 19.) The allocation of CVP supply water delivered to James has diminished considerably since the enactment of the Central Valley Improvement Act in 1992. For these and other reasons, including groundwater sustainability, James reclaimed its Kings River water entitlement, and Pine Flat Reservoir storage space, effective January 1, 2016. Since that date, James has directly exercised its Kings River rights to divert and use river water and will continue to directly exercise those rights in the future.

⁴Enclosed are copies of the following relevant agreements: (1) September 10, 1963 Agreement Among Lower River Units Of Kings River Water Association For Operation Under Storage Conditions, part. §§ 10, 12, 16; (2) December 23, 1963 James-Kings River Water And Storage Use Agreement; (3) December 23, 2003 Agreement For Rental Of James Irrigation District And Tranquillity Irrigation District Kings River Water Entitlement And Storage Space, part. § 7; and (4) January 1, 2016 2015 Amendment Of Water Use Revenue Agreement And Lower River Agreement, part. § 4.

James also is the agent for its landowners' exercise of their riparian rights and those rights apply to water that is covered by Semitropic's FAS petition. Land within James was developed in a coordinated manner with early water companies being authorized to exercise landowners' riparian rights in waters in, and deriving from, the Kings River. (See *Turner v. James Canal Co.* (1909) 155 Cal. 82, 84 (confirming riparian rights to Fresno Slough of James's predecessor); see also *Miller & Lux, Inc. v. Enterprise Canal & Land Co.* (1915) 169 Cal. 415, 419-420 (discussing high flow conditions leading to Kings River floodwaters in Fresno Slough).) With the situation in James's area where the water flowing through many natural sloughs was routed into ditches and bypasses in order to both reclaim the land for agriculture and provide a water supply for that agriculture, James, as the eventual water supplier for the affected land, became the agent for the exercise of the relevant landowners' riparian rights. The SWRCB has acknowledged that such arrangements can be a valid exercise of such riparian rights. (See *Woods Irrigation Company*, SWRCB Order WR 2011-0005, pp. 19-21 (citing supporting court decisions).) Riparian rights of course are not limited to past usage, so, as an authorized user of riparian rights, James has the right to increase its diversion and use of Kings River water, including the water that is the focus of Semitropic's petition.

2.2. Semitropic's petition does not account for James's diversions downstream of the gage on which that petition relies

Semitropic's petition is based on a fundamental technical error because it relies on data from a gage to assert that there is unappropriated water in the Kings System even though James diverts water downstream of that gage. Semitropic's petition relies on James Bypass gage data to argue that undiverted flows exist in that reach of the river. (See Petition, Ex. B.) Semitropic characterizes the flows measured by the gage station as "represent[ing] surface water that has been historically lost from the Kings River service area." (*Id.* at p. 1.) Semitropic's argument is incorrect. As shown on the attached map, James diverts and uses surface water from the James Bypass from points that are downstream of the James Bypass gage. The Tranquillity Irrigation District, another Kings River water user and original KRWA member, also diverts and uses surface water downstream of the James Bypass gage. The flows diverted and used from these points are included in the flows measured at the James Bypass gage, flows that Semitropic incorrectly claims are not diverted and put to beneficial use. Furthermore, because of the distance between Pine Flat Dam and the James Bypass, some of the flows not diverted by James or Tranquillity are carriage water that is necessary to convey water to these districts. Water that is reasonably necessary for conveyance is a lawful component of James's water rights water. (See *Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489, 546-547.) Therefore, the fundamental technical basis for Semitropic's petition is incorrect and the SWRCB should not consider that petition further.

2.3. The water that is the subject of Semitropic's FAS petition already is subject to James's appropriative rights and riparian rights that James may exercise.

The 1963 and 2003 agreements under which James leased its Kings River water rights to other water users contemplated that, when James reinitiated use of its rights, it would need to be equitably compensated for the effect of Pine Flat Dam on those rights. Specifically, the 2003 agreement's section seven states that, in the event of its termination and James or Tranquillity beginning to use its water rights again:

[T]he parties to this Agreement shall immediately and in good faith endeavor to negotiate means by which channel losses suffered by James and/or Tranquillity in receiving deliveries will be compensated from the storage operations pools established by the KRWA and the Lower River Units, James and Tranquillity in order that James and Tranquillity will be equitably compensated with the other parties hereto for losses sustained by James and Tranquillity as a result of storage by the remaining members of the KRWA.

The issues presented by this contractual requirement have not yet been determined, but the compensation due James almost certainly involves water that is subject to Semitropic's FAS petition.

Compensation to James from Kings River flows managed at Pine Flat Dam is necessary because, before the dam's construction, a significant portion of James's water supply derived from "refused water" that upstream Kings River water users could not use as the river flowed in a more natural, pre-dam state. The dam of course allowed for storage of those high flows, but this change in the other water users' method of diversion impacted James. (See Water Code § 1706 (pre-1914 water right holders' method of diversion may be changed "if others are not injured by the change"); cf. *City of Santa Cruz*, SWRCB Order WR 2009-0061, pp. 9, 14, 19 (addition of storage to direct-diversion right, and vice versa, allowable if there is no injury to another legal user of water).) The resulting issue was addressed temporarily through James' lease to other Kings River water users under the 1963 agreements. Now that James is once again using its Kings River rights, the issue must be addressed under the existing agreements.

The issue is particularly pressing because James in fact did use its Kings River rights in 2017 and KRWA's loss and storage compensation calculations imposed burdens on James that James does not believe are consistent with the applicable agreements. James has filed an action in Fresno County Superior Court concerning the matter. (*James Irr. Dist. v. Kings River Water Assn. et al.*, Fresno County Superior Court Case No. 19CECG00769.) The resolution of these issues concerning James' water rights easily may involve water that is subject to Semitropic's FAS petition. This is particularly true because, as noted above, federal flood-control rules generally require that the water flow through the North Fork system, where James is located. For example, the high flows that are subject to Semitropic's petition could be water that the District diverts at lower loss rates, effectively serving as carriage water necessary to convey water to the District in light of Pine Flat's elimination of refused water.

The water that Semitropic seeks to appropriate also involves water that is subject to the riparian rights of landowners within James that James may need to exercise. Riparian rights of course are not diminished by past usage. Accordingly, as an authorized user of its landowners' riparian rights, James has the right to increase its diversion and use of natural flows in the Kings River, including the waters that are the focus of Semitropic's petition. As discussed further below: (1) SGMA may require significant reductions in groundwater pumping within the Kings Subbasin, which DWR has designated as critically overdrafted (DWR Bulletin 118 Groundwater Basins Subject to Critical Conditions of Overdraft (2018));⁵ and (2) James has pumped groundwater as a component of the supplies that it delivers to its landowners. With SGMA's implementation, it is likely that James will need to exercise its landowners' riparian rights to increase its diversion and use of the Kings River water that is the focus of Semitropic's petition.

3. Kings River water subject to Semitropic's FAS petition is not available for appropriation outside of the North Fork Kings River system because that would injure James's groundwater rights and impede SGMA implementation in the Kings Subbasin.

As discussed above, James succeeded to the rights of landowners and private companies that began coordinated land and water development in the area beginning in the late 1800's. In particular, James's private predecessor, the San Joaquin Valley Farm Lands Company, drilled numerous deep groundwater wells in the late 1910's and early 1920's to extract local groundwater from what is now known as the Kings Subbasin. James later acquired the right to exclusive use of these wells, which James uses conjunctively with its surface water supplies. In some years, pumped groundwater is a significant component of the water supplies that James provides to its growers. The major source of recharge to the local groundwater, and James's wells, is the Kings River flows that reach the portion of the basin where James is located. Semitropic's project would injure James's rights to groundwater by appropriating water that currently recharges the basin.

Semitropic's own technical analysis hints obliquely at this impact. Its draft EIR states that channel losses in the James Bypass are estimated to be 30%. (DEIR, p. 3.10-27.) This means that, if Semitropic's project were to be constructed, up to 42,000 acre-feet per year of recharge water would not percolate into the Kings Subbasin in the area of James and would not be available for pumping and use by James and other Kings basin pumpers. (*Ibid.*) Semitropic's draft EIR characterizes this loss of recharge water as less than significant *because it compares the lost recharge to the amount of total recharge in the Kings Subbasin.* (*Id.*) This analysis, however, dramatically underestimates the impact on *local* groundwater conditions in the area from which the water would be appropriated, which namely is the lower portion of the North Fork system where James is located.

⁵Available at <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins>.

SGMA determinations and implementation also demonstrate that there is no water available from the North Fork system for Semitropic to appropriate. As noted above, DWR has found the Kings Subbasin to be experiencing conditions of critical overdraft. These conditions would be exacerbated by the Semitropic's removal of up to 42,000 acre-feet per year of recharge water from the Kings Subbasin. This withdrawal of a source of recharge obviously would make it more difficult for the groundwater sustainability agencies within the Kings Subbasin – which include the James Groundwater Sustainability Agency⁶ – to meet SGMA's requirements concerning the achievement of sustainable conditions. (See Water Code §§ 10721, subds. (r), (u)-(v); 10727.2, subd. (b); 10727, subd (a).) The SWRCB also has found that the existence of overdraft in a hydrologically connected groundwater basin can be a reason why further appropriations of surface water may not be allowed. (See *Lake Arrowhead Community Services Dist.*, SWRCB Order WR 2006-0001, pp. 10, 18 (change from non-consumptive to consumptive use could not continue after downstream basin became overdrafted).) Because the removal of water from the North Fork system, as proposed by Semitropic, would remove a source of recharge from a critically overdrafted basin and impact local groundwater users like James, the SWRCB cannot find that unappropriated water is available as proposed by Semitropic.

4. Conclusion

Water from the Kings River's North Fork is not available for appropriation by Semitropic. These waters are subject to James's exercise of pre-1914 appropriative rights, its groundwater rights and its landowners' riparian rights that it can exercise. Because Semitropic's petition does not demonstrate that these waters are subject to appropriation, no reason exists for the SWRCB to hold a hearing on the petition. James therefore respectfully requests that the Deputy Director of the Division of Water Rights deny the petition. (Cal. Code Regs., tit. 23, § 871, subd. (c)(5).)

Kind regards,



Ryan S. Bezerra

RSB:
Enclosures

⁶ The James Groundwater Sustainability Agency was formed by James and Reclamation District No. 1606 and covers lands within their boundaries.

HISTORICAL BACKGROUND ON THE JAMES IRRIGATION DISTRICT

Jefferson James and the James Ranch

Lands within the James Irrigation District (JID or District) were originally part of 72,000 acres acquired by the pioneer Jefferson G. James in the 1870s and 1880s. Most of the lands within today's District were periodically flooded by Kings River flood flows, and consisted of grassland and swampland, traversed by a series of slough channels. Mr. James grazed cattle on the overflowed lands and excavated channels to control the spreading of Kings River water. His company, the J.G. James Company, was headquartered in San Francisco and supplied both beef and mutton from James Ranch. It became the fourth largest wholesale meat concern in California.

In 1885, Mr. James constructed a 15 mile long canal from the Murphy Slough to skirt the eastern edge of the submersible lands. This canal was known as the Eastside Canal. In 1889 and 1892, he constructed two parallel eight-mile long canals that skirted the western edge of the submersible lands. These canals were used to irrigate cropland he leased to tenants as well as his own grasslands. The westernmost canal eventually came to be known as the Beta Main Canal. San Joaquin River water was also pumped from the pool in the Fresno Slough Bypass (created by impoundment of water behind Mendota Dam) at the north end of today's District.

The activities surrounding the reclamation of the James Ranch and the development of water supplies by the J.G. James Company were the subject of various lawsuits. The lawsuits were initiated primarily by Miller and Lux interests and involved conflicts over diversions under riparian and appropriative water rights. The cases typically involved conflicts over San Joaquin River diversions. Jefferson James prevailed in court and was successful in asserting his riparian right to water from the San Joaquin River through the Fresno Slough. One case, *Chowchilla Farms v. Martin*, involved riparian rights claims to Kings River flows and describes the historical development of land reclamation facilities initiated by Jefferson James.

Graham Farm Lands Company

Jefferson James passed away in 1910, leaving control of his property and the J.G. James Company to his heirs. Benjamin F. Graham acquired James Ranch in 1912 through his company, Graham Farm Lands Company. Graham retained an engineering firm from Los Angeles, Quinton, Code and Hill, to plan a comprehensive reclamation and irrigation system for James Ranch. The engineers designed a large levee system that improved upon the structures erected during Jefferson James's ownership. The engineers work also involved extensive topographic and other surveys, building main canals, laterals, and structures, and the drilling of deep artesian and shallow wells.

Graham eventually sold his interest in the company to a group of Los Angeles investors, who successfully petitioned to change the corporate name to San Joaquin Valley Farm Lands Company in July 1913.

San Joaquin Valley Farm Lands Company

The San Joaquin Valley Farm Lands Company continued to implement the plan commissioned by Graham to reclaim the land and to improve the irrigation of the land with the view of selling off cropland in blocks to settlers.

In 1913, the present Main Canal was constructed just southwest of and parallel to the eastern flood channel known as the Fresno Slough Bypass. The previously mentioned Eastside Canal was subsequently abandoned. Lateral canals running east-west were also constructed to distribute water from the Main Canal and Beta Main Canal to the blocks of land being developed. Kings River water was diverted from the Fresno Slough Bypass to irrigate the lands between the two channels. Meanwhile, the west side canals were still used to irrigate lands west of the Fresno Slough.

In 1914, Reclamation District No. 1606 was formed and constructed two channels through the District to make a continuous connection from the Kings River to the San Joaquin River and pass flood water through the area. The western channel is known as the Fresno Slough and the eastern channel is known as the Fresno Slough Bypass (or James Bypass). The construction of the western channel was actually an improvement of a channel dug between 1873 and 1874.

In addition to developing surface water supplies, numerous deep wells (700 to 1,200 feet deep) were drilled within the District boundaries by the San Joaquin Valley Farm Lands Company in the late 1910's and early 1920's to tap the confined aquifer below the Corcoran Clay. The wells were used to provide a continuous source of water when surface water was not available. These wells were called 'artesian wells', and some originally flowed to the surface without pumping. Eventually, pumps were placed in each of the wells as the groundwater surface dropped. Today, the deep wells are only used for groundwater elevation monitoring and are no longer used for groundwater production.

James Irrigation District

When progress on improving irrigation facilities slowed, landowners (primarily the San Joaquin Valley Farm Lands Company) sought to revive the effort. JID was organized on February 16, 1920 and had the ability to finance continued improvements through the issuance of bonds. The San Joaquin Valley Farm Lands Company then sold JID the perpetual right to pump groundwater from beneath those lands east of the Bypass, up to 200 cfs in capacity, and also sold JID existing irrigation facilities within the district. More and more pasture lands were converted to crop land within JID as the water supply and distribution system was improved. Gradually, blocks of the San Joaquin Valley Farm Land Company's holdings were sold to colonists.

In 1921, following the formation of the JID, numerous shallower wells (200 to 550 feet deep) were drilled on land then owned by the San Joaquin Valley Farm Lands Company east of the Fresno Slough Bypass. The McMullin Grade Canal and the Lassen Avenue Canal were simultaneously built to transport that water to lands west of the Bypass in JID. These wells, along with other wells constructed within the JID boundaries, tap the unconfined aquifer above the Corcoran Clay. The unconfined aquifer feeding these wells is recharged by the flows in the lower reaches of the Kings River.

Kings River Water Association

At the end of the 19th century and beginning of the 20th century, there were numerous legal disputes over Kings River diversions. Finally, in 1927, the Kings River diverters reached an agreement about how to allocate water and an administrative agreement was created forming the Kings River Water Association (KRWA), along with the establishment of a permanent monthly diversion schedule. JID's water rights were reflected in this schedule and JID has been a member of KRWA since its formation. Settlement of disputes between the KRWA and interests in the Tulare Lake Basin, created in part by the proposed Pine Flat Reservoir project authorized by the Flood Control Act of 1944, prompted amendments to the schedule and 1927 agreements in 1949.

Pine Flat Dam and Kings River Operations under Storage Conditions

Pine Flat Dam was completed in 1954 on the Kings River by the United States Army Corps of Engineers. The construction of the reservoir dramatically altered the natural flow of the river while providing flood control, power generation, and storage of irrigation water. The original agreements created under unregulated flow conditions were no longer suitable for operations under regulated flow conditions and storage. A temporary agreement was reached in 1955.

In 1963, a permanent agreement was reached among the KRWA member units. The resolution of channel loss issues were a major component of the agreement. Before the construction of Pine Flat Dam, there were substantial quantities of water that was not diverted by upper river diverters. This water facilitated the deliveries to lower river diverters like JID and allowed them to receive their entitlement under the water schedule. After the construction of Pine Flat Dam, the upper river diverters were able to store their excess water making it unavailable to cover channel losses for deliveries to lower river diverters. The resolution of the issue involved a number of agreements which established storage operations pools and provided for contribution of water to the pools by all KRWA members and the compensation of channel losses for lower river diverters.

The agreements also implemented an exchange whereby JID and Tranquillity ID would receive an alternate water supply from the Central Valley Project funded by the lower river diverters and the Kings River water entitlements of JID and Tranquillity ID would be used in one of the storage operations pools. This exchange agreement is often referred to as the Rental Agreement and was modified or renewed in 1987, 1989 and 2003. JID still continued to divert and utilize flood water from the Kings River during the term of the Rental Agreement.

JID's Central Valley Project Supplies

Friant Dam was constructed by the United States Bureau of Reclamation (USBR) on the San Joaquin River and put into operation in 1944. From 1944 to 1950, JID pumped San Joaquin River water from the Mendota Pool on an annual basis until August 1st of each year, with no limit placed on quantity. In 1951, the USBR completed the Delta Mendota Canal to bring water from the San Joaquin-Sacramento River Delta to the Mendota Pool. From 1949 to 1963, JID received temporary annual contracts for pumping a limited amount of water from the Mendota Pool.

The “Contract between the United States of America and the James Irrigation District Providing for Water Service and for Adjustment and Settlement of Certain Claimed Water Rights” was made on December 23, 1963. The agreement provided for an annual delivery of 9,700 acre-feet of water from Mendota Pool as an adjustment and settlement of the District’s San Joaquin River water rights. The agreement also provided for a 35,300 acre-feet supplemental water supply. The contract had a term of forty years. The 1963 USBR agreement was subsequently revised in 1989 to incorporate the effects of the Reclamation Reform Act of 1982.

JID subsequently entered into two interim renewal contracts which provided for the delivery of CVP water from March 1, 2004 to February 28, 2006. JID entered into a long Term Renewal Contract on February 25, 2005 which became effective March 1, 2005 through February 28, 2030 and superseded the second interim renewal contract. JID’s CVP allocations have declined over time.

In the extremely dry year of 2015, JID received no allocation of CVP water through the Delta-Mendota Canal, but was able to serve all of its growers with irrigation water with a total amount of 53,349 acre-feet, by using groundwater and its settlement contract supplies, which were reduced that year by 50% to 4,850 acre-feet. JID’s ability to provide this supply in the extreme year of 2015 reflected the improvements to its water system and water management practices since 1977, a previous extremely dry year when JID was forced to require its growers to fallow 10% of its irrigated crop land.

James Groundwater Sustainability Agency

In 2014, the State of California enacted the Sustainable Groundwater Management Act. The act requires that local agencies form groundwater sustainability agencies, develop groundwater sustainability plans, and achieve groundwater sustainability by 2040. JID and Reclamation District No. 1606, through a Memorandum of Understanding, formed the James Groundwater Sustainability Agency (“James GSA”). The James GSA covers the area within both districts which includes the City of San Joaquin because of its inclusion in Reclamation District No. 1606. The James GSA does not cover the James ID wellfield outside of its boundaries.

The James GSA is working with six other groundwater sustainability agencies within the Kings groundwater subbasin to develop seven separate groundwater sustainability plans that will be submitted along with a coordination agreement to the California Department of Water Resources by January 31, 2020. A key component of the plan being developed by the James GSA is the utilization of Kings River water supplies in lieu of groundwater extraction.

James and Tranquillity “Back on the River”

Due in large part to declining Central Valley Project allocations and the need to achieve groundwater sustainability, JID did not extend the term of the Rental Agreement for its Kings River water entitlement and storage space in Pine Flat Reservoir. Tranquillity Irrigation District also opted not to extend the Rental Agreement. All the KRWA member units executed an agreement in 2015 that made certain amendments to the Blue Book Agreements to address issues related to the change. The rental agreement expired at the

end of 2015 and JID and Tranquillity ID were officially “back on the river” on January 1, 2016.

In 2017, JID utilized its Kings River water entitlement for the first time since “going back on the river.” In the 2017 Water Year (which ended September 30, 2017), the region experienced significant precipitation in the winter and spring months resulting in a 4,002,500 acre-feet of runoff on the Kings River. During the 2017 calendar year, JID diverted 63,970 acre-feet of Kings River water, 9,700 acre-feet of San Joaquin River Settlement Contract Water, and 11,820 acre-feet of Central Valley Project contract water for a total surface water supply of 85,490 acre-feet. JID extracted 719 acre-feet of groundwater, primarily in the months following the flood releases on the Kings and San Joaquin Rivers. Of this total water supply of 86,209 acre-feet, JID delivered 49,568 acre-feet to growers, recharged 15,613 acre-feet, lost or percolated 17,541 acre-feet within JID’s distribution system, spilled 167 acre-feet outside of the district, and provided 2,421 acre-feet of water to growers outside of the district that would have otherwise used groundwater. The net benefit (i.e. recharge, percolation, and in-lieu use less extractions) to the aquifer was 35,756 acre-feet.

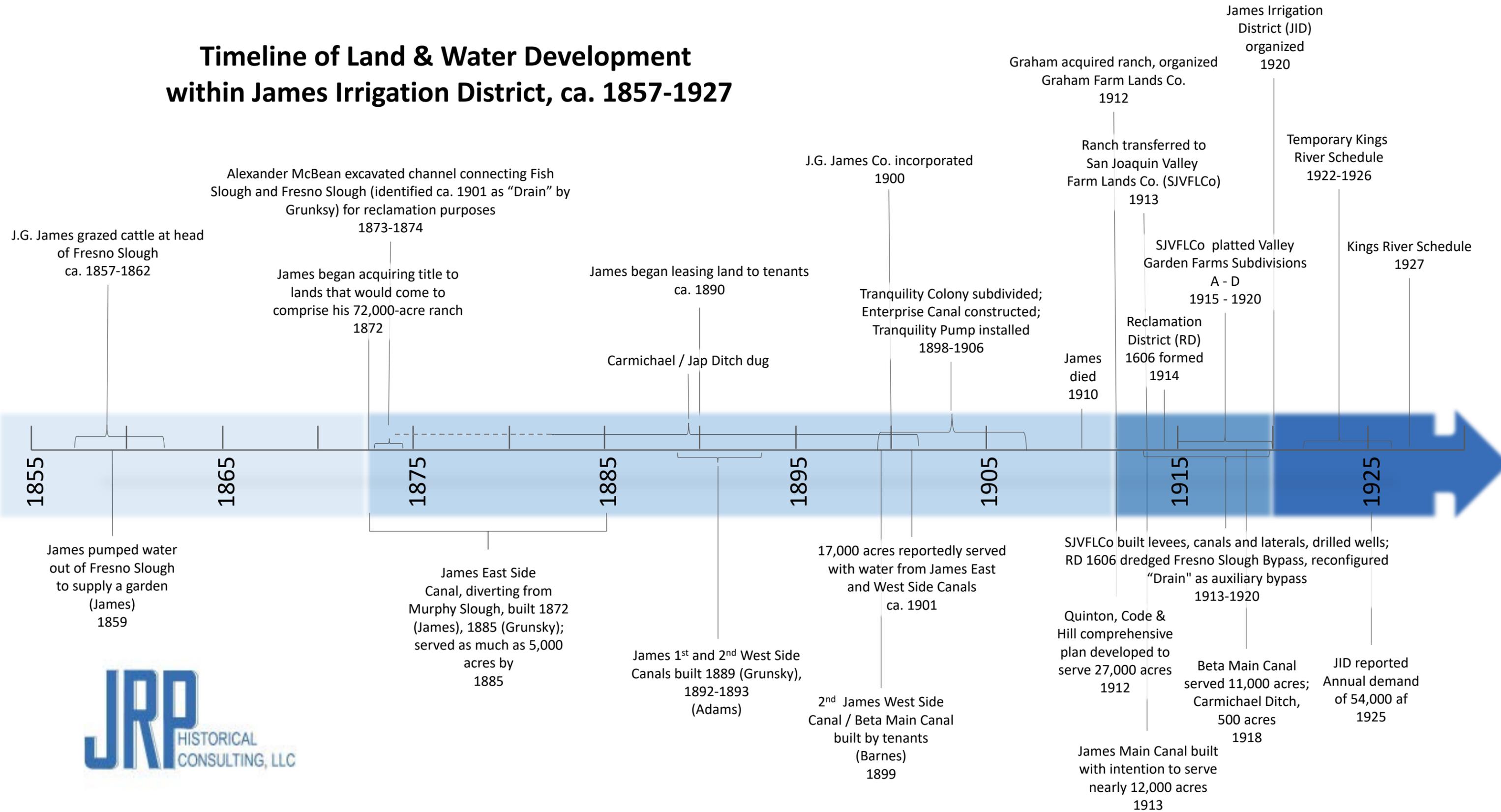
Pre-Reclamation
Period

J.G. James / J.G. James
Company Period

Graham / SJ Valley
Farm Lands Period

James Irrigation
District Period

Timeline of Land & Water Development within James Irrigation District, ca. 1857-1927



STATEMENT OF SERVICE
KINGS RIVER FULLY APPROPRIATED STREAM PETITIONS

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document:

Letter from Ryan S. Bezerra re: Petition to Revise the Declaration of Fully
Appropriated Stream Systems – Kings River System

to be sent by electronic mail to the following:

Semitropic Water Storage District
c/o Kevin O'Brien Downey Brand LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
kobrien@downeybrand.com

Consolidated Irrigation District, Fresno
Irrigation District, and Alta Irrigation
District
Attn Phil Desatoff
PO Box 209
Selma, CA 93662
pdesatoff@cidwater.com

I certify that the foregoing is true and correct and that this document was executed on May 31, 2019.

Signature: _____
Ryan S. Bezerra
Attorney for James Irrigation District
Bartkiewicz, Kronick & Shanahan
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