

ANDERSON-COTTONWOOD IRRIGATION DISTRICT

RESOLUTION NO. 2022-1

**AN EMERGENCY RESOLUTION ESTABLISHING ANDERSON-COTTONWOOD
IRRIGATION DISTRICT'S POLICY AND PROCEDURES FOR WATER
ALLOCATION IN 2022 IN RESPONSE TO WATER SHORTAGES**

WHEREAS, the State of California is experiencing severe drought including the driest January February and March in recorded history in many parts of the State; and

WHEREAS, on October 19, 2021, pursuant to Executive Order N-10-21, Governor Gavin Newsom proclaimed a State of Emergency “to exist in the State due to drought in the remaining counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, such that the drought state of emergency is now in effect statewide;” and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22, which reaffirms the State of Emergency drought proclamations issued on April 21, 2021, May 10, 2021, July 8, 2021 and October 19, 2021, and further directing state agencies to continue to implement conservation measures; and

WHEREAS, Executive Order N-7-22 finds that “the two largest reservoirs of the Central Valley Project have water storage levels that are approximately 1.1 million acre-feet below last year’s low levels on this date” and that “the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies”; and

WHEREAS, on March 21, 2022, the State Water Resources Control Board (“State Water Board”) Division of Water Rights (“Division”) issued a notice to Prepare for More Drought Impacts due to Ongoing Dry Conditions (“Notice of Ongoing Dry Conditions”), which states that the Division expects that it will take unprecedented action for the coming season, likely to include curtailment of water rights in many California watersheds; and

WHEREAS, in the Notice of Ongoing Dry Conditions, the Division proclaims its intention “to ask the State Water Board to consider emergency regulations to curtail water rights in certain watersheds if dry conditions continue or worsen”; and

WHEREAS, the Notice of Ongoing Dry Conditions advises water users in the Bay-Delta, Russian River, Scott River, Shasta River, Mill Creek, or Deer Creek watersheds to prepare for earlier curtailments; and

WHEREAS, Anderson-Cottonwood Irrigation District (“District”) and the U.S. Bureau of Reclamation (“Reclamation”) are parties to the Sacramento River Settlement (“SRS”), Contract No. 14-06-200-3346A-R-1 (“Contract”); and

WHEREAS, on March 14, 2022, Reclamation issued a letter to the District and other SRS Contractors, Update to Notification of Critical Year (“Reclamation Update”), which declares that

2022 is a Critical Year as that term is defined in SRS Contracts; and

WHEREAS, the Reclamation Update indicates that April water supplies “may be unreliable and limited in availability, if available at all”; and

WHEREAS, the Reclamation Update “strongly suggests” that SRS Contractors “plan for an extended period of extremely dry conditions for the remainder of the year and for considerably less water for irrigations purposes” than SRS Contractors have received in prior Critical Years; and

WHEREAS, the District is governed by California Irrigation District Law, Cal. Water Code Section 20500, et seq., which requires the adoption of rules and regulations for the equitable distribution of water; and

WHEREAS, the District “has the power generally to perform all acts necessary to carry out fully the provisions of this division,” Cal. Water Code section 22225; and

WHEREAS, on February 1, 2012, the District adopted revised Rules and Regulations Governing the Distribution and Use of Water pursuant to Cal. Water Code section 22257 establishing a set of equitable rules for the distribution and use of water (“Rules and Regulations”); and

WHEREAS, Rule 9 of the District’s Rules and Regulations provides for the equitable apportionment of available water supply; and

WHEREAS, the District is not liable for shortage of water or interruption in service, pursuant to Rule 19 of the District’s Rules and Regulations; and

WHEREAS, the District has determined, based on input from its engineering and other expert consultants, the water available for SRS Contractors during 2022 will be approximately 15 to 18 percent of the total Contract Supply specified in the SRS Contracts; and

WHEREAS, the District has determined, based on consultation with its engineering and other expert consultants, that the District’s water delivery infrastructure will be incapable of transporting such a low water supply equitably to all landowners because of the physical constraints of the system’s canals, laterals, and ditches, including losses due to evapotranspiration and soil types; and

WHEREAS, Reclamation’s estimated allocation of 15 to 18 percent of the District’s total contract amount for 2022 is insufficient to permit adequate and equitably apportioned delivery of water to all District landowners consistent with Rule 9 of the District’s Rules and Regulations; and

WHEREAS, as a result of not delivering water to landowners within the District, budgeted revenues will be substantially below projections; and

WHEREAS, the District has opportunities to engage in intra-basin water transfers with other CVP contractors, including but not limited to members of the Tehama Colusa Canal Authority, and

doing so could bring revenue into the District to make up for lack of revenue through District deliveries.

NOW, THEREFORE, BE IT RESOLVED:

1. The District finds, based on the foregoing, that current conditions render the District unable to equitably distribute water to its land owners and water users for the 2022 irrigation season.
2. The District finds it is in the District's best interest to explore transfers of water under the Contract to other CVP contractors within the Sacramento River basin, in accordance with all applicable law, including without limitation the California Water Code, the Central Valley Project Improvement Act, and the Reclamation Act of 1937.
3. The Board of Directors hereby authorizes the GENERAL MANAGER to seek out and negotiate one or more agreements for such water transfers, and to bring any such proposed agreement to the Board for consideration and approval.
4. This Resolution will expire at midnight on December 31, 2022, and shall not constitute precedent for any future District policies or procedures.
5. The District hereby finds that the adoption of this Resolution is not a project under the California Environmental Quality Act ("CEQA") or is an exempt project under CEQA and under CEQA Guidelines sections 15261(a) and 15301 as a part of an ongoing pre-CEQA project and the continued operation of existing facilities. Furthermore, the adoption of this Resolution is exempt under Water Code Section 1729 and as emergency projects under Public Resources Code Sections 21080(b)(3) and 21080(b)(4) and CEQA Guidelines Section 15269(c). The General Manager is authorized and directed to prepare and process an appropriate Notice of Exemption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Anderson-Cottonwood Irrigation District on April 14, 2022 by the following vote:

AYES: *Tiger Michiels, Audie Butcher, Roy Eliante, Rick Williams
Brenda Haynes*

NOES:

ABSENT:

Brenda L. Haynes

President

ATTEST:

John S. Cuneo

Secretary