

Ditchbank



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News for IID's agricultural water customers

www.iid.com/Water/NewsFromTheDitchbank

Questions, answers and updates about the QSA

What was the decision of the QSA trial court?

On Dec. 10, 2009, the court issued a tentative ruling following Phase 1A trial and vacated Phase 1B and 1C trial dates.

On Jan. 13, 2010, Judge Roland Candee issued a 52-page statement of decision following Phase 1A trial. This decision has not yet been made as a final appealable judgment. According to the statement of decision:

- Twelve of the agreements were the proper subject of a validation action, but not the flooding settlement agreement.
- Other QSA related agreements that were not involved in the case were validated by operation of law.
- IID had authority to enter into the agreements and did not violate trust obligations.
- There was no violation of conflict of interest laws by IID negotiators.
- IID was not required to first allocate water to landowners in order to proceed with the QSA.
- The court did not rule on whether IID complied with open meeting law requirements.
- The statute authorizing the QSA-JPA agreement is constitutional.
- The state commissioner voting requirement does not make

QSA-JPA agreement an illusory contract.

- The QSA-JPA agreement is invalid because the third sentence of section 9.2 violates California Constitution, article 16, section 7 (appropriation requirement).
- The court declines to rule on whether QSA-JPA agreement also violates California Constitution, article 16, section 1 (debt limitation).
- Other agreements are invalid because the parties would not have entered into those agreements without a valid QSA-JPA agreement.
- The court has jurisdiction to invalidate the three agreements with the federal government.
- Environmental challenges are dismissed as moot.

How is IID planning to respond to the decision?

On Jan. 5, 2010, the IID board adopted a resolution, stating:

1. The QSA is integral to the protection of Imperial Valley water rights and California meeting its Colorado River limits (4.4 plan).
2. It is in the best interest of the district to appeal the adverse rulings in the QSA cases and obtain a stay to maintain the status quo concerning the QSA, pending resolution of legal issues.
3. The district will remain transparent and work with the county to resolve issues concerning the state's obligation to mitigate QSA environmental impacts.

See **QSA**, Page 4

Hey, I'd like
to know...



Today's
questions come
from Westmor-
land farmer
Raul Rodriguez

Integrated regional water management plan info available

The California Department of Water Resources has developed a program designed to direct state grant funding to qualified water purveyors by geographic region.

This integrated regional water management plan approach is based on the local creation of regions with common interests and/or concerns, and provides a funding mechanism to assist in the resolution of regional water issues.

The department has partitioned the state into hydrologic regions. It has earmarked \$36 million for the Colorado River Region, an additional \$10 million for disadvantaged communities and up to \$1 million for the planning process for qualified regions. Funds come from the Proposition 84 water bond of 2006.

In April 2009, IID and Imperial County requested approval for the Imperial region during the department's region accep-

tance process. This region has been approved by the department, which is the first step in the development of an Imperial integrated regional water management plan.

Stakeholder interviews are being conducted by Dale Schafer, a senior mediator with the Center for Collaborative Policy, a branch of California State University, Sacramento. Schafer is acting as a neutral facilitator. An initial planning meeting is anticipated in late February or in March.

A number of documents (a map of the Imperial region, frequently-asked questions, governance and oversight documents, the executive summary, etc.) are available at:

www.imperialirwmp.org

You may also contact Jennifer Goodsell, IID's government affairs specialist, at (760) 339-9319 or via e-mail by writing to:

jgoodsell@iid.com.

Dredging of Singh reservoir to begin in February

The program coordinating committee, which oversees the IID/MWD water conservation program, has authorized funding for a contract to demonstrate the removal of accumulated sediment in the Singh reservoir. The work is to be completed without damage to its earthen clay liner.

R. E. Staite, a dredging contractor, has been awarded the contract to perform the work. Staite will utilize the services of Tornado Motion to do the actual dredging while they will perform the remainder of the work.

Tornado Motion utilizes a special pump to remove more material than normal dredging pumps and causes less sediment disturbance. The pump will be mounted on a barge that will be tethered to anchors located on the banks of the reservoir.

An underwater camera and other sensors will provide the operator the necessary visual data to keep the pump from damaging the clay lining at the bottom of the reservoir. In addition, constant water level data allows the operator to gauge the depth to the designed reservoir bottom. A discharge pipe will carry the water and sediment (slurry) to holding ponds where the solids will settle out. This dredging method allows the work to be performed while the reservoir is in operation.

Approximately 35,000 cubic yards of slurry will be pumped by the dredger into a series of holding ponds that will be constructed on IID property located immediately south of the reservoir. The



Expected to start in February, a special pump will be mounted on a barge to carefully remove sediment from the bottom of the Singh reservoir.

slurry will be pumped to these ponds and, after the sediment settles out, clarified water will either be pumped back into the reservoir or will be directed to the nearby Nutmeg canal by gravity.

To monitor and prevent seepage that may occur from the ponds into an agricultural field located west of the ponds, four groundwater observation wells and two additional interceptor tile lines will be installed between the ponds and the edge of the field.

The work is expected to be completed in 45 days and is scheduled to start by the middle of February. The coordinating committee will analyze and evaluate the system operation, work methodology, and cost per yard for dredging the material and will consider sediment removal from other reservoirs using this same method.

George Cairo Engineering has been tasked with construction management, including inspection, documentation, development and presentation of an after-action report for the committee and IID use after the contract is completed.



(Left) IID water construction crews build and (right) pour concrete slurry to encase three 72-inch pipes that will move water along the Westside Main Canal as it is routed under the road to accommodate the Highway 111/78 Brawley bypass.

New water cards required

A new water card titled “Certificate of Ownership and Authorization of Owner Designee or Tenant,” is required to be completed and received by the IID Water Department’s administration office for each field.

If you have not submitted an acceptable new water card since January 2009 (under the new format) you must do so immediately.

For those fields that the district has not received an acceptable new water card, IID will be attempting to contact customers. Those who refuse to comply will, at the direction of the board of directors, be denied water delivery service until the Water Department administration receives an acceptable new water card for the field.

The new water card essentially asks for the same information as the previous water card: field information, current legal owner of the field, designee (if applicable) and tenant. This will enable the IID to maintain current information about its water users for billing, water availability and correspondence purposes.

IID appreciates those customers who have complied and for their patience as the district continues to process and validate the thousands of new water cards that have been received.

New water cards are available at division offices and at:

www.iid.com/Water/WaterCardUpdate

Please contact the Water Department’s key customer coordinator at (760) 339-9334 for assistance.

IID offers on-line water ordering

The TruePoint online Web portal, where customers can place water orders and view consumption reports, is available to all district

water account holders who place water orders through divisions.

This new way of ordering water does not replace the practice of customers desiring to place their water orders personally or over the telephone. The ability to place water orders through the online Web portal is simply an additional option.

Other functions available through the Web portal include:

- Ability to view and print a daily listing of accounts for water orders.
- Field delivery details, such as time and flow changes.
- Consumption report by field per month and annually.

Agricultural water customers interested in exploring the Web portal may visit: www.iid.com/Water. When there, click on the “Water Card” tab. Please read the introductory letter and the instructions on how to apply for an IID online account before attempting the options.

Water Conservation Advisory Board

The Water Conservation Advisory Board normally meets the second Thursday of each month (except in August) at 1:30 p.m. in IID’s Water Control Center conference room in Imperial. Meetings are open to the public; comments are welcome.

Interested parties are advised to check the IID community calendar at www.iid.com to confirm meeting schedules. These are posted at least 72 hours prior to each meeting. The agenda can be accessed via the IID Web site at:

www.iid.com/Water/WaterConservationAdvisoryBoard

The WCAB’s newly-elected chairman, Al Kalin, said that in future meetings the board will consider discussing issues like the Quantification Settlement Agreement and IID’s system conservation plan. The WCAB may also schedule a tour of the Palo Verde Irrigation District to view its sequential runs.

Construction of Drop 2 reservoir 90 percent complete

The Drop 2 reservoir, located east of El Centro at the old Brock Ranch Experimental Research Station, is about 90 percent complete and ahead of schedule, project managers say.

The former experimental station provided a semi-developed location for the project. The reservoir has been designed to operate by gravity so that pumps are not required. The reservoir can store 8,000 acre-feet of water; it consists of two water storage cells that are lined with a polyethylene material to prevent seepage. Inlet and outlet structures connect the reservoir to the All-American Canal.

With an inlet and outlet capacity of 1,800 cubic feet per second, the reservoir can be filled or emptied in three days.

The reservoir became a reality through a funding agreement among the Bureau of Reclamation, the Southern Nevada Water Authority, Central Arizona Project and the Metropolitan Water District of Southern California.

The three agencies are funding the \$172 million cost to construct the reservoir. In turn, they are sharing the Colorado River water that will be conserved. This is water that would have otherwise flowed into Mexico.



One of the inlet structures at the Drop 2 reservoir.

With the completion of the reservoir, the water the reservoir conserves will be diverted into, and held by, the structure until the water is needed by the Imperial Irrigation District. In turn, the three agencies will receive a share of the conserved amount of water via their diversion intakes at lakes Mead and Havasu.

Once construction is completed, the reservoir and canal facilities will be permanently

fenced.

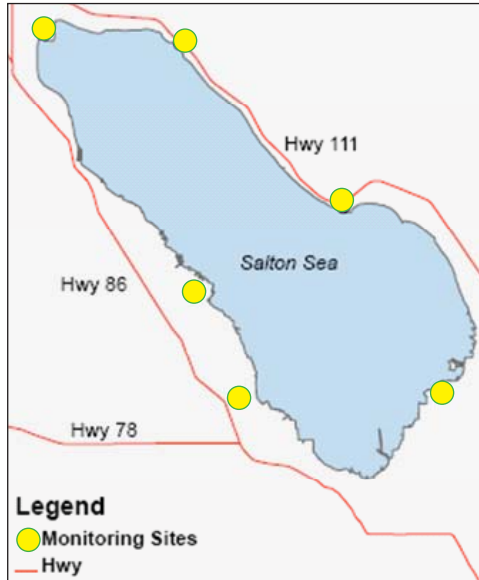
For more information, please see page 30 of the following document:

www.usbr.gov/lc/region/g4000/AOP2010/AOP10.pdf

District partners with county, others to monitor air at Salton Sea

As part of the IID/SDCWA water transfer mitigation program, IID has partnered with the Imperial County Air Pollution Control District, Torres-Martinez Desert Cahuilla Indians and the state of California to develop an air-monitoring system for the Salton Sea area. These agencies, along with members of the Salton Sea Ecosystem Restoration Program, assisted in the design and development of the monitoring system.

The six-station system, funded by the water transfer Joint Powers Authority, will monitor metrological data and particulate matter (dust) at six sites around the Salton Sea. The system will be used to establish local wind patterns, record local weather



data and identify potential sources of dust emissions. This information will be useful in developing site specific mitigation measures to reduce dust emission in the Imperial Valley.

One of the sites, located at the north end of the sea, will be maintained by the Torres-Martinez tribe and the other five sites, located around the east, south and west



IID, Imperial County, Torres-Martinez Indians, state of California and members of the Salton Sea Ecosystem Restoration Program assisted in the design and development of the air monitoring systems

perimeter of the sea will be operated by Imperial County. The air quality information from the sites will be compiled and audited by the state and will be made public via the Internet.

Construction and installation of the sites is underway and will be completed in the next few weeks. After a short training and testing phase, the sites will become operational and will provide useful data by the end of February.

QSA *Continued from front page*

4. The district intends to preserve all possible options to resolve QSA legal issues (such as legal review, renegotiation, legislation, executive remedies).

5. The district held a public workshop concerning the QSA on February 2.

6. Further, IID is seeking a second opinion from outside counsel concerning the court's decision.

Board resolution #2-2010 is available on the IID Web site at: www.iid.com/About/2010BoardResolutions

Background

The QSA and related agreements are a collection of many contracts signed in October 2003 in an attempt to reach an overall quantification, settlement and transfer of various Colorado River water allotments. It is a contract between the federal government, California and four Southern California water districts, including Imperial Irrigation District and the Coachella Valley Water District, designed to confirm the amount of Colorado River water available to states and other users along the river.

The coordinated cases in this proceeding are the result of the litigation that has followed the signing of the QSA, includ-

ing, but not limited to, actions seeking validation of the agreements and California Environmental Quality Act challenges.

IID sought to "validate" the water deal through a lawsuit designed to protect the agency from future legal challenges. Litigants including Imperial County farmers, water agencies, Imperial County government and its air pollution control district have since joined

Miss an IID Board meeting? The IID Web site now contains a link where recorded IID board meetings can be played in brief, or in their entirety. Please visit: www.iid.com/About/RecordedIIDMeetingsandEvents

in with various legal challenges and defenses.

A Web site has been established at the behest of coordination trial Judge Roland L. Candee to aid in the processing of these coordinated proceedings and to ensure that information about the cases is readily available to the public. The Web site is:

www.saccourt.ca.gov/coordinated-cases/qs/qs.aspx

Here, case information on the individual actions that make up this coordinated proceeding, tentative ruling information, minutes from court proceedings, court orders and a current master service list can be found.

The court scheduled the next hearing date for Feb. 11, 2010, in state Superior Court, Sacramento. The daily trial calendar for the Superior Court of California Web site is:

www.saccourt.ca.gov/civil/daily-trial-calendar.aspx