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OID, SSJID join in lawsuit filed against state over plan to increase river flows

The Oakdale and South San Joaquin Irrigation Districts today joined with other members of the San Joaquin Tributaries Authority (SJTA) in a lawsuit challenging the state's right to arbitrarily increase flows in the Stanislaus and two other rivers.

The injunction request was filed in Tuolumne County Superior Court against the State Water Resources Control Board over its proposed Bay-Delta Phase 1 unimpaired flow proposal, adopted Dec. 12, 2018. The plaintiffs are OID, SSJID, the Turlock Irrigation District, and the City and County of San Francisco. (To read the lawsuit, please go to www.SavetheStan.org)

The lawsuit contends that the water board's plan to require 40% in unimpaired flows, with a range of 30% to 50% between February and June, "directly and irreparably" harms the SJTA members. The plan "will cause substantial losses to the surface water supply relied upon by the SJTA member agencies for agricultural production, municipal supply, recreational use, hydropower generation, among other things. Implementation will also cause direct impacts to groundwater resources relied upon by the SJTA member agencies." These impacts will devastate local water supplies for ag and urban communities and severely impact the regional economy.

"We file suit not because we prefer conflict over collaboration. On the contrary, we continue to encourage and participate in settlement discussions on our rivers, and support science on the Stanislaus. But we also have an indisputable responsibility to reserve our legal rights and protect our ag and urban customers," said Peter Rietkerk, General Manager of the SSJID.

The lawsuit claims that "the board's own analysis estimates the project will impact more than 1 million acres of agricultural land in the San Joaquin Valley, the majority of which, 65% is designated as 'prime' or 'unique farmland,' or 'farmland of statewide importance.' "

"It's the decimation of a large portion of agriculture in the middle of the nation's most productive food belt that should concern everyone," said Steve Knell, General Manager of the OID. "All this loss of productive agriculture to gain 1,103 more salmon a year -- per the state's own analysis -- doesn't make sense."

Among other claims, the lawsuit alleges the water board adopted a wholly different plan than it analyzed, violated state and federal due process laws, and unlawfully segmented the environmental review of the plan by initially requiring higher flows from only three of the lower San Joaquin River tributaries, excluding the upper San Joaquin River and the larger Sacramento River and its tributaries, which provides the majority of the water to the Delta.

The suit also argues that the water board does not sufficiently describe the legal authority to implement the plan on senior water right holders and on local and federally funded reservoirs.

The water board adopted the plan after delaying a Nov. 7, 2018, vote at the urging of then-Gov. Jerry Brown and Gov.-elect Gavin Newsom to provide additional opportunity for voluntary settlements among tributary agencies.

The lawsuit is the unfortunate culmination of an effort begun five years ago by state agencies in concert with the SJTA at developing voluntary settlement agreements to avoid the draconian flow demands being proposed by the water board in their Phase I document. As a result of a hard deadline set by the water board and a result of a change in state government due to elections, that effort ended in a majority of the basin agencies not able to finish their negotiations, despite being extremely close.

The OID, SSJID and other members of the SJTA stand ready to return to the table if that door is opened under the new administration, but the lawsuit is a necessary action to preserve the SJTA's legal rights in court should that not occur.

About Us: The [South San Joaquin Irrigation District](#) was established in 1909 and is located in Manteca. It provides agricultural irrigation water to about 55,000 acres in Escalon, Ripon and Manteca. In 2005, the district expanded into providing domestic water service to selected cities within its territory. The [Oakdale Irrigation District](#) was created in 1909 and provides agricultural water to about 62,000 acres in northeastern Stanislaus County and southeastern San Joaquin County.

OID and SSJID hold senior water rights on the Stanislaus River. For more than 100 years, our agencies have responsibly delivered surface water to farms in San Joaquin and Stanislaus counties, and for SSJID, thousands of homes in San Joaquin County. We are committed to sensible water policies, innovative irrigation techniques, prudent conservation practices, and important investments in biological studies of the river and fish habitat.

Save the Stan is a public education effort by SSJID and OID to inform Californians about the threat posed by increased flows on the Stanislaus River. For more information, go to www.savethestan.org or our [Facebook page](#).