



**STOCKTON
EAST WATER
DISTRICT**

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Division 2

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MEETING NOTICE

The Agriculture Operations Committee
Of the Stockton East Water District
Board of Directors will meet at
10:00 a.m. on Thursday, April 25, 2024

At the District Office, 6767 East Main Street, Stockton, CA

Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please contact
Administrative Staff at (209) 948-0333
for assistance so the necessary arrangements can be made.

Agendas and minutes are located on our website at www.sewd.net.

AGENDA

	<u>Page No</u>
1. Roll Call - Chairperson Cortopassi, Director Atkins, Director Watkins, Director Sanguinetti (Alternate)	
2. Public Comment	
3. Stockton East Water District – Rule 109 – Establishing A Policy For Water Rights Claims	01
4. Stockton East Water District – Water Supply Master Plan Workshop	09
5. Adjournment	

Certification of Posting

I hereby certify that on April 22, 2024 I posted a copy of the foregoing agenda in the outside display case at the District Office, 6767 East Main Street, Stockton, California, and said time being at least 72 hours in advance of the Agriculture Operations Committee Meeting (Government Code Section 54954.2). Executed at Stockton, California on April 22, 2024.

Priya Ram, Finance Director
Stockton East Water District

Any materials related to items on this agenda distributed to the Agriculture Operations Committee of the Stockton East Water District less than 72 hours before the public meeting are available for public inspection at the District's office located at the following address: 6767 East Main Street, Stockton, CA 95215. Upon request, these materials may be available in an alternative format to persons with disabilities.

RULE NO. 109

ADOPTED June 20, 1972
REVISED _____

ESTABLISHING A POLICY FOR WATER RIGHTS CLAIMS

WHEREAS, the Act governing Stockton East Water district (“**Stockton East**”) authorizes the Board of Directors (“**Board**”) to make such rules and regulations as it deems necessary and proper for carrying out the provisions of the Act; and

WHEREAS, the Calaveras River diverges into the Calaveras River and Mormon Slough east of Bellota, and for interpretation of this Rule all references to “**Calaveras River**” shall mean that part of the Calaveras River east of Bellota and west of the San Joaquin-Stanislaus County line; and

WHEREAS, various diverters of surface water from the Calaveras River and its distributaries claim that a portion of the water they divert is diverted under a claim of right other than that held by Stockton East; and

WHEREAS, the Board recognizes that in some instances such claims may have validity when made by surface water diverters from the Calaveras River and from the Mormon Slough to the beginning of the Stockton Diverting Canal; and

WHEREAS, In 1969, Murray, Burns & Kienlen prepared a study of water uses and water rights on the Calaveras River (“**Water Rights Study**”); and

WHEREAS, the Water Rights Study set forth for each surface diverter in 1969 a percentage of that diverter's water demand that was considered to be taken under the diverter's claim of right (“**Allowance**”), concluding that:

- riparian lands are entitled to 30% of the surface water used on them under a claim of right,
- "Use" (as defined on page 14 of the Water Rights Study) lands are entitled to 16% of the surface water used on them under a claim of right and
- appropriators are entitled to the percentage of water used on them as set out for each individual appropriator on page 31 of the Water Rights Study;

WHEREAS, subsequent to the completion and adoption of the Water Rights Study, the Board received additional evidence that in that part of the Calaveras River the riparian entitlement may be somewhat greater than set forth in the Water Rights Study, and that accordingly some landowners in that reach may have a claim to additional rights; and

WHEREAS, based on that information, the Board concluded that the Allowance of some landowners on the Calaveras River were greater than that contained in the Water Rights Study, and modified the Allowance provided to such landowners under the Water Rights Study.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE STOCKTON-EAST WATER DISTRICT HEREBY ENACTS AND ESTABLISHES THE FOLLOWING RULE:

1. All assessments and charges levied for stream-delivered water subsequent to January 1, 1972 shall contain Allowances for independent water rights of each surface water diverter from the Calaveras River that have been recognized by Stockton East as follows:
 - a. The credit entitlement of riparian diverters between the east line of the Escalon-Bellota Road Bridge and the west line of Section 4, Township 2 North, Range 9 East, M.D.B.&M. is 35%.
 - b. The credit entitlement of riparian diverters between the west line of Section 4, Township 2 North, Range 9 East, M.D.B.&M., and the west line of section 35, Township 3 North, Range 9 East, M.D.B. & M. is 40%.
 - c. The credit entitlement of riparian diverters between the west line of Section 35, Township 3 North, Range 9 East, M.D.B.&M. to the San Joaquin-Stanislaus County line is 45%.
 - d. The credit entitlement of a diverter in the areas described in subparagraphs 1 (a), (b), and (c), may be increased by resolution of the Board of Directors on a finding based on reasonable evidence in the judgment of the Board of Directors that such diverter is entitled to additional rights, whether prescriptive, riparian, appropriative, or Use", not taken into account in the Water Rights Study.
2. Effective **REVISION DATE**, all existing Allowances shall remain in effect, but, except as provided in Section 3, and subject to Section 6, no further credit entitlements will be granted, recalculated or modified.
3. Because the Allowances assigned to riparian lands in the Water Rights Study, Table 7, are based upon water use at the time of the Water Rights Study, Allowances for Riparian Parcels (defined below) may be altered by Stockton East upon sufficient proof. The General Manager of Stockton East is authorized and directed to recalculate the Allowance due to each Riparian Parcel and to calculate the Allowance due to Riparian Parcels not covered by the Water Rights Study, which such calculations become necessary, in the opinion of the General Manager or when directed to do so by this Board. In the event of such a calculation the General Manager shall consider the ratios established by the adjustments made in the Allowances granted to Riparian Parcels in the three areas above Bellota. In addition:
 - a. All parcels that have a riparian right to natural flows in the river, stream, or creek will retain a riparian Allowance in perpetuity or until such time changes in state

law redefine the definition of riparian. The only parcels eligible to receive the riparian Allowances under this Rule are the smallest legal parcel that share a property boundary with a river, stream, or creek (“**Riparian Parcel**”), independent of prior inclusion within the Water Rights Study.

- b. Any parcel contiguous to a Riparian Parcel that does not itself share a property boundary with a river, stream, or creek, is not eligible to receive a riparian Allowance, even if under the same ownership. Landowners may appeal a parcel’s denial of a riparian allowance if acceptable documentation is provided identifying a riparian reservation recorded on the parcel deed as a result of a parcel subdivision.
 - c. Parcels identified within the Water Rights Study as owning an appropriative water right will continue to receive the identified Allowance until such time the appropriative water right is surrendered by the owner or otherwise invalidated by changes in state law.
4. The District reserves the right to modify or abolish any Allowance granted to a diverter pursuant to this Rule, as the Rule is intended to and is granted solely for the purpose of levying a charge for surface water use and is not a determination binding either upon the District or the diverter for any other purpose.
5. Any landowner who has an Allowance recognized by Stockton East in writing or as set forth in this Rule may take water after October 30th and prior to the following April 1st of any consecutive years without payment and without having such taking applied in satisfaction of such a landowner’s Allowance recognized by Stockton East, provided that any such landowner shall provide to Stockton East written documentation sufficient (in the opinion of the General Manager) to substantiate the actual time of water use.
6. All parcels receiving a non-riparian Allowance (i.e., for Use lands) and/or non-riparian parcels receiving a riparian Allowance as of **REVISION DATE** are required to continue using surface water to retain the Allowance. The use of groundwater for three (3) consecutive years, when surface water supplies are available, will constitute a failure to continue using surface water. If surface water is unavailable during the consecutive years of groundwater use, the corresponding number of years will be added to the consecutive years of groundwater use requirement. For example, should surface water be unavailable for two (2) years, groundwater use must occur for five (5) consecutive years to constitute a failure to continue using surface water.
7. This rule succeeds former Rules 10, 15, 21, 23, and 26 of Stockton East, and any question or dispute between an owner and Stockton East over charges or assessments made prior to the effective date of this Rule shall be governed by the appropriate former Rule to the extent that it would have applied prior to the adoption of this Rule.

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RULE NO. 109

ADOPTED June 20, 1972

REVISED _____

ESTABLISHING A POLICY FOR WATER RIGHTS CLAIMS

WHEREAS, the Act governing Stockton East Water district ("Stockton East") authorizes the Board of Directors ("Board") to make such rules and regulations as it deems necessary and proper for carrying out the provisions of the Act; and

WHEREAS, the Calaveras River diverges into the Calaveras River and Mormon Slough east of Bellota, and for interpretation of this Rule all references to "Calaveras River" shall mean that part of the Calaveras River east of Bellota and west of the San Joaquin-Stanislaus County line; and

WHEREAS, various diverters of surface water from the Calaveras River and its distributaries claim that a portion of the water that they divert is so-diverted by them represents natural flow water and is diverted by them under a claim of right other than that held by Stockton East; and

WHEREAS, the Board of Directors of this District has recognized recognizes that in some instances such claims may have validity when made by surface water diverters from the Calaveras River upstream and from the divergence of the Calaveras River and the Mormon Slough, and from the Mormon Slough downstream from said point, to the beginning of the Stockton Diverting Canal; and

WHEREAS, the Board of Directors of this District has had prepared by In 1969, Murray, Burns & Kienlen, consulting Civil Engineers, prepared a study of water uses and water rights on the Calaveras River, which is dated February 7, 1969, and the aforementioned study is hereinafter referred to as " ("Water Rights Study";"); and

WHEREAS, the Water Rights Study sets set forth for each surface diverter as of the date of the report in 1969 a percentage of that diverter's water demand that can be was considered to be taken from the natural flow of the river under a valid the diverter's claim of right; ("Allowance"), concluding that such computations are based on the findings of the report that based on the use of water during the year 1965;;

- riparian lands are entitled to 30% of the surface water used on them under a claim of right, "use
- "Use" (as defined on page 14 of said study the Water Rights Study) lands are entitled to 16% of the surface water used on them under a claim of right and
- appropriators are entitled to the percentage of water used on them as set out for

~~each individual appropriator on page 31, Water Rights Study; that the irrigation of riparian land that is not now irrigated will lower the percentages of water that can be used by all classes of land under a valid claim of right and that these decreases in percentages can be calculated from the data contained in the of the Water Rights Study and that if there is in the future surface irrigation of land not included in said study the percentage of water that can be used by such land under a valid claim of right, if any, can be calculated from data contained in said study which was adopted by Resolution 68-69-19 of the Board of Directors of this District on February 18, 1969; and;~~

WHEREAS, subsequent to the completion and adoption of the Water Rights Study, the Board received additional evidence ~~was presented to the Board, at its invitation, showing that~~ in that part of the Calaveras River ~~east of Bellota and west of the San Joaquin-Stanislaus County line, that~~ the riparian entitlement may be somewhat greater than set forth in ~~said~~the Water Rights Study, and that accordingly some landowners in that reach may have a claim to additional rights; and

WHEREAS, ~~this based on that information, the~~ Board ~~considered said evidence and~~ concluded that the ~~riparian entitlement~~Allowance of ~~thosesome~~ landowners ~~east of Bellota and west of the San Joaquin-Stanislaus county line was on the Calaveras River were~~ greater than that contained in the ~~said~~Water Rights Study, and ~~therefore~~modified the ~~riparian allowance~~Allowance provided to such landowners under the Water Rights Study.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE STOCKTON-EAST WATER DISTRICT HEREBY ENACTS AND ESTABLISHES THE FOLLOWING RULE:

1. ~~(1)~~All assessments and charges levied for ~~the period stream-delivered water~~ subsequent to January 1, 1972 shall contain ~~allowances~~Allowances for ~~the independent~~ water rights of each surface water diverter from the Calaveras River ~~as shown that have been recognized by the findings of the water Rights Study, modified~~Stockton East as follows:
 - a. The credit entitlement of riparian diverters between the east line of the Escalon-Bellota Road Bridge and the west line of Section 4, Township 2 North, Range 9 East, M.D.B.&M. is 35%.
 - b. The credit entitlement of riparian diverters between the west line of Section 4, Township 2 North, Range 9 East, M.D.B.&M., and the west line of section 35, Township 3 North, Range 9 East, M.D.B.& M. is 40%.
 - c. The credit entitlement of riparian diverters between the west line of Section 35, Township 3 North, Range 9 East, M.D.B.&-M. to the San Joaquin-Stanislaus County line is 45%.
 - d. The credit entitlement of a diverter in the areas described in subparagraphs ~~A(1)~~ (a), (b), and (c), may be increased by resolution of the Board of Directors on a finding based on reasonable evidence in the judgment of the Board of Directors that

such diverter is entitled to additional rights, whether prescriptive, riparian, appropriative, or "~~use~~Use", not taken into account in the Water Rights Study.

~~Any reference hereinafter to said Water Rights Study is to said Water Rights Study as adjudged in the manner set forth in this subparagraph (1) of Paragraph A as to said three areas east of Bellota. Payment made to this District in conformity with the assessments shall be considered payment in full to this District.~~

~~2. (2) Since the percentage allowance~~Effective **REVISION DATE**, all existing Allowances shall remain in effect, but, except as provided in Section 3, and subject to Section 6, no further credit entitlements will be granted, recalculated or modified.

~~2.3. Because the Allowances assigned to each surface water diverter~~riparian lands in the Water Rights Study, Table 7, ~~is~~are based upon water use at the time of said Study, and is subject to correction if there is additional surface water irrigation of riparian land, and since there is land which is potentially surface irrigated that may have valid water rights, that is not included in the Water Rights Study, the Secretary Manager of this District~~the Water Rights Study~~, Allowances for Riparian Parcels (defined below) may be altered by Stockton East upon sufficient proof. The General Manager of Stockton East is authorized and directed to recalculate the ~~percentage of allowance~~Allowance due to each individual surface diverter based on the date contained in the Water Rights Study and changes in the use of surface water along the Calaveras River System~~Riparian Parcel~~ and to calculate the ~~percentage of allowance~~Allowance due to diverters of water for use on lands~~Riparian Parcels~~ not covered by the Water Rights Study, which such calculations become necessary, in the opinion of the ~~Secretary-General~~ Manager or when directed to do so by this Board. In the event of such a calculation the ~~Secretary-General~~ Manager shall ~~recognize~~consider the ratios established by the adjustments made in the ~~allowances~~Allowances granted to ~~riparian diverters~~Riparian Parcels in the three areas above Bellota. In addition:

~~a. (3) Any water right allowance granted to a diverter pursuant to this Rule and pursuant to the provisions of earlier Rules adopted by this District may be modified or abolished by a Rule adopted by this District~~All parcels that have a riparian right to natural flows in the river, stream, or creek will retain a riparian Allowance in perpetuity or until such time changes in state law redefine the definition of riparian. The only parcels eligible to receive the riparian Allowances under this Rule are the smallest legal parcel that share a property boundary with a river, stream, or creek ("**Riparian Parcel**"), independent of prior inclusion within the Water Rights Study.

~~b. Any parcel contiguous to a Riparian Parcel that does not itself share a property boundary with a river, stream, or creek, is not eligible to receive a riparian Allowance, even if under the same ownership. Landowners may appeal a parcel's denial of a riparian allowance if acceptable documentation is provided identifying a riparian reservation recorded on the parcel deed as a result of a parcel subdivision.~~

~~c. Parcels identified within the Water Rights Study as owning an appropriative water right will continue to receive the identified Allowance until such time the~~

appropriate water right is surrendered by the owner or otherwise invalidated by changes in state law.

3.4. The District reserves the right to modify or abolish any Allowance granted to a diverter pursuant to this Rule, as the Rule is intended to and is granted solely for the purpose of levying a charge for surface water use and is not a determination binding either upon the District or the diverter for any other purpose.

4.5. Any landowner who has ~~a water rights allowance~~ an Allowance recognized by Stockton East in writing or as set forth in this District Rule may take water after October 30th and prior to the following April 1st of any consecutive years without payment and without having such taking applied in satisfaction of such a landowner's ~~water right allowance~~ Allowance recognized by ~~the District Stockton East~~, provided that any such landowner shall provide ~~such report necessary to~~ Stockton East written documentation sufficient (in the opinion of the General Manager) to substantiate the actual time of water use ~~as are satisfactory to the Collector.~~

6. All parcels receiving a non-riparian Allowance (i.e., for Use lands ~~or appropriators~~) and/or non-riparian parcels receiving a riparian Allowance as of REVISION DATE are required to continue using surface water to retain the Allowance. The use of groundwater for three (3) consecutive years, when surface water supplies are available, will constitute a failure to continue using surface water. If surface water is unavailable during the consecutive years of groundwater use, the corresponding number of years will be added to the consecutive years of groundwater use requirement. For example, should surface water be unavailable for two (2) years, groundwater use must occur for five (5) consecutive years to constitute a failure to continue using surface water.

5.7. This rule succeeds former Rules 10, 15, 21, 23, and 26 of ~~this District Stockton East~~, and any question or dispute between an owner and ~~the District Stockton East~~ over charges or assessments made prior to the effective date of this Rule shall be governed by the appropriate former Rule to the extent that it would have applied prior to the adoption of this Rule.



Water Supply Master Plan and 20-Year Capital Improvement Plan



Stockton East Water District

Task 2 Agricultural Committee Workshop Agenda

25 Apr-24
10:00 am to 1:00 pm

1. Workshop Objective
2. Water Supply Master Plan and 20-year CIP Overview
3. SEWD Goals and Objectives
4. Issues and Strategies—Board Input
5. Preliminary Water Supply and Water Demand Analysis Results
6. Preliminary Alternatives
7. Review Projects
8. Next Steps

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