

Irrigated Lands Waiver

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Subwatershed Program

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Win/Lose Versus Mutually Beneficial Solutions

by: Rick Landon, Yolo County Agricultural Commissioner

Many environmental groups like the Audubon Landowner Stewardship Program, Ducks Unlimited and the California Waterfowl Association work with agriculture to develop solutions to environmental problems. However, some environmental groups such as Bill Jennings California Sport Fishing Protection Alliance are not interested in working with agriculture to find mutually beneficial solutions.

Unfortunately, the Regional Board decided to follow Mr. Jennings lead. This is in spite of a tremendous effort by the Yolo County subwatershed.

Stan Lester, John Chiles, Grant Lea, Denise Sagara and I explained to the Regional Board that environmentalist such as Bill Jennings had sued participants before. We explained that defending oneself would cost over \$25,000 even if we were in compliance. We explained that our approach of keeping grower information confidential has provided us with the highest level of participation in the Central Valley with virtually 100% participation.

We explained that 100% participation provided for equitable distribution of the cost of monitoring, administration and hiring consultants, as well as Regional Board costs. We also explained that providing the Regional Board with the names of non-responders saved the Regional Board significant amounts of time.

The Regional Board decided to require the coalitions to provide the name, address, parcel information and

grower information to the Regional Board annually. This is in spite of the fact that this is a disincentive for growers to join the coalition. The coalition may also be required to provide GIS maps of the county identifying both participants and non-participants. This information must be submitted by September 30, 2006. In addition, they decided that if you have not joined a coalition by December 31, 2006 you will have to get an individual Waste Discharge Permit at a cost of many thousands of dollars! I don't know where this leaves new growers in Yolo County.

The bottom line is that the Regional Water Quality Control Board has decided to follow the win/lose model of Bill Jennings California Sport Fishing Protection Alliance rather than the solution oriented model of Audubon Landowner Stewardship Program, Ducks Unlimited and California Waterfowl Association.

Landowners and growers with lands next to Cache Creek and Putah Creek are encouraged to eliminate irrigation runoff into the creeks as sediment erosion is being closely watched by the Regional Board.



Water Quality

Irrigated Lands Program 5 Year Renewal Granted

Submitted by Wendy Cohen, Regional Water Quality Control Board

On 22 June 2006, the Central Valley Water Board adopted a renewal of the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for Coalition Groups*, and on 23 June, questions arose from Board members concerning two issues in the adopted Order: (1) whether a Management Plan should be automatically required from a Coalition Group whenever monitoring shows an exceedance of a water quality standard, and (2) under what conditions should new participants be allowed to join a Coalition Group after the 31 December 2006 deadline in the new Order. The Board voted to bring these two issues back for further discussion and action at the August Board meeting. Therefore, at its 3 August meeting in the morning, the Central Valley Water Board will discuss these two issues and consider whether to amend the adopted Order. The agenda package for this item is posted on the Board's website and may be downloaded at <http://www.waterboards.ca.gov/centralvalley/tentative/0608/index.html#agenda>.

In the staff report, Board staff is recommending no change to the Management Plan condition in the Order, but suggests the Board could instead give direction to the Executive Officer that follow-up on water quality exceedances, including requiring submittal of appropriate Management Plans, is a high program priority. The staff report states that if the Board decides Management Plans should be submitted automatically, certain conditions are recommended to prevent preparation and submission of many, essentially duplicative Management Plans.

Regarding the deadline to join Coalition Groups, the staff report recommends that the Board amend the Order to allow new participants in Coalition Groups after 31 December 2006 if certain conditions exist, such as the property changes ownership, the owner or property were not previously dischargers but now are dischargers, the owner or property previously participated in one Coalition Group but are transferring to another, Coalition Group boundaries change or a new Coalition Group is formed, or other situations reviewed and approved by the Executive Officer. The staff report further recommends that all new Coalition Group participants after 31 December 2006 be approved by the Executive Officer.

If you have any questions concerning this matter, please contact Bill Croyle at (916) 464-4848 or wcroyle@waterboards.ca.gov.

SWRCB Petitions Filed

On July 21, the Northern California Water Association submitted a petition to the SWRCB on behalf of the Sacramento Valley Water Quality Coalition challenging the Regional Water Quality Control Board's decision to not accept non-responder lists. The San Joaquin Valley Coalitions submitted a petition opposing the decision to only accept membership lists (they want to be able to submit maps in lieu of lists). The California Farm Bureau submitted a petition opposing the December 31 cutoff date for landowners or operators to sign up with a coalition. All of the above entities support the 5 year renewal of the Irrigated Lands Program.

C. Either prepare an environmental documentation or order the Regional Board to prepare environmental documentation adequate to comply with the California Environmental Quality Act for any conditional waiver that the Board proposes to address discharges of pollutants from agricultural operations.

The SWRCB will decide in the next several months whether to hear the petitions.

The California Sportfishing Protection Alliance, Deltakeeper Chapter of Baykeeper and San Joaquin Audubon also submitted a petition seeking an Order by the State Board to:

- A. Vacate Order No. R5-2006-0053 and Order No. R5-2006-0054 (Conditional Waiver).
- B. Either issue general Report of Waste Discharge Permits (WDRs) for agricultural discharges or remand the matter back to the Regional Board with an order to issue general WDRs for agricultural discharges.

State Water Resources Control Board Fees

Legislators have restored the General Fund to support the State Water Resources Control Board (SWRCB), which will allow the SWRCB to presumably keep the fees for the Irrigated Lands Program at \$.12/irrigated acre. At the time of publication, fees have not been agendized on the SWRCB calendar.



DNA testing on E. Coli

E. coli has been identified as exceeding the Basin Plan numeric objective at several monitoring locations throughout the Valley.

The agricultural coalitions collectively sent a letter to the Regional Board on June 16 acknowledging *E. coli* as a water quality problem and providing information on how they planned to address it.

Many Central Valley coalitions, including the Sacramento Valley Water Quality Coalition, will be entering into a contract in early August with UC Davis; UC Davis will analyze water samples to identify the bacterial sources of *E. coli* present in the waterways (i.e. ducks, humans, cows, etc.). Testing is scheduled to begin in August with initial results hopefully available in September and a final Report in December.

North Sacramento Valley Water Forum

The North Sacramento Valley Water Forum will hold its next event on September 15. The focus of the forum will be on water quality. Panelists from the wetland, rice, urban, rural, and the environmental community will be invited to talk about water quality problems they are experiencing in the valley and how their organizations are addressing these issues.

Date: September 15
Time: 1:00 - 3:00 pm
Location: Sutter County
Veteran's Hall, Yuba City

Numeric Criteria

As the Sacramento Valley Water Quality Coalition (Coalition) has undertaken monitoring throughout the region, the question about what constitutes a water quality "exceedance" is becoming increasingly important. The Central Valley Regional Water Quality Control Board (Regional Board), in its Basin Plan currently has *numeric* objectives and *narrative* objectives.

The application of these objectives will be critical to the Coalition and the subwatersheds. The Central Valley coalitions have formed a technical working group to develop a strategy to work with the Regional Board on a scientifically sound process to establish numeric criteria.

Regional Board staff have proposed assigning unadopted numeric objectives to constituents that currently have adopted narrative objectives.

The Central Valley coalitions are opposed to this idea. If narrative objectives are changed to numeric objectives then the coalitions want them to be based on sound science and to be adopted by the Regional Board.



David Guy and the California Rice Commission's Roberta Firoved briefed the California Agricultural Leadership Program's Class 35 on water quality issues in the Sacramento Valley and the coalitions' monitoring efforts at the Ridge Cut on the Sacramento River. This briefing was part of a day-long tour of the Sacramento Valley. RD No. 108 General Manager Lewis Bair, pictured with the group, provided Class 35 with a tour of his district's fish screen at the next stop in the tour. Todd Manley, NCWA, is a member of Class 35.

2007 Monitoring Plan & Coalition Budget

The Coalition will be working with the Subwatershed Coordinators over the next two months to prepare a draft monitoring plan and budget for 2007. The monitoring plan will be ready by September 1 and the final budget by September 29.



Management Practices

To comply with the California Regional Water Quality Control Board Central Valley Order NO. R5-2006-0053 Irrigated Lands Program (Conditional Waiver), Central Valley coalitions are required to implement and evaluate management practices “to achieve best practicable treatment or control of the discharge that will reduce wastes in the discharges to the extent feasible and that will achieve compliance with applicable water quality standards, protect the beneficial uses of waters of the State, and prevent nuisance”.

To meet water quality objectives and to comply with the above order, the Sacramento Valley Water Quality Coalition's (Coalition) Management Practices Outreach Subcommittee met in May to discuss how best to address exceedances. The Subcommittee recommended the following:

- The Coalition needs to develop detailed guidelines identifying the steps that need to be taken when an exceedance is identified and by whom;
- The Coalition subwatersheds need to work with the Agricultural Commissioners and others to get the word out to landowners and operators when an exceedance occurs. This could take place through individual mailings or phone calls, and by partnering with other organizations that put on workshops; and
- The Coalition, working with its partners, needs to develop a standard management practices survey so the Coalition can identify which management practices are currently being implemented and where.
- The Coalition for Urban/Rural Environmental Stewardship (CURES) will develop a plan to address these issues.

The Subcommittee will meet again in September.

SVWQC 2006 Monitoring Results

May & June 2006 Event

The Coalition is monitoring thirty-two sites during 2006. Seven of the sites are monitored with the assistance of three Coalition partners; the Northeastern California Water Association¹, the Putah Creek Watershed Group², and the Sacramento River Watershed Program³. The remaining twenty-five sites, one of which is only monitored during the storm season (Big Indian Creek on the Cosumnes River), are monitored solely by the Coalition.

Listed below are the seven sites monitored through Coalition partners:

- Pit River at Pitville¹
- Fall River at Fall River Ranch Bridge¹
- Pit River at Canby Bridge¹
- Pope Creek upstream of Lake Berryessa²
- Capell Creek upstream of Lake Berryessa²
- Colusa Drain above Knight's Landing³
- Sacramento Slough³

The seven sites listed above were monitored for physical parameters: (pH, dissolved oxygen, electrical conductivity (total dissolved salts), temperature, turbidity, and total dissolved solids) and drinking water standards (E. coli and Total Organic Carbon). None of the sites exceeded the Basin Plan objectives. Additionally, no significant toxicity was observed at the Sacramento River Watershed Program sites or the Northeastern California Water Association sites. Water toxicity testing is not required at this time for the Putah Creek Watershed Group sites.

May 2006 Event

Of the twenty-four sites solely monitored by the Coalition during May 2006, twelve sites (listed below) were sampled for water toxicity between May 23 and May 25. None of the sites monitored showed significant toxicity and none required specific follow-up actions. Big Indian Creek was only sampled during the irrigation season.

- Burch Creek west of Rawson Road
- Anderson Creek at Ash Creek Road
- Colusa Drain near Maxwell Road
- Butte Creek at Gridley Rd Bridge
- Stone Corral Creek near Maxwell
- McGaugh Slough at Finley Road East
- Shag Slough at Liberty Island Bridge
- Z Drain – Ulatis Creek at Brown Road
- Dry Creek at Alta Mesa Road
- Gilsizer Slough at George Washington Rd
- North Canyon Creek
- Ulatis Creek at Brown Road

All twenty-four Coalition sites were sampled in May for physical parameters and chemical parameters. In addition to the twelve sites listed above, the following sites were monitored in May 2006:

- Butte Slough at Pass Road
- Coon Creek at Striplin Road
- Cosumnes River at Twin Cities Road
- Indian Creek downstream from Indian Vly
- Middle Fork Feather River at County Road
- Pine Creek at Nord-Gianella Road
- Rough and Ready Pumping Plant
- Stony Creek on Hwy 45 near Road
- Tule Canal
- Wadsworth Canal at South Butte Road
- North Canyon Creek
- Spanish Creek above confluence with Greenhorn Creek

The following exceedances of Basin Plan limits for pH were observed:

- At Burch Creek, the pH measured 9.05, resulting in an exceedance of the Basin Plan upper limit of 8.5. This exceedance was associated with sluggish flows and the presence of substantial filamentous algae at the site.
- At Spanish Creek, the pH measured 6.37. This result was below the Basin Plan lower limit of 6.5. This exceedance was associated with Sierra spring snowmelt typically characterized by low pH values (5-7) that are the result of low alkalinity and buffering capacity (due to the very low concentrations of dissolved minerals in snow), and direct equilibration of snow with atmospheric CO₂.
- At Ulatis Creek, the pH measured 8.7 resulting in an exceedance of the Basin Plan upper limit of 8.5. This exceedance was associated with the presence of substantial algae, and a supersaturated oxygen concentration.

In response to the observed exceedances of Basin Plan pH objectives, the following actions were or will be implemented:

- The Burch Creek site was resampled the following morning at 8:00 am to evaluate potential diurnal variation because the result appeared to fit a profile of high pH caused by instream algal respiration. Retesting resulted in the pH being approximately 1 pH unit lower at this site early in the morning; below the Basin Plan upper limit of 8.5. This result provides additional support indicating that normal algal respiration processes are the proximate cause of the high pH observed the previous day, and that this diurnal pattern can be expected to continue until Burch Creek dries up later in the irrigation season. No additional follow-up sampling is planned in response to the initial exceedance.
- The pH value measured at Spanish Creek is only slightly below the lower Basin Plan objective for pH and is not likely to result in any impacts on beneficial use, since the result likely represents the natural season condition for this waterbody. The pH value is most likely the result of normal spring snowmelt flows, which are not expected to exhibit significant diurnal variation. Concurrent sampling was conducted in this watershed by the Feather River Coordinated Resource Management (FRCRM) group at sites upstream and downstream of the Coalition’s site and at several other nearby waterbodies. Water quality data for samples collected by the FRCRM program on May 23 will be reviewed to evaluate the spatial distribution of pH. Since concurrently collected data will be available, no additional samples will be collected by the Coalition.
- Field observations and direct measurements confirmed that Ulatis Creek at Brown Road results fit a profile of high pH caused by instream algal respiration, therefore, this site was not resampled and no additional follow-up sampling is planned. However, during subsequent regularly scheduled sampling conducted in June, ambient pH did not exceed the Basin Plan objective (pH of 8.4 collected at 19:15, June 22), although there was evidence of continued substantial effects of instream algal respiration, including supersaturated dissolved oxygen concentrations.
- As part of the Management Plan submitted on July 7 for Yolo County, currently available and newly generated nutrient data for the Ulatis drainage will be reviewed to evaluate the potential for nutrients to contribute to excess algal growth and subsequent dissolved oxygen and pH exceedances.
- Coalition Subwatershed Coordinators will notify landowners/operators of exceedances.

There were E. coli exceedances at three sites in May*:

- Andersen Creek at Ash Creek Road, 400 MPN/100mL
- Coon Creek at Striplin Road, 1,000 MPN/100mL
- Z-Drain/Dixon RCD, 520 MPN/100mL

*June E. coli results are not available yet.

June 2006 Event

Each of the ten Coalition sites were sampled for water toxicity during the June 2006 monitoring event, between June 20 and June 23. None of the sites monitored showed significant toxicity and none required specific follow-up action. Burch Creek at Rawson Road was dry, so no samples were taken. Samples are only taken three times a year at McGaugh Slough at Finley Road East; no samples for McGaugh Slough were taken in June.

- Anderson Creek at Ash Creek Road
- Colusa Drain near Maxwell Road
- Butte Creek at Gridley Rd Bridge
- Stone Corral Creek near Maxwell
- Shag Slough at Liberty Island Bridge
- Z Drain – Ulatis Creek at Brown Road
- Dry Creek at Alta Mesa Road
- Gilsizer Slough at George Washington Rd
- North Canyon Creek
- Ulatis Creek at Brown Road

Twenty-two Coalition sites, including those listed above, were sampled for physical parameters, (pH, dissolved oxygen (DO), electrical conductivity (total dissolved salts), temperature, turbidity, and total dissolved solids), during the June 2006 event. The following fourteen sites were also monitored for physical parameters:

- Butte Slough at Pass Road
- Coon Creek at Striplin Road
- Cosumnes River at Twin Cities Road
- Indian Creek downstream from Indian Vly
- Middle Fork Feather River at County Road
- Pine Creek at Nord-Gianella Road
- Rough and Ready Pumping Plant
- Stony Creek on Hwy 45 near Road
- Tule Canal
- Wadsworth Canal at South Butte Road
- North Canyon Creek
- Spanish Creek above confluence with Greenhorn Creek

The following exceedances of Basin Plan limits for physical parameters were observed:

- At Stony Creek, the pH measured 8.73, resulting in an exceedance of the Basin Plan upper limit of 8.5. This exceedance was measured at 5:45 pm and was associated with a supersaturated oxygen concentration.
- At Ulatis Creek pH measured 8.91 and Dry Creek measured 8.6. Both exceedances were the result of instream algae, therefore, no further sampling was conducted.
- At Gilsizer Slough, the initial DO measurement was below the Basin Plan lower limit of 5.0 mg/l for DO. The exceedance was confirmed after recalibration with a second DO measurement of 3.7 mg/L. This exceedance at Gilsizer Slough was measured at 4:00 pm and was associated with high ambient water temperatures, very low flows, and stagnant appearing water of a greenish brown color with large amounts of dying algae and 70% of the water surface was covered with leafy aquatic growth.
- At Anderson Creek, DO measured 6.74 mg/L and Butte Creek at Gridley Road Bridge measured 6.16 mg/L. Flows at both sites were low and the water was hot and stagnant.

In response to the observed exceedances of Basin Plan pH objectives, the following actions were implemented:

- Due to field observations and direct measurements suggesting that the cause of Stony Creek results fit a profile of elevated pH caused by instream algal respiration, this site was resampled the following morning to confirm a diurnal pattern in pH. Three samples were collected on June 21 and all three measurements were below Basin Plan upper limit of 8.5 for pH and were consistent with diurnal variation caused by instream algal respiration (lower pH and DO in the early morning with increasingly elevated pH and DO saturation throughout the daylight hours). Because the cause of the exceedance was determined, no additional follow-up sampling was planned.
- Field observations and direct measurements indicated that the primary causes of low dissolved oxygen at Gilsizer Slough was a combination of stagnant conditions and subsequent die off of instream algae. Because the conditions were caused by on-site conditions and there was no measurable flow at the site, there was no expectation of identifying an upstream “source” for the low dissolved oxygen. Two upstream sites on Gilsizer Slough were sampled to determine the extent of the low oxygen conditions: one site at Hutchinson Road and a second at Oswald Road. Conditions at both of these sites were characterized by velocities below detection, clear water, high ambient temperatures, and supersaturated dissolved oxygen concentrations. Field crews observed abundant algae at the Oswald Road location and noted large numbers of fish at the most upstream location at Hutchinson Road. Ambient pH was greater than the Basin Plan upper limit of 8.5 at both upstream locations. Because the proximate cause of the pH exceedances observed at the upstream locations was clearly instream algal respiration, no additional samples were collected to evaluate causes or sources of the exceedances.
- Information about these observed exceedances and causes will be provided to growers in the Stony Creek and Gilsizer Slough drainages through local outreach efforts. Currently available and future nutrient data will be evaluated as a potential factor contributing to excess algal growth and subsequent pH and DO exceedances.



Sediment Toxicity

Thirteen sites were tested for sediment toxicity in March; of the first of the two scheduled sediment sampling events for 2006 no toxic samples were identified. Sampling locations include:

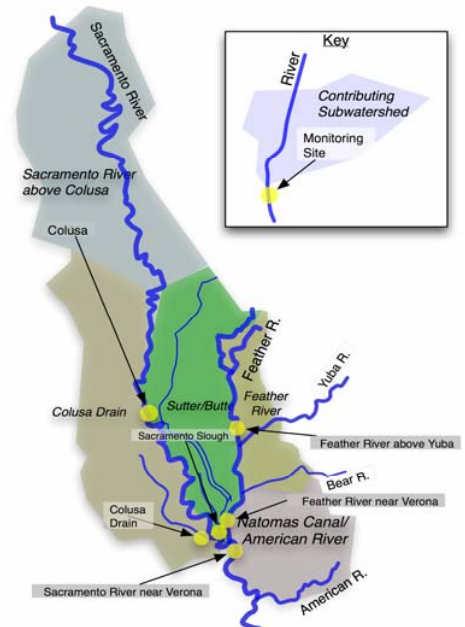
- Burch Creek at Woodson Ave Bridge
- Andersen Creek at Ash Creek Road
- Gilsizer Slough at George Washington Road
- Stony Creek on Hwy 45 near Rd 24
- Colusa Drain near Maxwell Road
- Butte Creek at Gridley Rd Bridge
- Stone Corral Creek near Maxwell Road
- McGaugh Slough at Finley Road East
- North Canyon Creek
- Shag Slough at Liberty Island Bridge
- Z Drain – Dixon RCD
- Ulatis Creek at Brown Road
- Dry Creek at Alta Mesa Road

Diazinon 2006 Annual Plan

As required by the Diazinon Runoff Management Plan for Orchard Growers (Plan), the Coalition submitted its 2006 Annual Report on June 1 summarizing the 2005-2006 monitoring objectives, location and results, outreach efforts, grower survey follow-up, and management practices effectiveness.

Results from the first year of this multi-year effort:

- All sites were in compliance with load-based total maximum daily load (TMDL) objectives, and most samples were in compliance with the concentration-based TMDL objectives for diazinon. These results indicate that the combination of changes in diazinon use patterns, changes in management practices and modifications to labeling have been successful in reducing instream ambient diazinon concentrations and loads to below historically observed levels that have resulted in these waters being listed as impaired.
- The recently finalized National Water Criteria for diazinon and the proposed Basin Plan objective for the San Joaquin River have significant implications for the TMDL for diazinon for the Sacramento and Feather Rivers. These objectives may be used to modify the targets of the TMDL or potentially to re-evaluate the need to list the Sacramento and Feather Rivers as 303(d) listed impaired water bodies. The affected water bodies already appear to comply with potential TMDL targets that would be based on these new criteria. At a minimum, future compliance should be more easily achieved. This issue is currently being considered by Regional Board staff responsible for implementation of the TMDL.
- Landowners and crop advisors have indicated a strong interest in learning more about Best Management Practices (BMP) for diazinon. Over 700 landowners and crop advisors have attended nine outreach presentations given in the fall and winter of 2005 prior to the dormant season spraying initiated in December 2005 and January 2006. The outreach presentations focused on the diazinon label changes and the finalized diazinon TMDL. Information on available BMP options to best protect surface waters from the potential impacts of dormant season runoff from diazinon alternatives, specifically pyrethroid insecticides, was also included during the presentations.
- Of the 335 surveys mailed in 2005, 211 surveys were completed and returned to the Coalition by August 26, 2005. The survey results were submitted as part of the Diazinon Management Plan in January 2006. The Coalition worked with County Agricultural Commissioners to identify the 124 non-respondents and to determine the reason for their failure to respond or fully complete a survey. As a result of the follow up, 11 additional surveys were completed by growers with the remaining not being submitted for various reasons including the grower no longer farmed; the grower did not respond to attempts to contact them; or the grower refused to complete the survey.
- Other management practices are currently being evaluated in the Sacramento Valley for their effectiveness in reducing or eliminating runoff of dormant orchard sprays. The BMP evaluations are being performed through grant funding provided by the State Water Resources Control Board.



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Here's the latest clarification from the Regional Board regarding the questions from the June 22nd meeting.

December 31 Deadline to Sign-up With a Coalition

The Regional Water Quality Control Board (Regional Board) on June 22 approved the 5-year renewal of the Irrigated Lands Program. However, the Regional Board included a December 31, 2006 deadline for dischargers to sign up with a coalition group. After December 31, dischargers will need to get an individual waste discharge permit through the Regional Board. The Regional Board also discussed requiring Management Plans for all exceedances, but did not make a motion.

Both the December 31 deadline and the Management Plans issue were before the board on August 3. Although it will remain unclear on the exact motion until next week when the final Regional Water Quality Control Board decision is posted in writing, it appears as though the decisions made by the Regional Board will be:

(1) Keep the December 31 deadline, but add exceptions for the following:

- The subject owner and/or property did not originally qualify as a "discharger" for coverage under the Coalition Group Conditional Waiver prior to December 31, 2006. However, due to changes in management of or physical condition of the subject property, or on properties between the subject property and the receiving surface waters to which the wastewater drains, the subject owner and property are now a "discharger" and qualify for Coalition Group membership.

- The owner/property were participants in one Coalition Group or covered under the Individual Discharger Conditional Waiver Order prior to December 31, 2006, but are transferring their participation to another Coalition Group.
 - Coalition Group boundaries change or a new Coalition Group is formed, such that an area not previously covered by any Coalition Group now is covered, so growers in those areas should be able to join the new or revised Coalition Group.
 - The property was transferred to a new owner after December 31, 2006.
 - If the regional staff determines that a grower is a discharger after their review and the grower had in good faith declared him or herself to not be a discharger that person would have the right to join a coalition.
 - Other situations reviewed and approved by the Executive Officer on a case-by-case basis.

(2) Require the Coalitions to develop Management Plans for any exceedance that occurs more than once in a 3-year period, unless exempt by the Executive Officer.

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