



CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS

*George Biagi, Jr.
Rudy Mussi
Edward Zuckerman*

COUNSEL

*Dante John Nomellini
Dante John Nomellini, Jr.*

September 9, 2013

Felicia Marcus
Chair
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

Re: 2013 SWP and CVP Violations of D-1641

Dear Madam Chair:

I am in receipt of the August 21, 2013, joint USBR and DWR “accounting of the volume of water conserved by changing the water year type from ‘Dry’ to ‘Critical’ as it pertained to the Water Quality Objectives for Agricultural Beneficial Uses under Water Rights Decision 1641 (D-1641) at the Western Delta and Interior Delta monitoring stations.” I appreciate the copy provided by Craig Wilson and appreciate being copied on the letter itself.

The accounting in substance provides that the Project operators “estimate that approximately 55,000 acre feet (af) of water was conserved in upstream reservoir storage due to conservation actions taken during early June to June 15, 2013.” The conservation actions are not specified and no distinction is made between the actions violating the water quality standards or the action moving the 56°F temperature requirement for salmon on the Sacramento River, upstream from the Red Bluff Diversion Dam to Andersen. Whether or not there were other conservation actions is not clear. The accounting should be specific as to the separate savings, if any, due to the water quality standard violations, the water temperature requirement change and any other related actions.

Table One sets forth the monthly exports in acre feet for the Jones Pumping Plant (USBR) and the Banks Pumping Plant (DWR) taken from the USBR CVO website. The data shows that in each of the months of violation of the standards, the Project exports were in excess of 55,000 af.

Table One
CVP and SWP Delta Exports From Jones and Banks Pumping Plants
(Acre Feet)
2013

	January	February	March	April	May	June	July	August
Jones	101220	144430	151202	27053	63782	46504	224925	233905
Banks	162445	96508	157850	77331	54793	112894	315670	355870
	263675	240938	309052	104384	118575	159398	540595	589775

January through August 2326392
May through August 1408343

It appears that a reduction of exports could have avoided the violation of the standards and achieved the 55,000 acre feet of conservation in storage.

The accounting only addresses the period of June 1st to June 15th. The violations started in the later part of April and occurred intermittently to about June 15th. The first contact with the SWRCB was reportedly not until May 17, 2013, and was based on the urgent need to violate the agricultural standards to conserve cold water for fish. No mention was made regarding the need to reduce exports to conserve cold water for fish and it would appear that the water gained by violation of the standards was exported.

Total exports for the period from January 1, 2013, through August 30, 2013, were 2,326,392 acre feet. For the period of May 17, 2013, through August 30, 2013, the exports were 1,408,343 acre feet. The export levels seem quite high given the alleged urgency for saving cold water in Shasta both as to the prior and future needs for temperature control in the Sacramento River.

This matter should be given additional review. A more complete accounting should be required to show: 1) the conservation of cold water in upstream storage resulting from the violation of the water quality standards; 2) the conservation of cold water in upstream storage resulting from changing the temperature standards and 3) the conservation of cold water in upstream storage that could have been achieved by curtailing exports without any change to or violation of the standards or temperature requirements. The justification for violating the water quality standards rather than reducing exports to conserve cold water in storage should also be provided.

It is apparent that the Projects are being operated in a manner which does not result in sufficient carryover storage to meet senior water rights, water quality standards and fish requirements in the event of a series of dry years such as 1929-34 or 1987-92 or even a shorter

Felicia Marcus, Chair
State Water Resources Control Board

3

September 9, 2013

drought. The SWP and CVP should be required to provide a plan of operation to achieve compliance with the water quality standards and fish requirements in the event of future droughts. Such a plan should show when and how much surplus water is available for export.

We look forward to a more detailed accounting and explanation.

Thank you for your attention to this matter.

Yours very truly,



DANTE JOHN NOMEILLINI
Manager and Co-Counsel

DJN:ju

cc: See attached list.

Felicia Marcus
Chair
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

Frances Spivy-Weber, Vice Chair SWRCB
1001 I Street
Sacramento, CA 95812

Tam M. Doduc, SWRCB
1001 I Street
Sacramento, CA 95812

Steven Moore, SWRCB
1001 I Street
Sacramento, CA 95812

Dorene D'Adamo, SWRCB
1001 I Street
Sacramento, CA 95812

Thomas Howard, Executive Director
SWRCB
1001 I Street
Sacramento, CA 95812

Craig Wilson
Office of Delta Watermaster
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812

Ronald Milligan, Operations Manager
Central Valley Operations Office
U.S. Bureau of Reclamation
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

David H. Roose, Chief
SWP Operations Control Office
CA DWR
3310 El Camino Avenue, Suite 300
Sacramento, CA 95814

Mark Cowin, Director
Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

David Murillo, Regional Director
Mid Pacific Regional Office
Federal Office Building
2800 Cottage Way
Sacramento CA 95825-1898

Charlton H. Bonham
1416 Ninth Street
Sacramento, CA 95814

Maria Rea
Central Valley Office Supervisor
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Carl Wilcox
California Department of Fish and Wildlife
1416 Ninth Street
Sacramento, CA 95814

Kim Turner
Assistant Field Supervisor
U.S. Fish & Wildlife Service
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Mike Chotkowski
Field Supervisor
Bay-Delta Fish and Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

South Delta Water Agency
4255 Pacific Avenue, Ste. 2
Stockton, CA 95207

North Delta Water Agency
910 K Street, Suite 310
Sacramento, CA 95814

Erin Foresman
USEPA Region 9
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Paul Fujitani
U.S. Bureau of Reclamation
3310 El Camino avenue, Suite 300
Sacramento, CA 95821

John Leahigh
California Department of Water Resources
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Bill Jennings
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Michael Jackson
P. O. Box 207
Quincy, CA 95971