

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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**PROTEST – (Petitions)
OBJECTION
PETITION FOR RECONSIDERATION
PETITION FOR HEARING**

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

**Temporary Urgency Change Petition for
Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512
and 17514A, respectively) of the Department of Water Resources for the State Water
Project and License 1986 and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968,
11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860,
15735, 16597, 20245, and 16600 (Applications 23, 234, 1465, 5638, 13370, 13371, 5628,
15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764,
22316, 14858A, 14858B, and 19304, respectively) of the United States Bureau of
Reclamation for the Central Valley Project.**

**We, Chris Shutes, Water Rights Advocate, California Sportfishing Protection Alliance
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Quincy, CA 95971, mjattv@sbcglobal.net (Protestants)**

have read carefully a notice relative to a petition for Temporary Urgency Change of the Department of Water Resources (DWR) and the Bureau of Reclamation (Bureau), The Executive Director issued an Order granting this petition on January 31, 2014 entitled *Order Approving a Temporary Urgency Change in License and Permit Terms and Conditions Requiring Compliance with Delta Water Quality Objectives in Response to Drought Conditions*. Since this initial Order, DWR and the Bureau have submitted a series of requests for modifications of the Order, and for modifications of subsequent Orders. In general, these requests have been granted in full with the issuance of a Modification of Order or a Revised Order; in many cases, the Board acted within one day of receipt of the requests from DWR and the Bureau. There has been no formal process for public comment, protest, or review of each iteration. Though requested by multiple parties, no hearings on matters related to these petitions and Orders have been noticed or held.

On May 2, 2014, the Board issued a Notice of Request to Modify and Renew a Temporary Urgency Change Petition Filed by California Department of Water Resources and the United States Bureau of Reclamation Regarding Permits and License of the State Water Project and the Central Valley Project, and also issued a Revised Order acting on this request. Protestants have carefully read the notice, the request, the Order and the supporting materials. This May 2, 2014 Order is the immediate object of this Protest, Objection, Petition for Reconsideration, and Petition for Hearing.

The Executive Director of the Board also issued Revised or modified Orders on February 7, February 28, March 18, April 9, April 11, and April 18, 2014.

On May 6, 2014, the Board issued held a Workshop relating to these petitions and Orders. A representative of Protestants attended this workshop, and Protestants have considered the comments and presentations made at this workshop by Board staff; staff of DWR, the Bureau, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service; and members of the public. Protestants have also considered the comments and questions made by Board members at this workshop.

Protestants filed a protest on March 3, 2014 of the February 28, 2014 Revised Order. Protestants filed a second protest and statement of objections on April 28, 2014. Protestants incorporate both of these protests into the present protest by reference. However, pursuant to the Notice of the April 25, workshop, Protestants have eliminated dismissal terms from previous protests that have been addressed in the May 2 Order or previous Orders, and have revised some dismissal terms based on further consideration and recent developments.

One of the most vexing aspects of the Board's actions on DWR and the Bureau's iterations of requests to change the Temporary Urgency Change Orders has been the complete lack of procedural direction from the Board on the appropriate ways to respond to apparently ad hoc and non-responsive actions by the Board. Various parties have responded to the Board's actions with what they styled as comments, protests, objections, and petitions for reconsideration. While Temporary Urgency Changes have always been confusing in that "comments" are solicited using a water rights petition protest form, the current Orders have been remarkable in that there has been no formal response to any submittals from the public. Protestants have viewed proper process as requiring a response from the Board before a Petition for Reconsideration was in order. The pendency of a Petition for Reconsideration is 30 days. Does that begin from the date of an Order, from the date of comments, protests and/or objections, or from the date of the Board's response that has not yet been made?

Out of an abundance of caution, Protestants now also petition for reconsideration of the May 2 Order and any previous Orders to which Protestants are legally entitled to petition. More directly, we also petition for hearing as described below.

Protestants protest against and object to the approval of the May 2, 2014 Order and all previous Orders and Revised Orders as enumerated above, because to the best of our information and belief:

The proposed petition for water and Order in response will:

- (1) not be within the State Water Resources Control Board's (SWRCB) jurisdiction x
- (2) not best serve the public interest x
- (3) be contrary to law x
- (4) have an adverse environmental impact x

State Facts, which support the foregoing allegations:

Summary of relevant Orders since January 31, 2014

In abbreviated summary, the Orders granting the Temporary Urgency Changes requested by DWR and the Bureau for the State Water Project and Central Valley Project (collectively, "Projects") permitted the following:

The January 31 Order allowed DWR and the Bureau to limit Delta outflow to 3000 cfs in February and allowed them flexibility to open the Delta Cross Channel Gates from February 1 to May 20. It limited combined state and federal exports to 1500 cfs for purposes of health and safety, created a Real Time Drought Operations Management Team, required monitoring and reporting, and required water saved to be held in storage to maintain water supplies, improve water quality, and protect flows for fisheries.

The February 7 Order allowed exports of transferred water and allowing export of natural and abandoned flows greater than 1500 cfs when the D-1641 Table 3 flow requirement of 7100 cfs or e.c. of 2.64 mmhos at Collinsville and requirement to close the Delta Cross Channel Gates were being met .

The February 28 Modified Order, extended the terms of the February 7 Order through the month of March, 2014.

The March 18 Revised Order continued the flow requirements in the February 7 and February 28 Orders and continued to allow exports of transferred water and exports of natural and abandoned flows when D-1641 Table 3 conditions were not being met. It also allowed deliveries of exported water for any Project purposes provided that the same D-1641 Table 3 Conditions were being met, allowing such exports even if the D-1641 Table 4 flow requirements of 11,400 at Chipps Island or alternative salinity requirements at Collinsville were not being met.

The April 9 Revised Order extended the reduced Delta outflow requirements allowed in the March 18 Revised Order. It allowed DWR and the Bureau to operate in the short term consistent with the Drought Operations Plan they issued on April 8, 2014; short term actions included installation of three channel barriers, changes to Delta salinity standards, and the ability to open the Delta Cross Channel Gates.

The April 11 Revised Order set April and May flows for the lower San Joaquin River, requiring a 700 cfs minimum flow until commencement of a pulse flow, a 15-day pulse flow

(reduced from the 31 day requirement of D-1641) in April, and a 500 cfs minimum flow for the lower San Joaquin River following the completion of the 1500 cfs pulse flow.

The April 18 Revised Order permitted export of the entire volume of the lower San Joaquin River pulse flow in April or May, even when the D-1641 Table 3 minimum flow conditions are not being met, or 1500 cfs, which is greater.

The May 2 Revised Order extended the time period it is in effect until January 27, 2015. It continued to allow export of the entire amount of San Joaquin pulse flows during the San Joaquin pulse flow period. It reduced required Delta outflow in June, July and August to a 30 day running average of 3000 cfs, with no seven day running average less than 2000 cfs. It reduced required Delta outflow in September, October and the first half of November to a 30 day running average of 2000 cfs, with no seven day running average less than 1500 cfs. It moved the salinity compliance point of 2.64 mmhos from Emmaton to the mouth of Three Mile Slough. It also required that the Projects “bypass natural and abandoned flows” while operating under changes under the order, though the reasoning connecting reduced Delta flows and potential injury to “other legal users of water” is not divulged.

Summary of Project storage since January 31, 2014

As we described in our protest of March 3, 2014, Project storage reservoirs were drawn down from the from being virtually full in May 2012 to the point where on February 4, 2014, storage in Folsom was about 162 TAF, storage in Shasta was about 1,650 TAF, and storage in Oroville was about 1,270 TAF. On January 31, 2014, there had been record low inflow to Project reservoirs since December 2012. At the Board’s May 6, 2014 workshop, both John Lehigh from DWR and SWRCB Executive Director Tom Howard described conditions as of January 31, 2014 as being “outlier” conditions that were more severe than conditions in 1977.

Since the end of January, conditions have moderated. February precipitation was about 180% of normal in the north and central parts of the state. March and April precipitation was also at or above average for much of the state. By April, DWR and the Bureau had placed tentative plans by to install three in-Delta barriers (two in the north Delta, and one at the mouth of False River) “on the shelf.” At the May 6 workshop, Mr. Lehigh from DWR reported that relaxed Delta standards had allowed the Projects to store an additional about 147 TAF and to export an additional 63 TAF. Mr. Lehigh reported at the workshop that from February 1 and May 6, overall Project storage increased by about 2 MAF.

According to DWR and the Bureau, the 90% exceedence for end-or-September storage in Project reservoirs is forecast to be 1.0 MAF in Oroville, 300 TAF in Folsom, 1.1 MAF in Shasta, 366 TAF in New Melones, and 669 TAF in Trinity Lake. (See <http://www.usbr.gov/mp/cvo/data/Apr90b2.pdf>. This lines up with figures for Orville, Folsom and Shasta reported at the May 6 workshop).

Every indication is that water supply conditions from February 1 to May 6 have gone from being catastrophic to severe. There will be sufficient water for health and safety. There will be sufficient water to supply the Sacramento Settlement Contractors 75% of their allotments

from north state reservoirs. There will be sufficient water to keep Delta salinity low enough that water exported through Project pumps will be of adequate (though not ideal) quality. This sufficiency was not expected on January 31.

Summary of the condition of Central Valley fisheries since January 31, 2014

Hatchery operations were modified in 2014 to allow trucking of many juvenile salmon from hatcheries Rio Vista and San Francisco Bay. However, a significant portion of salmon raised at USFWS's hatchery on Battle Creek, and some fish from other hatcheries, were released into streams near the hatcheries in order to save the costs of transport. In April 2014, elevated water temperature and poor water quality precipitated a disease outbreak at the Merced River Fish Hatchery, causing the loss of many fish and the more-or-less immediate release of remaining juveniles. At the May 6 workshop, Carl Wilcox from CDFW reported that many hatcheries will not be able to operate over the summer because water in adjacent reservoirs will not be cold enough to keep the fish in good condition.

From December 1, 2013 through mid-April 2014, flow of the San Joaquin River at Vernalis did not exceed 1250 cfs on any day, even during rain events. Flows were increased to about 2700 cfs during the second half of April, and have been running about 2250 from May 2 to May 10. However, as allowed by the April 18 Order, exports have matched the flows in the San Joaquin since the San Joaquin pulse flows began in mid-April; this has severely reduced the potential benefit of these pulse flows by increasing reverse flows and the likelihood that outmigrating salmonids will be pulled out of their corridor to Suisun Bay and into Frank's Tract and towards the Delta pumps.

The Sacramento River was held at releases under 4000 cfs from Keswick from December through mid-April. It experienced flow spikes from unregulated tributaries in February and March. The storm-driven flow pulses likely had a benefit for outmigrating Sacramento River salmon. However, very low (<7500 cfs at Verona) average daily flow outside storm runoff periods for the majority of the last six months created extremely poor conditions for migrating and rearing salmon and steelhead. Releases from Keswick ramped up about May 1, and on May 10 are greater than 7000 cfs, but these augmentations have been diverted for Sacramento Valley irrigation. Sacramento River flow at Verona dropped steadily in April and is less than 5000 cfs at Verona on May 10. It will only go down from this point forward until fall or winter rains; peak runoff has already taken place in most Sacramento River tributaries. The Sacramento River flow requirement at Rio Vista plus exports (including transfers) will, going forward, drive almost all Delta inflow.

During the period since January 31, a relatively large number of Delta smelt have held in Cache Slough in the northern Delta and in the adjacent Sacramento Deepwater Ship Channel. Numbers of Delta smelt that were present in Suisun Bay in March have dropped substantially; outside the north Delta, most Delta smelt are now in the Central Delta, including right at the mouth of Three Mile Slough and right at the mouth of Old River. Longfin smelt have also moved up into the area near the confluence of the Sacramento and the San Joaquin at the lower end of Sherman Island. Decreased Delta outflow and increased exports (allowed pursuant to transfers as well as 1500 cfs of Project exports per se) will move the low salinity zone into the

Central Delta and pull both Delta smelt and longfin smelt towards the Delta pumps. This will replicate and in fact be worse than the disastrous conditions for Delta smelt that occurred in 2013, when low outflow combined with lethal water temperatures when Delta smelt were in the Central Delta. Particularly problematic would be moving smelt upstream from Emmaton to Three Mile Slough: Three Mile Slough is a more or less direct conduit for reverse flows into the Central Delta. In the almost complete absence of San Joaquin River flow, smelt that enter Three Mile Slough will move down Old River into Franks Tract. A barrier at the mouth of False River might reduce entrainment of Delta smelt towards Franks Tract. However, barriers in the north Delta would reduce flow into Cache Slough and jeopardize the habitat currently being most densely used by Delta smelt.

In summary, benefits to fish over the past three plus months have occurred by virtue of actions by CDFW and USFWS to move hatchery salmon downstream of the Delta, and by virtue of a few fortuitous storm events that now appear to have ended. From this point forward, conditions for fish get worse.

The use of temporary urgency change orders to manage drought conditions is contrary to law and not in the public interest.

In a statement in response to a question from Chair Marcus during the May 6 Workshop, Executive Director Tom Howard stated that during the hearings prior to Decision 1641 he had anticipated that Temporary Urgency Change Orders would be used in “outlier” years. Mr. Howard continued that since “the court” had told the Board to implement the Water Quality Control Plan, the Board was required to have a Governor’s proclamation in order to issue such Orders. Mr. Howard also recommended against holding an evidentiary hearing regarding the latest Order (or recent Orders), because most of the actions they consider have already taken place. But what has not yet taken place is the summer operations contemplated both by the latest Order and in the hearings prior to D-1641. Those operations as proposed by the April 8 DWR and Bureau Drought Operations Plan ignore the Board’s D-1641, taken after almost three months of evidentiary hearings.

One of the main things that CSPA participants recall from the D-1641 hearings is the amount of time that was spent and evidence that was submitted and discussed concerning Critically Dry year flow requirements. The rationale for those requirements was as rock bottom conditions with bare bones minimum requirements for fisheries protections. At no time in the D-1641 hearings did Mr. Howard or other Board staff discuss outlier conditions; had this been on the record, it would have been addressed in subsequent litigation.

CSPA thought then and CSPA and other Protestants still think that D-1641 Critically Dry year flow requirements are too low and not protective; they were made before the Pelagic Organism Decline and contributed to it. However, to go even lower is literally a race to the bottom and is not defensible under current conditions, if it is defensible under any.

The Board should consider the effects of its actions for both short-term and long-term Project operations.

As Mr. Dante Nomellini from the Central Delta Water Agency described during the workshop, water now in Project reservoirs will be exported (above the titular 1500 cfs Project maximum) by means of transfer. On May 9, Garden Highway Farms and Plumas Mutual, senior contractors who hold water rights pursuant to settlements with the SWP, petitioned for transfers through Delta export facilities, proposing to bypass part of their irrigation diversions so that the bypassed water may be exported through Delta pumps. At the Board's April 29 "Listening Session" on transfers, DWR staff stated that it anticipated increasing petitions for transfer by both CVP and SWP north-of-Delta contractors in the coming months.

The Projects do not propose to meet Delta standards to support these transfers. The fisheries protections in DWR and the Bureau's Drought Operations Plan are scaled to minimum export levels (1500 cfs). Conserved water, far from being stored, will be exported. The transferring parties are, equally, not obligated to help meet the standards scaled to increased exports. As we stated in our March 3 protest, the more water is exported, the worse the conditions for fisheries become.

Mr. Paul Minasian, representing the San Joaquin Exchange Contractors, suggested at the May 6 Workshop that the Board allow export of an additional 200 TAF from Shasta in order to meet 75% of San Joaquin Exchange Contractor allotments. Absent exports of water whose origin is north of Delta, Mr. Minasian suggested that his clients would call on water from the Friant Division of the CVP, thus potentially shorting contractors on the Friant-Kern Canal. Calling on water from the Friant Division is the contract right of Mr. Minasian's clients. However, Mr. Minasian has no legal or contract right to ask the Board for additional water from Shasta. D-1641 and California law envision that Mr. Minasian's clients would make the call on Friant. To allege, as Mr. Minasian suggested at the workshop, that thus shorting Friant farmers would break "the system" is based on an incorrect interpretation of the facts and the law. Alternatively, 200 TAF of additional release from Shasta or other Project reservoirs could allow the Projects to meet numeric Delta outflow standards for about 100 days. What Mr. Minasian termed "flexibility" and "not standing on legal specifics" is simply a repetition of the Projects' standard operating procedure of taking water from environmental protection and using it for exports, particularly during dry year sequences. Mr. Minasian's proposal to more heavily rely on hatcheries for fisheries protection in order to support added exports is particularly inappropriate in the face of the non-viability of many hatchery operations due to lack of cold water, as discussed above.

Mr. Ron Milligan from the Bureau explained on May 6 that the Bureau does not keep Project reservoirs at maximum pool to protect against a three year drought. Mr. John Lehigh from DWR stated in response to the South Delta Water Agency that he felt that DWR had been diligent because it had held an additional 500 TAF in storage in Oroville in 2013 that it had contracted for, thus leaving Oroville storage at about 1.1 MAF. Mr. Lehigh also cited the fact that DWR had reduced allocations in 2013 from 40% to 35%, and stated that DWR had had concerns about taking action "prematurely."

It wasn't enough. The Projects got caught out. The "normal operation" of the SWP and the CVP is to weight risk in favor of exports and to plan to cut corners on standards as water becomes short. As CSPA and C-WIN stated on May 6, we know of no cases where there have been consequences for DWR and the Bureau when the Projects have failed to meet Delta standards. Two go-forward steps are clear: first, in the long term, the Projects need more restrictive carryover storage requirements, to answer not only sequences such as 2012-2014, but also sequences such as 2001-2004 and 2007-2009. Second, the Projects in the short term should be required to live with the consequences of shifting risk to storage and to the environment. They should at least be required to meet D-1641's Delta standards now. If those standards are not met, then transfers that increase exports above those needed for health and safety should not be allowed.

It would be hard to over-emphasize the importance of the Board's current decision. It goes to the credibility of the Board and to the meaning of its past decisions. Do the Projects have a separate set of rules whereby they can prioritize exports over water quality standards and rely on the Board to excuse them? At what point do flow variances and temporary transfers simply become the way of doing business in every multi-year sequence of dry year conditions? What is the value of Dry and Critically Dry year standards that in varying degrees are routinely and predictably violated? Is adaptive management simply the process by which the Project operators, the fisheries agencies and the Board negotiate triage for resources that they have failed to protect?

The Board should restore public accountability and oversight to the management of Project operations for the duration of the drought.

Since the first Order on January 31, what we described in our March 3 protest as the "shotgun adjudication of water rights with no rules of evidence and no public accountability" has become a solidified routine. Due process regarding operation of the Projects has purely and simply been abolished. The Projects submit a request for modification pre-approved by the fisheries agencies, and within a day the Executive Director orders it so. The April petitions were not even made public before the deal was done. The limitation of exports to levels necessary for "health and safety" was abandoned on March 18. While export opportunities have expanded, outflow requirements have been reduced to levels that threaten the continued existence of listed species. The April 18 Order required a pulse flow in the San Joaquin River, but allowed export of every acre-foot of additional water released from the Stanislaus River. Protests have been filed after each new Revised Order; each has been dutifully posted to one of the Board's drought webpages, a museum of dead letters. The Board has not defined its process in writing; no petition is noticed before the fact; no protests are responded to; no hearings are held. The deadline for "comment" on the April 18 Order was limited to ten days for no apparent reason; the actions allowed were implemented before the close of the comment period.

The Board has a simple recourse to restore due process to its oversight of 2014 Project operations under drought conditions. It should hold a targeted evidentiary hearing on the following specific points:

- A. Summer 2014 operations for the Projects, fisheries protections, and necessary 2014 end-of-year carryover storage requirements.
- B. How much water if any is available for export in 2014.
- C. How transfers in 2014, particularly from settlement contractors to recipients south of Delta, will be addressed, and under what conditions they will be allowed.
- D. How much inflow to Project reservoirs greater than reservoir releases can be stored in Project reservoirs to meet the public interest, and how much must be released to senior water rights holders downstream.
- E. Other issues related to any existing and potential conflicts between the Board's public interest determination on this issue and the water rights priority system.

The Board should also redefine its relationship to the Real-Time Drought Operations Management Team should that entity continue to exist.

The Drought Operations Plan¹ published on April 8, 2014 by DWR and the Bureau illegally plans next year's operations of the SWP and CVP to meet the same conditions of non-compliance as this year.

The Drought Operations Plan published on April 8 by DWR and the Bureau describes on page 8 the outcome of this year's action on carryover storage should next year also be a dry year: "This level of carryover storage would also be sufficient under even drier conditions assuming the implementation of management actions in 2015 similar to those being put into practice this year. These actions have included modifications to implementation of D-1641 standards... ."

As stated previously, it is not in the public interest and contrary to law for DWR and the Bureau to routinely operate the SWP and CVP to violate D-1641 standards, and for the fisheries agencies and the Board to allow such operation. It would be equally not in the public interest and contrary to law for the Board to allow operations this year that will allow compliance only if next year is not a dry year. This construct reveals in a different way that this year's operations are not temporary, but are being promulgated as a new default for multiple dry year operations.

The Board should require operations that incorporate plans to comply with D-1641, should next year also be a dry year. Since the Board, in determining summer operations, will be defining next year's operation if next year is a dry year, the Board should also compel the Projects and the fisheries agencies to defend their planned operations in an evidentiary hearing, before the Board determines operations for this summer.

Protestants object to any determination by the Board of this year's summer operations in the absence of public due process.

¹ "Central Valley Project and State Water Project Drought Operations Plan and Operational Forecast, April 1, 2014 through November 15, 2014," cited in the April 9, 11 and 18 Revised Orders.

The operations approved in the May 2, 2014 Order will have an unreasonable effect on fish and wildlife.

Allowing export equivalent to the entire volume of the San Joaquin pulse flow will lead (or has already) led to the loss of the vast majority of outmigrating San Joaquin juvenile salmon and steelhead, because these juveniles will be pulled into south of the San Joaquin River towards the Delta pumps.

Allowing continued export greater than volumes required for health and safety while not meeting D-1641 Table 3 and/or Table 4 requirements will have unreasonable effects on salmon and steelhead and also on pelagic species. Allowing transfer of non-Project water through export facilities over and above limitations on Project exports will have unreasonable effects on salmon and steelhead and also on pelagic species.

CSPA has attached an analysis of impacts to anadromous and pelagic fisheries of DWR and the Bureau's April 8 Drought Operations Plan, and a point by point rebuttal of the Effects Analysis that DWR and the Bureau submitted with their April 29 Temporary Urgency Change Petition.

Under what conditions may this protest be disregarded and dismissed?

1. The May 2 Temporary Urgency Change Petition should be denied, and the May 2 Order and all previous Orders should be rescinded.
2. If the Petition is not denied and the previous Order and previous iterations are not rescinded, the Order should be modified to forbid Project exports of any sort through south Delta Project facilities including water secured through groundwater substitution, except for those quantities of water required for health and safety, until the projects are being operated to meet D-1641 requirements..
3. If the Order is not rescinded, it must be modified to forbid export of transferred water except that needed for health and safety until the Projects are being operated to meet D-1641 requirements.
4. The Board must make a finding on the adequacy of the April 8, 2014 document by DWR and the Bureau entitled "Updated Report to SWRCB on Export Amounts to Maintain Health and Safety during Drought" and must determine how health and safety is defined for the purposes of the Order. The Board must also require quantification and location of deliveries for health and safety.
5. The Board must hold an evidentiary hearing that addresses the following specific topics:
 - A. Summer 2014 operations for the Projects, fisheries protections, and necessary 2014 end-of-year carryover storage requirements.
 - B. How much water if any is available for export in 2014,
 - C. How transfers in 2014, particularly from settlement contractors to recipients south of Delta, will be addressed, and under what conditions they will be allowed.
 - D. How much inflow to Project reservoirs greater than reservoir releases can be stored in Project reservoirs to meet the public interest, and how much must be released to senior water rights holders downstream.

- E. Other issues related to any existing and potential conflicts between the Board's public interest determination on this issue and the water rights priority system.
6. The Board should direct its staff to treat its relations with the the Real-Time Drought Operations Management Team as subject to ex parte communication restrictions should this team continue to exist. The Board should not compromise its regulatory responsibilities by participating in real-time management of Projects operations that are at variance with established Board requirements. Such participation creates the at least the appearance of conflict of interest and inappropriate ex parte consultation.
 7. The Board should require DWR and the Bureau to post on their websites comprehensive updates of the actions of the Real-Time Drought Operations Management Team, no less frequently than once a week, as long as any relevant Temporary Urgency Change Order is in effect.
 8. The State Board should require the Real-Time Drought Operations Management Team to provide a detailed operations update at the beginning of each Board meeting as long as any relevant Temporary Urgency Change Order the Order is in effect.

A true copy of this protest has been served upon the petitioners by e-mail (see below).

Date: May 13, 2014

Chris Shutes, Water Rights Advocate
California Sportfishing Protection Alliance



Bill Jennings, Executive Director
California Sportfishing Protection Alliance



Barbara Vlamis, Executive Director
AquAlliance



Carolee Krieger, Executive Director
California Water Impact Network



Michael Jackson
Counsel to California Sportfishing Protection Alliance,
AquAlliance, and
California Water Impact Network

/s/ Michael Jackson

Pursuant to the May 2, 2014 Notice of Temporary Urgency Change Petition, we have filed this protest, objection, petition for reconsideration and petition for hearing via e-mail to:

Michael.Buckman@waterboards.ca.gov

Also pursuant to the May 2, 2014 Notice of Temporary Urgency Change Petition, we have served this protest, objection, petition for reconsideration, and petitions for hearing via e-mail to the following:

Department of Water Resources, c/o James Mizell: James.Mizell@water.ca.gov

Regional Solicitor's Office, c/o Amy Aufdemberge: Amy.Aufdemberge@sol.doi.gov

U.S. Bureau of Reclamation, Paul Fujitani: pfujitani@usbr.gov