



July 19, 2021

Kathryn Gaffney
Division of Water Rights
State Water Resources Control Board
kathryn.gaffney@waterboards.ca.gov
Via electronic filing

Re: Supplemental comments in opposition and objection to proposed water transfer from South San Joaquin Irrigation District and Oakdale Irrigation District to Westlands Water District under water rights license 2012, application 1081

Dear Ms. Gaffney:

On July 16, 2021, the California Sportfishing Protection Alliance, California Water Impact Network, and AquAlliance (hereinafter, CSPA et al.) commented in opposition and object to the proposed 2021 water transfer of up to 100,000 acre-feet of water from South San Joaquin Irrigation District and Oakdale Irrigation District (hereinafter, Districts) to Westlands Water District under water rights license 2012, application 1081. These supplemental comments add to CSPA et al.’s July 16, 2021 comments in opposition and objection. These supplemental comments respond specifically to the Districts’ July 12, 2021 amendments to their petition. The State Water Resources Control Board (hereinafter, State Water Board) noticed the amendments on July 12, 2021.

The amendments do not change the opposition of CSPA et al. to the proposed transfer. As previously stated in CSPA et al.’s July 16, 2021 comments in opposition and objection, the proposed transfer is contrary to law, will have adverse environmental impacts, and is not in the public interest. Therefore, the State Water Board should disallow the proposed transfer.

Background

The Districts’ July 12, 2021 amendments to their petition add San Luis Reservoir as an additional temporary point of diversion and rediversion, and extend the time to deliver the water for use through February 2023.

Discussion

CSPA et al.’s original comments objected to the Districts’ proposed transfer in part by stating: “To protect Central Valley fisheries in 2021 and 2022, it is critically important to

maintain as much storage as reasonably possible in CVP and SWP reservoirs. The Districts' transfer will create a 100,000 acre-foot hole in that effort." The Districts' amended petition, adding San Luis Reservoir as a point of diversion, requires some clarification of that statement.

San Luis Reservoir is both a Central Valley Project (CVP) reservoir and a State Water Project (SWP) reservoir. However, storing water in San Luis Reservoir does not provide the flexibility to manage CVP and SWP reservoirs to protect public trust resources in the same way that storing water in reservoirs upstream of the Delta would provide the potential to protect public trust resources. Storing water in reservoirs upstream of the Delta allows Reclamation and DWR to release water to protect fisheries downstream of those reservoirs and to maintain Delta water quality and salinity control. Storing water in San Luis Reservoir does not allow the opportunities for such fisheries and water quality protections.

On the contrary, moving water from New Melones Reservoir to San Luis Reservoir reserves that water exclusively for irrigation and potentially other consumptive uses. The front-end transfer to temporary storage in San Luis Reservoir also earmarks a defined amount of water stored in New Melones Reservoir for use by junior water rights holders, who are by no means assured of receiving any CVP water allocations in water year 2022 if water year 2022 is dry or critically dry.

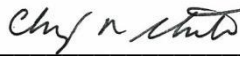
The CVP is already, in July 2021, not meeting its requirements under Water Rights Decision 1641 (D-1641). Instead, as described in CSPA et al.'s July 16 comments in opposition and objection to the Districts' proposed transfer, the CVP and SWP are operating under an Order granting their temporary urgency change petition to weaken those requirements. Should water year 2022 be dry or critically dry, the CVP will be highly constrained, likely even more than in 2021, in its ability to meet requirements to protect public trust resources. Reduction of storage in New Melones Reservoir by 100,000 acre-feet will reduce Reclamation's options for meeting the CVP's D-1641 and other requirements to protect public trust resources.

For the reasons stated in CSPA et al.'s July 16, 2021 comments in opposition and objection to the Districts' proposed transfer of 100,000 acre-feet of water Westlands Water District, and for the reasons clarified above, the State Water Board should disallow the Districts' proposed transfer.

Respectfully submitted,



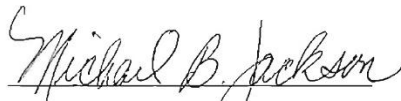
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