



Linda S. Adams
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State Water Resources Control Board

Executive Office

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Edmund G. Brown Jr.
Governor

June 14, 2011

Mr. Jon D. Rubin
Diepenbrock Harrison
400 Capitol Mall
Suite 1800
Sacramento, CA 95814

Dear Mr. Rubin:

ORDER WR 2010-0032, ORDER AUTHORIZING TEMPORARY CHANGES IN PLACE OF USE

This correspondence is in response to your letter dated April 20, 2011, regarding State Water Resources Control Board (State Water Board) Order WR 2010-0032 (Order). In your letter, you request that the State Water Board exercise the jurisdiction reserved by Condition 9 of the Order to eliminate Condition 5 of the Order.

Condition 5 of the Order limits the total amount of "Delta exports (including Central Valley Project (CVP) deliveries, water transfers, and any other deliveries of water exported from the Delta)" that can be delivered to Westlands Water District (Westlands) and San Luis Water District (San Luis) in the 2011 calendar year to 871,296 acre-feet (AF) and 85,705 AF, respectively.

Your April 20, 2011 letter states:

"At the time of issuance of the Order, reasonable forecasts did not project that the quantity of surface water pumped at the Jones Pumping Plant that might be available to Westlands or San Luis in 2011 would exceed the limits imposed by Condition 5. However, the very wet hydrology this water year resulted in Reclamation allocating to Westlands and San Luis 75 percent of their CVP allocations. When Westlands' and San Luis' CVP allocations are added to other surface water pumped at the Jones Pumping Plant that Westlands and San Luis expect to deliver, Westlands will have more than 871,296 acre-feet and San Luis will have more than 85,705 acre-feet of water available for delivery. Limiting Westlands' and San Luis' ability to receive and deliver water pursuant to the exchange is supported by neither evidence nor the public interest."

California Environmental Protection Agency

The limit on deliveries to Westlands and San Luis in the Order was based on an average of CVP deliveries from 2000-2009. It was anticipated in the Order that deliveries in 2011 would remain below that level and that such deliveries would not cause a significant future increase in salinity in the San Joaquin River above what would be expected to occur as a result of average year operations. However, due to the current wet hydrologic conditions in 2011 the amount of water available for deliveries in 2011 exceeds the average for 2000-2009. In your letter, you point out that in the State Water Board's Final Environmental Impact Report for Implementation of the 1995 Bay-Delta Plan, p. VIII-5, and Water Right Decision 1641, p.110, it states that Westlands does not discharge agricultural drainage water, tailwater, or tile water outside of its boundaries.

Similarly, you state that San Luis also does not discharge agricultural drainage water, tailwater, or tile water outside of its boundaries. Therefore, although the 2011 CVP deliveries will exceed the average for 2000-2009, salinity in the San Joaquin River is not expected to increase above what would be expected to occur as a result of average year operations.

Condition 9 of the Order specifies that the Deputy Director for Water Rights retains the authority to supervise the transfer, exchange and use of water under the Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

After review of the request and supporting information, I have determined that it is appropriate to revise Condition 5 to remove the limit on deliveries. The language regarding Westlands and San Luis taking measures to prevent surface and sub-surface drainage of poor quality water into the San Joaquin River will be maintained.

Condition 5 of the Order is revised as follows: "Water made available pursuant to this Order shall be used in a method consistent with good water management practices. ~~The maximum amount of water exported from the Delta (including CVP deliveries, water transfers, and any other deliveries of water exported from the Delta) and delivered to WWD during the calendar year 2011 shall be 871,296 AF. The maximum amount of water exported from the Delta (including CVP deliveries, water transfers, and any other deliveries of water exported from the Delta) and delivered to SLWD during the calendar year 2011 shall be 85,705 AF.~~ In addition, Westlands and San Luis shall implement all reasonable measures to prevent surface and sub-surface drainage of poor quality water to the San Joaquin River. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible."

If you have any questions, please contact Patricia Fernandez at (916) 319-9141 or pfernandez@waterboards.ca.gov.

Sincerely,



Thomas Howard
Executive Director

Enclosures

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