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4	Email: duj@can2oresearch.com	
5	Principal, California Water Research	
6		
7	BEFORE THE	
8	CALIFORNIA STATE WATER RESOURCES CONTROL BOARD	
9	HEARING REGARDING PETITION FILED	JOINDER IN NATURAL RESOURCES
10	BY THE DEPARTMENT OF WATER RESOURCES AND U.S. BUREAU OF	DEFENSE COUNCIL ET AL.'S OPPOSITION TO DEPARTMENT OF
11	RECLAMATION REQUESTING	WATER RESOURCES'S MOTION FOR
12	CHANGES IN WATER RIGHTS FOR THE	RECONSIDERATION OF RULING ON HEARING SCOPE
13	CALIFORNIA WATERFIX PROJECT	
14		
15		
16	Dairdra Dag Jarding principal at Californ	nie Water Desearch ("Californie Water

Deirdre Des Jardins, principal at California Water Research ("California Water Research"), hereby joins in and incorporates in full the Opposition to Department of Water Resource's ("DWR") March 26, 2018 Motion for Reconsideration of Rulings on Hearing Scope, filed on March 28, 2018 by Natural Resources Defense Council et al. California Water Research incorporates by reference the Natural Resources Defense Council et al.'s opposition and all documents and evidence filed in support thereof. For the reasons set forth therein, DWR's motion for reconsideration should be denied.

California Water Research further argues that the State Water Resources Control Board is not proposing to adopt any numeric interior Delta flow requirements in the Phase 2 Update to the

California Water Research Joinder in NRDC et. al.'s Opposition to DWR's Motion for Reconsideration of Hearing Scope

-1-

Bay-Delta Water Quality Control Plan. The October 4, 2017 Final Scientific Basis Report (Exhibit SWRCB-103) states:

[t]he interior Delta flow requirements for Old and Middle River reverse flows, export limits, and DCC gate closures would be determined and based on monitoring of fish presence and a consultation process involving staff from the fisheries agencies, DWR, and Reclamation, with the addition of the State Water Board.

(Section 5.5, p. 5-48.)

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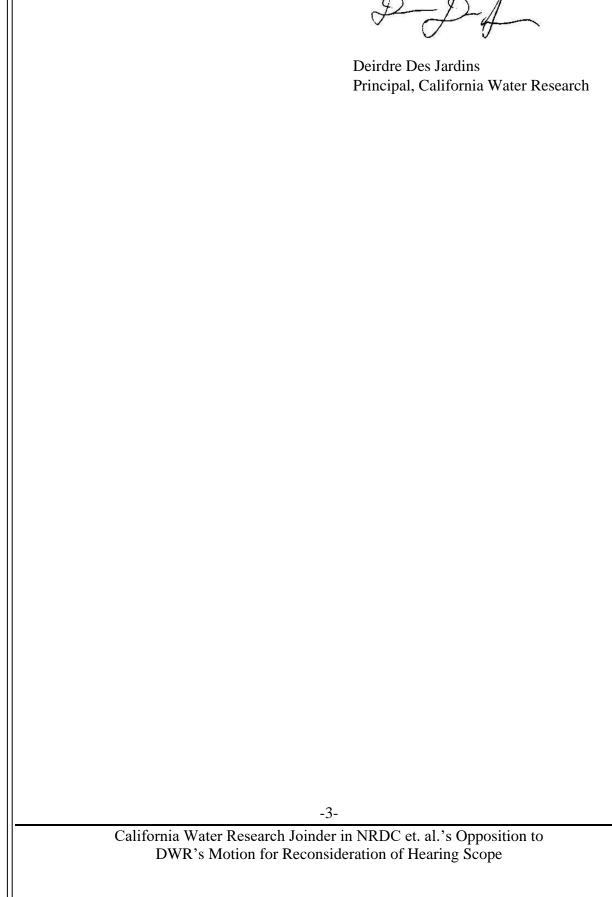
Thus if DWR's motion to limit the scope of the WaterFix hearing is granted, the effect might be delegation of *all* interior Delta flow requirements and export limits to determination by a future process, dominated by Federal agencies, under the Trump administration. As Ron Stork testified for Friends of the River yesterday, there has been a change in priorities with the current administration, and the Board's federal partners may not be as reliable as previous administrations.

The Board must also ensure that any actions in adopting Delta flow criteria are consistent with the priority of water rights in the Sacramento and San Joaquin Valleys and the Delta. The Racanelli decision (*United States v. State Water Resources Control Board* (1986) 182 Cal.App.3d 82) did not provide for preferential treatment of diversions by the State Water Project and Central Valley Project. The decision simply over-ruled the Board's setting of water quality standards at "only at a level which could be enforced against the projects." Water Code section 85086, subdivision (c)(2) requires the Board to consider flow criteria which can be enforced against the projects in this proceeding.

Dated April 3, 2018

Respectfully submitted,

PPA



1	STATEMENT OF SERVICE	
2		
3	CALIFORNIA WATERFIX PETITION HEARING	
4	Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)	
5	I hereby certify that I have this day submitted to the State Water Resources	
6	Control Board and caused a true and correct copy of the following document(s):	
7	JOINDER IN OPPOSITON OF	
8	NATURAL RESOURCES DEFENSE COUNCIL ET. AL.	
9	to be served by Electronic Mail (email) upon the parties listed in the Current Service List for the California Water Fix Petition Hearing, dated March 26, 2018, posted by the State Water Resources Control Board at	
10		
11	http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_ waterfix/service_list.shtml	
12	Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if	
13		
14	necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.	
15	I certify that the foregoing is true and correct and that this document was executed on	
16	April 3, 2018.	
17		
18	$\bigcirc \land \land \land$	
19	Signature:	
20		
21	Name: Deirdre Des Jardins Title: Principal, California Water Research	
22		
23	Party/Affiliation: Deirdre Des Jardins	
24	Address:	
25	145 Beel Dr	
26	Santa Cruz, California 95060 -4-	
27	California Water Research Joinder in NRDC et. al.'s Opposition to	
28	DWR's Motion for Reconsideration of Hearing Scope	