

February 13, 2015

State Water Resources Control Board  
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**Subject: Objections to Order Approving In Part And Denying In Part A Petition For Temporary Urgency Changes To License And Permit Terms And Conditions Requiring Compliance With Delta Water Quality Objectives In Response To Drought Conditions** (In the Matter of Specified License and Permits of the Department of Water Resources and U.S. Bureau of Reclamation for the State Water Project and Central Valley Project)

Dear State Water Resources Control Board Members and Agency Staff:

The Santa Clara Valley Water District (District) supports in part and objects in part to the Order issued by the Executive Director of the State Water Resources Control Board (State Water Board) on February 3, 2015 in response to the Temporary Urgency Change Petition (TUCP) submitted by the California Department of Water Resources (DWR) and United States Bureau of Reclamation (Reclamation) on January 23, 2015.

The District is the primary water resources management agency for Santa Clara County, providing wholesale water supply, stream stewardship and flood protection for the County's 1.9 million residents and the vital high-tech economy known as "Silicon Valley." Santa Clara County has been called the "economic engine" of the Bay Area, with over 200,000 workers commuting daily from other parts of the region and from the San Joaquin Valley for employment. The District also serves agricultural water users in the southern portion of the County.

Imported water supplies from both the State Water Project (SWP) and Central Valley Project (CVP) support many beneficial uses in Santa Clara County, and are critical to prevent the return of historic groundwater overdraft and land subsidence in San Jose and adjacent cities. The District's CVP and SWP supplies are the primary sources of supply for its three drinking water treatment plants, and provide, on average, half the water delivered to the groundwater recharge system. During dry and critically dry years, such as this year, more than 90 percent of the water supplied to the County's drinking water treatment plants is imported through the Delta.

The TUCP sought to modify the following requirements in Water Rights Decision 1641 (D-1641) in response to ongoing drought conditions:

- 1) A change in minimum monthly average Net Delta Outflow Index to 4,000 cubic feet per second (cfs);

- 2) A change in San Joaquin River at Airport Way Bridge, Vernalis river flow minimum monthly average to 500 cfs;
- 3) A modification to the closure requirement of the Delta Cross Channel gates to address Delta water quality concerns; and
- 4) An outflow-related combined export rate that reflects a balance between competing beneficial needs

The Order approved the first three requests in full and partially denied the fourth. The District supports the approval of the the first three requested modifications. These changes are critical for conserving reservoir storage for future cold water management to benefit salmon as well as for Delta salinity control. Maintaining the ability to control Delta salinity is a high priority for the District and other contractors that receive SWP supplies directly from the Delta through the South Bay Aqueduct, a facility with little opportunity to improve water quality through blending. Elevated bromide and organic carbon in Delta water during the first half of 2014 resulted in exceedences of, the State's maximum contaminant level for concentrations of trihalomethanes, a regulated disinfection by-product, in portions of the District's distribution system. If the drought continues in 2015, elevated salinity concentrations could affect the availability of the District's SWP supplies. For this reason, the District also supports completing all necessary preparations for installation of the emergency drought barriers and proceeding with installation as needed to protect public health and safety.

The District objects to the partial denial of the fourth request, specifically, the denial of the requested intermediate export level of 3,500 cfs when outflow is between 5,500 cfs and 7,100 cfs and the Delta Cross Channel gates are closed. The Order denies this request stating on page 19 that, "there is not currently adequate information to indicate that this export level is reasonable given the current status of species and their distribution in the Delta and the potential additional risk of entrainment for the interim pumping level on various species..." Yet, the National Marine Fisheries Service, United States Fish and Wildlife Service and California Department of Fish and Wildlife all evaluated the current status, distribution, and entrainment risk of the species they are tasked with protecting, and all concluded that they could support the requested export levels. The existing biological opinions already provide the three fish agencies flexibility to limit reverse flows in the Delta to -1,250 cfs (comparable to export levels of 1,500 cfs) as needed to protect fish. The denial of the intermediate export level does not add any additional fishery protections beyond this but instead primarily reduces deliveries of water supply to California's communities and businesses.

The Order further states that "the water supply tradeoffs are not clear given the unknown water contract allocations that will occur this year." While the exact contract allocations may not be known, it is clear that they will once again be very low, and the impacts will be felt by agricultural, municipal and industrial users alike. In addition, dry conditions have resulted in limited availability of supplemental supplies from short-term water transfers and exchanges to offset low allocations.

The drought has also impaired the District's ability to retrieve water supplies stored in the Semitropic water banking program in Kern County (Semitropic) to help meet critical demands during dry years. These supplies are normally delivered directly from the Delta through an exchange with State Water Project supplies. If 2015 SWP allocations do not increase, it is uncertain whether there will be sufficient SWP supplies to support the District's requested banking withdrawals in a year when they are needed most. Furthermore, projected low storage

levels in San Luis Reservoir may result in water quality degradation and impaired conveyance of the District's CVP supplies during the summer and early fall when water demands are highest.

In response to reductions in surface supplies, the District's retailers have relied heavily on the County's groundwater basin to meet demands. Groundwater storage in Santa Clara County was reduced by nearly 80,000 acre-feet in 2014. Water levels exceeded the subsidence threshold in one area of the County and current groundwater levels are approaching subsidence thresholds at several locations. Most creeks and recharge ponds are dry, with managed recharge limited to critical needs. As the drought persists and groundwater reserves are further tapped, the District is increasingly concerned that permanent land subsidence may resume.

Historically, Santa Clara County has experienced up to 14 feet of subsidence in some places, resulting in sea water intrusion and significant community costs to prevent flooding and to repair infrastructure. The importation of Delta water supplies to the County led to a recovery in groundwater levels and halted permanent subsidence. As a result of past subsidence, residential communities, major business campuses, and wastewater treatment facilities are currently below sea level and are protected from flooding by levees. One example is the San Jose-Santa Clara Regional Wastewater facility, which cleans and treats the wastewater of more than 1.5 million people and serves a business sector with more than 17,000 main sewer connections. Sewer lines, water supply pipelines and storm drains operate based on gravity flow and can be compromised by localized and regional subsidence. The valley's dense network of buildings and roads are also susceptible to infrastructure damage from land subsidence. Preventing additional subsidence in the heart of the Silicon Valley is a priority for the District, one that relies heavily on allocations from both the SWP and CVP to offset groundwater pumping.

Significant depletion of groundwater reserves has occurred even though the District has been funding wide spread conservation efforts. In 2014, the District added \$11 million to its water conservation budget to support higher rebates to encourage conservation, and will provide these rebates again in 2015. The District Board also approved \$2.3 million for additional drought related outreach and \$500 thousand for a new water inspector program to prevent water waste. In the fall of 2014, the District Board extended into 2015 its call for a countywide reduction of water use by 20 percent with the recommendation that retail water agencies, local municipalities, and the county of Santa Clara implement mandatory measures as needed to achieve the target.

This year, every acre-foot of water supply counts. The fish and wildlife agencies and water project operators alike support the intermediate export level, which provides a chance to augment the State's water supplies with minimal impact on fisheries. California's communities and businesses are facing real hardships and high risks, and the State Water Board should grasp at this opportunity to better balance beneficial uses. The denial of the intermediate export level does not add any protection to fish that do not already exist, and instead creates yet another obstacle for those regions impacted by this historic drought. Based on the information provided above, along with the detailed comments submitted by the State Water Contractors and the San Luis and Delta-Mendota Water Authority on February 13, 2015, which the District incorporates herein by reference, the District respectfully requests that the State Water Board immediately approve the intermediate pumping level as originally proposed in the TUCP.

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The District appreciates State Water Board's consideration of our comments on this matter. If there are any questions regarding the comments, please contact Ms. Cindy Kao at (408) 630-2346, or [ckao@valleywater.org](mailto:ckao@valleywater.org).

Sincerely,



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Chief Executive Officer

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