

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER RIGHTS
APRIL 21, 2015**

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND CONTRACT 11-169-300 BETWEEN THE STATE WATER BOARD AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DAVIS

DISCUSSION

Contract 11-169-300 with the Regents of the University of California, Davis (UCD) provides the State Water Resources Control Board (State Water Board) assistance with: 1) economic and other analyses to support the review and update of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan); and 2) development of tools to support the effective and efficient administration of water rights during the current drought.

The State Water Board is undertaking a proceeding under its water quality authority to amend the 2006 Bay-Delta Plan. To meet the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), and other applicable requirements, analyses and documentation are being prepared to identify and evaluate potential changes to the 2006 Bay-Delta Plan and the potential effects of any changes.

California is currently in its fourth year of drought. On January 17, 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency. On April 25, 2014, Governor Brown issued a Proclamation of a Continued State of Emergency to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. On December 22, 2014, Governor Brown acknowledged the continued magnitude of the severe drought conditions in Executive Order B-28-14. As a result of limited water supplies due to the drought, the State Water Board issued water right curtailments in 2014 and will likely need to do so again in 2015. On January 23, 2015, the State Water Board issued a Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions. The notice advised that if dry weather conditions persist, the State Water Board will notify water right holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based on their relative water right seniority.

On May 18, 2012, the State Water Board entered into contract 11-169-300 with UCD. The current authorized funding limit for the contract is \$500,000 and the current expiration date of the contract is May 17, 2015. In accordance with [Resolution No. 2002-0105](#), additional authorization is required for the Executive Director to enter into a contract exceeding \$500,000 and three years in duration. Authorizing the Executive Director to add additional funding and to extend the contract's term until May 31, 2018, will allow this contract to continue to support the State Water Board's activities described above. Additional funding needs, primarily for the drought work conducted under the contract, are currently estimated to be \$100,000. Additional

authorization to increase the contract amount up to a total of \$1,000,000 may be needed to accomplish additional tasks under the scope of the contract.

In order to add funds or extend the term of the contract, the Executive Director must receive authorization from the State Water Board.

POLICY ISSUE

Should the State Water Board authorize the Executive Director to extend the term of the contract until May 31, 2018, and to allocate additional funds up to a contract total of \$1,000,000 if necessary?

FISCAL IMPACT

Specific funding has not yet been identified for the current additional allocation of \$100,000. Additional funding up to the proposed new authorization amount of \$1,000,000 will only be sought if necessary. This resolution does not commit funds.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

The State Water Board should approve the Resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012: Comprehensively address water quality protection and restoration and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND CONTRACT 11-169-300 BETWEEN THE STATE WATER BOARD AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DAVIS

WHEREAS:

1. On May 18, 2012, the State Water Resources Control Board's (State Water Board) Executive Director, under delegated authority, entered into contract 11-169-300 with the Regents of the University of California, Davis. The contract provides the State Water Board assistance with: 1) economic and other analyses to support the review and update of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan); and 2) development of tools to support the effective and efficient administration of water rights during the current drought. The contract expires on May 17, 2015;
2. The State Water Board is responsible for the regulation of activities and factors that may affect the quality of the waters of the state (Wat. Code, §§13000, 13001). The State Water Board is undertaking a proceeding under its water quality authority to amend the 2006 Bay-Delta Plan. To meet the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), and other applicable requirements, analyses and other documentation are being prepared to identify and evaluate potential changes to the 2006 Bay-Delta Plan and the potential effects of any changes;
3. California is currently in its fourth year of drought. On January 17, 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency. On April 25, 2014, Governor Brown issued a Proclamation of a Continued State of Emergency to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. Governor Brown acknowledged the continued magnitude of the severe drought conditions on December 22, 2014, in Executive Order B-28-14;
4. As a result of limited water supplies due to the drought, the State Water Board issued water right curtailments in 2014 and will likely need to do so again in 2015. On January 23, 2015, the State Water Board issued a Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions. The notice advised that if dry weather conditions persist, the State Water Board will notify water right holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based on their relative water right seniority; and
5. An extension of time until May 31, 2018, and additional funding up to a total contract amount of \$1,000,000, may be needed to accomplish additional tasks under the scope of the contract. Authorizing the Executive Director to add additional funding and to extend the contract's term will allow this contract to continue to support the State Water Board's activities.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director to allocate up to \$1,000,000 in funds to contract 11-169-300 and to extend the expiration date of the contract, if necessary, to no later than May 31, 2018.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 21, 2015.

Jeanine Townsend
Clerk to the Board