

June 16, 2015

VIA COURIER

Ms. Katherine Mrowka
Enforcement Program, Manager
State Water Resources Control Board
1001 I Street, 14th Floor
Sacramento, California, 95814

Re: State Water Contractors' complaint against unlawful diversion of State Water Project stored water supplies.

Dear Ms. Mrowka:

This is a complaint against the unlawful diversion of stored State Water Project ("SWP") water. The State Water Contractors,¹ on behalf of itself and its member agencies, (herein "SWC") bring this complaint against diverters in the Delta located south of the San Joaquin River unlawfully diverting stored water from numerous points of diversion in excess of their water rights (herein "South-of-San Joaquin Diverters").² The South-of-San Joaquin Diverters are diverting water that they have no right to divert: SWP stored water supplies. This complaint does not challenge South-of-San Joaquin Diverters underlying water rights, rather this complaint assumes senior water rights can be substantiated, and the analyses contained herein informs when those with senior water rights are unlawfully diverting stored water supplies and should be curtailed.

Collectively, these South-of-San Joaquin Diverters are pumping approximately 100,000 to 300,000 acre-feet³ more than they are entitled to in summer and fall of dry and critical years. The SWC are injured by the South-of-San Joaquin Diverters because approximately 100,000-300,000 acre-feet of their unlawful diversion causes the jointly operated State Water Project ("SWP") and the Central Valley Water Project ("CVP") to make additional stored water releases to satisfy Water Quality Control Plan ("WQCP") requirements. A 100,000 to 300,000 acre-feet unlawful diversion is significant. To put in context, 200,000 acre-feet equals the total amount of water that the SWC received in 2014. A 100,000 to 300,000 acre-feet increase in upstream storage would also significantly increase the ability of the SWP-CVP to maximize operational

¹ The SWC are a non-profit mutual benefit corporation representing 27 public water agencies that contract with the State of California through the Department of Water Resources ("DWR") for water from the SWP. The SWC was formed in 1982 to represent the interests of public water suppliers that hold contracts with the State of California for the delivery of water from the SWP. Pursuant to its powers and authorities, the SWC represents the interests of its Member Agencies in proceedings that affect the water supplies made available from the SWP. (List of Member Agencies, Attachment 1.) Collectively, the SWC Member Agencies serve water to more than 25 million persons, roughly two thirds of California's population, over a geographic area that extends from Butte County in the Sacramento Valley, through the San Francisco Bay Area and San Joaquin Valley to the California Central Coast and Southern California. The SWC Member Agencies also serve water to over 750,000 acres of irrigated farmland. The SWC is not required to file statements of diversion and use. (23 CCR § 820(d)).

² See map identifying location of South-of-San Joaquin Diverters, Attachment 2.

³ This range reflects the two different approaches to calculating unlawful diversions. Once an approach is adopted, the predicted range of the potential impact will narrow.



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