

1 the SWP/CVP for meeting certain D-1641 water quality and flow objectives when
2 unregulated flow is insufficient to meet the requirements. When unregulated flow is
3 insufficient to meet In-Basin demands, SWP/CVP operators adjust exports or increase
4 storage releases as necessary to meet the requirements of D-1641. The SWP/CVP must
5 continue making supplemental storage releases to meet the D-1641 requirements even
6 after they have ceased appropriating unregulated flow, operating the SWP/CVP to meet D-
7 1641 first before appropriations are made for SWP/CVP purposes. For this reason,
8 operations both now and as proposed for the CWF will not affect the quantity of water
9 available for other legal users within the watershed.

10 Although there may be changes in SWP/CVP storage levels or releases (see Exhibit
11 DWR-71, section V.C.), this would not injure other legal users because it is my
12 understanding that such water users do not have a right to stored water releases from the
13 SWP/CVP. Therefore, the quantity of water available for diversion by In-Basin water users
14 will not be affected by any changes in stored water releases that may occur as a result of
15 the CWF. Additionally, DWR must maintain specific minimum releases from Lake Oroville
16 to the Feather River under the terms of a 1983 agreement between DWR and the California
17 Department of Fish and Game (now known as DFW) and as part of DWR's Federal Energy
18 Regulatory Commission (FERC) license. (Exhibit DWR-307.) DWR will continue to meet
19 the Feather River minimum flow requirements.

20 Further, as stated in the testimony of Mr. Munévar, "Boundary 1 and Boundary 2
21 scenarios result in the highest carryover storage levels due to greater flexibility in
22 operations (Boundary 1) and substantially reduced export capability (Boundary 2), while
23 scenarios H3 and H4 are more similar to the [No Action Alternative] NAA." (Exhibit DWR-
24 71, section III.C.) The modeling demonstrates that changes in carryover storage levels from
25 the four CWF scenarios would be higher or similar to storage levels in the NAA. This
26 information demonstrates a continued ability to meet contractual obligations.

27 Also as stated in Mr. Munévar's testimony, "Water deliveries to CVP and SWP
28 contractors, including Settlement Contractors, Exchange Contractors, Refuge Level 2, and