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15 BEFORE THE
16 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

17 In re State Water Resources Control Board
18 Petition Requesting Changes in Water Rights of
the Department of Water Resources and U.S.
19 Bureau of Reclamation for the California
WaterFix Project.
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**WRITTEN TESTIMONY OF JASON
PELTIER**

24 **I. QUALIFICATIONS**

25 1. I am the Executive Director of the San Luis & Delta-Mendota Water Authority
26 (“SLDMWA”). I have served as Executive Director since January 1, 2016. As Executive Director,
27 my responsibilities include the general oversight of all facets of the organization including
28 administration, operation & maintenance, and finance. Before joining the SLDMWA, I worked for

1 Westlands Water District (“Westlands”) as Chief Deputy General Manager for eight years, and for
2 the Department of the Interior as the Deputy Assistant Secretary for Water and Science for six years
3 before that, where I was part of the management team responsible for the Bureau of Reclamation
4 and the U.S. Geological Survey. For the twelve years before serving at Interior, I was the Manager
5 of the Central Valley Project Water Association, from 1988 to 2001. Through performance of my
6 existing and prior responsibilities, I have become familiar with the features and operations of the
7 Central Valley Project (“CVP”) and how hydrological conditions and regulations affect the ability
8 of the CVP to reliably deliver water to the member agencies of the SLDMWA.

9 **II. SUMMARY OF TESTIMONY**

10 2. In this written testimony for Part 2 of the proceedings I provide an overview of the
11 SLDMWA, its member agencies, the areas they serve, their loss of CVP supply over the past twenty-
12 five years, and the need for a new approach. SLDMWA members the Santa Clara Valley Water
13 District, the Westlands water District, and the Grassland Water District will each offer testimony
14 describing their circumstances and positions in more detail. When I testify before the Hearing
15 Officers, I intend to use the PowerPoint document marked as **Exhibit SLDMWA-12** to illustrate
16 and help summarize my testimony.

17 **III. GENERAL BACKGROUND ON THE SAN LUIS & DELTA-MENDOTA WATER** 18 **AUTHORITY**

19 3. The SLDMWA’s principal office is located in Los Banos, California. The
20 SLDMWA was formed in 1992 as a joint powers authority. The SLDMWA has twenty-eight
21 member agencies. Twenty-six of these agencies contract with the United States Bureau of
22 Reclamation (“Reclamation”) for the delivery of water from the CVP.

23 4. Among other purposes, the SLDMWA was formed to preserve and protect the rights
24 and benefits of the member agencies in their contracts for water supply from the CVP, and to assume
25 responsibility for the maintenance and operation of certain CVP facilities. The SLDMWA is
26 authorized to exercise the common powers of its members to participate in administrative and
27 judicial proceedings, and to manage and protect surface and groundwater supplies within the
28 boundaries of the SLDMWA.

1 5. Pursuant to an agreement with Reclamation, the SLDMWA is responsible for
2 operation and maintenance of the Delta-Mendota Canal, , the C.W. “Bill” Jones Pumping Plant, the
3 O’Neill Pumping-Generating Plant, and operation of the Mendota Pool. The Jones Pumping Plant
4 is located in the southern portion of the Sacramento-San Joaquin River Delta (“Delta”) near the City
5 of Tracy. These large pumps have a combined capacity of over 5,000 cubic feet per second, and
6 pump water that is conveyed through the Delta into the Delta-Mendota Canal for ultimate delivery
7 to the SLDMWA’s member agencies and other South of the Delta CVP Water Contractors. Most
8 of the CVP water available to the SLDMWA’s members is pumped through the Jones Pumping
9 Plant.

10 6. **Exhibit SLDMWA-13** is a list of the SLDMWA’s member agencies. A map that
11 identifies the service areas of each of the SLDMWA members is included within the PowerPoint
12 presentation, **Exhibit SLDMWA-12**

13 **IV. THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY MEMBERS**
14 **AGNECIES’ SOURCES OF WATER SUPPLY**

15 7. Most of the SLDMWA’s member agencies depend upon the CVP as their principal
16 source of water they provide to users within their service areas. The SLDMWA has four classes of
17 CVP-contractor members: (1) agricultural water service contractors; (2) municipal and industrial
18 water service contractors; (3) refuge contractors; and (4) the exchange/settlement contractors.

19 8. The SLDMWA’s member agencies hold total contractual entitlements from the CVP
20 for approximately 3.3 million acre-feet of water per year. Approximately 2.8 million acre-feet per
21 year are contracted for delivery to approximately 1.2 million acres of agricultural lands within areas
22 of San Joaquin, Stanislaus, Merced, Fresno, Kings, San Benito and Santa Clara Counties. Within
23 that total for agricultural uses, about 900,000 acre-feet is for the Exchange Contractors, who agree
24 not to exercise of their rights to San Joaquin River water in exchange for substitute supplies,
25 typically CVP supplies pumped from the Delta.

26 9. Approximately 150,000 to 200,000 acre-feet per year are contracted for municipal
27 and industrial uses by almost 2 million people within the service areas, including the City of Tracy
28 and urban areas within Santa Clara County, such as Silicon Valley.

1 10. The remaining amount, approximately 350,000 acre-feet per year, is delivered to
2 more than 90,000 acres of managed wetlands and wildlife refuges for habitat enhancement and
3 restoration activities within the largest continuous wetland in the Western United States. As I
4 explain below, the actual average annual CVP deliveries for most SLDMWA members are now
5 much lower than full contractual entitlement. For many of the SLDMWA member agencies, because
6 their annual deliveries of CVP water are typically less than the total contracted amounts, their
7 demand exceeds their contract deliveries.

8 11. The SLDMWA's member agencies also depend upon transfers of surface water, to
9 supplement the supplies delivered under their CVP contracts. Particularly in times of drought and
10 water shortages, member agencies rely on water transfers to temporarily move water from willing
11 sellers to help serve existing demand. Transfers often include purchases of water from water users
12 located north of the Delta, water that then must be conveyed across the Delta to the pumps in the
13 south Delta for delivery to the SLDMWA's member agencies. These types of transfers are however
14 limited to years when there is excess pumping capacity at the Delta pumps during the July through
15 September period. In addition, the SLDMWA has had water transfer agreements with the Exchange
16 Contractors for transfers to SLDMWA member agencies. In some instances, the SLDMWA
17 arranges for purchases on behalf of its member agencies, and in other instances member agencies
18 purchase supplies directly themselves.

19 12. Transfers can form a significant portion of the supply available to the SLDMWA's
20 member agencies, especially in dry years. In the period from 2008 through 2016, the SLDMWA
21 arranged for the transfer of over 1,000,000 acre-feet of water to its member agencies. During this
22 period, transfers arranged by the SLDMWA ranged from a low of 29,667 acre-feet in 2011, to a
23 high of 201,369 acre-feet in 2015. In addition to transfers arranged by the SLDMWA, member
24 agencies and individual landowners may arrange for transfers.

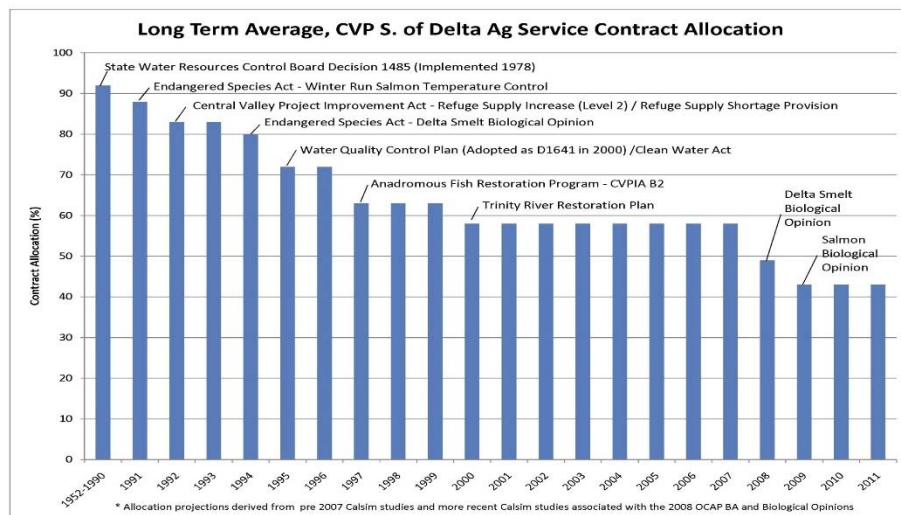
25 13. Groundwater is a third important source of supply for some of the areas served by
26 the SLDMWA member agencies. Many agricultural water users have historically relied upon
27 increased groundwater pumping to compensate for years of low deliveries of CVP surface water
28 supplies. However, not all service areas have access to groundwater of adequate quality, and some

1 areas such as the lands within San Luis Water District have little or no available groundwater.
 2 Access to groundwater in future years will likely be more limited than it was in the past, with
 3 implementation of the Sustainable Groundwater Management Act. That will heighten dependence
 4 on surface water supplies.

5 **V. THE RELIABILITY AND QUANTITY OF THE SLDMWA MEMBERS**
 6 **AGENCIES' CVP WATER SUPPLY HAS DIMINISHED**

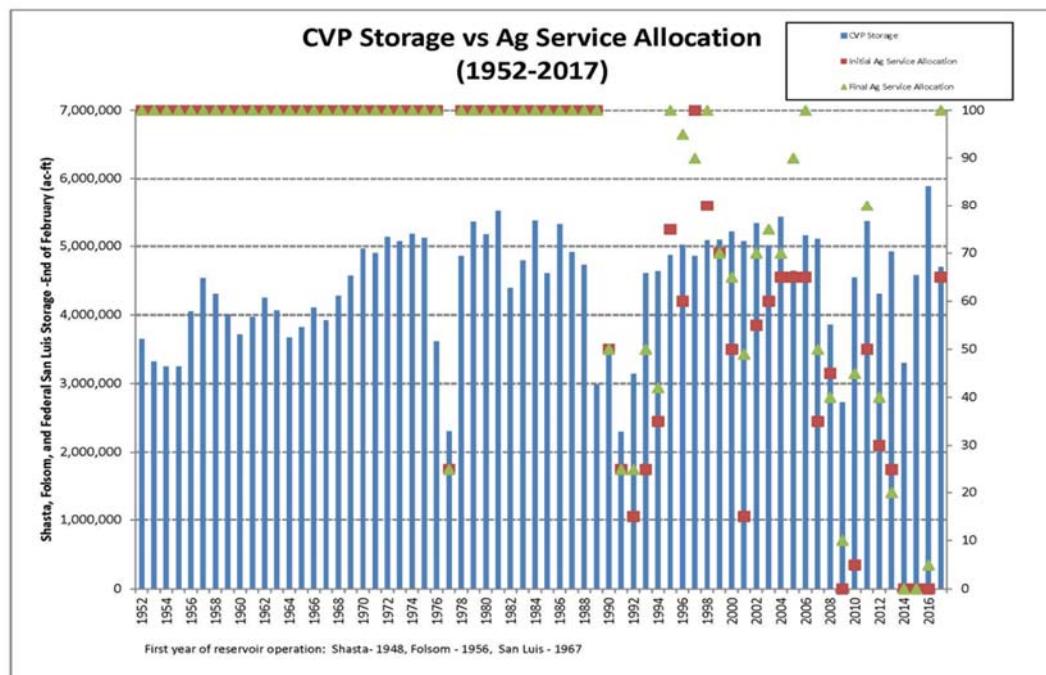
7 14. The reliability and quantity of water supplies available to many of the SLDMWA's
 8 member agencies have been significantly diminished over the past twenty-five years. There is an
 9 urgent need to restore these surface water supplies to improve the condition of the communities that
 10 exist within the areas served by the member agencies.

11 15. The chart immediately below, also contained in **Exhibit SLDMWA-12**, shows the
 12 steady decline in contract allocations for CVP agricultural water service contractors located south
 13 of the Delta beginning in the early 1990's. This decline was primarily due to protective measures
 14 imposed under the Endangered Species Act ("ESA"), the Central Valley Project Improvement Act
 15 ("CVPIA"), and the Clean Water Act ("CWA"). Today, expected water deliveries in a year of
 16 "normal" precipitation have been reduced to 35 percent to 50 percent of contract entitlements for
 17 agricultural water service contractors. In addition, regulations have affected the water supply of all
 18 other SLDMWA member agencies although to a lesser extent than the agricultural water service
 19 contractors.



T. Boardman, SLDMWA
10/25/2013

1 16. Historically, total CVP storage was an important factor in determining the quantity
 2 of water Reclamation would allocate each year to its CVP contractors. The chart immediately
 3 below, also contained in **Exhibit SLDMWA-12**, depicts CVP storage in relation to allocation of
 4 CVP water supply for agricultural water service contractors located south of the Delta. In this chart,
 5 total storage in February of each year is shown by the blue bars; the left axis shows volume of
 6 storage; the red squares depict the initial percentage contract allocation each year; the green triangles
 7 depict the final percentage contract allocation each year; and the right axis shows percentage of full
 8 contract entitlement. This chart shows that since the advent of new regulations in 1991, for the same
 9 general hydrological conditions as indicated by CVP storage, agricultural water service contractors
 10 south of the Delta have received a much lower initial and final contract allocations. The low initial
 11 contract allocations constrain and limit beneficial uses south of the Delta, by affecting farmer’s
 12 planting decisions, which for many crops are made early in the calendar year, and inhibiting their
 13 access to financing. Municipal and industrial uses, refuges, and water rights settlement contractors,
 14 have likewise been affected by instability in their supplies.



T. Boardman, SLDMWA
6/15/2017

1 17. The impact of increased regulation on Reclamation’s CVP contract allocations has
2 not fallen evenly on all CVP contractors. The agricultural water service contractors located south
3 of the Delta have fared the worst. **Exhibit SLDMWA-14** is a table prepared by Reclamation that
4 shows historical CVP contract allocations for various groups of CVP contractors for the period from
5 1997 to 2017. These tables were downloaded from Reclamation’s website at
6 https://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf. As is shown in
7 Reclamation’s tables, the allocations for water rights settlement contractors have remained at 100%
8 except in periods of years of drought. Among like classes of CVP contractors, those located north
9 of the Delta have received higher allocations than those south of the Delta. For example, in 2013
10 agricultural water contractors north of the Delta received a 75% allocation, while those south of the
11 Delta received a 20% allocation. In 2013, urban contractors north of the Delta received a 100%
12 allocation, while urban contractors south of the Delta received a 70% allocation. The same general
13 pattern appears in multiple years. Prior to 1993, contractors north of the Delta and south of the Delta
14 received the same allocation. Since 1992, initially with CVPIA and followed with other regulations,
15 the disparity in allocation began. Reclamation has explained that this disparity is due to difficulties
16 in moving CVP water across the Delta while meeting various regulatory constraints including
17 limitations on export pumping during times when pumping is believed to be more harmful to fish.

18 18. The harms that result from reduced CVP water allocations to the SLDMWA’s
19 member agencies include, but are not limited to: increased groundwater pumping (with increased
20 overdraft, subsidence, and lower crop yields due to poor water quality), land fallowing, public health
21 and safety risks, increased costs for member agencies, reduced agricultural production and economic
22 losses, impacts to local wildlife and waterfowl, unemployment, and resulting socio-economic
23 harms.

24 **VI. THE SLDMWA SUPPORTS IMPROVED CONVEYANCE**

25 19. The experience of the past twenty-five years demonstrates the need to improve the
26 manner in which water is conveyed across the Delta. The reliability and quantity of CVP water
27 supplies for the SLDMWA’s member agencies has steadily declined. The fish populations that were
28 intended to benefit from the regulations that caused those water supply declines have not shown any

1 improvement as a result, and instead have declined as well. A new approach is needed.

2 20. The WaterFix is intended to move water in a way that will have much reduced
3 environmental impacts. Whether the WaterFix will be a project that also improves water supply
4 conditions for member agencies of the SLDMWA through new conveyance remains to be seen. At
5 the time this testimony was submitted, Reclamation had not defined a role in the WaterFix for the
6 CVP, and, as a result it is unclear how the SLDMWA member agencies can participate and benefit
7 from WaterFix.

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