

1 DANIEL J. O'HANLON, State Bar No. 122380  
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
2 A Professional Corporation  
400 Capitol Mall, 27<sup>th</sup> Floor  
3 Sacramento, CA 95814  
Telephone: (916) 321-4500  
4 Facsimile: (916) 321-4555

5 Attorneys for San Luis & Delta-Mendota Water  
Authority

6 JON D. RUBIN, State Bar No. 196944  
General Counsel  
7 REBECCA R. AKROYD, State Bar No. 267305  
Deputy General Counsel  
8 SAN LUIS & DELTA-MENDOTA WATER AUTHORITY  
9 400 Capitol Mall, 27th Floor  
Sacramento, CA 95814  
10 Telephone: (916) 321-4519  
Facsimile: (209) 826-9698

11 Attorney for San Luis & Delta-Mendota Water  
12 Authority

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15 BEFORE THE  
16 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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

**[PROPOSED] WRITTEN TESTIMONY  
OF FRANCES MIZUNO**

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24 **I. QUALIFICATIONS**

25 1. I am the Assistant Executive Director of the San Luis & Delta-Mendota Water  
26 Authority ("SLDMWA"). My responsibilities include management of operation and maintenance  
27 of certain Central Valley Project ("CVP") south of Delta facilities, representing the SLDMWA in  
28 multiple forums and taking a lead role in activities to assist Authority members, including

1 coordinating purchase of transfers for supplemental water supply. I have been employed by the  
2 SLDMWA since August 1992. I worked for the United States Bureau of Reclamation  
3 (“Reclamation”) from March 1980 to February 1986, and for the East Bay Municipal Utility District  
4 (“EBMUD”) from February 1986 through July 1992. My duties at both Reclamation and EBMUD  
5 likewise included water project operations and maintenance. I hold a Bachelor of Science degree  
6 in Civil Engineering from the University of California, Davis. Through my prior positions and  
7 current position as Assistant Executive Director, I am familiar with the SLDMWA, its members  
8 agencies’ sources of water supply, the features and operations of the CVP, the history of CVP  
9 deliveries to member agencies, and the effects of shortages in CVP deliveries. As my written  
10 testimony for this proceeding, I adopt paragraphs 2 through 20 of the written testimony of Jason  
11 Peltier set forth in Exhibit SLDMWA-11. Paragraphs 2 through 20 are set forth below, the same  
12 as they appear in Mr. Peltier’s written testimony.

13 **II. SUMMARY OF TESTIMONY**

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

21 **III. GENERAL BACKGROUND ON THE SAN LUIS & DELTA-MENDOTA WATER**  
22 **AUTHORITY**

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

27 4. Among other purposes, the SLDMWA was formed to preserve and protect the rights  
28 and benefits of the member agencies in their contracts for water supply from the CVP, and to assume

1 responsibility for the maintenance and operation of certain CVP facilities. The SLDMWA is  
2 authorized to exercise the common powers of its members to participate in administrative and  
3 judicial proceedings, and to manage and protect surface and groundwater supplies within the  
4 boundaries of the SLDMWA.

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

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

17 **IV. THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY MEMBERS**  
18 **AGENCIES’ SOURCES OF WATER SUPPLY**

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

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

1 typically CVP supplies pumped from the Delta.

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

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

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

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

1           13.     Groundwater is a third important source of supply for some of the areas served by  
2 the SLDMWA member agencies. Many agricultural water users have historically relied upon  
3 increased groundwater pumping to compensate for years of low deliveries of CVP surface water  
4 supplies. However, not all service areas have access to groundwater of adequate quality, and some  
5 areas such as the lands within San Luis Water District have little or no available groundwater.  
6 Access to groundwater in future years will likely be more limited than it was in the past, with  
7 implementation of the Sustainable Groundwater Management Act. That will heighten dependence  
8 on surface water supplies.

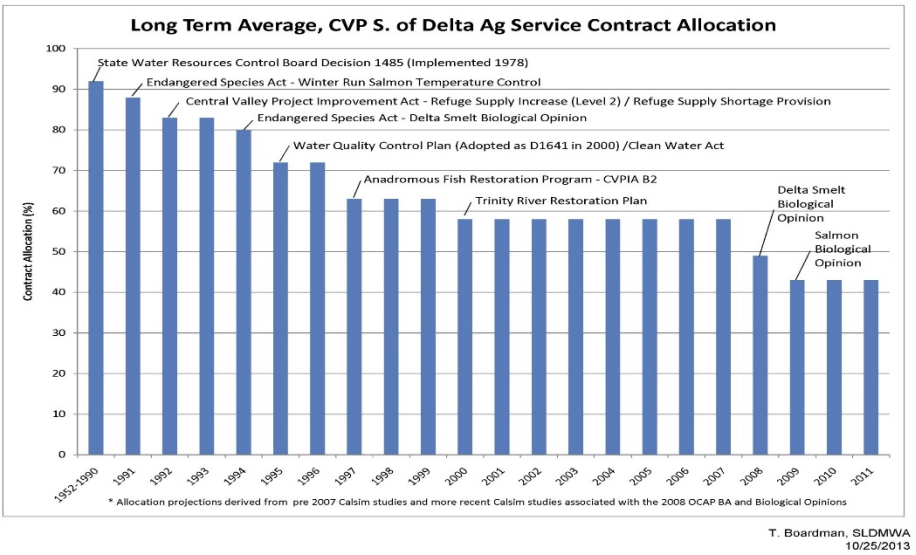
9 **V.     THE RELIABILITY AND QUANTITY OF THE SLDMWA MEMBERS**  
10 **AGENCIES’ CVP WATER SUPPLY HAS DIMINISHED**

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

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

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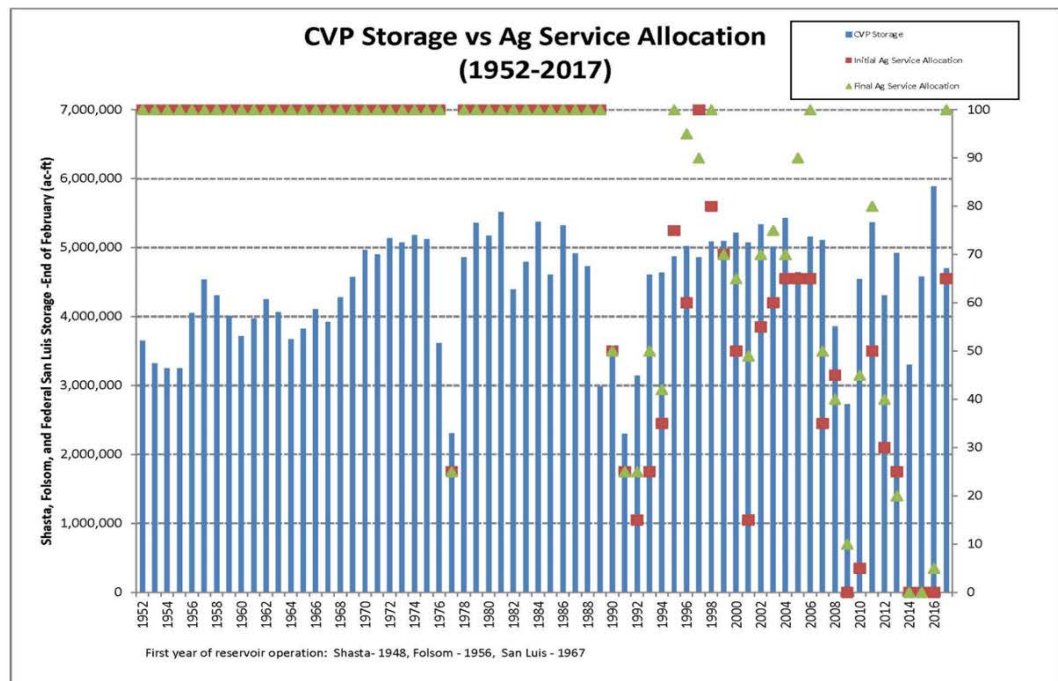
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16. Historically, total CVP storage was an important factor in determining the quantity of water Reclamation would allocate each year to its CVP contractors. The chart immediately below, also contained in **Exhibit SLDMWA-12**, depicts CVP storage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

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T. Boardman, SLDMWA  
6/15/2017

17. The impact of increased regulation on Reclamation’s CVP contract allocations has not fallen evenly on all CVP contractors. The agricultural water service contractors located south of the Delta have fared the worst. **Exhibit SLDMWA-14** is a table prepared by Reclamation that shows historical CVP contract allocations for various groups of CVP contractors for the period from 1997 to 2017. These tables were downloaded from Reclamation’s website at [https://www.usbr.gov/mp/cvo/vungvari/water\\_allocations\\_historical.pdf](https://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf). As is shown in Reclamation’s tables, the allocations for water rights settlement contractors have remained at 100% except in periods of years of drought. Among like classes of CVP contractors, those located north of the Delta have received higher allocations than those south of the Delta. For example, in 2013 agricultural water contractors north of the Delta received a 75% allocation, while those south of the Delta received a 20% allocation. In 2013, urban contractors north of the Delta received a 100% allocation, while urban contractors south of the Delta received a 70% allocation. The same general pattern appears in multiple years. Prior to 1993, contractors north of the Delta and south of the Delta received the same allocation. Since 1992, initially with CVPIA and followed with other regulations,

1 the disparity in allocation began. Reclamation has explained that this disparity is due to difficulties  
2 in moving CVP water across the Delta while meeting various regulatory constraints including  
3 limitations on export pumping during times when pumping is believed to be more harmful to fish.

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

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

11 19. The experience of the past twenty-five years demonstrates the need to improve the  
12 manner in which water is conveyed across the Delta. The reliability and quantity of CVP water  
13 supplies for the SLDMWA's member agencies has steadily declined. The fish populations that were  
14 intended to benefit from the regulations that caused those water supply declines have not shown any  
15 improvement as a result, and instead have declined as well. A new approach is needed.

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

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