

---

## State Water Resources Control Board

March 28, 2014

The Honorable Henry Perea  
California State Assembly  
State Capitol, Room 3120  
Sacramento, CA 95814

Dear Assembly Member Perea:

Thank you for your letter of March 11, 2014 to the Governor, which was co-signed by several other Legislators, regarding water deliveries in California during this time of extraordinary drought. Your letter expresses particular concern that the State Water Resources Control Board (State Water Board) may take an action that would limit the use of water diverted by the State Water Project and Central Valley Project (Projects) for health and safety purposes to exclude agriculture. Your letter asks the Governor to delay action by the State Water Board in this regard until more analysis and dialogue has been conducted in order to better understand potential impacts on Californians and the economy. In order to address your concerns, I have been asked by the Governor's Office to respond to your letter on his behalf.

Significant misunderstanding exists about what has happened in recent weeks regarding water operations and what may happen in the future. I hope that the following information helps clarify the situation.

First, I want to assure you that the State Water Board is working closely with the Department of Water Resources (DWR), U.S. Bureau of Reclamation (Reclamation), the state and federal fisheries agencies, and stakeholders in its response to the drought. Together, the agencies are being very deliberate in their decisions and cognizant of the impacts that they may have on water users throughout the state.

The leadership of the State and federal agencies and the Real Time Drought Operations Team has been meeting constantly to manage supplies to maintain salinity control in the Delta, to meet public health and safety needs through the remainder of this year and into a possible dry 2015, and to provide legally required protections to fish and wildlife. This same team also is looking for opportunities for appropriate flexibility to boost storage in reservoirs both north and south of the Delta. For example, the Projects increased pumping at their south Delta facilities to take advantage of the last precipitation event and capture additional water for later use as a result of temporary urgency changes allowed by the State Water Board and fish and wildlife agencies.

With regard to the specific concerns over the use of water exported for health and safety purposes, we are working closely with Reclamation, DWR and stakeholders to resolve these concerns. Many have misconstrued what has happened in recent weeks as the State Water Board stepping in to limit all Project deliveries for the rest of the year to public health and safety purposes. This is absolutely not the case.

In January, DWR and Reclamation, faced with record low amounts of reservoir storage and snowpack, became concerned about the limited amount of water in storage for use later in the year to maintain salinity control in the Delta, to meet public health and safety needs, and to ensure adequate water for fish and wildlife needs. Loss of salinity control would mean that water in the Delta would be unusable for *any* consumptive use, agricultural or municipal, until the next rainy season. Further, loss of salinity control would require even more fresh water to flush the salt out from the area that was contaminated. It is in the interest of all agricultural and municipal users who rely on the Delta to maintain enough water in storage to keep salinity at bay.

Because the Projects' existing water right permit terms would have required them to release additional water from their reservoirs for fish and water quality beginning February 1, they asked the State Water Board to grant a Temporary Urgency Change Petition (Petition). The Petition requested flexibility to allow the Projects to hold more water behind the reservoirs and not release additional water to meet the existing flow requirements. The Petition also proposed to limit exports to sustainable public health and safety levels while DWR and Reclamation determined how much water they would need for public health and safety, salinity control, and other uses through 2014 and into 2015.

Acting under delegated authority, I granted this request from DWR and Reclamation, (which is appealable to the State Water Board). In addition, my order approving the change asked DWR and Reclamation to identify more specifically water needs for public health and safety purposes. The State Water Board members held two days of workshops on the order to give the public a chance to ask questions or object to this decision.

It was always expected that DWR and Reclamation would return to the State Water Board to revise their request regarding operations once their assessment was completed and they had a better sense of needed water supplies for the coming dry months. Since originally approving their petition, I have revised the order to allow additional flexibility when flows are high after storms. During these times, water has been exported at levels higher than those identified in the Petition, and that water has been used or stored for any lawful use. Federal and state fish and wildlife agencies have made similar adjustments to export limitations based upon their authorities and permits.

On March 18, 2014, I again modified the order in response to a request from DWR and Reclamation to: 1) lower the required outflow for fish and wildlife; and, 2) clarify that water exported in excess of public health and safety needs could be used for any lawful purpose. I appreciate your recognition of the complexities and challenges facing the State in managing our water resources during this extraordinary drought. I hope that this letter has clarified the issues that we face. Please let me know if we can provide further information

or if it would be helpful to meet with members of your staff. Also, a more detailed explanation of water operation decisions is available at [www.ca.gov/drought/managementactions.html](http://www.ca.gov/drought/managementactions.html).

Thank you again for your interest and concern in our collective efforts to manage water effectively during the drought. I look forward to working with you and your staff to help address this crisis.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Howard". The signature is written in a cursive, flowing style.

Thomas Howard  
Executive Director

cc: Mr. Gareth Elliott  
Legislative Secretary  
Office of the Governor  
State Capitol  
Sacramento, CA 95814

Ms. Kristin Stauffacher  
Assistant Secretary for Legislation  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Robert Egel  
Legislative Director  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814