

DEPARTMENT OF WATER RESOURCES

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(916) 653-5791



September 23, 2014

Ms. Barbara L. Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

SENT VIA EMAIL: bevoy@waterboards.ca.gov

Dear Ms. Evoy:

The Department of Water Resources ("DWR") has a contract with Byron-Bethany Irrigation District ("BBID") that settles water right issues and requires reporting to DWR the amount of water BBID diverts from the Delta under the contract. The DWR requests that because of the reporting requirements agreed to by BBID in this contract, the State Water Resources Control Board (SWRCB) not include BBID in any order responding to the DWR/Reclamation request for action under the emergency regulations filed with the SWRCB on July 23, 2014 and further explained in a letter on September 15, 2014.

In 2003, DWR and BBID executed a contract to settle between them an issue over the amount of any pre-1914 appropriative water right that BBID could divert from the Clifton Court Forebay, a diversion location which establishes a unique relationship between BBID and DWR. Pursuant to this settlement, DWR provides BBID up to 50,000 acre feet annually for use in its service area. The contract also provides that BBID shall accurately and completely measure the quantity of its diversions and report this information to the DWR Delta Field Division Area Control Center. BBID fulfills its reporting obligations by metering its diversions and providing those quantities to DWR.

The SWRCB emergency regulations and draft order attached to the September 24 Delta diversions workshop notice seek information on the basis of right and use of water by pre-1914 appropriators and riparian users in the Delta. The information currently gathered by BBID and reported to DWR allows for accurate adjustments to State Water Project (SWP) operations. Thus, including BBID in the draft order will not produce any additional information. Rather, if the SWRCB would benefit from this information, DWR can provide it upon request.

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At the September 24 Delta diversions workshop, DWR can provide further information on the BBID contract if the SWRCB has any questions. Furthermore, at this time DWR is unaware of any other Delta diverter who holds a contract with DWR that provides for metering and reporting of diversions. Thus, this request that the SWRCB consider the unique circumstances where BBID currently satisfies information that is the subject of the Board draft order does not alter the general need for accurate information as requested by DWR and Reclamation.

Sincerely,



Michelle Morrow
Assistant Chief Counsel

cc: Mr. Les Grober
Chief Deputy Director
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State Water Resources Control Board
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cc: Ms. Dianne Riddle
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