

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

MAY 20, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento, California 95814

scribed by: Thresha Spencer, CSR No. 11788

kathryndavis | & associates
deposition reporting

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

MAY 20, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento, California 95814

Transcribed by: Thresha Spencer, CSR No. 11788

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE WATER RESOURCES CONTROL BOARD
BOARD MEMBERS

- Chair Felicia Marcus
- Vice-Chair Frances Spivy-Weber
- Board Member Tam M. Doduc
- Board Member Steven Moore
- Board Member Dorene D'Adamo

1 PORTION OF TRANSCRIPT OF PROCEEDINGS

2 (File 11 - all)

3 --o0o--

4 CHAIR FELICIA MARCUS: Jennifer Spaletta followed by
5 Jeanne Zolezzi.

6 JENNIFER SPALETTA: Thank you. First of all, I want
7 to thank staff and the Board Members for working very hard
8 this year to try and get additional information, better
9 information than we had last year and for encouraging the
10 regulative water community to do its part through voluntary
11 agreements, and I think we've made a lot of progress this
12 year. I know I've had some very good conversations, not
13 just with people in this room, but with other people
14 associated with the export projects and the contractors that
15 we hadn't had before, and I think they've been really,
16 really good at moving the ball forward on a lot of difficult
17 factual and legal issues that we can narrow and, I think we
18 can all agree, need to be resolved.

19 Unfortunately, the more we talk and the more we
20 learn and even through the process of gathering better data
21 about water availability, I think the more we realize that
22 when you get down to the nitty-gritty at any individual
23 point of diversion, the risk of being wrong with broad brush
24 analysis is very, very high.

25 And that's why, regardless of these big legal

1 issues, that we know we need to resolve. We also know they
2 won't be resolved this week, and they probably won't be
3 resolved this summer.

4 And that's why many of us in the Delta who have
5 clients who are sitting here biting their nails wondering if
6 they're going to plant something and cultivate it for three
7 months only to receive a curtailment order have said, "Can
8 we offer something voluntarily that saves water, helps us
9 all get through the summer collectively," moves the ball
10 forward without waving our rights on these bigger legal
11 issues. And that is what we've proposed at this 25 percent
12 voluntary program.

13 And we've worked with Michael George, obviously, and
14 Tom Howard to put kind of the meat on what the program would
15 look like. But, essentially, it would be farmers who say,
16 "Okay. I'm still at a point in my cropping planning for the
17 summer where I can make adjustments. I can either do some
18 water conservation here, I can choose a different crop or I
19 can plow a certain land and achieve a 25 percent reduction.
20 We'll keep track of it, we'll document it, we'll make sure
21 that it can be verified. We may actually learn something
22 about the way the Delta works for those that participate in
23 the program.

24 You, in exchange, will get four months of 25 percent
25 reduction, which is a lot of water, if we're talking about

1 the system.

2 And they, in exchange, of course, receive some
3 regulatory certainty that they can irrigate their other
4 acreage, as they have been, and get through the summer from
5 a business perspective. So it's really a practical
6 solution.

7 It's a voluntary program, obviously, we hope get a
8 lot of growers to sign up, but it's a practical solution.
9 It's an on-the-ground practical solution to get people
10 through the summer, achieve water savings, which is
11 important to the system, and save this dialogue and these
12 important legal issues to be resolved, but to a time where
13 they can be resolved properly.

14 CHAIR FELICIA MARCUS: It's -- it's interesting.
15 And again, not an opinion yet, but interesting to
16 contemplate. We are in this funny -- funny is not the right
17 word. We are in this challenging -- I think the word
18 "unprecedented" has been used a lot, and recently a
19 situation both hydrologically but also in terms of actually
20 exercising the water right system to an extent it has not
21 been exercised before. And so the challenge is on all sorts
22 of fronts. So it's interesting to think interestingly about
23 it and look at other options.

24 But I have a specific question that's sort of
25 prompted by Mr. Nomellini's point. Which is one of the

1 things, at least for me, that I'd like to see is that we do
2 resolve some of these issues that have been hanging around.
3 Because my perspective, just dancing in and out of it over
4 the decades, is that there's a -- there are very
5 strongly-held views about the law or -- and other things,
6 even the hydrology, about the law, let alone what's right
7 and wrong. And those same arguments have gone for decades
8 without helping us resolve anything.

9 And it strikes me that there's a moment where when I
10 left, people seemed very comfortable in their rhetorical
11 certainty and they take their chances on what might happen
12 out in the world, and that seemed to be in a place of
13 comfort. What I'm seeing in this crisis is people saying,
14 "Let's resolve some of these things finally and move on."

15 But I guess I'd like us to resolve them in a way.
16 One thing I'd be concerned about is buying time and then
17 punting. So in your conversation --

18 JENNIFER SPALETTA: We don't want to do that, no.

19 CHAIR FELICIA MARCUS: -- there has been a strategy
20 for how to lay out -- maybe there's ten, maybe there's
21 twenty, maybe there's seven key issues that need to be
22 resolved. And I'm hoping -- I'm hoping certainly with the
23 assistance of our Delta Water Master and his acumen and
24 energy on this, to be able to tee up those issues for
25 discussion in the nearer future rather than the later

1 future.

2 Is that a part of your conversation?

3 JENNIFER SPALETTA: I would like to meet today,
4 frankly. I wish that we -- I wish that there's evidentiary
5 hearing and that I could have asked questions of the people
6 who put the charts up on your screen today.

7 I mean, frankly, we have to get to the bottom of it
8 because there's a lot of people who put up information, but
9 we've never had the opportunity to ask each other the hard
10 questions about those graphs and really get down to the
11 nitty-gritty of the spreadsheet.

12 I mean, I heard what Terry said about missing
13 35 percent of the stored water, and we need to get to the
14 bottom of that. The projects have to be able to operate and
15 account for their stored water. And if they can't account
16 for it now, there's a problem, we need to understand it.

17 So the way I view this voluntary program and any
18 voluntary program that you would enter into to get through
19 this year is it is just that. It is an emergency agreement
20 to get operations through this year that operates on a
21 parallel track with resolving these tough issues. And they
22 really are two different things. One is operations, making
23 a difference on the ground to get us through the year. And
24 then the second is rolling up our sleeves and digging in on
25 the tough legal and factual issues. We should be doing

1 both; we should be doing both at the same time.

2 The reason that we like these practical voluntary
3 programs is there are literally hundreds of individual
4 farmers who are having a very hard time this year making
5 basic decisions, and I have a fear that if you roll out a
6 curtailment in the middle of the summer, that the compliance
7 with that curtailment will be sparse. And, frankly, that's
8 not good for the system. It's not good for their mental
9 health, it's not good for the economy of the area, and it
10 doesn't achieve your goal. It may help us resolve the legal
11 issues, but it doesn't actually do what we need to do, which
12 is save water and make the system work better.

13 So I think what we're offering with this program is
14 an opportunity to do both, to actually do some water savings
15 and allow these people to operate in a way that makes some
16 business sense. And, at the same time, let's dig in on
17 these legal and factual issues and get to the bottom of them
18 one way or the other.

19 CHAIR FELICIA MARCUS: Thank you.

20 JENNIFER SPALETTA: Thank you.

21 CHAIR FELICIA MARCUS: Question, Tam?

22 BOARD MEMBER TAM M. DODUC: Actually, I do have a
23 few questions. Actually, the proposal is very intriguing.
24 So just a couple of questions just to clarify in my mind.
25 I'm sure I will get the details later on, but as far as what

1 you are thinking.

2 A voluntary 25 percent in, I guess I understand it,
3 either reduction in diversion or 25 percent fallowing of
4 land that would normally be put into production in the
5 critical three months.

6 So with respect to the first one, a 25 percent
7 reduction in diversion, are you thinking that will be
8 25 percent less -- I think you're talking about a 2013
9 baseline, so that would be reduction from actual diversion
10 or reduction from the water rights of diversion?

11 JENNIFER SPALETTA: Well, I don't think there will
12 be an impact on water rights with just one year's activity,
13 but there will be an impact on how much water is actually
14 taken out of the river, I guess.

15 BOARD MEMBER TAM M. DODUC: No, no, no. I meant,
16 were you doing the calculation of the 25 percent --

17 CHAIR FELICIA MARCUS: 25 percent of what?

18 JENNIFER SPALETTA: Of the riparian rights.

19 THOMAS HOWARD: Perhaps I can answer because we're
20 the ones that are actually writing it up, and I had
21 discussions with staff about that issue. And it seemed to
22 me that what we do is this year in the information order, we
23 asked the 90 percent largest diverters to tell us what they
24 intended to use this year.

25 And so we have, for a large fraction of the

1 diverters in the Central Valley, an estimate that they
2 provided us saying, "Here's what we intend to use."

3 We also have some of the data of 2013 use, and we
4 will certainly have more as these statements roll in over
5 the year. So we'll ask the parties, "If you want the
6 25 percent reduction, you should have two numbers available
7 to you. You should have what you already told us you were
8 going to do last year -- that you were going to do this year
9 as you were projecting this year's diversions, and you have
10 what you did in 2013, take the lower of those two and take
11 off 25 percent." That's what the form said.

12 JENNIFER SPALETTA: And that would be a major
13 problem if that's what the form said because the projected
14 numbers for this year, in many cases, already accounted for
15 conservation measures that were being implemented by the
16 farmers. So that, of course, would be very unfair.

17 But if we're talking about a 2013 baseline --

18 CHAIR FELICIA MARCUS: Uh-huh. That's what I
19 assume.

20 JENNIFER SPALETTA: It's a very basic concept. If
21 you had a 100-acre field that was irrigated in alfalfa and
22 they put on five acre feet of water during the summer month
23 period, and since that time they have invested in drip
24 irrigation and they are planting a shorter crop, maybe
25 cucumbers for 60 days on drip, there's going to be obviously

1 a substantial difference in the amount of water that's
2 diverted and used on that property, probably more than
3 25 percent savings on that particular property.

4 So we would have to compare apples to apples with
5 what was -- how they computed their diversions in use in
6 2013 with how they compute their diversions in use in 2015.
7 If there's measurement devices in place, that's relatively
8 easy, otherwise we have to use the same methodology, you know,
9 to make it an apples-to-apples comparison.

10 CHAIR FELICIA MARCUS: You would have to have some
11 kind of real number to base it on?

12 JENNIFER SPALETTA: Correct.

13 BOARD MEMBER TAM M. DODUC: And --

14 CHAIR FELICIA MARCUS: And I want to talk about
15 that. Taking the lower -- that doesn't seem right to me.
16 I'm sorry, Tom. It doesn't seem fair. I'm not saying that
17 it's 2013/2014 -- but it doesn't -- I'm not getting it,
18 so...

19 JENNIFER SPALETTA: Yeah. That was the first I'd
20 heard of that. We previously had talked about doing a
21 baseline of 2013 or 2014, certainly not using the
22 projections from 2015 as a baseline, because many of those
23 projections, of course, did include plans, you know, for
24 fallowing or reductions in use already.

25 BOARD MEMBER DORENE D'ADAMO: Yeah. I would think

1 just stick with it. I really appreciate your energy and --
2 all of you that are working on this, so stick with it and
3 hopefully something can be worked out.

4 I have a question for staff. So Slide 25.

5 BOARD MEMBER TAM M. DODUC: Actually, if I could
6 finish my question --

7 BOARD MEMBER DORENE D'ADAMO: Oh, sorry.

8 BOARD MEMBER TAM M. DODUC: -- before you move off
9 the topic.

10 So I think it probably can be said -- can be said --
11 understood without saying, but just so I have it perfectly
12 cleared.

13 So the water savings through fallowing or reduced
14 diversions would be water then that would not be available
15 for transfer or other uses?

16 JENNIFER SPALETTA: The water will basically remain
17 in the stream, okay?

18 BOARD MEMBER TAM M. DODUC: Okay.

19 JENNIFER SPALETTA: Now, I will tell you --

20 CHAIR FELICIA MARCUS: It's got to be real water or
21 it doesn't make sense.

22 JENNIFER SPALETTA: It has to be real water,
23 absolutely. And I wouldn't propose this program, and I know
24 that my landowners wouldn't propose it unless it was real
25 water. It just doesn't make sense.

1 The other thing --

2 BOARD MEMBER TAM M. DODUC: And I guess -- oh, go
3 ahead.

4 JENNIFER SPALETTA: So I was going to say, though,
5 but this type of program is going to teach us a lot about
6 the effect of taking these activities in the Delta, which I
7 think could actually be a springboard for other programs
8 that maybe could lead to ideas about how to change stream
9 flow or how to effectuate transfers, you know, using the
10 Delta. And so it's an opportunity to learn for the future
11 as well.

12 BOARD MEMBER TAM M. DODUC: And my last question is,
13 to help me understand this in context, and so will you just
14 say your growers, how many are we talking about, how much
15 water are we talking about potentially?

16 JENNIFER SPALETTA: Yep. So --

17 BOARD MEMBER TAM M. DODUC: Do you have a rough
18 estimate?

19 JENNIFER SPALETTA: So I have absolutely no idea. I
20 will tell, you know, I personally, on a weekly basis, talk
21 to growers who farm about 40,000 acres in the Delta, and
22 they're all very interested in the program. There are other
23 people who have expressed a strong interest who represent
24 probably a like amount of acres.

25 Between the south and central Delta, there are about

1 \$300,000 acres. Do I think that all of them will sign up
2 for this program? Probably not. It's just, frankly, too
3 late to do that kind of outreach and accomplish that result.

4 But I do think that we'll get a critical number to
5 sign up, and that's real -- that's real water. That's a lot
6 of water, you know. Even if we had 10 or 10,000 acres sign
7 up, it's still real water.

8 So I think that the program will achieve water
9 savings if we get it moving so we can get people signed up.
10 It's really a matter, though, of days here and getting it
11 moving, because farmers are still making some planting
12 decisions for the summer and they need to be able to figure
13 out what they're doing so that we can achieve some savings.

14 Thank you all very much.

15 BOARD MEMBER DORENE D'ADAMO: Well, hang on just one
16 second. Because the point that I was going to make is just
17 the ability to glean additional information as a result of
18 this, the whole issue of consumptive use in the Delta and
19 that sort of thing.

20 And looking at what staff had suggested on Slide 25
21 as far as going forward with curtailment inspections, at the
22 top of the list is Nonresponsive to Curtailment
23 Certification Form.

24 So assuming that the growers that would be
25 participating in this would have some sort of certification

1 form on file, not that they would be ignored, but the focus
2 would really be in other areas allowing -- allowing its
3 staff to move forward perhaps in some of these issues that
4 we're trying to get to the bottom of. So it's just a way to
5 narrow down the focus.

6 KATHERINE MROWKA: As I understand, the focus would
7 shift to obtaining the information that the fallowing had
8 occurred, that the reductions had occurred, so that there
9 would be a shift in focus.

10 BOARD MEMBER DORENE D'ADAMO: The monitoring.

11 JENNIFER SPALETTA: All right. Thank you.

12 THOMAS HOWARD: Chair Marcus, just for
13 clarification. I've been telling staff that we have to make
14 a decision on this and get it out by Friday because it's
15 supposed to start on June 1st. And, you know, every day
16 that we wait, as the previous speaker had indicated, you
17 know, people are making their decisions. And so this isn't
18 something that I think is going to age well, and we need to
19 make a decision and --

20 CHAIR FELICIA MARCUS: Right. And then you -- so
21 you need to put in front of us individually, since it won't
22 be tonight, what the -- what the parameters are and let us
23 give you feedback.

24 THOMAS HOWARD: Sure. Of course --

25 CHAIR FELICIA MARCUS: Between now and then.

1 THOMAS HOWARD: I've sent you a couple of things
2 already, but --

3 CHAIR FELICIA MARCUS: I mean, we've had a general
4 conversation, but we got into a set of details that we need
5 to understand if you want our feedback, otherwise someone --
6 someone is going to challenge it.

7 THOMAS HOWARD: Sure.

8 CHAIR FELICIA MARCUS: And then it will come back,
9 so I just -- I think the onus is on you all collectively to
10 lay it out, give us the details, pros and cons where the
11 warts are, et cetera.

12 I mean, in general concept I'll say I'm intrigued by
13 it given that we're not going to resolve everything. But I
14 do want to hear what the blow back will be or the cons. And
15 we've had a general conversation, but we -- the devil is in
16 the details, so -- you know, I'll look forward to seeing it.

17 BOARD MEMBER STEVEN MOORE: That's fine. Yeah. I
18 don't -- I don't mind discussing it a little bit, my
19 impressions of it are, you know, there's a choice we need to
20 make about the baseline and maybe one of the -- you know, in
21 thinking out loud -- if we wanted to really accomplish real
22 water savings in this context, you know, it's tempting to
23 use 2013 because we've used that for our urban water
24 conservation targets and -- but I realize, you know, in
25 terms of realizing real water savings in an emergency

<http://www.yeslaw.net/help>

1 situation, what is an appropriate baseline, you know, how do
2 we -- you know, will we make a measurable difference
3 comparing to what was predicted a few months back and
4 reported or comparing to 2014, you know, these are the
5 questions in terms of what's going to get us an outcome in
6 terms of, you know, helping fish and wildlife, making more
7 water available to senior water right holders and those
8 questions.

9 So, you know, I'm at a point where, you know, I
10 really realize the time sensitive nature of this, and I'm
11 willing to, you know, take on some risk in setting up kind
12 of a system to encourage this voluntary approach. You know,
13 in terms of when I say that, I mean, knowing that I don't
14 have all the answers to those questions, but there's a
15 timeliness to this.

16 So I think, on the one hand, 2013, there's
17 compelling reasons to use that for consistency in a
18 state-wide story about conservation relative to a couple
19 years back. And then, you know, then I ask staff, you know,
20 is that giving too much credit for things that have happened
21 already, and it won't make a significant difference this
22 year in terms of making critical acre feet of water
23 available.

24 BOARD MEMBER DORENE D'ADAMO: Well, isn't -- isn't
25 part of it based on calculations of the supply and demand

1 curves that John O'Hagan is working on? I mean, whether
2 it's 25 percent or whatever the number is, the idea is to
3 get roughly equivalent savings as what would have occurred
4 with a correlative reduction for riparians.

5 THOMAS HOWARD: That is information that is used to
6 inform the question of whether it is reasonable to offer a
7 25 percent reduction, but it's not necessarily the sole
8 determining factor. I can't guarantee -- because, for
9 example, if we did a reduction, and it could very possibly
10 be we'd send out curtailment notices in August or even the
11 beginning of September --

12 BOARD MEMBER DORENE D'ADAMO: Uh-huh.

13 THOMAS HOWARD: -- for riparians, and it might be a
14 much larger reduction. And so, you know, you're looking at,
15 well, you have four months now of a reduction as opposed to,
16 you know, maybe the two months you'd have if you sent out a
17 riparian notice.

18 And so if you're somewhere in the area of 25 to
19 50 percent of the supply/demand curves, then, you know, it
20 seems as though this is a reasonable thing to offer for the
21 purpose of ensuring that we, you know, we provide assurances
22 to people and the assurance that we actually see some real
23 water.

24 BOARD MEMBER DORENE D'ADAMO: And I guess what I'm
25 saying is you could compare that number to the various

1 baselines --

2 THOMAS HOWARD: Of course.

3 BOARD MEMBER DORENE D'ADAMO: -- you're talking
4 about.

5 THOMAS HOWARD: That's exactly what I was doing,
6 yes.

7 BOARD MEMBER STEVEN MOORE: Yeah. I, like Board
8 Member D'Adamo, I think this is a very healthy exercise, but
9 there's a time sensitivity to it. And I'm comfortable
10 moving forward not having all the answers, but knowing if
11 you do a reasonably quick analysis of water savings, that --
12 that it's worthwhile in building the team effort and -- and
13 then keeping an eye on it. The monitoring will be
14 important. I'm very favorable to moving forward with
15 something this week.

16 CHAIR FELICIA MARCUS: Thank you. Ms. Zolezzi
17 followed by Jennifer Buckman.

18 JEANNE ZOLEZZI: Good evening, Board Members.
19 Jeanne Zolezzi representing Patterson Irrigation District
20 and Banta-Carbona Irrigation District. And I just want to
21 mention those are both pre-1914 water right holders on the
22 San Joaquin River. We have also been talking to the Delta
23 Water Master and your staff about a potential voluntary
24 curtailment agreement. We'd very much like to explore that.
25 We're waiting for numbers because we feel very strongly that

1 a voluntary curtailment is much preferred to the chaos and
2 the litigation that would follow a mandatory curtailment.

3 And I agree with Ms. Spaletta that we'd like to have
4 something voluntary for this year while we still pursue
5 getting answers to those legal questions that must be
6 answered for us to continue in this venue.

7 I just wanted to go through a few of the reasons why
8 we don't believe that pre-'14 curtailments across the board
9 are appropriate at this time or legal at this time, just
10 some things for you to think about.

11 Regarding data, I think everyone has done it that's
12 come up here. We really do want to commend your staff.
13 They have taken the information we have provided and they
14 have just made extraordinary efforts in trying to take those
15 comments into consideration and come up with the best data
16 they can come up with. It's been a herculean effort, and
17 they've done a great job.

18 The problem is in the San Joaquin River System there
19 are just no answers to some of the anomalies that we're
20 finding. Even the top experts on the San Joaquin system who
21 usually have all the answers don't have those answers this
22 time.

23 For example, just looking at the seven-day running
24 average from last week working with the experts on the San
25 Joaquin River we went through, we looked at all the gauges,

1 we looked at all the reservoir releases, and we looked at
2 actual diversions from the river that were taking place,
3 came up with the number that we expected to see at Vernalis.

4 Well, that wasn't the number that showed up. The
5 number at Vernalis was 200 CFSS higher than that. And
6 nobody, including the expert on the San Joaquin River, can
7 explain why that is the case at this point.

8 So there are things that simply cannot be answered
9 in the San Joaquin River. And when you enforce a
10 curtailment against a water right holder, you have the
11 burden to demonstrate that no water is available. And when
12 we don't have the answers as to what water is there and
13 where it comes from, we can't make those conclusions.

14 Regarding the right to divert, again, imposing
15 curtailments based on an assumption that a senior water
16 right holder is being injured somewhere downstream, it's
17 simply not authorized and not within the State Board's
18 power, frankly. A junior water right appropriator in
19 California has the right to continue to divert as long as
20 there is water at their facility and a senior water right
21 holder is not being significantly injured.

22 It's not enough to say -- it's not enough for the
23 State Water Project contractors to get up here and say, "We
24 are losing 30 percent of our water, curtail everyone." It
25 just doesn't work that way. They have some burden of

1 showing where that 30 percent is going. They have no idea.
2 Frankly, that's why we need data, that's why we need some
3 questions answered.

4 And as Dante mentioned, curtailments are based upon
5 site specific and time specific determinations, and they
6 also depend upon specific priority at a specific location.
7 We simply don't have those facts. We haven't even attempted
8 to get those facts, and we haven't had a factual hearing --
9 we haven't had an evidentiary hearing to glean those.

10 Just as an example, if you have a senior water right
11 holder in the Delta who has a certain water right for a CFS
12 diversion and it's for irrigation. They don't divert water
13 30 days out of the month; they divert water a few days to
14 irrigate and then a few days later in the month to irrigate.

15 When they are not irrigating, the junior water right
16 holder has the opportunity to take that very same water
17 legally. Your staff's information is based on a 30-day use
18 of that water that's been reported. That's not correct.
19 That's not the way junior and senior water rights work. If
20 it was, it would never work. Even in the wet years we
21 couldn't get that done. It's because we have seniors
22 turning on and off and juniors using that this whole system
23 we have with the over appropriations that you keep hearing
24 about, that's how it works.

25 Another issue. When you're talking about my

1 client's pre-'14 water right holders in the San Joaquin
2 River being curtailed to protect more senior "pre-1914 water
3 right users in the Delta," you have a real difficulty,
4 because those pre-'14 water right users in the Delta are
5 simply claimants. No one has determined whether or not they
6 have valid pre-'14 water rights. They -- they very well
7 may. No one has determined that.

8 So to curtail upstream pre-'14s in favor of
9 downstream more senior pre-'14s who have not established
10 their rights, it's simply not equitable, it's not legal,
11 and, of course, it will be challenged.

12 CHAIR FELICIA MARCUS: So I follow the logics of
13 that. Basically, it would be an argument that we can't do
14 curtailments because we haven't adjudicated the whole
15 system?

16 JEANNE ZOLEZZI: No. You -- you have -- you have no
17 idea if someone has a valid right. When you're dealing with
18 post '14s, you have a --

19 CHAIR FELICIA MARCUS: But you say we could never
20 curtail seniors because we haven't adjudicated it fully the
21 way other western states have. Or, in some cases we have --
22 in some cases perhaps we have.

23 JEANNE ZOLEZZI: If you had determined.

24 CHAIR FELICIA MARCUS: But I'm trying to understand
25 how what you're saying doesn't mean we just can't do it at

1 all ever until we adjudicate the whole system.

2 JEANNE ZOLEZZI: That would be my legal conclusion.

3 CHAIR FELICIA MARCUS: I'm trying to understand what
4 you're saying, that you have no authority over pre-'14s.

5 JEANNE ZOLEZZI: And that's one of the reasons is
6 that you don't have a permit that you can look to and say,
7 "This pre-'14 has a right to take this water at this time."

8 The courts have very clearly said very recently that
9 you do have the authority to determine if a pre-'14 is
10 valid. They have said that you have to do that in order to
11 determine if they're legally taking water, but the court
12 also said, "You can't go beyond that. You can't regulate
13 that water right."

14 And once you determine a pre-'14's right vis-a-vis
15 another pre-'14, you're regulating. Once you tell that
16 pre-'14, "Okay, you have a valid right, but you have to stop
17 taking it because other water right holders need the water,
18 you're regulating." And I would ask you to ask the hard
19 questions of your staff because we know that your legal
20 counsel is telling you something different, that you do have
21 that authority.

22 And, obviously, we will get the answer to that
23 because, you know, if we have broad brush curtailments, we
24 will bring that up and have the legal answer.

25 CHAIR FELICIA MARCUS: Right. I'm assuming that one

1 is on the list?

2 JEANNE ZOLEZZI: It is.

3 CHAIR FELICIA MARCUS: But I don't want to see the
4 list, frankly.

5 JEANNE ZOLEZZI: And that's how you get to it,
6 because how can you curtail me as a pre-'14 when I have
7 data, I have a posted notice from 1911 that shows I have a
8 valid right to divert, and someone else just says, "Oh, I
9 have a pre-'14 right" with -- with no proof and no
10 determination or fact finding by this Board that that's the
11 case.

12 BOARD MEMBER DORENE D'ADAMO: So what you're saying
13 is that we don't have jurisdiction over pre's, and that, in
14 addition, that we need to wait until we get a complaint?
15 Someone has to be injured --

16 JEANNE ZOLEZZI: Well, as to pre, absolutely. That
17 is the law as well. You could -- if you could determine
18 without a complaint that there's an injury, obviously you
19 could perceive that way.

20 But again, the courts have been very specific, and
21 the California Supreme Court has stated that a threat of
22 harm, which is what we are hearing staff telling us, that we
23 are curtailing in order to protect, John O'Hagan told us,
24 "Well, there's a threat that these senior water right
25 holders will be injured because you're taking their water."

<http://www.yeslaw.net/help>

1 The California Supreme Court has said a threat is
2 not enough. You have to prove that the senior water right
3 holder has actually been substantially injured or materially
4 injured.

5 So if you're just taking water that they weren't
6 going to divert that day, you're legally entitled to it. If
7 you've inconvenienced them, you're entitled to it. If we
8 have taken, you know, one acre foot from the projects,
9 that's not a substantial injury, and they cannot show what
10 water we're taking, if any, that we're not entitled to. So,
11 yes, our point is that you simply don't have the site
12 specific information that's needed to do this.

13 And again, as we've said it before, it's also the
14 due process issue. You know, we're getting double-speak,
15 very frankly, from your staff. We receive in the mail --
16 the post-'14s received a letter that said, "You are
17 immediately to cease diverting, and within seven days you
18 will file under penalty of perjury a certification that you
19 have stopped diverting. But it's just a notice and it's not
20 enforceable."

21 You know, we can't have it both ways. It's either a
22 binding notice to cease diverting or it's just a letter
23 saying, "There might not be enough water for you, you better
24 consider what you do or we'll come after you."

25 What you sent out is a notice. It is an order to

1 stop diverting, and you cannot do that without a due process
2 hearing. You can't do that without an evidentiary hearing.

3 And that's why your staff is not calling it an
4 order; it's just a notice. Because, as you well know, you
5 can't have a binding order affecting your property rights
6 without some kind of due process, without a hearing, right
7 to be heard evidence, which we've had none of. We simply
8 have staff, based upon a graph that we haven't been able to
9 cross-examine or correctly verify saying, "Someone might be
10 injured in the future. You have to stop diverting."

11 It simply doesn't work, which is why we are asking,
12 "Let's see if we can work out something voluntary and still
13 pursue these legal issues to get them answered," or let's
14 take a different approach and wait until we have complaints
15 and you can do that site specific determination through a
16 hearing. And then we'll get our answers and we'll know who
17 needs to be curtailed and who doesn't need to be, so --

18 But we hope -- we hope to get some numbers from your
19 staff and, hopefully, we can work out some voluntary
20 curtailment so that we don't have the chaos that follows and
21 we can come up with some kind of orderly way to get these
22 questions answered. I know that Mr. George has been working
23 very hard on that to try to get some of these questions
24 answered in an orderly way rather than the chaos result. So
25 I do thank your staff for its efforts. Thank you.

1 CHAIR FELICIA MARCUS: Okay.

2 BOARD MEMBER DORENE D'ADAMO: I just wish my
3 housekeeper vacuumed that well.

4 CHAIR FELICIA MARCUS: Some -- can you hear that?
5 It's like someone is vacuuming in the hallway behind us for
6 15 minutes. I don't know. Sorry. We are listening, it's
7 just --

8 JENNIFER BUCKMAN: And, for some reason, I'm always
9 last at these things. Jennifer Buckman. I'm here on behalf
10 of the Friant Water Authority.

11 And I just wanted to clear up -- I want to -- it's
12 late, and I don't want to repeat any of the comments and be
13 repetitive of comments that have already been made for us by
14 others, but I did want to clear up the comment in reference
15 to Arvin-Edison Water Storage District, which is a Friant
16 Division contractor and a member of the Friant Water
17 Authority.

18 They are not transferring 150,000-acre feet of CVP
19 water this year. The Friant Division contractors, as this
20 Board is painfully aware, got a zero allocation this year
21 like we got last year. They don't -- we didn't, as a whole
22 division, we didn't get 150,000-acre feet of water either
23 this year or last year or the two years in combination.

24 So our hydrology this year is even more challenging
25 than it was last year because the local streams have

1 basically very, very little supply to augment.

2 So the folks in our division that have other sources
3 of supply are in an even worse situation this year than they
4 were last year. As a result of that, we put together a
5 complicated package of exchanges and transfers in order to
6 develop a water supply for the Friant Division contractors.

7 And as you all know from some of the prior workshops
8 and such we've had on the TUCPs, within our service area, we
9 have thousands of families who are still out of water 10,
10 12 months later after their wells ran out. It's primarily
11 impacting low-income families, folks who can't afford to
12 drill the well deeper or move.

13 And in response to the comment earlier that there
14 are no endangered farmers, well, there are in our area in
15 Terra Bella and Lindsey and Strathmore and Orange Cove. I
16 know plenty of endangered farmers. A lot of our guys are
17 growers that have been on the same land for multiple
18 generations, and right now their lives and livelihoods are
19 on the line. We've got 15,000 small family farms. Within
20 the Friant Division, the average farm size is less than 200
21 acres. These aren't guys that can weather a long multi-year
22 drought like that.

23 As I've mentioned to the Board before, within the
24 Friant Division is a little bit unique in the fact that we
25 are a conjunctive use system, planned that way under the

1 California Water Plan and operated that way, which means
2 that our M&I contractors, those who have municipal and
3 industrial needs within the Friant Division are served by a
4 Class 1 contract, not a specific M&I contract.

5 So it's critically important for us to develop some
6 Class 1 supply for those contractors this year because we've
7 got six cities, including the City of Fresno, that are
8 Friant contractors and need that water.

9 A lot of people worked very, very hard to get what
10 is essentially a replacement of the Class 1 supply we would
11 otherwise get, and it's not just Arvin-Edison, we have other
12 Friant Division contractors who worked on that. Delano
13 Earlimart and Kern and Tulare were both involved in the
14 transactions, as were a number of our neighbors, the
15 exchange contractors and Westlands Water District was very
16 helpful to us in making some water and deferring -- taking
17 some water out of San Luis so that we could avoid a low
18 point problem and make the water available behind Millerton,
19 we were able to back it up through a multi-party exchange.

20 It's a really complicated package of transactions
21 that we've put together, and that's why it may be confusing
22 to folks who just read, "Oh, there's 150,000-acre feet of
23 water that's going to change hands at some point, but that's
24 not this year and it's not CVP supply."

25 We're developing a minimal supply for the Friant

1 Division contractors. We're getting a total of less than
2 30,000-acre feet for the entire division.

3 So I also want to echo the comments that a bunch of
4 other folks have made about how the State Board staff has
5 been really helpful this year, and we appreciate that. It's
6 a much more iterative process this year than last, and we're
7 very thankful for the, you know, discussions we've been able
8 to have with Kathy and Michael and a bunch of other folks.

9 CHAIR FELICIA MARCUS: Thank you very much.

10 (Whereupon, end of transcribed portion.)

11 --o0o--
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2
3 State of California)
4 County of Sacramento) ss.

5
6 I certify that the statements in the foregoing
7 hearing were transcribed in the within-entitled cause by
8 audio; that said hearing was taken at the time and place
9 therein named; that the testimony of said witnesses was
10 reported by me, a duly Certified Shorthand Reporter of the
11 State of California authorized to administer oaths and
12 affirmations; and said testimony was thereafter transcribed
13 into typewriting.

14 I further certify that I am not of counsel or
15 attorney for either or any of the parties to said hearing,
16 nor in any way interested in the outcome of the cause named
17 in said hearing.

18 IN WITNESS WHEREOF, I have hereunto set my hand this
19 2nd day of September, 2015.

20
21 _____
22 THRESHA SPENCER
23 Certified Shorthand Reporter
24 Certificate No. 11788
25

\$	4	agreement 7:19 19:24
\$300,000 14:1	40,000 13:21	agreements 3:11
-	5	ahead 13:3
--o0o-- 3:3 31:11	50 18:19	alfalfa 10:21
1	6	allocation 28:20
1 30:4,6,10	60 10:25	allowing 15:2
10 14:6 29:9	9	amount 11:1 13:24
10,000 14:6	90 9:23	analysis 3:24 19:11
100-acre 10:21	A	anomalies 20:19
11 3:2	ability 14:17	answers 17:14 19:10 20:5,19,21 21:12 27:16
12 29:10	absolutely 12:23 13:19 25:16	apples 11:4
14s 23:18	accomplish 14:3 16:21	apples-to-apples 11:9
15 28:6	account 7:15	approach 17:12 27:14
15,000 29:19	accounted 10:14	appropriations 22:23
150,000-acre 28:18,22 30:22	achieve 4:19 5:10 8:10 14:8,13	appropriator 21:18
1911 25:7	acre 10:22 17:22 26:8	area 8:9 18:18 29:8,14
1st 15:15	acreage 5:4	areas 15:2
2	acres 13:21,24 14:1,6 29:21	argument 23:13
200 21:5 29:20	activities 13:6	arguments 6:7
2013 9:8 10:3,10,17 11:6,21 16:23 17:16	activity 9:12	Arvin-edison 28:15 30:11
2013/2014 11:17	actual 9:9 21:2	assistance 6:23
2014 11:21 17:4	acumen 6:23	assume 10:19
2015 11:6,22	addition 25:14	assuming 14:24 24:25
25 4:11,19,24 9:2,3,6,8,16,17 10:6,11 11:3 12:4 14:20 18:2,7, 18	additional 3:8 14:17	assumption 21:15
3	adjudicate 24:1	assurance 18:22
30 21:24 22:1,13	adjudicated 23:14,20	assurances 18:21
30,000-acre 31:2	adjustments 4:17	attempted 22:7
30-day 22:17	affecting 27:5	augment 29:1
35 7:13	afford 29:11	August 18:10
	age 15:18	authority 24:4,9,21 28:10,17
	agree 3:18 20:3	authorized 21:17
		availability 3:21
		average 20:24 29:20
		avoid 30:17
		aware 28:20

B	C	
back 16:8,14 17:3,19 30:19	calculation 9:16	clients 4:5
ball 3:16 4:9	calculations 17:25	collectively 4:9 16:9
Banta-carbona 19:20	California 21:19 25:21 26:1 30:1	combination 28:23
base 11:11	calling 27:3	comfort 6:13
based 17:25 21:15 22:4,17 27:8	case 21:7 25:11	comfortable 6:10 19:9
baseline 9:9 10:17 11:21,22 16:20 17:1	cases 10:14 23:21,22	commend 20:12
baselines 19:1	cease 26:17,22	comment 28:14 29:13
basic 8:5 10:20	central 10:1 13:25	comments 20:15 28:12,13 31:3
basically 12:16 23:13 29:1	certainty 5:3 6:11	community 3:10
basis 13:20	certification 14:23,25 26:18	compare 11:4 18:25
beginning 18:11	cetera 16:11	comparing 17:3,4
behalf 28:9	CFS 22:11	comparison 11:9
Bella 29:15	CFSS 21:5	compelling 17:17
big 3:25	Chair 3:4 5:14 6:19 8:19,21 9:17 10:18 11:10,14 12:20 15:12,20, 25 16:3,8 19:16 23:12,19,24 24:3,25 25:3 28:1,4 31:9	complaint 25:14,18
bigger 4:10	challenge 5:21 16:6	complaints 27:14
binding 26:22 27:5	challenged 23:11	compliance 8:6
bit 16:18 29:24	challenging 5:17 28:24	complicated 29:5 30:20
biting 4:5	chances 6:11	compute 11:6
blow 16:14	change 13:8 30:23	computed 11:5
board 3:7 8:22 9:15 11:13,25 12:5,7,8,18 13:2,12,17 14:15 15:10 16:17 17:24 18:12,24 19:3, 7,18 20:8 25:10,12 28:2,20 29:23 31:4	chaos 20:1 27:20,24	concept 10:20 16:12
Board's 21:17	charts 7:6	concerned 6:16
bottom 7:7,14 8:17 15:4	choice 16:19	conclusion 24:2
bring 24:24	choose 4:18	conclusions 21:13
broad 3:23 24:23	cities 30:7	confusing 30:21
brush 3:23 24:23	City 30:7	conjunctive 29:25
Buckman 19:17 28:8,9	claimants 23:5	cons 16:10,14
building 19:12	clarification 15:13	conservation 4:18 10:15 16:24 17:18
bunch 31:3,8	clarify 8:24	consideration 20:15
burden 21:11,25	Class 30:4,6,10	consistency 17:17
business 5:5 8:16	clear 28:11,14	consumptive 14:18
buying 6:16	cleared 12:12	contemplate 5:16
	client's 23:1	context 13:13 16:22
		continue 20:6 21:19
		contract 30:4
		contractor 28:16
		contractors 3:14 21:23 28:19

29:6 30:2,6,8,12,15 31:1
conversation 6:17 7:2 16:4,15
conversations 3:12
correct 11:12 22:18
correctly 27:9
correlative 18:4
counsel 24:20
couple 8:24 16:1 17:18
court 24:11 25:21 26:1
courts 24:8 25:20
Cove 29:15
credit 17:20
crisis 6:13
critical 9:5 14:4 17:22
critically 30:5
crop 4:18 10:24
cropping 4:16
cross-examine 27:9
cucumbers 10:25
cultivate 4:6
curtail 21:24 23:8,20 25:6
curtailed 23:2 27:17
curtailing 25:23
curtailment 4:7 8:6,7 14:21,22
18:10 19:24 20:1,2 21:10 27:20
curtailments 20:8 21:15 22:4
23:14 24:23
curves 18:1,19
CVP 28:18 30:24

D

D'adamo 11:25 12:7 14:15
15:10 17:24 18:12,24 19:3,8
25:12 28:2
dancing 6:3
Dante 22:4
data 3:20 10:3 20:11,15 22:2
25:7

day 15:15 26:6
days 10:25 14:10 22:13,14 26:17
dealing 23:17
decades 6:4,7
decision 15:14,19
decisions 8:5 14:12 15:17
deeper 29:12
deferring 30:16
Delano 30:12
Delta 4:4,22 6:23 13:6,10,21,25
14:18 19:22 22:11 23:3,4
demand 17:25
demonstrate 21:11
depend 22:6
details 8:25 16:4,10,16
determination 25:10 27:15
determinations 22:5
determine 24:9,11,14 25:17
determined 23:5,7,23
determining 18:8
develop 29:6 30:5
developing 30:25
devices 11:7
devil 16:15
dialogue 5:11
difference 7:23 11:1 17:2,21
difficult 3:16
difficulty 23:3
dig 8:16
digging 7:24
discussing 16:18
discussion 6:25
discussions 9:21 31:7
District 19:19,20 28:15 30:15
diversion 3:23 9:3,7,9,10 22:12
diversions 10:9 11:5,6 12:14
21:2

divert 21:14,19 22:12,13 25:8
26:6
diverted 11:2
diverters 9:23 10:1
diverting 26:17,19,22 27:1,10
division 28:16,19,22 29:2,6,20,
24 30:3,12 31:1,2
document 4:20
DODUC 8:22 9:15 11:13 12:5,8,
18 13:2,12,17
DORENE 11:25 12:7 14:15
15:10 17:24 18:12,24 19:3 25:12
28:2
double-speak 26:14
downstream 21:16 23:9
drill 29:12
drip 10:23,25
drought 29:22
due 26:14 27:1,6

E

earlier 29:13
Earlimart 30:13
easy 11:8
echo 31:3
economy 8:9
effect 13:6
effectuate 13:9
effort 19:12 20:16
efforts 20:14 27:25
emergency 7:19 16:25
encourage 17:12
encouraging 3:9
end 31:10
endangered 29:14,16
energy 6:24 12:1
enforce 21:9
enforceable 26:20

ensuring 18:21
enter 7:18
entire 31:2
entitled 26:6,7,10
equitable 23:10
equivalent 18:3
essentially 4:15 30:10
established 23:9
estimate 10:1 13:18
evening 19:18
evidence 27:7
evidentiary 7:4 22:9 27:2
exchange 4:24 5:2 30:15,19
exchanges 29:5
exercise 19:8
exercised 5:21
exercising 5:20
expected 21:3
expert 21:6
experts 20:20,24
explain 21:7
explore 19:24
export 3:14
expressed 13:23
extent 5:20
extraordinary 20:14
eye 19:13

F

facility 21:20
fact 25:10 29:24
factor 18:8
facts 22:7,8
factual 3:17 7:25 8:17 22:8
fair 11:16
fallowing 9:3 11:24 12:13 15:7

families 29:9,11
family 29:19
farm 13:21 29:20
farmers 4:15 8:4 10:16 14:11
 29:14,16
farms 29:19
favor 23:8
favorable 19:14
fear 8:5
feedback 15:23 16:5
feel 19:25
feet 10:22 17:22 28:18,22 30:22
 31:2
FELICIA 3:4 5:14 6:19 8:19,21
 9:17 10:18 11:10,14 12:20 15:20,
 25 16:3,8 19:16 23:12,19,24
 24:3,25 25:3 28:1,4 31:9
field 10:21
figure 14:12
file 3:2 15:1 26:18
finally 6:14
finding 20:20 25:10
fine 16:17
finish 12:6
fish 17:6
flow 13:9
focus 15:1,5,6,9
folks 29:2,11 30:22 31:4,8
follow 20:2 23:12
foot 26:8
form 10:11,13 14:23 15:1
forward 3:16 4:10 14:21 15:3
 16:16 19:10,14
fraction 9:25
frankly 7:4,7 8:7 14:2 21:18 22:2
 25:4 26:15
Fresno 30:7
Friant 28:10,15,16,19 29:6,20,24
 30:3,8,12,25

Friday 15:14
front 15:21
fronts 5:22
fully 23:20
funny 5:16
future 6:25 7:1 13:10 27:10

G

gathering 3:20
gauges 20:25
general 16:3,12,15
generations 29:18
George 4:13 27:22
give 15:23 16:10
giving 17:20
glean 14:17 22:9
goal 8:10
good 3:12,16 8:8,9 19:18
graph 27:8
graphs 7:10
great 20:17
ground 7:23
growers 5:8 13:14,21 14:24
 29:17
guarantee 18:8
guess 6:15 9:2,14 13:2 18:24
guys 29:16,21

H

hallway 28:5
hand 17:16
hands 30:23
hang 14:15
hanging 6:2
happen 6:11
happened 17:20

hard 3:7 7:9 8:4 24:18 27:23
30:9
harm 25:22
health 8:9
healthy 19:8
hear 16:14 28:4
heard 7:12 11:20 27:7
hearing 7:5 22:8,9,23 25:22
27:2,6,16
helpful 30:16 31:5
helping 6:8 17:6
helps 4:8
herculean 20:16
high 3:24
higher 21:5
holder 21:10,16,21 22:11,16
26:3
holders 17:7 19:21 23:1 24:17
25:25
hope 5:7 27:18
hoping 6:22
housekeeper 28:3
Howard 4:14 9:19 15:12,24
16:1,7 18:5,13 19:2,5
hundreds 8:3
hydrologically 5:19
hydrology 6:6 28:24

I

idea 13:19 18:2 22:1 23:17
ideas 13:8
immediately 26:17
impact 9:12,13
impacting 29:11
implemented 10:15
important 5:11,12 19:14 30:5
imposing 21:14
impressions 16:19

include 11:23
including 21:6 30:7
inconvenienced 26:7
individual 3:22 8:3
individually 15:21
industrial 30:3
inform 18:6
information 3:8,9 7:8 9:22
14:17 15:7 18:5 20:13 22:17
26:12
injured 21:16,21 25:15,25 26:3,4
27:10
injury 25:18 26:9
inspections 14:21
intend 10:2
intended 9:24
interest 13:23
interested 13:22
interesting 5:14,15,22
interestingly 5:22
intrigued 16:12
intriguing 8:23
invested 10:23
involved 30:13
irrigate 5:3 22:14
irrigated 10:21
irrigating 22:15
irrigation 10:24 19:19,20 22:12
issue 9:21 14:18 22:25 26:14
issues 3:17 4:1,11 5:12 6:2,21,
24 7:21,25 8:11,17 15:3 27:13
iterative 31:6

J

Jeanne 3:5 19:18,19 23:16,23
24:2,5 25:2,5,16
Jennifer 3:4,6 6:18 7:3 8:20
9:11,18 10:12,20 11:12,19 12:16,
19,22 13:4,16,19 15:11 19:17

28:8,9
Joaquin 19:22 20:18,20,25 21:6,
9 23:1
job 20:17
John 18:1 25:23
June 15:15
junior 21:18 22:15,19
juniors 22:22
jurisdiction 25:13

K

KATHERINE 15:6
Kathy 31:8
keeping 19:13
Kern 30:13
key 6:21
kind 4:14 11:11 14:3 17:11 27:6,
21
knowing 17:13 19:10

L

land 4:19 9:4 29:17
landowners 12:24
large 9:25
larger 18:14
largest 9:23
late 14:3 28:12
law 6:5,6 25:17
lay 6:20 16:10
lead 13:8
learn 3:20 4:21 13:10
left 6:10
legal 3:17,25 4:10 5:12 7:25
8:10,17 20:5,9 23:10 24:2,19,24
27:13
legally 22:17 24:11 26:6
let alone 6:6

letter 26:16,22

Lindsey 29:15

list 14:22 25:1,4

listening 28:6

literally 8:3

litigation 20:2

livelihoods 29:18

lives 29:18

local 28:25

location 22:6

logics 23:12

long 21:19 29:21

looked 20:25 21:1

losing 21:24

lot 3:11,16 4:25 5:8,18 7:8 13:5
14:5 29:16 30:9

loud 16:21

low 30:17

low-income 29:11

lower 10:10 11:15

Luis 30:17

M

M&i 30:2,4

made 3:11 20:14 28:13 31:4

mail 26:15

major 10:12

make 4:17,20 8:12 11:9 12:21,25
14:16 15:13,19 16:20 17:2,21
21:13 30:18

makes 8:15

making 7:22 8:4 14:11 15:17
17:6,22 30:16

mandatory 20:2

Marcus 3:4 5:14 6:19 8:19,21
9:17 10:18 11:10,14 12:20 15:12,
20,25 16:3,8 19:16 23:12,19,24
24:3,25 25:3 28:1,4 31:9

Master 6:23 19:23

materially 26:3

matter 14:10

means 30:1

meant 9:15

measurable 17:2

measurement 11:7

measures 10:15

meat 4:14

meet 7:3

member 8:22 9:15 11:13,25
12:5,7,8,18 13:2,12,17 14:15
15:10 16:17 17:24 18:12,24 19:3,
7,8 25:12 28:2,16

Members 3:7 19:18

mental 8:8

mention 19:21

mentioned 22:4 29:23

methology 11:8

Michael 4:13 31:8

middle 8:6

Millerton 30:18

mind 8:24 16:18

minimal 30:25

minutes 28:6

missing 7:12

moment 6:9

monitoring 15:10 19:13

month 10:22 22:13,14

months 4:7,24 9:5 17:3 18:15,16
29:10

MOORE 16:17 19:7

move 6:14 12:8 15:3 29:12

moves 4:9

moving 3:16 14:9,11 19:10,14

MROWKA 15:6

multi-party 30:19

multi-year 29:21

multiple 29:17

municipal 30:2

N

nails 4:5

narrow 3:17 15:5

nature 17:10

nearer 6:25

necessarily 18:7

needed 26:12

neighbors 30:14

nitty-gritty 3:22 7:11

Nomellini's 5:25

Nonresponsive 14:22

notice 18:17 25:7 26:19,22,25
27:4

notices 18:10

number 11:11 14:4 18:2,25
21:3,4,5 30:14

numbers 10:6,14 19:25 27:18

O

O'hagan 18:1 25:23

obtaining 15:7

occurred 15:8 18:3

offer 4:8 18:6,20

offering 8:13

on-the-ground 5:9

onus 16:9

operate 7:14 8:15

operated 30:1

operates 7:20

operations 7:20,22

opinion 5:15

opportunity 7:9 8:14 13:10
22:16

opposed 18:15

options 5:23
Orange 29:15
order 4:7 9:22 24:10 25:23 26:25
27:4,5 29:5
orderly 27:21,24
outcome 17:5
outreach 14:3

P

package 29:5 30:20
painfully 28:20
parallel 7:21
parameters 15:22
part 3:10 7:2 17:25
participate 4:22
participating 14:25
parties 10:5
Patterson 19:19
penalty 26:18
people 3:13 5:9 6:10,13 7:5,8
8:15 13:23 14:9 15:17 18:22 30:9
perceive 25:19
percent 4:11,19,24 7:13 9:2,3,6,
8,16,17,23 10:6,11 11:3 18:2,7,
19 21:24 22:1
perfectly 12:11
period 10:23
perjury 26:18
permit 24:6
personally 13:20
perspective 5:5 6:3
place 6:12 11:7 21:2
Plan 30:1
planned 29:25
planning 4:16
plans 11:23
plant 4:6

planting 10:24 14:11
plenty 29:16
plow 4:19
point 3:23 4:16 5:25 14:16 17:9
21:7 26:11 30:18,23
portion 3:1 31:10
possibly 18:9
post 23:18
post-'14s 26:16
posted 25:7
potential 19:23
potentially 13:15
power 21:18
practical 5:5,8,9 8:2
pre 25:16
pre's 25:13
pre-'14 20:8 23:1,4,6 24:7,9,15,
16 25:6,9
pre-'14's 24:14
pre-'14s 23:8,9 24:4
pre-1914 19:21 23:2
predicted 17:3
preferred 20:1
previous 15:16
previously 11:20
primarily 29:10
prior 29:7
priority 22:6
problem 7:16 10:13 20:18 30:18
PROCEEDINGS 3:1
process 3:20 26:14 27:1,6 31:6
production 9:4
program 4:12,14,23 5:7 7:17,18
8:13 12:23 13:5,22 14:2,8
programs 8:3 13:7
progress 3:11
Project 21:23

projected 10:13
projecting 10:9
projections 11:22,23
projects 3:14 7:14 26:8
prompted 5:25
proof 25:9
properly 5:13
property 11:2,3 27:5
proposal 8:23
propose 12:23,24
proposed 4:11
pros 16:10
protect 23:2 25:23
prove 26:2
provide 18:21
provided 10:2 20:13
punting 6:17
purpose 18:21
pursue 20:4 27:13
put 4:14 7:6,8 9:4 10:22 15:21
29:4 30:21

Q

question 5:24 8:21 12:4,6 13:12
18:6
questions 7:5,10 8:23,24 17:5,
8,14 20:5 22:3 24:19 27:22,23
quick 19:11

R

ran 29:10
read 30:22
real 11:11 12:20,22,24 14:5,7
16:21,25 18:22 23:3
realize 3:21 16:24 17:10
realizing 16:25
reason 8:2 28:8

reasonable 18:6,20
reasons 17:17 20:7 24:5
receive 4:7 5:2 26:15
received 26:16
recently 5:18 24:8
reduced 12:13
reduction 4:19,25 9:3,7,9,10
 10:6 18:4,7,9,14,15
reductions 11:24 15:8
reference 28:14
regulate 24:12
regulating 24:15,18
regulative 3:10
regulatory 5:3
relative 17:18
releases 21:1
remain 12:16
repeat 28:12
repetitive 28:13
replacement 30:10
reported 17:4 22:18
represent 13:23
representing 19:19
reservoir 21:1
resolve 4:1 6:2,8,14,15 8:10
 16:13
resolved 3:18 4:2,3 5:12,13 6:22
resolving 7:21
respect 9:6
response 29:13
result 14:3,17 27:24 29:4
rhetorical 6:10
rights 4:10 9:10,12,18 22:19
 23:6,10 27:5
riparian 9:18 18:17
riparians 18:4,13
risk 3:23 17:11

river 9:14 19:22 20:18,25 21:2,6,
 9 23:2
roll 8:5 10:4
rolling 7:24
room 3:13
rough 13:17
roughly 18:3
running 20:23

S

San 19:22 20:18,20,24 21:6,9
 23:1 30:17
save 5:11 8:12
saves 4:8
savings 5:10 8:14 11:3 12:13
 14:9,13 16:22,25 18:3 19:11
screen 7:6
send 18:10
senior 17:7 21:15,20 22:10,19
 23:2,9 25:24 26:2
seniors 22:21 23:20
sense 8:16 12:21,25
sensitive 17:10
sensitivity 19:9
September 18:11
served 30:3
service 29:8
set 16:4
setting 17:11
seven-day 20:23
shift 15:7,9
shorter 10:24
show 26:9
showed 21:4
showing 22:1
shows 25:7
sign 5:8 14:1,5,6

signed 14:9
significant 17:21
significantly 21:21
simply 21:8,17 22:7 23:5,10
 26:11 27:7,11
site 22:5 26:11 27:15
sitting 4:5
situation 5:19 17:1 29:3
size 29:20
sleeves 7:24
Slide 12:4 14:20
small 29:19
sole 18:7
solution 5:6,8,9
sort 5:24 14:19,25
sorts 5:21
sources 29:2
south 13:25
Spaletta 3:4,6 6:18 7:3 8:20
 9:11,18 10:12,20 11:12,19 12:16,
 19,22 13:4,16,19 15:11 20:3
sparse 8:7
speaker 15:16
specific 5:24 22:5,6 25:20 26:12
 27:15 30:4
spreadsheet 7:11
springboard 13:7
staff 3:7 9:21 12:4 14:20 15:3,13
 17:19 19:23 20:12 24:19 25:22
 26:15 27:3,8,19,25 31:4
staff's 22:17
start 15:15
State 21:17,23 31:4
state-wide 17:18
stated 25:21
statements 10:4
states 23:21
STEVEN 16:17 19:7

stick 12:1,2
stop 24:16 27:1,10
stopped 26:19
Storage 28:15
stored 7:13,15
story 17:18
strategy 6:19
Strathmore 29:15
stream 12:17 13:8
streams 28:25
strikes 6:9
strong 13:23
strongly 19:25
strongly-held 6:5
substantial 11:1 26:9
substantially 26:3
suggested 14:20
summer 4:3,9,17 5:4,10 8:6
 10:22 14:12
supply 17:25 29:1,3,6 30:6,10,
 24,25
supply/demand 18:19
supposed 15:15
Supreme 25:21 26:1
system 5:1,11,20 8:8,12 17:12
 20:18,20 22:22 23:15 24:1 29:25

T

taking 11:15 13:6 21:2 24:11,17
 25:25 26:5,10 30:16
talk 3:19 11:14 13:20
talked 11:20
talking 4:25 9:8 10:17 13:14,15
 19:3,22 22:25
Tam 8:21,22 9:15 11:13 12:5,8,
 18 13:2,12,17
targets 16:24
teach 13:5

team 19:12
tee 6:24
telling 15:13 24:20 25:22
tempting 16:22
ten 6:20
terms 5:19 16:25 17:5,6,13,22
Terra 29:15
Terry 7:12
thankful 31:7
thing 6:16 13:1 14:19 18:20
things 6:1,5,14 7:22 16:1 17:20
 20:10 21:8 28:9
thinking 9:1,7 16:21
THOMAS 9:19 15:12,24 16:1,7
 18:5,13 19:2,5
thousands 29:9
threat 25:21,24 26:1
time 5:12 6:16 8:1,4,16 10:23
 17:10 19:9 20:9,22 22:5 24:7
timeliness 17:15
today 7:3,6
told 10:7 25:23
Tom 4:14 11:16
tonight 15:22
top 14:22 20:20
topic 12:9
total 31:1
tough 7:21,25
track 4:20 7:21
transactions 30:14,20
transcribed 31:10
TRANSCRIPT 3:1
transfer 12:15
transferring 28:18
transfers 13:9 29:5
TUCPS 29:8
Tulare 30:13

turning 22:22
twenty 6:21
type 13:5

U

Uh-huh 10:18 18:12
understand 7:16 9:2 13:13 15:6
 16:5 23:24 24:3
understood 12:11
unfair 10:16
unique 29:24
unprecedented 5:18
upstream 23:8
urban 16:23
users 23:3,4

V

vacuumed 28:3
vacuuming 28:5
valid 23:6,17 24:10,16 25:8
Valley 10:1
venue 20:6
verified 4:21
verify 27:9
Vernalis 21:3,5
view 7:17
views 6:5
vis-a-vis 24:14
voluntarily 4:8
voluntary 3:10 4:12 5:7 7:17,18
 8:2 9:2 17:12 19:23 20:1,4 27:12,
 19

W

wait 15:16 25:14 27:14
waiting 19:25
wanted 16:21 20:7 28:11

warts 16:11

water 3:10,21 4:8,18,25 5:10,20
6:23 7:13,15 8:12,14 9:10,12,13
10:22 11:1 12:13,14,16,20,22,25
13:15 14:5,6,7,8 16:22,23,25
17:7,22 18:23 19:11,21,23 21:10,
11,12,15,18,20,23,24 22:10,11,
12,13,15,16,18,19 23:1,2,4,6
24:7,11,13,17 25:24,25 26:2,5,
10,23 28:10,15,16,19,22 29:6,9
30:1,8,15,16,17,18,23

waving 4:10

ways 26:21

weather 29:21

week 4:2 19:15 20:24

weekly 13:20

wells 29:10

western 23:21

Westlands 30:15

wet 22:20

wildlife 17:6

wondering 4:5

word 5:17

work 8:12 21:25 22:19,20 27:11,
12,19

worked 4:13 12:3 30:9,12

working 3:7 12:2 18:1 20:24
27:22

works 4:22 22:24

workshops 29:7

world 6:12

worse 29:3

worthwhile 19:12

writing 9:20

wrong 3:23 6:7

year's 9:12 10:9

years 17:19 22:20 28:23

Z

Zolezzi 3:5 19:16,18,19 23:16,23
24:2,5 25:2,5,16

Y

year 3:8,9,12 7:19,20,23 8:4
9:22,24 10:5,8,14 17:22 20:4
28:19,20,21,23,24,25 29:3,4
30:6,24 31:5,6