

STATE WATER RESOURCES CONTROL BOARD

BOARD MEETING/HEARING

(Portion)

JULY 7, 2015

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

Transcribed by: Kathryn Davis CSR No. 3808

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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'Amamo

1 PORTION OF TRANSCRIPT OF PROCEEDINGS

2 (3:27 - 23:46)

3 --oOo--

4 VICE-CHAIR FRANCES SPIVY-WEBER: So we will now
5 move to the drought, the California ongoing drought.

6 LES GROBER: Good morning. My name is Les
7 Grober. I am Assistant Deputy Director for Water
8 Rights. I'll provide the drought update today if we
9 have any detailed questions about transfers, TUCPs,
10 curtailments. I also have Cathy Mrowka here and Amanda
11 Montgomery.

12 The status of curtailments. As of June 26th,
13 all of the remaining appropriative water rights in the
14 upper San Joaquin River Watershed with a priority date
15 junior to 1903 were curtailed. Also on June 26th,
16 appropriative rights on the Merced Watershed with the
17 priority date between 1958 and 1902 were curtailed. And
18 four appropriative rights on the Tuolumne River
19 Watershed were also curtailed.

20 Brief update on the curtailment certification
21 form. On June 25th, the State Water Board issued an
22 email notification to our drought subscribers informing
23 them that some curtailed parties have not yet submitted
24 a curtailment certification form. A list of parties
25 that have not yet filed the form was published on the

1 website. The response rate increased as a result of the
2 write-up.

3 Although the response rates remain low, these
4 response rates must be put in context. Post-14 rights
5 in the Sacramento and Delta curtailment area will
6 receive responses representing 97 percent of the May to
7 September demand. Similarly, for the post-14 rights in
8 the San Joaquin curtailment area, we received responses
9 totally 95 percent of the demand. For pre-1914 rights,
10 we received responses representing 62 percent of the
11 demand.

12 So in other words, if you look at it another
13 way, we received responses for what cover approximately
14 9.1 million acre feet of water out of a total of
15 9.5 million acre feet curtailed.

16 BOARD MEMBER DORENE D'AMAMO: Do you have the
17 percentages as far as -- not on the demand but in total?

18 LES GROBER: Yeah. The other percentages? The
19 other percentages are actually a bit lower because that
20 supports them dipping into some of the smaller ones. So
21 for the post-14 rights in the Sacramento River, Delta
22 curtailment area, the response rate was 44 percent. For
23 post-14 rights in San Joaquin River, curtailment area
24 was 25 percent. And for pre-14 rights, 49 percent.

25 BOARD MEMBER STEVEN MOORE: Is it 49 percent of

1 the number of water right holders?

2 LES GROBER: That is just based on the raw
3 number so it doesn't --

4 BOARD MEMBER STEVEN MOORE: That was pre-14.
5 And for pre-14 total volume, or the demand base number,
6 it was on the order of 62 percent; is that right?

7 LES GROBER: That is correct. So it is
8 disproportionate. The bottom line is the big ones are
9 reporting.

10 BOARD MEMBER DORENE D'AMAMO: How are we
11 communicating with the little ones?

12 LES GROBER: I'm not sure if we've had any
13 official -- Cathy?

14 BOARD MEMBER DORENE D'AMAMO: The reason I'm
15 asking is not so much to pick on the little ones but
16 just so that there is a fairness issue here.

17 CATHY MROWKA: Right. So our initial
18 communication was by letter. And the follow-up was our
19 Lyris list server. And that server has over 7,000
20 persons on the membership subscription.

21 BOARD MEMBER DORENE D'AMAMO: Along those lines,
22 if you could give an update, then, on inspection and
23 enforcement.

24 CATHY MROWKA: Yes. We have had inspections
25 well over 100 inspections to date. We are continuing to

1 increase the number of inspectors in the field. At this
2 point now most of our inspectors are fully trained and
3 out there helping us out.

4 And what was the other item you asked?

5 BOARD MEMBER DORENE D'AMAMO: Well, I asked
6 about enforcement also.

7 CATHY MROWKA: On enforcement, we have a number
8 of items pending at this time that are on my desk and we
9 look forward to issuing items in the near future.

10 BOARD MEMBER DORENE D'AMAMO: Inspectors in the
11 field?

12 CATHY MROWKA: At this time, for the Division of
13 Water Rights, our inspectors do both the complaints,
14 which are up for drought, and they also do the
15 curtailment inspections. And we have 24 inspectors
16 doing that. I've got eight Department of Water
17 Resources' inspectors that are solely on curtailment.
18 I've got another eight in-house reallocated resources
19 that are doing curtailment inspections for me. And then
20 I've got additional reallocated in-house resources that
21 are providing in-house support services for the
22 curtailment inspectors.

23 BOARD MEMBER DORENE D'AMAMO: That is a lot --
24 that is quite a few inspectors but not as many
25 inspections as what I would have thought.

1 CATHY MROWKA: Yes. The initial weeks we had to
2 do a lot of training work where we dedicated our staff
3 to go out a certain number of times with each of the
4 inspectors to show with them what they are looking for.
5 We had to do contacts with the water rights to arrange
6 the inspections. So the forward work of the inspection
7 work is a little bit slower, and then you pick up speed
8 as you go.

9 BOARD MEMBER STEVEN MOORE: I remember last year
10 about this time, the complaint, the number of complaints
11 was higher in 2014 than 2013. How is that tracking now,
12 in 2015?

13 CATHY MROWKA: It is the same kind of tracking
14 that you would expect. We are seeing right now about
15 triple our usual year volume. So a lot of our in-house,
16 more trained inspectors are going on those more
17 complicated matters. We are having to dedicate a lot of
18 resources to that issue.

19 BOARD MEMBER STEVEN MOORE: Tracking pretty
20 closer to last year?

21 CATHY MROWKA: It is very much.

22 BOARD MEMBER STEVEN MOORE: Thanks.

23 VICE-CHAIR FRANCES SPIVY-WEBER: Do we have some
24 cards on this item? No.

25 LES GROBER: Next I'll cover the TUCPs. We

1 received two new transfer petitions since the last Board
2 meeting, one from Placer County Water Agency seeking to
3 transfer 12,000 acre feet of water that is currently
4 stored in the Middle Fork Project in the American River
5 system, and has to be transferred to East Bay Municipal
6 Utility District.

7 The transfer was noticed yesterday and it is
8 expected the water would be moving into Folsom in July
9 and August and for release in August and September.

10 Another transfer is the El Dorado Irrigation
11 District. They are seeking to transfer 700 acre feet of
12 water currently stored in Weber Reservoir to Westland's
13 Water District. This will be noticed on July 9th. It
14 is a total of about 3,100 acre feet because it also
15 includes some pre-14 water and also moving through
16 Folsom around August/September. I called that out
17 because of what I'll be discussing in a moment, two
18 issues having to do with Folsom issues and Folsom
19 storage.

20 We also approved a transfer order on July 3rd
21 allowing South Sutter Water District to transfer 6,000
22 acre feet of water stored in Camp Far West Reservoir to
23 several state water contractor agencies.

24 No questions on transfers? I'm going to move to
25 the Delta. On this last Friday, July 3rd, the Executive

1 Director issued the TUCP order. It included the three
2 major elements that had been requested by the Department
3 of Water Resources of the United States Bureau of
4 Reclamation having to do with adjusted operations of the
5 Delta.

6 One was to adjust the July minimum Delta outflow
7 requirement from 4,000 CSF to 3,000 CSFs. Also to
8 adjust -- to continue to adjust the Emmaton Standard to
9 a revised location resulting in water savings to Three
10 Mile Slough and finally to reduce Rio Vista flows from
11 3,000 CSF to 2,500 CSF.

12 And all those changes, of course, as all along
13 have been attended to provide more water for other
14 critical needs throughout the system.

15 The order included -- and this is extending the
16 applicability of the order. It had expired on
17 June 30th. Now it runs through for another 180 days.

18 Our other new elements of this order, it
19 includes additional monitoring, including more specific
20 requirements the United States Bureau of Reclamation,
21 having to do with Sacramento River temperature control.

22 And I'll speak a little bit more about that as
23 to what we still now have as outstanding is approval of
24 their Sacramento River Temperature Plan. We have done
25 that as a two-step process because the TUCP order

1 actually links -- or 91-5 Order having to do with
2 operations of Shasta and Sacramento River temperature
3 control. So we expect in the next day or so to also
4 approve that temperature plan.

5 As many of you know, the temperature plan has
6 been critical because it has changed system-wide
7 operations, which is why I called out Folsom Reservoir
8 and water moving through the Folsom Reservoir as one of
9 the critical elements of the TUCP. But, also, that
10 temperature plan, it is putting more of a burden on
11 other Central Valley projects, State Water Project
12 reservoirs, including drawing down Folsom to lower
13 levels.

14 The current plan has, end-of-September storage
15 in Folsom going down to 120,000 acre feet which is, of
16 course, of concern to communities that rely upon Folsom
17 for water supply. So mindful of that, we are going to
18 continue to work closely with the Department and the
19 Bureau to assure that that kind of hard stop is
20 maintained.

21 We have also included another condition in the
22 TUCP order that states that: Upon request of
23 the Executive Director, Reclamation and DWR will
24 propose adjusted operations to ensure that
25 critical water supplies are available for

1 commercial and industrial use, including the
2 cities served by Folsom Lake, and to provide
3 cooling water maintained to maintain grid
4 liability."

5 So all of this, as you know, and also as part of
6 this two-step process, we are considering -- rather than
7 just kind of tracking and looking at that -- that it
8 might be a good idea also to ensure these critical water
9 supply needs are met to actually prescribe and require
10 that as a hard stop, that 120,000 acre feet.

11 Because the current plan -- getting a little bit
12 into the details -- the Bureau's plan shows that that is
13 the low number. Then it goes back up based on inflows,
14 outflows, some of those transfers that were in process,
15 back up to 160,000 acre feet through December.

16 But as we heard at our workshop a couple weeks
17 back, that if you oppose really very critically dry
18 conditions, the storages would continue to dance around
19 that 120 and dip actually a little bit below that to
20 about 113,000, you know, through January.

21 So a hard stop of 120, although low, it provides
22 some assurance that they can maintain the critical water
23 supply into the fall months.

24 VICE-CHAIR FRANCES SPIVY-WEBER: Do you do,
25 like, bells and whistles and, you know, reds -- lights

1 go off, you know, as you get to 125, 124?

2 LES GROBER: You mean other things start
3 happening even though --

4 VICE-CHAIR FRANCES SPIVY-WEBER: Yeah, I mean,
5 you can't just kind of -- "Oh, here we are at 120."

6 LES GROBER: Let me answer that question by
7 actually providing the most recent update in terms of
8 the Delta operations. The current plan had called for
9 release schedules from Folsom and Oroville.

10 So, again, the project operator is mindful of
11 this critical need, have actually adjusted those
12 releases and operations to release more water currently
13 from Oroville than was in the plan, and less from
14 Folsom. So releases from Folsom have actually been 600
15 to 1,000 CSFs less than the July plan had called. So
16 all of that is helping with the plan to get to actually
17 a storage higher than 120,000 acre feet in September.

18 So rather than any lights or whistles going off,
19 it is just going to be dependent on the operators and us
20 kind of tracking and saying how are we doing compared to
21 that plan to make sure that nothing is happening that is
22 worsening that plan.

23 CHAIR FELICIA MARCUS: We are going to be seen
24 on the front page of the Bee, too. Folsom is going to
25 be a true symbol of the "we are all in this together"

1 because we are all in this together. But I appreciate
2 you doing -- your putting some stuff in there to give
3 some assurance to the good people of this area that, you
4 know, they are important.

5 And I think that is going to be incredibly
6 important. And just from looking at folk's response, in
7 addition to what they have said here but also in the
8 media, it is an advertisement for the quality and
9 effectiveness of the work Sacramento has done over the
10 past 20 years through the Water Forum, that they
11 actually have the agreements with each other that they
12 can weather something like this.

13 So it is a great advertisement for integrated
14 water management. I mean, it is impressive. Had they
15 not done that, we couldn't do this.

16 LES GROBER: Not to provide only -- if it can be
17 seen as "good news" in terms of operating better than
18 the plan -- although in the moment, we have rising tides
19 in the Delta. So operations are currently changing to
20 increase releases to continue to meet salinity control
21 in the Delta.

22 So that's -- all of these things are always
23 rough forecasts but releases are likely to go up to the
24 planned numbers. But still that balancing between
25 Folsom and Oroville is continuing to keep them at the

1 same levels. And the Bureau and the Department are
2 going to wait and see what happens with the tides. But
3 another critical check-in will be about two weeks, at
4 which point we will have another drought update with the
5 project operators so it will be another good opportunity
6 to check in to see how we are doing compared to the
7 plan.

8 CHAIR FELICIA MARCUS: That is right. Being
9 able to talk about it every two weeks at these meetings
10 is a another bell and whistle.

11 BOARD MEMBER DORENE D'AMAMO: I'm just thinking
12 it would be to get an update on the effectiveness of the
13 barrier to get a sense, to the extent possible, of what
14 amount of water that is saved, as far as additional
15 releases to repel salinity.

16 LES GROBER: That is a great comment because one
17 of the other elements in the TUCP Order is for the
18 RTDOMT, the realtime operation team, to evaluate what
19 other additional monitoring could be done -- beyond what
20 we are requiring, beyond what is already happening -- to
21 better understand the effects of that barrier.

22 So it is to get it just that. I think, in
23 general, the consensus is that it is making things
24 better than what would have otherwise been the case; but
25 it is a good question, how much better and what other

1 effects might it have.

2 There have been some unexpected effects, I
3 guess, some ferries in the area have had trouble talking
4 because of increased velocities on other channels. But
5 all those observations and discussions are ongoing.

6 BOARD MEMBER STEVEN MOORE: One follow-up
7 question from the workshop, or just to put things in
8 context. We are talking about 120,000 acre feet in
9 Folsom; 250,000 acre feet or so, or more, withheld in
10 Shasta affecting, you know, on the order of 100,000 acre
11 feet going south of the Delta. So there is a lot of
12 sacrifices being made from these different sectors.

13 How about on the environmental side? If you
14 take the TUCP numbers and put in the thousands of acre
15 feet that have been "curtailed" for the environmental
16 reasons in the Bay Delta, what is a rough estimate?

17 LES GROBER: The combined -- and it always takes
18 a little bit of time to figure out the exact numbers --
19 but through the end of May, it appears the conserved
20 water or redirected water was about a 400,000 acre feet.
21 And the projection, then, through June/July, the rest of
22 the year, will bring it up to between 600 and 650,000
23 acre feet.

24 But that is a combined number that takes into
25 account not just changes in Delta outflow but also

1 changes in the * emitant stand of Three Mile, which
2 isn't strictly an environmental standard. That is for
3 protecting the ag beneficial use. So we could
4 potentially figure out the precise numbers; but in
5 total, combined, it looks like we are headed towards
6 about 650,000 acre feet of water made available.

7 Thank you.

8 Finally, what we still have coming up, as a
9 requirement of the TUCP Pre Order, we are expected an
10 updated New Melones Operations Plan, oddly because
11 storages are actually a little bit higher in New Melones
12 than had been planned because of some storms and higher
13 inflows.

14 They were unable to use the lower-level outlet
15 to do temperature controls. So we are asking for an
16 adjusted plan to see, well, how do we get through this
17 year. And, also, what can we do in subsequent years to
18 be able to maintain temperature control when we have
19 lower storages of this type in New Melones.

20 And also upcoming, we are still waiting on the
21 evaluation of the fishery agencies is a TUCP having to
22 do with adjusted, dissolved oxygen requirements on the
23 Stanislaus River also related to lower flows, higher
24 temperatures, things like that. And that should be in
25 the next two weeks, I think, as well.

1 And with that, that is all I have.

2 Take any questions.

3 CHAIR FELICIA MARCUS: Any other questions?

4 BOARD MEMBER STEVEN MOORE: Thank you for all
5 your work in the last few weeks. The Water Rights
6 Division is working very hard. I want to exercise your
7 efforts.

8 CHAIR FELICIA MARCUS: You are exercising
9 muscles that you didn't even know you had, in terms of
10 how many different cylinders you are having to hit on.
11 It is like a puzzle. It is the worst final exam
12 question ever.

13 LES GROBER: Thank you.

14 I've neglected to introduce Nathan Weaver, to my
15 left here, an attorney with the * OCC. I don't know if
16 you've met him but -- thank you.

17 CHAIR FELICIA MARCUS: Thank you very much.
18 Very sobering and very serious.

19 All right. Now we are onto item four. Where is
20 the team?

21

22 (Whereupon, end of transcribed portion.)

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REPORTER'S CERTIFICATE

State of California)
) ss.
County of Sacramento)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of September, 2015.

KATHRYN DAVIS
Certified Shorthand Reporter
Certificate No. 3808

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