

State of California State Water Resources Control Board
DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterboards.ca.gov/waterrights>

PROTEST- PETITION

This form may also be used for objections

PETITION FOR CHANGE ON

APPLICATION 1 **PERMIT** 1 **LICENSE** 1
**of the California Department of Water Resources
and the United States Bureau of Reclamation**

I, Deirdre Des Jardins, have carefully read the notice of petition requesting changes in water rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project, and Notice of public hearing and pre-hearing conference to consider the above petition:

Attach supplemental sheets as needed. To simplify this form, all references herein are to protests and protestants although the form may be used to file comments on temporary urgent changes and transfers.

Protest based on ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

- The petition does not best serve the public interest
- The petition would be contrary to law
- The petition would have an adverse environmental impact

State facts which support the foregoing allegations:

The proposed petition does not best serve the public interest because:

- Modelling of water exports by the petitioners does not adequately address the risks of climate change to urban water contractors. Urban water agencies are relying on the "Central Tendency" projections for assessments of future water supply when actual deliveries may be much less under drier, warmer climate change scenarios that appear increasingly likely. Reliance by these contractors projected increased deliveries could result in severe future conflicts with other users and the environment.

¹ Petition for diversion and rediversion submitted by DWR and the Bureau applies to Permits 16478, 16479, 16481, and 16482 and 16483 (Applications 5630, 14443, 14445A, and 17512, respectively) of the Department of Water Resources for the State Water Project; and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11971, 11973, 12364, 12721, 12722, 12723, respectively) of the United States Bureau of Reclamation for the Central Valley Project.

- Petitioners chose not to include modelling of projections under the Q3 and Q4 drier quartiles in planning documents, denying information about risk to water contractors, regulatory agencies, other water users, and environmental and fishing groups.

The change petition would be contrary to law because:

- The computer modelling by the petitioners is not adequate to establish that there is no harm to other legal users of water, because the No Action Alternative computer models have significant changes from prior CALSIM II models and have not been adequately re-validated.
- There are significant existing conflicts with other legal users of water, which will likely be exacerbated by the proposed change in point of diversion. The conflicts are not adequately addressed by the petitioners, given that most modelling of the effects of the proposed new diversions is compared to the No Action Alternative.
- Graphs of average monthly storage and river flows in critical water years presented by the petitioners are not adequate for the Board or respondents to evaluate the effects of the proposed new diversions in an extended drought.


The petition would have an adverse environmental impact because:

- The State Water Board has never adequately defined "surplus water available for export," from the Delta, and this quantity is currently defined circularly as the quantity exported in the Coordinated Operating Agreement.
- There are significant existing conflicts with aquatic species in the Delta, which have not been adequately addressed.

Under what conditions may this protest be disregarded and dismissed? (Conditions should be of a nature that the petitioner can address and may include mitigation measures.)

- Petitioners must fully disclose prior modelling of water deliveries under the warmer, drier scenarios, and provide estimates of possible reductions in water exports from the proposed project under these scenarios.
- Modelling of actual monthly sequences of reservoir levels, river flows, and Delta outflows under the proposed project must also be fully disclosed.
- Models of demands on the Sacramento River and the Delta must be adequately validated. CALSIM II modelling of curtailments in the Sacramento River in an extended drought must also be validated.
- Conditions of "surplus water in the Delta" must be adequately defined by the State Water Resources Control Board and daily accounting procedures revised.

All protests must be signed by the protestant or authorized representative:

Signed:  Date: Jan 5, 2016

All protests must be served on the petitioner. Provide the date served and method of service used:

Attn: California WaterFix Hearing Staff

State Water Resources Control Board, Division of Water Rights

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Served via email on 1/5/2016 to all parties.