

COMMENTS OF AMADOR COUNTY WATER AGENCY, BROWNS VALLEY IRRIGATION DISTRICT, YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND YUBA COUNTY WATER AGENCY FOR STATE WATER RESOURCES CONTROL BOARD'S JULY 13-14, 1994 BAY/DELTA WORKSHOP

On behalf of Amador County Water Agency, Browns Valley Irrigation District, Yolo County Flood Control and Water Conservation District and Yuba County Water Agency, we submit these comments for the July 13-14, 1994 State Water Resources Control Board Bay/Delta workshop. These comments focus on the third issue that is specified for this workshop. This issue is:

3. Should the SWRCB request the CVP and SWP to implement portions of the draft standards prior to adoption of a water rights decision?

We do not object to the State Board making such a request to the CVP and SWP. However, we are disturbed that the phrasing of this issue appears to demonstrate a disturbing trend: the State Board apparently is assuming that the final new Bay/Delta water quality standards ultimately will be implemented by curtailing diversions and beneficial uses by numerous water users in the Central Valley, and not just by requiring the CVP and SWP to implement these standards. This trend also appears in the "Framework Agreement" that the State Board and other state and federal agencies recently executed.

In our detailed comments for the June 14-15 workshop, we explained that, unlike the CVP and SWP, upstream water projects in the Central Valley have not had the same substantial adverse impacts on Bay-Delta fish and wildlife. We also demonstrated that the watershed-protection and related statutes require the State Board to curtail all CVP and SWP exports before reducing any diversions or beneficial uses by upstream water users.

The clear Legislative policy since 1933 has been and is that the CVP and SWP only will export water that is surplus to the water needs in the areas of origin. While article 10, section 2 of the California Constitution authorizes and requires the State Board to take actions to curtail excess diversions and pollution by all California water users, it does not authorize the State Board to violate the watershed-protection and similar statutes.

The State Board does not need to decide these detailed implementation issues in its new Bay/Delta water quality control plan. Nevertheless, if it does address these issues at all in this plan, then it should clearly state that it intends to follow the watershed protection and related statutes in any subsequent Bay/Delta water-right decision. Such a statement would clearly inform all parties of the State Board's intentions, and thus would

help facilitate on-going discussions between the various parties regarding potential voluntary methods of implementing new Bay/Delta water quality standards.

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