

DELTA TRIBUTARY AGENCIES COMMITTEE (DTAC)

P.O. Box 4060 • Modesto, California 95352 • (209) 526-7564

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February 23, 1995

**HAND DELIVERED
AND
ORALLY PRESENTED**

Mr. John Caffrey, Chairman
State Water Resources Control Board
901 "P" Street
Sacramento, CA 95812

Re: SWRCB Draft Water Quality Control Plan for the San Francisco Bay/Sacramento
San Joaquin Delta Estuary Issued December 1994

Mr. Caffrey, Members of the Board and Staff:

My name is Jim Chatigny and I am presently the Manager of Nevada Irrigation District and the Chairman of the Delta Tributary Agencies Committee. I am presenting testimony to you today on behalf of the Delta Tributary Agencies Committee (DTAC), of which Nevada Irrigation District is a member, in response to your Notice of Public Hearing regarding the December 1994 Draft Water Quality Control Plan prepared under the Porter-Cologne Water Quality Control Act. DTAC's testimony responds to your Notice provided January 3, 1995.

DTAC consists of thirty water agencies with service areas situated within the Sacramento River and San Joaquin River basins. A list of DTAC member agencies is attached. All of our member agencies possess either pre-1914 and/or post-1914 appropriative water rights or riparian water rights. Individual member agencies may present separate testimony today, prior to the water rights hearings, regarding areas of your proposed Water Quality Control Plan which will present individual agency impacts and/or sub-group impacts such as the San Joaquin Tributary Agencies. It is the intent of our testimony before you today to remind the Board of its water rights hearings set to commence in approximately June, 1995 by which you propose to allocate the water necessary to meet the water quality objectives which you intend to adopt in these proceedings. We know that you are aware of on-going settlement negotiations between what is referred to as the "Ag/CUWA" group and the "up-stream users" which could avoid subsequent water right implementation proceedings for the quality objectives which you intend to adopt. We must remind you, however, that the State-Fed-Ag/CUWA settlement of 12/15/94 was announced without the consensus approval of the remaining two-thirds of agricultural water users

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in the Central Valley, i.e., DTAC and the remaining upstream water users. DTAC member agencies presented testimony to your Board in September of 1987 at the Red Lion Inn in Redding wherein I testified as the then Vice Chairman of DTAC. I recall testifying to the many and varying beneficial uses of water historically acquired by our thirty DTAC member agencies.

We urge you to be mindful of the reasonable and beneficial uses of water of all of our thirty DTAC member agencies so that when you adopt water quality objectives in this proceeding you will not force yourselves in the subsequent water rights hearings to deviate from California's water right priority system in order to reallocate water to achieve this "share the pain" concept that some exporters claim is required as part of the "Racanelli" decision.

DTAC once again reaffirms its "Statement of principles for Bay/Delta Proceedings" adopted in Sacramento, California on June 9, 1991. Four (4) of the principles adopted by DTAC are:

1. The State Board should recognize and follow area of origin and watershed protection principles.
2. The State Board should recognize the unique impacts of Delta water exports and require those exporters to mitigate their adverse environmental impacts.
3. Consistent with principles (1) and (2), the State Board must rely on the priority system to allocate the responsibility for Bay/Delta water quality objectives and flow requirements.
4. Municipal and domestic uses should receive no special preference in the allocation of responsibility to maintain Bay/Delta water quality objectives and flow requirements.

Finally, we recognize this is a very difficult political and legal administrative proceeding and that any decision which you will make is certain to be criticized by different groups or individuals representing a specific use of water which they may claim is put to more "beneficial use" than another type or nature of water use. However, California's long-standing water right

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priority system is "time-tested," statutorily authorized and historically resulted in billions of dollars of economic decisions and agency water development contractual commitments, all of which we hope you recognize in taking a "global approach" to setting water quality objectives in these proceedings.

Very truly yours,
NEVADA IRRIGATION DISTRICT

By: 

James P. Chatigny

Attachment

1. Amador County Water Agency
2. Anderson-Cottonwood Irrigation District
3. Biggs-West Gridley Water District
4. Browns Valley Irrigation District
5. Butte Water District
6. Calaveras County Water District
7. Central California Irrigation District
8. Columbia Canal Water Company
9. Cordua Irrigation District
10. El Dorado County Water Agency
11. El Dorado Irrigation District
12. Firebaugh Canal Water District
13. Glenn-Colusa Irrigation District
14. Merced Irrigation District
15. Modesto Irrigation District
16. Nevada Irrigation District
17. Oakdale Irrigation District
18. Oroville-Wyandotte Irrigation District
19. Placer County Water Agency
20. Ramirez Water District
21. Richvale Irrigation District
22. San Luis Canal Company
23. South San Joaquin Irrigation District
24. South Sutter Water District
25. Sutter Extension Water District
26. Turlock Irrigation District
27. Western Canal Water District
28. Yolo County Flood Control and Water Conservation District
29. Yuba County Water Agency
30. Woodbridge Irrigation District