

**POLICY STATEMENT OF STOCKTON EAST WATER DISTRICT  
BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

Hearing on Proposed Modification of WR 2006-06  
June 25, 2009

Stockton East Water District submits the following policy statement to this hearing to determine whether to modify Part A of Order WR 2006-0006 which, in part, adopted a Cease and Desist Order against the Department of Water Resources and the United States Bureau of Reclamation.

Stockton East does not have specific comments or recommendations on the key issues identified for the hearing today. Rather, we want to emphasize to the Board that any actions taken must be in compliance with law, and should conform to state and federal policy.

**BACKGROUND**

Stockton East holds a contract with the United States Bureau of Reclamation for water supply from the Central Valley Project, delivered through the New Melones Project on the Stanislaus River. Despite numerous claims to the contrary, the New Melones Project was built to provide water to the Stanislaus River watershed and adjacent areas. Reclamation – not Congress - authorized the use of New Melones for water quality purposes only to the extent it did not interfere with the authorized purposes of the project. Despite those limitations, New Melones has been used as the cure-all for San Joaquin River and southern Delta water quality problems for over 25 years.

Congress has recently taken note of this fact and directed Reclamation to cease continued reliance on New Melones to improve south Delta water quality. In Public Law 108-361 (HR 2828), Congress directed the Secretary of the Interior to develop a

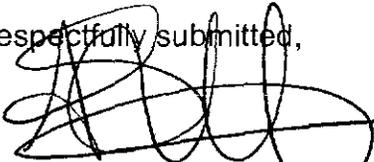
program to implement all existing water quality standards and objectives for which the CVP has responsibility. That plan is to specifically include methods to "reduce the reliance on the New Melones Reservoir for meeting water quality and fishery flow objectives" using various methods.

## **POLICY GUIDANCE**

Any actions taken by the Board should comply with the following policy principles:

1. Actions taken by the Bureau of Reclamation should expressly comply with the limitations imposed by Congress in PL 108-361 (HR 2828).
2. Additional water quality releases from New Melones should not be made to meet the Interior Delta Salinity Objectives. The Board should implement other alternatives such as reducing exports, purchasing water, restriction of discharges from entities downstream of Vernalis, and re-circulation.
3. Recirculation is a viable alternative for providing higher flows. It is important to note, however, that in order to comply with the dictates of Public Law 108-361 (HR 2828), which directed that actions be taken to reduce reliance on New Melones for meeting water quality, recirculation should be used to *decrease* release from New Melones, not supplement them.
4. Water quality releases cannot be the exclusive method used to meet the objectives.
5. If water quality releases are used as one of the methods to achieve compliance, the Bureau of Reclamation cannot release all water from one source for that purpose and a cap should be imposed upon the quantities of water to be released from non-export facilities.

Respectfully submitted,

  
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