



Central Sierra Environmental Resource Center

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STATE WATER RESOURCES
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October 4, 2012

State Water Resources Control Board
Division of Water Rights
Attn: Jeffrey Parks
P.O. Box 2000
Sacramento, CA 95812

Comment Letter – Pinecrest Lake Level Conditions Workshop

Dear Jeff:

I know that you already have my oral testimony from Sonora. In support of those verbal comments, I am submitting these additional written comments related to the proposed Pinecrest Reservoir Lake Level Elevation Conditions for the Spring Gap-Stanislaus Hydroelectric project.

First, having carefully reviewed the proposed conditions recommended by State Water Board staff, our Center supports the State Water Board-recommended Pinecrest Reservoir target lake level elevations to be sustained through Labor Day.

Our Center supports the revision of each year's "draw down curve" following the last spill of the season or by July 1st, whichever occurs first. We also support establishing the target lake level elevation at 5,608' if the spill occurs on or past July 1st. And we support allowing the target lake level elevation to go down to 5,606' if spills cease before July 1 and the water year type is dry.

We support the recommended lake level elevations for the following reasons:

- 1) If the lake experiences spill on July 1st or later, then a considerable amount of water will continue to flow into Pinecrest Lake for at least some period of time after that date. Given that the Lake is allowed to be drawn down to as low as 5,608' by Labor Day, based on established water use levels historically demanded by TUD without mandatory conservation measures, having the Lake level minimum set at 5,608' provides adequate water for TUD's customer needs.
- 2) Allowing the Lake level minimum to go two feet lower to 5,606' in a dry year when spills cease before July 1st will provide additional water to TUD during very dry conditions. The 5,606' level is reasonable because it reduces recreational and scenic benefits to some degree in a dry season, but it does not draw Pinecrest Lake down to the point that the muddy area above the waterline would be substantial for an extended period or that the hazards become significant.

The 5,606' level is reasonable as well because TUD will obviously know in the spring season if a dry water year is occurring. Thus, TUD will have the ability to communicate the need for water conservation to its residential and commercial customers, to require reasonable adjustments to agricultural water use by its Ag customers, and to modify operational measures that TUD controls so as to minimize water waste. Accordingly, not only will TUD be granted two feet worth of additional water at Pinecrest Reservoir, but TUD will also be able to proactively reduce water waste in a dry water through strong communications with its customers and enforcement of conservation requirements.

On top of all the above, as I emphasized at the Workshop hearing, in addition to losing so much of its water in the ditch system, TUD's Urban Water Management Plan admits that it loses 16% of its treated water as "unaccounted for water" that also never reaches a customer. That water is defined as water wasted during hydrant testing, distribution flushing, and use of hydrants for County and contractor construction, as well as leaks, tank/reservoir overflows.

Moving past all the wild exaggerations and misleading claims, in reality TUD over the past decade has not delivered to customers roughly 35-45% of water it takes into its system. If TUD simply takes logical steps to pipe the worst leaking sections of the ditch, to continue to gunnite other areas with major losses, and reduce operational losses, TUD already has control over enough water to provide for large numbers of new customers.

3) In addition, **TUD reports and analyses show clearly that TUD customers have increased by nearly 2,000 since 1999, but the amount of overall customer use of water has dropped – not risen.** Even if that reverses and water use gradually rises, TUD already controls huge amounts of water that is now lost that it can capture and provide for new customers. To claim that only getting a 5,606' target level at Pinecrest in dry years will eliminate water for new customers defies reality.

Credibility does matter. As one example, in terms of the Water Board being able to rely upon TUD to actually carry out promises, the fact that TUD failed to mail any notice to customers this summer that mandatory water conservation was required, or what that mandatory conservation entailed, is a piece of information that the Water Board should consider.

4) What is even more pertinent to the Pinecrest Lake target elevation evaluation process is the consistent reluctance over many years by TUD to aggressively pursue water conservation measures and to make more effective use of the water it already has available. **At the Workshop, certain TUD board members credited TUD customers with reducing water use over the years. That conservation progress has almost zero connection to TUD. TUD has adamantly rejected CSERC's pleas to do effective communications with customers to increase water conservation. The district has a long history of rejecting our Center's respectful requests for stronger water conservation policies and planning.**

Below is information that can be helpful in background consideration:

In June, 2011, CSERC submitted detailed comments in response to TUD's Urban Water Management Plan. That comment letter from our Center included specific complaints that despite our requests, **the district's UWMP once again showed no substantial projected savings**

from water conservation through the next 25-year period. We noted that many feasible programmatic DMMs in the UWMP were shunned by TUD as “not being cost effective” even though the cost was tiny compared to the overall TUD budget. We pointed out that the so-called educational programs funded by TUD reach only a tiny, tiny fraction of the TUD customer base, and we also complained that TUD managers have often publicly stated that TUD residential customers don’t use as much water as residential users for Central Valley utility districts, so there really isn’t justification for asking for water conservation. Our Center has also pointed out that TUD customers live in the foothills and mountains with oak woodland and conifer trees, where there are usually not lawns to maintain, or pools to fill, and there is far less landscaping that needs water compared to the Central Valley or other geographic locations.

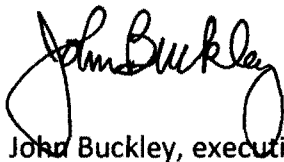
In the examples pointed out above tied to the UWMP, TUD has made choices over the past decade to minimize the utility district’s efforts and expenses tied to active water conservation education and implementation.

Yet now TUD is asking the State Water Board to grant a lower Pinecrest Lake target elevation on the grounds that TUD needs more water in dry years. With all due respect, TUD has not shown that it is committed to using currently available water as efficiently as possible in all aspects of its operations. To grant TUD the two-foot lower minimum lake level down to 5,606’ appears to be reasonable and prudent. But to grant any further drop in the target elevation would reward TUD for being less than fully responsible with water that it has taken for so many years from the South Fork Stanislaus River system.

SUMMARY

Our Center believes that the State Water Board has produced a fair and balanced recommendation that results in middle ground and compromise between competing water interests. CSERC supports the Water Board proposal to drop the lake level to 5,606’ in years where spill ends before July 1st.

We do, however, ask that in any year that TUD is rewarded with extra water by lowering the lake, that TUD be required to do its part by implementing mandatory water conservation measures for the period July 1st through Labor Day.



John Buckley, executive director