

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



March 18, 2014

Mr. Thomas Howard, Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Mr. Howard:

The U.S. Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) request a modification to the Order Approving a Temporary Urgency Change in License and Permit Terms and Conditions Requiring Compliance with Delta Water Quality Objectives in Response to Drought Conditions (with Modifications Dated February 28, 2014) (Order).

The Order currently allows Reclamation and DWR to conserve additional water in the State Water Project/Central Valley (SWP/CVP) Project reservoirs for protection of aquatic species, water quality, and water deliveries by modifying Table 3 of D-1641 such that Delta Outflow may be no less than 3,000 cubic.

In addition to the above modification to Table 3, Reclamation and DWR request that the Order be modified to also allow for the following:

For the remainder of March 2014, Table 3 of D-1641 will be further modified to allow for compliance with the Delta Outflow objective through a 7,100 cfs or X2 at Collinsville outflow on a 3-day average and/or X2 position at Collinsville<sup>1</sup>. SWP/CVP Project diversions from Old River for periods when Delta Outflow is at or above 7,100 cfs or X2 at Collinsville will continue to conform to existing Biological Opinions and the D-1641 Export to Inflow Ratio. The Delta Cross Channel (DCC) Gates will remain closed as required by D-1641 or the Biological Opinions when outflow is at or above 7,100 cfs. For lower outflows, the current DCC opening protocol recommended by the fishery agencies will be followed.

Analysis indicates that legal users of water will not be injured by this action. Delta water quality objectives protective of municipal/industrial and agricultural uses remain in place and increased SWP/CVP diversions at these higher outflow levels are expected to generally improve salinity conditions in the southern Delta. However, as occurs in the South Delta when water quality objectives are met, there may be an exception in achieving the agricultural objective for Old River at Tracy Road.

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<sup>1</sup> The lesser of the flow necessary to maintain 1) the 3-day running average of the daily Delta Outflow at 7,100 cfs, OR 2) the outflow necessary to achieve either the daily average or the 14-day running average EC at Collinsville at less than 2.64 mmhos/cm.

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This request has been considered and is supported by the Real Time Drought Operations Management Team established to recommend additional changes to the Order necessary to address risks presented by the ongoing and severe drought.

This action should also not have an unreasonable impact to fish and wildlife. Reclamation has concurrence from National Marine Fisheries Service and U.S. Fish and Wildlife Service that these actions are consistent with the federal Endangered Species Act (see attached). DWR has also consulted with the California Department of Fish and Wildlife and has determined that the existing Consistency Determination would remain in effect.

DWR and Reclamation will continue to refine their estimates of public health and safety needs for indoor domestic consumption, sanitation, and fire suppression that can only be provided from SWP/CVP exports in Water Year 2014. This estimate will consider local and alternate supplies available to communities served by SWP/CVP exports. Water for outdoor landscaping is not considered a public health and safety need. Once DWR and Reclamation have determined that sufficient water is available to satisfy these health and safety needs this year, DWR and Reclamation will ensure that these supplies are accounted for in SWP/CVP exports, and where possible, stored south of the Delta. Any water in excess of these public health and safety needs, exported under either the conditions of the temporary urgency change or exported pursuant to the provisions of D-1641, will be delivered to serve SWP/CVP authorized uses. DWR and Reclamation intend to prioritize critical needs in these deliveries.

If you have any questions or would like to discuss further, please contact me at (916) 653-7007.

Sincerely,



Mark W. Cowin  
Director

Attachments