

December 14, 2015

Sent: Via E-Mail to: commentletters@waterboards.ca.gov

State Water Resources Control Board  
Jean Townsend, Clerk to the Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95812



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**General Manager**  
Terry Erlewine

Re: Comments On Draft Order Denying in Part and Granting in Part Petitions for Reconsideration of and Addressing Objections to the Executive Director's February 3, 2015 Order and Subsequent Modifications to That Order that Approved Temporary Urgency Changes in License and Permit Terms and Conditions for the State Water Project and Central Valley Project

Dear Ms. Townsend:

The State Water Contractors ("SWC") are an organization representing 27 of the 29 public water entities that hold contracts with the California Department of Water Resources ("DWR") for the delivery of State Water Project ("SWP") water. Collectively, the SWC members provide all, or a part, of the water supply delivered to approximately 25 million Californians, roughly two-thirds of the State's population, and to over 750,000 acres of irrigated agriculture. The SWC members provide this water to retailers, who, in turn, serve it to consumers throughout the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California.

The SWC are concerned about the recent addition of minimum carryover storage requirements included in the Draft Order Denying in Part and Granting in Part Petitions for Reconsideration of and Addressing Objections to the Executive Director's February 3, 2015 Order and Subsequent Modifications to That Order that Approved Temporary Urgency Changes in License and Permit Terms and Conditions for the State Water Project and Central Valley Project ("Draft Order"). The Draft Order was provided at the end of the day on Monday December 7, 2015, and requires comments to be submitted with only 4 business days for review. Such a short timeframe to analyze and consider potential impacts to the action is not adequate and does not allow identification of probable redirected impacts to other reservoirs and beneficial uses. More importantly it is not necessary to set minimum carryover storage requirements at this point in the year. The Projects are being operated to store water in upstream reservoirs and will continue operating in this mode through late spring 2016. Since it is not likely that Project operational decisions will not involve the movement of water from storage, there is time to allow for adequate review and comment of the proposed order. Additional facts support waiting to make this decisions including: 1) we understand the Real Time Drought Operations Team ("RTDOT") is in the process of drafting a 2016 contingency plan; and, 2) the first reliable hydrology will be made available in January. These additional factors will better inform the Board's decision and allow the Project operators to provide meaningful input.

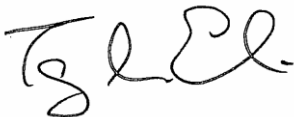
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As you know, operation of the Projects requires close coordination between DWR and the United States Bureau of Reclamation (“USBR”). Demanding specific operations may have significant impacts on one or both of the Projects. These operational criteria should be left to the discretion of the Project operators who have significant experience operating the system. Furthermore, these requirements are unnecessary since USBR already has carryover storage targets for its reservoirs, including Shasta and Folsom.

As noted in the draft order, the current Temporary Urgency Change Petition Order expires on December 30, 2015. To our knowledge there has been no request to renew or make a new request for a Temporary Urgency Change Petition in 2016. It is odd that given no request to modify the terms of DWR and USBR’s water rights there is a requirement for minimum carryover storage requirements in October 2016.

Given the potential impacts, the short notice, and the timing of the requirements beyond the existing TUCP order, the State Water Contractors request that the Board not act on the minimum carryover storage requirements until adequate time is provided to properly review, consider potential impacts, and meaningfully comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Erlewine". The signature is fluid and cursive, with a large initial "T" and "E".

Terry Erlewine