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13
14 BEFORE THE
15 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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17 In the matter of Hearing re California
WaterFix Petition for Change.

**SACRAMENTO VALLEY WATER
USERS' REBUTTAL OPENING
STATEMENT**

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1 During Part 1A of this hearing, the California Department of Water Resources
2 (DWR) and the United States Bureau of Reclamation (Reclamation) (collectively,
3 Petitioners) submitted evidence regarding whether the California WaterFix project would
4 cause injury to legal users of water. Petitioners argue that, even if the California
5 WaterFix project proceeds, the upstream CVP and SWP reservoirs still will be operated
6 in largely the same way as they are operated today, and that – based on their CalSim II
7 and DSM2 modeling work – CVP and SWP operations with the proposed new points of
8 diversions and conveyance facilities would not injure any legal users of water.

9 During Part 1B of this hearing, the Sacramento Valley Water Users (SVWU)
10 provided substantial evidence demonstrating that the modeling described in Petitioners’
11 exhibits and testimony does not accurately and realistically reflect how the CVP and
12 SWP would be operated with the California WaterFix project, given the additional
13 “operational flexibility” that the California WaterFix project would provide to the CVP and
14 SWP.

15 On rebuttal, the SVWU have submitted written testimony and exhibits prepared by
16 Walter Bourez of MBK Engineers, one of the most respected CalSim II modelers in
17 California, with assistance from Daniel Easton of MBK Engineers. Mr. Bourez’s written
18 rebuttal testimony covers two specific subjects: (1) the monthly CalSim II output from
19 Petitioners’ CalSim II modeling for the California WaterFix project for key operational
20 parameters; and (2) the problems with Petitioners’ modeling assumptions for drought
21 conditions under the No Action Alternative and the California WaterFix alternative
22 scenarios and the ways these problems can and should be corrected. Specifically,
23 Mr. Bourez will testify that:

- 24 • Monthly output information is critical for adequately evaluating the impacts of
25 the California WaterFix project, because the use of annual output information
26 can mask the impacts that may otherwise occur on a monthly or seasonal
27 basis.

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- Petitioners failed to use CalSim II properly to estimate project impacts during drought periods, even though, with appropriate modifications, CalSim II has the capacity to do so. Key findings on this matter include:
 - (1) Petitioners’ modeling does not realistically simulate drought conditions;
 - (2) It is possible to simulate drought conditions that are more realistic than those in Petitioners’ modeling for this proceeding; and
 - (3) Numerous refinements to Petitioners’ modeling may be made using reasonable modeling criteria that will produce modeled operations with fewer modeled violations of existing regulatory and legal requirements. With such refinements, CalSim II modeling can be used to assess the effects of the California WaterFix project during critical years. These refinements must be performed to fully disclose the effects of the California WaterFix project, and the potential impacts to legal users of water.

In short, Mr. Bourez’ rebuttal testimony provides further evidence that the California WaterFix project will cause injury to legal users of water, including users of water under contracts with DWR and Reclamation, and water users with their own water rights.

Throughout this proceeding, the Petitioners have essentially said “Trust us, we will operate the California WaterFix project to not injure others.” Petitioners have refused to confirm, however, that they will agree to permit terms and conditions ensuring that the CVP and SWP, with the California WaterFix project in place, will be operated in a manner that protects legal users of water from injury. The rebuttal evidence offered by the SVWU will demonstrate that, without those assurances, the Petitioners have failed to meet their burden under Water Code section 1702.

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STATEMENT OF SERVICE


**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

SACRAMENTO VALLEY WATER USERS' REBUTTAL OPENING STATEMENT

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition hearing, dated March 30, 2017, posted by the State Water Resources Control Board at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

I certify that the foregoing is true and correct and that this document was executed on May 10, 2017.

Signature: 
Name: Crystal Rivera
Title: Legal Secretary
Party/Affiliation: Sacramento Valley Water Users
Address: 500 Capitol Mall, Suite 1000
Sacramento, CA 95814