
State Water Resources Control Board

NOTICE OF PUBLIC WORKSHOP

CENTRAL AND SOUTHERN DELTA WATER AVAILABILITY AND USE

Wednesday, September 24, 2014 – after 9:00 a.m.

in the
Joe Serna, Jr./Cal-EPA Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will hold a public workshop to receive comments and discuss the most effective process available to the State Water Board to determine the facts pertaining to water availability and water diversion and use within the central and southern Sacramento- San Joaquin Delta (Delta). This will be an informational workshop only and no State Water Board action will be taken.

SUBJECT OF WORKSHOP

The purpose of this workshop is to receive comments and discuss the process the State Water Board should use to address recent allegations and legal theories regarding the sources and quantity of water supplies available for diversion and use within the central and southern Delta. This workshop notice identifies some of the issues that may need to be addressed during any subsequent proceeding; however, evidence regarding these issues and arguments regarding the supporting legal theories should not be submitted, and will not be discussed, at the workshop. The State Water Board anticipates that this workshop and any subsequent process will inform future curtailment analyses and resolve recent allegations of potential unauthorized diversion of stored water in the Delta.

BACKGROUND

On July 2, 2014, the State Water Board adopted Resolution No. 2014-0031, To Adopt an Emergency Regulation for Statewide Drought-Related Curtailment of Water Diversion to Protect Senior Water Rights. Resolution No. 2014-0031 adopted California Code of Regulations Section 879 which allows the Deputy Director for Water Rights to issue an order requiring pre-1914 and/or riparian diverters to provide supporting information on their basis-of-right if a complaint or information describing unlawful diversion is received.

On July 23, 2014, the State Water Board's Division of Water Rights received a joint letter signed by the California Department of Water Resources (DWR) and United States Bureau of Reclamation (USBR) claiming unlawful diversions of stored project water by riparian and pre-1914 users within the central and southern Delta. A copy of the joint letter is posted at:

- [July 23, 2014 – DWR and USBR joint letter to Deputy Director for Water Rights Re: South and Central Delta diversions](#)

Shortly thereafter, various parties filed responses supporting and opposing the letter by the USBR and DWR. Copies of these responses are posted at:

- [August 13, 2014 – CSPA response to joint letter, complaint and petition to adjudicate](#)
- [August 8, 2014 – CDWA response to joint letter](#)
- [August 7, 2014 – George Hartmann response to joint letter \(email\)](#)
- [August 7, 2014 – S. Delta landowners response to joint letter](#)
- [August 7, 2014 – SDWA response to joint letter](#)
- [August 7, 2014 – Westlands' letter of support for joint letter](#)
- [August 6, 2014 – Jeanne Zolezzi response to joint letter](#)
- [August 5, 2014 – SWC letter of support for joint letter](#)

All of the above letters can be accessed at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/complaints/index.shtml

The above letters provide alternative views on the water that is, or is not, available to different water right holders in the central and southern Delta.

Information on overall Central Valley Project and State Water Project operations submitted pursuant to the [May 2, 2014 Order Modifying And Renewing An Order That Approved A Temporary Urgency Change In License And Permit Terms And Conditions Requiring Compliance With Delta Water Quality Objectives In Response To Drought Conditions](#) (Delta TUCP Order) is also available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/082914_hydrosheet.pdf

ISSUE FOR DISCUSSION AT THE WORKSHOP

The State Water Board is specifically interested in receiving input on the type of proceeding or process the Board should use (such as public hearing, case-by-case investigation, or regulation) to most effectively resolve the issue of what water is available for diversion and use by water right holders in the central and southern Delta.

The State Water Board would also like to receive input regarding the extent to which the following questions, or other questions, may need to be addressed in any process used to determine what water is available for diversion and use by water right holders in the central and southern Delta:

- Is any of the previously stored water in Sacramento River watershed reservoirs that DWR and USBR release from storage (including releases for exports from the Delta or salinity control and public trust protection, or stored water that is transferred through the Delta from purchase points north of the Delta to points of delivery south of the Delta) available for appropriation by diverters in the central and southern Delta?
- Does the connection of the Delta to the ocean provide additional water to satisfy water right demand in central and southern Delta? If so, is this water subject to, or available for, appropriation or riparian right? Are there other sources of water available for appropriation or riparian right in the central and southern Delta, other than contributions from Sacramento-San Joaquin watersheds?
- Will the required diversion information proposed in the attached draft Order, in conjunction with the information submitted pursuant to the Delta TUCP Order, be sufficient to inform a State Water Board determination on the availability of water for diverters in the central and southern Delta?

PROCEDURAL MATTERS

At the workshop there will be no sworn testimony or cross examination of participants, but the State Water Board and its staff may ask clarifying questions. Participants should submit comments prior to the workshop. At the workshop, participants will be given an opportunity to summarize and supplement their written materials with oral presentations.

Comment and discussion on this item is limited to the type of process and questions to be addressed in a future Board proceeding.

To ensure a productive and efficient workshop, and to ensure that all participants have opportunity to participate, oral presentations from any interested persons will be limited to three minutes or otherwise at the discretion of the Board Member(s). Participants with similar comments are requested to make joint presentations.

Written comments regarding the issues for discussion at the workshop must be **received by 12 noon on Monday, September 15, 2014, in order to be considered by the Board prior to the workshop.**

For emailed comments less than 15 megabytes, please indicate in the subject line: **“Comment Letter: Delta September 2014 Workshop.”** and have them addressed to Ms. Townsend at Commentletters@waterboards.ca.gov

For large submittals over 15 megabytes in total size, participants should email a summary of their written information to the State Water Board and mail or hand deliver any additional information on a CD/DVD. Mailed CDs/DVDs should be postmarked by the required submittal dates and addressed as follows:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-0100 (by mail)

Hand deliveries should be submitted to the following address by the date and time specified above:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery)

Participants with hand deliveries should check in with the Visitor Center on the first floor who will contact State Water Board staff to pick up any hand deliveries. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600.

When mailing comments, please address them to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

INFORMATION REGARDING WORKSHOP

Please direct any questions concerning this notice to Brian Coats, Senior Water Resources Control Engineer at (916) 341-5389 or Brian.Coats@waterboards.ca.gov

WEBCAST OF WORKSHOP

A broadcast of the September 24, 2014 Workshop, will be available via the Internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.


PARKING AND ACCESSIBILITY AND SECURITY

There is parking across the street from the Joe Serna, Jr. (Cal/EPA) Headquarters Building in Sacramento. The Cal/EPA Headquarters Building is accessible to people with disabilities. Individuals who require special accommodations are requested to contact Michele Villados, Office of Employee Assistance, at (916) 341-5881

Due to enhanced security precautions at the Joe Serna, Jr. (Cal/EPA) Headquarters Building, visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor badge, visitors must go to the Visitor and Environmental Services Center located just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security desk check in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to the workshop.

September 5, 2014

Date



Jeanine Townsend
Clerk to the Board