



california water impact network

The California Water Impact Network ("C-WIN") is a nonprofit organization dedicated to the equitable and environmentally sensitive use of California's water. C-WIN's Directors are proven environmental leaders with decades of experience in water law and policy.

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Delta smelt numbers, and those of other pelagic fish in the Delta, have declined precipitously since 2001, raising serious concerns that the species could become extinct in the very near future. C-WIN believes that the State Water Resources Control Board ("SWRCB" or "the Board") must take immediate action to save these species, including both the striped bass and splittail. C-WIN recommends the following short and long term water supply and policy actions:

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- 1) C-WIN endorses the water operations recommendations of the recently released Delta Smelt Action Plan (March 2007) as the most comprehensive and up-to-date assessment of those short-term actions that must be taken to reduce the risk of pelagic species extinction. Among other things, the Plan calls for actions designed to (a) decrease mortality from reverse flows caused by winter pumping; and (b) maintain net downstream flow on the Old and Middle Rivers in early to late spring, leading up to the VAMP period. The Plan also recommends (c) postponing the installation of the south Delta barriers until June 1 to reduce the proportion of water drawn toward the pumps and prevent entrainment; and (d) maintaining X2 west of Collinsville from May through December.
- 2) The Board should immediately begin the process of permanently reducing entitlements to take water out of the Delta under both the CVP and SWP water rights permits. The CVP and SWP contracts consistently promise to deliver volumes of water that far exceed the sustainable yield of the Delta. For example, the DWR "Table A" allocation (the amount of water DWR promises to deliver under its contracts) is 4.1 MAFY, while the average actual amount delivered from 1990 to 2004 was only 2.0 MAFY. Yet, even at this reduced pumping level, the Delta has been dying. The Delta Smelt Action Plan estimates that exports from the Delta must be reduced by an additional 1.66 MAFY from both the CVP and SWP to give the Delta a fighting chance. If half of this reduction (0.83 MAFY) is absorbed by the SWP, this means that the Table A allocation must be reduced to a level that ensures average annual deliveries do not exceed 1.17 MAFY. Moreover, in many years both the CVP and SWP make deliveries of "excess" or "surplus" water to contractors during off-peak seasons. Much of this water is then banked underground (in aquifers previously depleted through mismanagement) for later resale to other users at inflated prices. C-WIN believes that delivery of excess/surplus water should be prohibited, as this water is needed in the Delta to help restore the damaged ecosystem.
- 3) Specifically, C-WIN believes that the Board should make a finding of wasteful and reasonable use for irrigation of saline, seleniferous lands in the western San Joaquin Valley. At least 2 MAFY of CVP and SWP contract water can be obtained by permanent retirement of the most waterlogged of these toxic lands and their associated water rights.
- 4) Submit an emergency funding request to bring additional staff on board to work on Delta issues.

C-WIN believes that the Board is in a unique position to take decisive action to address the crisis in the Delta. Now is the time for the current Board to remedy decades of neglect and inaction in fulfilling its mandate to protect public trust interests in the Delta. Time is of the essence.