STATE WATER RESOURCES CONTROL BOARD BOARD MEETING/HEARING

(Portion)
JUNE 16, 2015

Coastal Hearing Room - Second Floor

1001 I Street

Sacramento, California 95814 Transcribed By: Diane F. Fattig, CSR No. 3692 STATE WATER RESOURCES CONTROL BOARD

BOARD MEMBERS

Chair Felicia Marcus

Vice-Chair Frances Spivy-Weber

Board Member Tam M. Doduc

Board Member Steven Moore

Board Member Dorene D'Amamo



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(File 1, 5:05 - 32:01)

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DIANE RIDDLE: Ready? Hello. Good morning, Chair Marcus and Board members. I'm Diane Riddle, and I'm an environmental program manager in the Hearings and Bay-Delta section. I'm going to provide a brief update regarding Bay-Delta related drought matters.

I think, as you're aware, the Bureau of Reclamation and the Department of Water Resources submitted a renewal of their temporary urgency change petition on May 21.

And, again, that's to modify Bay-Delta flow and water quality standards.

And specifically what they're requesting for the remainder of the year is a modification for Delta outflows during July, Sacramento River salinity through August 15th, and Rio Vista flow requirements on the Sacramento River through November.

So we're currently working on an order for those potential changes, and we should have that order prepared prior to July 1st when they -- when they need -- start to need the changes.

So, in addition, last week we issued -- or Saturday specifically, we issued a notice for a workshop on June 24th to discuss drought-related operations by the State Water Project and Central Valley Project in the

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Delta for the remainder of the summer and fall.
 1
    Specifically, we intend to discuss Sacramento River
 2
 3
    temperature issues and potential needed modifications to
 4
    operations as a result of potential changes to the
 5
    Sacramento temperature operation activities.
 6
          So, again, that's January 24th. And we expect that
 7
   to be a lively discussion.
 8
           CHAIR FELICIA MARCUS: I mean -- June?
          DIANE RIDDLE: Oh, I'm sorry. June. I'm sorry.
10
    June.
11
           CHAIR FELICIA MARCUS: But one other thing, backing
12
   up --
13
          DIANE RIDDLE: I'm getting ready for next year.
14
           CHAIR FELICIA MARCUS: Hard to get those J months
15
    right.
16
          But, yeah.
                      No. It's a horrid situation and I know
17
   you're all trying to do your best to juggle with the other
18
    agencies, and we'll look forward to hearing what you've
19
   come up with.
20
          I think -- you know, had hoped that this could be
21
    forestalled until next year without rain, so it's pretty
22
   horrifying that we're in this place with no good
23
    solutions. So we'll really look forward to hearing your
24
   thoughts on it.
25
          DIANE RIDDLE: With that, if there are no questions,
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MATHY MROWKA: Good morning, Chair Marcus and Board members. I'm Kathy Mrowka. I'm program manager for our enforcement section, and we lead the curtailment efforts.

First I wanted to describe the curtailment that we did on Friday of last week. It was to the Sacramento River, San Joaquin River Watersheds and Delta, 1903 water right priority and later. So it's the pre-1914 water rights, often referred to as senior rights.

So we haven't curtailed this class of rights since the '77-'78 drought. It was quite exceptional that we had such poor water conditions that we had to do this action.

Now, I wanted to make the curtailment program a little easier for the public to understand, so on your screens you'll see a new work product that we've just developed and posted on line. It's a summary so that everybody knows what water rights are curtailed currently, which ones the curtailments have been lifted.

If you could scroll down a little bit.

There have been some water rights -- down a little bit more -- that you can see like Deer Creek, Antelope Creek, where we've actually had specific fisheries curtailments lifted. So in addition to our news on adding new curtailments based on priority dates of rights, we've

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able to provide relief to the water-diverter community, we

24

25

provide that relief.

BOARD MEMBER STEVEN MOORE: And it's not a matter -
it isn't that people are waiting around for a week to get

the decision.

KATHY MROWKA: No. It comes out the minute that we get the word from the fishery agencies that the species is no longer present in that stream reach. We blast out through our e-mail blasts to the parties so that they know immediately that now they can go ahead and resume diversion.

I want to add a caveat, though. Some of these watersheds are subject to multiple curtailments. Now, if you were, you know, the Antelope Creek tributary of the Sacramento River System, if you happen to have been a post-1914 water right holder, the fishery curtailment lifted but your general water availability style curtailment had remained in place.

And so if you were a category of right holder such as riparian, who wasn't subject to a secondary curtailment then, yes, you could go ahead and start using for your agricultural purposes.

So because the curtailments stack on each other -they're different types of curtailments. There's, you
know, as I've explained before, water right condition like
Term 91 curtailments, water availability, general type
curtailments and fish curtailments.

```
1
          So if you're still subject to any of the
 2
    curtailments, then you're subject to a curtailment. But
 3
    it was good news for some users. So that's my bright spot
 4
    for the day.
 5
           BOARD MEMBER DORENE D'AMANO: Could you scroll back?
 6
          So Deer, Antelope, Mill? I didn't see --
 7
           KATHY MROWKA: Mill was subject to prior agreement,
 8
    so we didn't do the curtailment.
 9
           BOARD MEMBER DORENE D'AMANO: And then how about
10
    other watersheds like the Russian? Isn't there a notice
11
    of potential curtailment that went out?
12
           KATHY MROWKA: On the Russian River we are working
13
    on the tributaries for the fishery issues, so, yes, we
1.4
   provided notice regarding that.
15
           This is the -- on our web page previously you had to
    go to your specific watershed, click on it and go through
16
17
    iterations to find out information. So this will -- this
18
    summary is just intended to tell you if you have a
19
   curtailment in place.
20
          And because Russian is coming before the Board for
21
    action tomorrow, I don't have a curtailment in place. The
22
   minute we have one in place, it will go on the summary
23
   sheet here.
24
          BOARD MEMBER DORENE D'AMANO: Oh, right.
25
   actually you're not even -- staff isn't even proposing a
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1
    that we've been watching with data on what flows trigger
 2
    curtailment and how close we are.
 3
          And so we're very carefully watching those
 4
    watersheds.
 5
           BOARD MEMBER DORENE D'AMANO: That's helpful.
 6
    you.
 7
           KATHY MROWKA: You're welcome.
 8
          And then I did want to report back to you as to, you
   know, how is our response rate on the curtailment issue?
 9
10
   We are too early yet to have the pre-'14 response rate.
11
   We issued last Friday and they have seven days to respond
12
   to us and file their curtailment certification form.
1.3
    I can report on the post 1914s.
           And so on the post 1914s, if you look at Sacramento,
14
    San Joaquin and Delta combined, we're at an overall
15
16
   response rate of 31 percent. That breaks down to
17
   Sacramento River watershed and Delta, we have about a
18
    35 percent response rate. And San Joaquin, it's
19
   22 percent response rate.
20
           So overall what this means is if you're looking at
21
   the total estimated water demand represented by those
22
   responders -- not the nonresponders, responders -- from
23
   start of curtailment in May through September, that's
   7.3 million acre-foot. Represented by the responders.
24
25
           If you were to look at a whole calendar year, it's
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19.6 million acre-foot. But that's less representative.
 1
 2
    We can't tell you what date we'll lift the curtailment.
    So the 7.3 million acre-foot gives you a general picture
 3
 4
    for the summer months.
 5
           CHAIR FELICIA MARCUS: But what -- what percentage
 6
    is that of the total?
 7
           KATHY MROWKA: Of the total demand overall
    throughout the watersheds, I don't have that in front of
 9
    me.
10
           CHAIR FELICIA MARCUS: No. I know that's a big
11
    number --
12
         KATHY MROWKA: Yes.
13
          CHAIR FELICIA MARCUS: -- but it doesn't help us
14
    understand.
15
          So I thought we were trying to -- help me understand
16
    this 31 percent. Does the 31 percent cover 90-something
17
   percent of the water or is it closer to 30 percent of the
18
   water?
19
           KATHY MROWKA: I don't have that in front of me.
20
    It's 7.3 million acre-foot of the water. So it's very
21
    significant. Because that indicates to me that we had a
22
   large -- a lot of large responders, large size.
23
           CHAIR FELICIA MARCUS: Right. Actually, I think we
   need those stats to understand --
24
25
         KATHY MROWKA: Happy to do it.
```

```
1
          CHAIR FELICIA MARCUS: -- what we need on water
 2
    enforcement
 3
          KATHY MROWKA: Happy to do them for you. Yes.
 4
          My staff unfortunately last week was incredibly busy
 5
    on the curtailment. I have the one modeler running
    everything for me. How could he? For the San Joaquin and
 6
 7
    Sacramento.
 8
           CHAIR FELICIA MARCUS: Right. But the key is to let
    us know what you need in that situation to be able to do
 9
10
    it just for people's confidence. If all you put out is
11
    that number, it's alarming.
12
           KATHY MROWKA: Yeah, it is alarming.
13
           CHAIR FELICIA MARCUS: It would suggest you've got
14
    -- I know you're going to do all kind of inspections, but
    you want to prioritize them so you're not spending time on
15
16
    the one-acre-foot person.
17
          So those are stats that are actually very important
    to have any meaning to us, whether we should be alarmed or
18
19
    whether this actually covers, you know, the lion -- by far
20
    the lion's share.
21
           KATHY MROWKA: You bet ya. And we'll get that for
22
    you.
23
           Okay. And then I wanted to talk briefly about how
    it's going on our inspection effort.
24
25
          Okay. So this year we got additional authorities
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So anyway, what we're doing right now is we do -staff has expressed some concerns regarding this. They're
worried about some safety issues, so we're testing three
methods of inspection right now, and we're going to get
some statistics together on that.

So our traditional method is we phone people to prearrange inspections.

We have a second traditional method where we drop them a letter and say we're going to be in your neighborhood, we're going to go and, you know, inspect your property on so and so date unless you call to schedule a different date.

And then we have the inspection authority, or our knock knock authority.

So we're running a brief test to see how all those stack up with one another. While we're running the tests we're doing a lot of phone calling to prearrange inspections.

What we want to find out, part of this is, you know, how often we'll be -- will we have a meaningful contact from the unannounced inspection, how often would there be no one home or no ability to gather information based on

```
1
    trying just starting with a letter also to get statistics
 2
    on what works.
 3
           CHAIR FELICIA MARCUS: I presume -- we had a
    conversation about this last year. Prioritizing those who
 5
    have not responded at all, and then you'll be also doing
 6
    geographical spot checks on folks who have responded --
          KATHY MROWKA:
                         Right.
           CHAIR FELICIA MARCUS: -- targeting the larger water
    rights holders versus the teeny guys.
10
          KATHY MROWKA: Yeah. We have a certain target level
11
    that we're going down to in the different watersheds.
12
           BOARD MEMBER DORENE D'AMANO: I want to understand,
13
    though. Your question, I thought, was if somebody hadn't
14
    responded, are they automatically receiving --
15
    automatically are they receiving a letter?
16
          KATHY MROWKA: We are scheduling our inspections --
17
    prioritizing first by had not responded and then how many
    inspectors we have available to launch out in the field.
18
19
    Because now at this point we're getting most of them
20
    trained up.
21
           BOARD MEMBER DORENE D'AMANO: But I quess, yeah.
22
    The issue is --
23
           CHAIR FELICIA MARCUS: Why not just send a second
24
   letter?
25
           BOARD MEMBER DORENE D'AMANO: A second letter, yeah.
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But it just reminds me of somebody not paying their
 2
    utility bill or someone not paying their credit card bill.
    Sometimes you can make a mistake the first round. You
 3
 4
    should know, but maybe a second letter with a -- in red,
 5
    "You have not responded."
 6
           CHAIR FELICIA MARCUS: We really mean it.
 7
           BOARD MEMBER DORENE D'AMANO: Right. You're subject
 8
    to inspection authority.
           KATHY MROWKA: Right. And our letter basically
 9
10
    tells them that, you know, if we don't get response, we
11
    may seek warrant.
12
          So, you know, the follow-up to nonresponse is that
13
    it gets a little more racheted up. So we are doing
   recontacts for nonresponse. Because, you know there's a
14
15
    lot of parties don't want to return our phone calls. We
16
   have a poor rate of return on the phone calls, so we do
17
   follow up.
18
          BARBARA EVOY: Barbara Evoy, Division of Water
19
   Rights.
20
          We certainly can send a follow-up letter that's --
21
   we have thousands of people we have contacted, and mailing
22
   is always a difficult thing to compare against the data
23
   base. But that isn't going to be difficult to --
24
          CHAIR FELICIA MARCUS: Easier than making phone
25
   calls.
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BARBARA EVOY: Right. So we can certainly do that.
 1
    We had hoped, of course, that since it was such an easy
 2
 3
    process to check the boxes, say you've curtailed, that
    people would do that rather quickly and send it in. And,
 5
    you know, but we certainly can send another letter.
 6
           KATHY MROWKA: And that basically kind of in a
 7
    nutshell is where we're at right now.
 8
          Just to let you know, we have been training our
    staff on how to conduct inspections. Every two weeks we
    were bringing in more staff because all the Department of
10
11
   Water Resources staff is deployed now and trained, is my
12
    understanding. We had inter-divisional like loaned
13
    resources that we have been taking out in the field.
14
          So our program we began in early May with just a few
15
    deployments and now we're looking very good on our
16
    deployment rate.
17
           BOARD MEMBER DORENE D'AMANO: How many people do
    you -- roughly do you expect to have in the field once
18
19
    everyone's trained?
20
           KATHY MROWKA: Let's see. Eight Department of Water
21
   Resources staff and 21 others I do believe for the
22
   curtailment portion of the effort.
23
         Part of our drought effort has to center around
24
   complaints also. Last year we did experience a tripling
25
   of complaints. One of my field units handles just
```

complaints. They have to share some of those with some of the other staff, too, because the volume is very high.

CARON TRGOVCICH: Chair Marcus, before we move on, if I could just give a brief conservation update?

I want to make sure that everyone's aware that we did post up on our website last week -- or I believe it was last week -- the updated tiers. So the list of water suppliers considered to be urban water suppliers subject to the tiered conservation standard. We posted up the revised list, which reflected all of the changes in residential gallons per capita per day that were submitted by water -- by urban water suppliers over the last month.

We gave them until May 31 to submit any changes along with documentation that provides the substantiation behind the claim and the change. We reviewed all of that information.

And so what is now posted on our website reflects the tiers for the remainder or the duration of the emergency regulation.

CHAIR FELICIA MARCUS: Yesterday was the deadline for folks turning in their May numbers, correct?

CAREN TRGOVCICH: Correct. It would have been the deadline for the May numbers, and we'll be presenting those at the first July Board meeting.

We are going to -- since June is the first full

```
month of implementation under the new emergency
 1
 2
    regulation, we are going to do our best to accelerate our
 3
    review of the June figures when they come in mid-July. I
    know there will be a lot of interest in that information.
 5
           VICE-CHAIR FRANCES SPIVY-WEBER: Well, early, early
 6
    the -- of course, people who have good numbers are
   bragging early.
 8
          CHAIR FELICIA MARCUS: And the first numbers were
9
   not
10
         VICE-CHAIR FRANCES SPIVY-WEBER: But there are some
11
   braggable numbers
12
         CAREN TRGOVCICH: Yeah. There are some fabulous
13
    efforts going on out there. I believe I saw that Fresno
14
   has really implemented and made some incredible strides,
15
    and they are even beyond their conservation standard at
16
    this point. So it can be done.
17
           CHAIR FELICIA MARCUS: Right. And you'll be seeing
18
    it in the Santa Clara Valley as their target is nearly
19
   twice ours for some of their users because they're trying
20
   to hit groundwater.
21
          Can we in the presentation the beginning of next
22
   month, do you mind asking the team to really highlight a
23
   bunch of those efforts? Not just putting names, bullets,
   but actually some stories about how they did it to paint a
24
   picture?
25
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1
          CAREN TRGOVCICH: We'll certainly do our best.
 2
    We're just wrapping up now as well all of the requests for
 3
    placement into the four percent tier, if you'll recall.
    So they've got a lot of ongoing work.
 5
          But we will. If you're aware of any stories, if you
 6
    can pass them on to us, if anyone's listening that would
    be like to be highlighted, feel free to forward us
 8
    information. But we'll certainly pull a list together.
 9
          CHAIR FELICIA MARCUS: We can pull a list. And, you
10
    know, if there are more than a few of them -- and you
11
    could even have a panel of a few of them what, where and
    why, and that might be educational for the folks that are
12
13
    having more challenges in turning their battleships.
14
           CAREN TRGOVCICH: And then just a reminder that the
15
    rate and pricing structure workshop is on the 8th
16
          CHAIR FELICIA MARCUS: Oh?
                                      I thought it was the
17
          The 8th? I'm sorry. I've been telling everybody
18
    the 7th.
             I'll have to remember who I told. I feel like
19
    Mel Brooks.
                 I'll have to write them a note.
20
           VICE-CHAIR FRANCES SPIVY-WEBER: I think we were
21
    voting on something today that we're not. You know.
           CHAIR FELICIA MARCUS: Well, there's so much going
22
23
    on but -- all right. Yeah. All right. Well, that's
24
    great. I appreciate that.
25
          Also I hope folks saw a very nice op ed by John
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1.6

I'm hoping that we're working with saveourwater.com given -- for the summer to really focus given that it's so key to get our major conservation gains now. So we really need to be doubling down on publicity.

Are we doing a coordinated thing with them?

CAREN TRGOVCICH: We are coordinating with them through the Governor's office, and the focus this summer is really going to be on the areas that have a ways to go. So that's a lot of our Central Valley communities.

So there's a limited amount of funding. There's additional funding but it is limited and they're looking to make that really count in the areas that have the greatest gains to be made.

I'd also like to report that we had some really excellent meetings with the Spanish television stations, with Univision and Telemundo, and they are very active within the Hispanic communities and they've reached out to us and we're working together to try to be able to move the message out in more ways.

CHAIR FELICIA MARCUS: Yeah, when I was down in LA doing something with the mayor's office, someone from -- one of the anchors from Univision was there. And

extent that we see something that is of interest or seems

25

to be different than what we were expecting.

So we're -- we're in that verification process. But very significant efforts going on in the Delta which are having the effect of significantly reducing demands on the system.

BOARD MEMBER STEVEN MOORE: Your efforts earlier this year to engender a response rate for the information order were very remarkable. 97 percent response.

How is the response rate going with the applications to participate in the voluntary riparian reductions of diversions?

MICHAEL GEORGE: It's impossible to give you a percentage because we know how many applications we've got, but each application may have many statements of diversion and use and many parcels. So that's why the cataloging is taking longer than frankly we had anticipated.

It appears to me, though, that we've got a very substantial majority of all the riparian lands in the central and south Delta where the program was targeted. We're getting a high response rate of -- actually in setting up some of these inspections, we've got people who are eager to have us out there to see what's going on. And, in fact, in response to one of the requests that I made for a meeting on Thursday, we got neighbors calling

Control Control Control Control

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and saying well, while you're out there come and see us.
 1
 2
    So we're going to try and do that as well.
 3
          CAREN TRGOVCICH: Knock knock turns into show and
    tell.
 5
          MICHAEL GEORGE: Exactly. People are proud of what
 6
    they're doing and they want the story to get out that the
    Delta is not just business as usual.
 7
 8
          Thank you.
 9
10
                             --000--
11
12
           (Whereupon, end of transcribed portion)
13
14
15
16
17
18
19
20
21
22
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24
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2		
3	State of California)) SS.	
4	County of Sacramento)	
,,5		
6	I certify that the statements in the foregoing	
7	hearing were transcribed in the within entitled cause by	
8	audio; that said hearing was taken at the time and place	
9	therein named; that the testimony of said witnesses was	
10	reported by me, a duly Certified Shorthand Reporter of the	
11	State of California authorized to administer oaths and	
12	affirmations, and said testimony was thereafter	
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14	I further certify that I am not of counsel or	
15	attorney for either or any of the parties to said hearing,	
16	nor in any way interested in the outcome of the matter	
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18	In witness whereof, I have hereunto set my hand this	
19	30th day of August, 2015.	
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24

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