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STATE WATER RESOURCES
CONTROL BOARD

2003 JUN 27 AM 11: 28

DIV. OF WATER RIGHTS
SACRAMENTO

6 Attorneys for Protestants Central Delta Water Agency,
7 and R. C. Farms, Inc. (hereinafter Central Delta
Parties)

9 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

11 In re the matter of:

12 PETITIONS FOR LONG TERM TRANSFER)
13 INVOLVING A CHANGE IN THE PLACE)
AND PURPOSE OF USE OF LICENSES)
14 2685, 6047 AND 11395 (APPLICATIONS)
1224, 10572 AND 16186) OF MERCED IRRI-)
15 GATION DISTRICT AND LICENSES 5417)
AND 11058 (APPLICATIONS 1233 AND)
16 14127) OF MODESTO AND TURLOCK IR-)
RIGATION DISTRICTS)

**CENTRAL DELTA PARTIES
CLOSING BRIEF**

18 **Background**

19 The Central Delta Water Agency encompasses approximately 120,000 acres in the San
20 Joaquin County portion of the Delta. The location is shown on CDWA 5. The primary use of the
21 lands within the Central Delta Water Agency is agricultural. The area includes a number of major
22 marinas and other recreational facilities and some urban development. There are also a number of
23 areas devoted to wildlife habitat. As related to this proceeding, the CDWA concern is the mainte-
24 nance of adequate water quality in the waterways within the agency. Aside from the effects of the
25 drawdown of the massive SWP and CVP export pumps and other operational features, the water-
26 ways within the agency would always contain an adequate supply of water. The Delta contains a
27 pool of water fed by river flow and ocean water via the bays. Absent fresh water from river flow,
28

1 the Delta pool would with each tidal cycle become more brackish ultimately matching that of the
2 bay.

3 Although the Sacramento River system is the greatest contributor of fresh water to the
4 Delta, the San Joaquin River system provides an important contribution. Currently the San
5 Joaquin River contribution is high in salts and detrimental to water quality. Under natural condi-
6 tions, the water from the San Joaquin River system would enter the Central Delta by way of the
7 main stem of the San Joaquin River, Old River and Middle River. Under current conditions when
8 the Head of Old River Barrier (HORB) is installed, almost all of the San Joaquin River water
9 enters the Central Delta at a point just west of Stockton by way of the main stem of the San
10 Joaquin River. During some periods when the export pumps are running and the HORB is not
11 installed, reverse flows occur and the flow of water is from the Central Delta upstream in the main
12 stem of the San Joaquin River to the head of Old River and thence to the export pumps. Without
13 any barriers the flow of the San Joaquin River enters partially by way of the main stem and par-
14 tially by way of Middle River.

15 As the SWRCB correctly found and expressed in D-1641 at page 83:

16 “Based on the above discussion, the SWRCB finds that the actions of the
17 CVP are the principal cause of the salinity concentrations exceeding the objectives
18 at Vernalis. The salinity problem at Vernalis is the result of saline discharges to the
19 river, principally from irrigated agriculture, combined with low flows in the river
20 due to upstream water development. The source of much of the saline discharge to
21 the San Joaquin River is from lands on the west side of the San Joaquin Valley
22 which are irrigated with water provided from the Delta by the CVP, primarily
through the Delta-Mendota Canal and the San Luis Unit. The capacity of the lower
San Joaquin River to assimilate the agricultural drainage has been significantly
reduced through the diversion of high quality flows from the upper San Joaquin
River by the CVP at Friant. The USBR, through its activities associated with oper-
ating the CVP in the San Joaquin River basin, is responsible for significant deterio-
ration of water quality in the southern Delta.”

23 The FEIR for Implementation of the 1995 Bay/Delta Water Quality Control Plan, (Novem-
24 ber 1999) which was approved by the SWRCB, at page VIII-11 provided:

25 “The increase in the salt load and concentration at Vernalis from the 1930s
26 through the 1960s are documented in a 1980 report prepared jointly by the USBR
27 and South Delta Water Agency (USBR 1980). More recent increases in the salt
28 load at Vernalis are illustrated in Table VIII-2. This table shows that April through
August salt load in the 1980s was 62 percent higher than the load in the 1960s, and
the corresponding annual load increase was 38 percent. This load increase, coupled
with reduced flows due to water development, has reduced the quality of water

1 available to water users diverting water from the lower San Joaquin River and the
2 southern Delta. Salinity conditions at Vernalis for water years 1986 through 1995
3 are illustrated in Figure VIII-8. During this period, the USBR made releases of
4 dilution water from New Melones Reservoir to meet a year-round water quality
5 objective of 500 ppm TDS (approximately 800 mmhos/cm), as required by D-1422.
6 This objective was often exceeded because of insufficient water in New Melones
7 Reservoir to provide adequate dilution flows. The objectives adopted in the 1995
8 Bay/Delta Plan are also plotted in Figure VIII-8, and the percent of days these
9 objectives would have been exceeded if they had been in effect in water years 1986
10 through 1995 is illustrated in Figure VIII-9. These plots show that additional control
11 measures will be needed to ensure compliance with Vernalis water quality
12 objectives, especially during the irrigation season.

13 The problem of increasing salt loads and concentration at Vernalis will
14 worsen in the future unless some action is taken because the rate of accretion of salt
15 in the basin exceeds the rate of excretion. The difference in these rates between
16 1950 and 1989 averaged approximately 446,000 tons per year and totaled
17 18,621,000 tons (Orlob 1991).”

18 The concern continues to be that using water from the watersheds tributary to the San
19 Joaquin River to increase river flow for fish in the spring and fall is reducing dilution flows during
20 critical irrigation months and depleting reservoir storage to the point that serious water quality
21 impacts to downstream areas will continue and likely increase in frequency and severity. As
22 surface water supplies to upstream areas are diminished, groundwater extractions and river losses
23 will increase and accretions and return flows to the rivers will decrease. Reduced irrigation season
24 water quality and even violations of the Vernalis Salinity Standards will result.

25 In the Delta where water tables are high, it is difficult to adequately leach salts so as to
26 maintain a proper salt balance in the root zone. The quality of the applied water is critical. Artificial
27 leaching is economically infeasible for all but a few specialty crops now grown in the Delta.
28 Because of limited demand, specialty crop acreage cannot be significantly increased.

29 In D-1641 the SWRCB at pages 38 and 39 made the following findings:

30 “If the SJRGA substitutes groundwater for surface water in an area such as
31 the Merced area where the groundwater and surface water are interconnected, and
32 groundwater affects stream flow, the use of the surface water elsewhere will in
33 effect borrow local groundwater supplies against future stream flow and/or storage
34 in the groundwater basin. In the Merced ID service area, the groundwater with-
35 drawals could lessen groundwater accretions to the surface streams, exacerbate
36 overdraft, or both. If reductions in accretions reduce the flow in the San Joaquin
37 River, downstream water users could receive less water. Additionally, as discussed
38 below, continuing overdrafts of groundwater may not be in the public interest.

39 “In most of the Merced Groundwater Basin, the groundwater basin contrib-
40 utes water to the Merced River. The rate of discharge of groundwater into the river

1 is controlled by the hydraulic gradient from the aquifer to the river. As discussed
2 above, an estimated 74 taf of additional groundwater pumping could occur during a
3 1976-77 level drought as a result of the petitioned changes. This represents a 13
4 percent increase in the average annual groundwater pumping from the groundwater
5 basin. (SJRG 109, p. 3; SJRG 109B, p. 5-2.) Although no evidence was sub-
6 mitted to show how this additional pumping would affect the hydraulic gradient,
7 there is a potential for this increase in groundwater pumping to reduce the flow in
8 the Merced River.

9 "Any immediate effects of additional groundwater pumping on flow in the
10 Merced River could be minimized by pumping at a distance from the river, and, if
11 possible, from geologic units in poor hydraulic connection with the river. However,
12 it is possible that a decrease in Merced River flow due to groundwater pumping
13 caused by the proposed change could occur at a time when surface flows are less
14 than downstream demands and Delta requirements. Such a decrease could reduce
15 downstream flows for other legal users of water during periods when flows other-
16 wise would be adequate for downstream uses.

17 "Potential impacts from groundwater pumping could be avoided through
18 "in-lieu recharge and conjunctive use programs whereby surface water in the
19 amount needed to make up for the SJRA contributions is subsequently provided to
20 water users whose normal supply is groundwater. Another approach would be
21 direct recharge of surface water into the basin through spreading grounds or well
22 injection. These actions could prevent any reductions in accretions to the Merced
23 River due to groundwater pumping by stabilizing water levels in the basin, and
24 thus, the hydraulic gradient toward the river.

25 "Likewise, groundwater substitution in the Merced Groundwater Basin
26 would not be in the public interest if the pumping exacerbates overdraft conditions
27 in the basin. The use of groundwater to replace surface water supplies released
28 under the SJRA would be appropriate if conducted with an in-lieu recharge or
actual recharge program to balance the additional groundwater pumping. Alternat-
ively, it would be reasonable if Merced ID has a groundwater management plan
under Water Code section 10750, et seq. and/or a conjunctive use program. Ac-
cordingly, this decision requires that if groundwater substitution from the Merced
Groundwater Basin is undertaken as a result of the petitioned changes, measures
such as in-lieu recharge or actual recharge must be undertaken to prevent exacerba-
tion of overdraft conditions." (Emphasis added.)

At pages 39 and 40, of D-1641 the SWRCB also found:

"Merced ID, TID, and MID propose to release water from the reser-
voirs under the SJRA. If stored water is released or inflow is bypassed, the reser-
voir could be filled or refilled later in the season, reducing downstream flows at a
time of year when downstream users might be deprived of flow. (SJRG 107, pp.
1-2; SJRG 108, p.1.) The petitioned changes potentially could affect the timing
of return flows derived from direct diversions by changing the timing of releases of
water that otherwise would be stored in upstream reservoirs and released for power
generation in the late summer."

The proposed transfer will add 47,000 acre feet of water to the 110,000 acre feet approved
in D-1641 and add to the significant quantities involved in a number of other transfers, thereby
exacerbating the already recognized problems and risks. Attached to CDWA-2 as Exhibit A is a
copy of Table 14-2, pages 14-14 and 14-15 of the Final SEIS/EIR which reflects other transfers in

1 the project area and vicinity.

2 R.C. Farms, Inc. is the owner of land riparian to the San Joaquin River on Lower Roberts
3 Island downstream of the confluence with Old River and upstream from the confluence with
4 Middle River (See Map CDWA Exhibit 4, Exhibit A.). Said land is within the Central Delta
5 Water Agency. The land currently abuts the San Joaquin River and the chain of title (CDWA
6 Exhibit 6) proves that the parcel has never been severed from the San Joaquin River.

7 As an owner of said riparian lands, R.C. Farms, Inc. is entitled to divert waters from the
8 San Joaquin River for reasonable beneficial uses upon those lands. R.C. Farms, Inc. and its
9 predecessors in interest have so used said waters for irrigation at various times of the year and in
10 various quantities for a period extending back to the late 1800's.

11 The months of special concern for R.C. Farms, Inc. on the San Joaquin River are April
12 through August, the peak irrigation months, and water quality is of great concern to R.C. Farms,
13 Inc. because it impacts the crops that R.C. Farms, Inc. grows.

14 Salt in the irrigation water adds to the salt in the soil and soil water. When the concentra-
15 tion of salts in the root zone of growing plants reaches a high enough level the plants suffer and in
16 some cases die. Because of different soil and drainage conditions in the fields the salt problem
17 varies. Some of the fields have areas which are already high in salts. Adding additional salt will
18 increase the salt accumulation in the soil and damage the crops. There is also a problem at the
19 time of seed germination if there is too much salt. The adverse effects of the salt on the crops is
20 visually apparent.

21 Except for approximately 28 acres in the northwest corner of the property the fields are
22 planted to asparagus which is about 8 years old and will be likely plowed out within three (3)
23 years. Current plans are to plant the fields into field corn or wheat following the removal of the
24 asparagus.

25 Because the surface of the land is substantially below the water level in the San Joaquin
26 River which abuts the property the fields are constantly receiving water which "seeps" from the
27 river. The water table is held below the ground surface by way of drainage ditches from which the
28 excess water flows into the Reclamation District 684 canals and then is pumped back into the

1 Delta.

2 Annually the asparagus fields are flooded in the months of November and December with
3 water from the San Joaquin River. The customary practice of winter flooding is intended to
4 facilitate the leaching or driving down of the salts. When the fields are planted to field corn water
5 is applied to the portions of the fields farthest away from the river starting in June or July and
6 continuing on about ten day intervals into late August or September and then the fields are flooded
7 in November and December. The portions of the fields near the river receive sufficient
8 subirrigation from seepage, such that no water is applied except for winter flooding in November
9 and December.

10 The customary practices are no longer sufficient to control the salt buildup in the problem
11 areas of the fields. Artificial leaching such as is customary for potatoes is costly and economically
12 infeasible for the asparagus and field corn crops.

13 **Injury to Legal Users and Not in the Public Interest**

14 The injurious impact of salinity on crops is common knowledge. The testimony of Kurt
15 Sharp (CDWA Exhibit 4) as well as that of Rudy Mussi (CDWA Exhibit 5) show significant
16 salinity problems already exist on their farms and increased salinity in the waters of the San
17 Joaquin River and Middle River will worsen the problems. Legal user status for both of the farms
18 is demonstrated through CDWA Exhibits 4, 5, 6 and 7.

19 The SWRCB has found that the agricultural beneficial use objectives for Vernalis in the
20 1995 Bay/Delta plan had they been in effect in water years 1986 through 1995 would have been
21 exceeded 62% of the days during the time that the .7 EC is in effect and 16% of the days during
22 the time the 1.0 EC is in effect. (See Figure VIII-9 of the November 1999 FEIR for Implementa-
23 tion of the 1995 Bay/Delta Water Quality Control Plan.) The SWRCB also found that the problem
24 of increasing salt loads and concentration at Vernalis will worsen in the future unless some action
25 is taken because the rate of accretion of salt in the basin exceeds the rate of excretion. (See Page
26 VIII-11 of the November 1999 FEIR For Implementation of the 1995 Bay/Delta Water Quality
27 Control Plan.)

28 The action taken by the SWRCB in D-1641 was essentially to assign such responsibility to

1 the USBR.

2 The proposed transfer and the previously approved San Joaquin River Agreement transfers
3 are based on the so-called USBR interim operation plan for New Melones (NMIOP) which does
4 not provide for meeting the Vernalis Salinity Standard. Pages 244 through 249 of Appendix A to
5 the Final SEIS/EIR for Acquisition of Additional Water for Meeting the San Joaquin River Agree-
6 ment Flow Objectives 2001-2010 dated March 13, 2001 reflect the modeling results showing the
7 months of expected non-compliance. The Final SEIS/EIR at pages 4-19 and 4-20 reflects that the
8 proposed transfer will adversely impact compliance with the water quality objectives at Vernalis in
9 a month like July 1985 for the Tuolumne River alternative and in a month like August 1973 for the
10 Merced River alternative.

11 Aggravating non-compliance with the Vernalis Salinity Standard unreasonably impacts all
12 downstream uses and increases the injury to downstream agricultural water users in the Delta
13 including without limitation R.C. Farms, Inc. and Rudy Mussi.

14 In addition to the resulting increase in expected non-compliance with the Vernalis Salinity
15 standard are the increases in salinity levels which do not result in violation of the standards.

16 The applicants' own witness Daniel Steiner confirmed reduction of flows from the east
17 side including the proposed 47,000 acre feet transfer will result in higher salt concentrations at
18 Vernalis both within the standards and in violation of the standards. (See RT 76 and 77.) He also
19 confirmed that his analysis was based on the USBR operating New Melones in accordance with
20 the New Melones IOP which does not meet the D-1641 water quality standards and that the pro-
21 posed 47,000 acre feet transfer would aggravate the situation if the standards were not being met.
22 (See RT 78, 79, 80 and 81.) Mr. Steiner concluded as follows:

23 "As a matter of conclusion, observing and running these studies regarding
24 the Bureau of Reclamation's operation on the Stanislaus, given that the IOP itself in
25 terms of allocations, everyone did not get what they wanted and that the system
26 does not meet everyone's objectives all the time, then I would conclude that the
27 system as currently configured and operated is not adequate to meet everybody's
28 and everything's needs on the San Joaquin River." (RT 80.)

27 During the D-1641 proceedings, the CDWA requested that the SWRCB require that the
28 USBR submit a plan showing how they intend to meet the Vernalis salinity and other standards on

1 the San Joaquin River so that the impacts of such a plan could be analyzed. The request was
2 denied.

3 The contention of the SWRCB was that the USBR has committed and is required to meet
4 the standard however they choose.

5 CDWA Exhibit 2, Exhibit C is a copy of an October 28, 2002, letter from Kirk C. Rodgers,
6 Regional Director of the USBR, to Chairman Arthur Baggett regarding compliance with the
7 Vernalis Flow Objective in February and March 2002. The letter clearly reflects a softening of the
8 resolve of the USBR to meet what the SWRCB assumed to be the USBR's firm commitment.

9 The USBR's own modeling as presented in the D-1641 proceedings reflected the expected
10 non-compliance based on the NMIOP and SJRA and it is not some unexpected hydrologic condi-
11 tion that precludes compliance.

12 The NMIOP is one of the basic assumptions for all of the environmental analysis support-
13 ing the SJRA transfers and the transfers proposed herein. It is apparent that NMIOP is not an
14 appropriate baseline assumption for your consideration of the proposed transfers.

15 Without a plan from the USBR showing how they intend to comply with the San Joaquin
16 River flow and water quality standards, a proper analysis of the impacts of the proposed transfers
17 cannot be made and proper protection of the public interest and downstream users is impossible.

18 Due to the complex inter-relationship of the surface and groundwater in the tributary
19 watersheds, any transfer of water which is not based on a real reduction in consumptive use or real
20 additional yield developed from truly surplus flows will adversely impact another user or use.

21 The proposed transfers like those of the SJRA are obviously driven by profiteering on the
22 water belonging to the people of the State of California. Profiteering creates a strong incentive for
23 those profiting to sacrifice the interest of others, including the public, for the sake of increased
24 profits.

25 Such profiteering from public entities is prohibited by Water Code sections 1392 and 1629
26 which are included as conditions in the subject permits and licenses. The legislature's desire to
27 encourage transfers does not require that profiteering be sanctioned. No person is entitled to hold
28 water not being put to beneficial use. The transfer process allows a bypass of the normal appropri-

1 ation process and allows the transferring party to retain the primary right and priority for future
2 use. Recovery of an amount equal to the fees paid to the State for the original appropriation in
3 many cases will provide significant additional consideration.

4 Article 10 section 2 of the California Constitution requires that water be put to reasonable
5 beneficial use. It is patently unreasonable to use high quality tributary water to provide springtime
6 fish flows at Vernalis (particularly a "double step") or simply to conduct an experiment when
7 water is in short supply, and when compliance with water quality standards is jeopardized, and,
8 when area of origin users in eastern San Joaquin County are short of water.

9 In most years water quality at Vernalis is not a problem in April and May. In these years
10 poorer quality water from the west side of the San Joaquin Valley or San Luis Reservoir or by way
11 of recirculation could be used for the pulse flow. To the extent that experiments are needed to
12 collect data showing the relationship between fish survival, river flow and export pumping the
13 experiments can easily be designed to fit the naturally available flow by simply adjusting the
14 export pumping rates. The so-called double step which is not required by the 1995 Water Quality
15 Control Plan but rather is a part of the SJRA is particularly unreasonable. The double step does
16 not mirror what would have occurred naturally. It simply creates a pulse of unusually high river
17 flow which does not fit the precipitation for the period in question. The applicants' fishery expert,
18 Dr. Hanson, confirmed that generally the "double step" condition occurs in years when there have
19 been good flows and that it is unlikely that there would be a critical need for water for fish in such
20 a year. (RT 74.) He also confirmed that water needs for fish are more critical in minimum flow
21 years than in "double step" years. (RT 74.)

22 The proposed transfers will further deplete the water supply available to meet minimum
23 water quality and stream flows needed for fish and wildlife and other uses in the future years
24 particularly in the last years of a six or seven year drought. Figures 4-1, 4-2, 4-3 and 4-4 of the
25 Final SEIS/EIR show significant depletions in carryover storage in Don Pedro Reservoir and Lake
26 McClure which extend for as much as 6 to 8 years. The analysis put forth by applicant assumed a
27 reoccurrence of hydrology in the same sequence as in the past and does not reflect the impact of a
28 series of dry years occurring after a year or series of years of high depletion in carryover storage.

1 The USBR has already failed to meet the minimum fish flow requirements and the choice of using
2 water for a "double step" rather than maintaining carryover storage for minimum flow in a future
3 year is at issue. Given the failure to demonstrate and assure that minimum water quality and
4 stream flow requirements will be met in the future, the proposed transfers are unreasonable and not
5 in the public interest.

6 A review of Table 14-2, pages 14-14 and 14-15, of the Final SEIS/EIR reflects hundreds of
7 thousands of acre feet of water transferred by the applicants herein. Given that the water to be
8 provided for the proposed transfer is not limited to water resulting from a reduction in consump-
9 tive use or development of new yield, the applicants are being allowed to "have their cake and eat
10 it too." If water is not currently being beneficially used, it is available for appropriation. It is
11 surely not in the public interest to allow public dollars to be used to acquire water which would
12 otherwise be available for appropriation without the need for such payment. How can the payment
13 of public dollars for bypass of what would otherwise be natural flow be in the public interest?
14 (See RT 201 and 202.) If the water is not required by the applicants for beneficial use, then they
15 have no right to store the water. Some of the transferred water is provided by simply shifting the
16 flow from summer when it is needed most to the "double step" in April and May. The public
17 interest is not well served by paying to shift the water and then paying to replace the shifted water.

18 The SWRCB should as a part of determining whether the proposed transfer is in the
19 "public interest" review the obvious potential violations of the terms and conditions of the subject
20 permits and licenses of the applicant. Water Code section 1825 directs the SWRCB's vigorous
21 enforcement of such terms and conditions including those relating to Water Code sections 1392
22 and 1629.

23 1) During April and May of "double-step" years, Central Delta Parties do not contend
24 that there are adverse impacts to the Central Delta Parties.

25 2) Applicants have admitted that during July, August, and September of at least some
26 of the "double-step" years, dilution flows into the San Joaquin River will be reduced. (See RT 198
27 and 201.) Applicants contend such are limited to so-called pre-flood releases. Due to the total
28 disregard of the limitations of D-1641 as to refill the likelihood of such a reduction in other situa-

1 tions is apparent. (See RT 211.)

2 Due to the reduction of carryover storage and the increased demand on the already insuffi-
3 cient supply available from New Melones, there will be additional resulting increased salinity
4 concentrations in peak irrigation months during years other than the "double-step" years. The
5 Final SEIS/EIR at pages 4-19 and 4-20 identified two such instances. Due to the fact that the
6 analysis was based on the assumption that the New Melones IOP would be implemented, the
7 actual result cannot be reasonably estimated. It is undisputed that the New Melones IOP would
8 not result in the D-1641 standards being met and further the USBR has retreated from its commit-
9 ment to meet the standards.

10 3. When tributary flows are reduced, the salinity concentration of the San Joaquin
11 River flow entering the Delta is increased and in turn the salinity of the water in the Delta is
12 increased. When the Delta water seeps into or is applied to the lands of protestants, crop damage
13 results. This problem is more acute when the tributary flow is reduced during the principal irriga-
14 tion months.

15 4. The Central Delta Parties contend that given the insufficient supply of water in the
16 San Joaquin River System any use of water for the "double step" is unreasonable and not in the
17 public interest. Putting aside such contention the harm to Central Delta Parties can be reduced by
18 limiting the transfer to the quantity of surface water saved from the reduction of consumptive use
19 by fallowing agricultural land and requiring that unconsumed water which would have percolated
20 into the groundwater or otherwise returned to the system is provided in a manner comparable to
21 that which would have occurred absent the transfer.

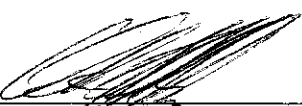
22 5. The SWRCB should not approve the proposed transfer for the "double step" under
23 any conditions in that such would constitute an unreasonable use of water. Although requiring a
24 true reduction in consumptive use is the only way to assure reduced impact to other water users an
25 enforceable refill limitation is helpful to reduce the impact from the portion of the transferred
26 water which could come from storage. A condition that would prohibit refill and require a bypass
27 of all natural flow during the period of May 15th through September 30th would be better than the
28 limited and apparently ignored refill limitation n D-1641.

1 6. The "double step" increases flow in the San Joaquin River and therefore will result
2 in increased export pumping both during the pulse flow period and during make up pumping
3 periods. The "no net loss" to exporters deal incorporated in D-1641 allows for a maximum export
4 pumping rate of 100% of the 3-day running average of San Joaquin River flow at Vernalis during
5 the "double step" (pulse flow) period. To the extent such 100% is not exported during such
6 period, it can be made up. The "double step" is part of the increase in exports allowed by D-1641.
7 Export pumping from the Delta kills and displaces fish, reverses flow and at times lowers water
8 levels in the Delta channels to the detriment of agricultural diverters, boaters and fish and wildlife.
9 Depending upon where the exported water is delivered the impacts to the Delta will vary. The
10 most damaging impact would likely result from deliveries to the portions of the west side of the
11 San Joaquin Valley which directly or indirectly degrade the water quality in the San Joaquin River.

12 Dated: June 27, 2003

Respectfully submitted,

NOMELLINI, GRILLI & McDANIEL
PROFESSIONAL LAW CORPORATIONS

15 By: 
16 DANTE JOHN NOMELLINI
17 Attorneys for Central Delta Parties

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1 CERTIFICATE OF SERVICE

2 I, the undersigned, hereby certify that I am over the age of 18 years and an employee of
3 Nomellini, Grilli & McDaniel Professional Law Corporations, 235 East Weber Avenue, Post
4 Office Box 1461, Stockton, California 95201-1461.

5 That on June 27, 2003, I served the **Central Delta Parties Closing Brief** by placing said
6 copies in a postage paid envelope addressed to the persons hereinafter listed, by depositing said
7 envelope in the U.S. Mail:

8 See attached mailing list.

9 Dated: June 27, 2003

10
11 
12 JEANNE URBANI

PARTIES WHO HAVE INDICATED AN INTENT TO APPEAR AT THE HEARING ON THE SAN JOAQUIN RIVER GROUP AUTHORITY PETITIONS

**Petitioners: San Joaquin River Group Authority
(Merced, Modesto and Turlock Irrigation Districts)**

Representative: Tim O'Laughlin

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*Does not agree to accept electronic service

*Plans to call witnesses to testify at the hearing

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