Public Comment
Dry Year Report
Deadline: 10/15/14 by 12:00 noon

MBK ENGINEERS
Water Resources • Flood Control • Water Rights

Gilbert Cosio, Jr., P.E.
Marc Van Camp, P.E.
Walter Bourez, III, P.E.
Ric Reinhardt, P.E.
Gary Kienlen, P.E.
Don Trieu, P.E.
Darren Cordova, P.E.
Nathan Hershey, P.E., P.L.S.

Angus Norman Murray
1913-1985

Consultants:
Joseph I. Burns, P.E.
Donald E. Kienlen, P.E.

LATE COMMENT

October 15, 2014

RECEIVED
10-16-14
SWRCB Clerk

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

Subject: Dry Year Reports

Dear Ms. Townsend:

The purpose of this letter is to provide written comments to assist the State Water Resources Control Board (SWRCB) staff in preparing its report regarding improvements to the implementation and enforcement of water rights during drought. We have been working closely with the Northern California Water Association (NCWA) and the water users throughout the Sacramento Valley to provide technical assistance regarding water availability under California's water rights priority system during these dry years. These initial comments will help frame the ongoing discussions with the SWRCB with respect to the Sacramento Valley, leading to the staff report in January 2015.

We would like to recognize the SWRCB staff's on-going efforts to improve and effectively implement and enforce the water rights priority system during dry years. We have met with SWRCB staff twice since the July 1, 2014 SWRCB meeting. Although these meetings have been focused on the procedure and triggers for lifting the water right curtailments to assure beneficial use of water during these on-going dry conditions, discussion and insight were provided relative to the curtailment process as well. However, at this time the issues, uncertainties, and suggested actions identified in my June 27, 2014 declaration submitted on behalf of the Northern California Water Association (NCWA) at the July 1, 2014 SWRCB meeting remain pertinent and we recommend these issues be addressed in the SWRCB's report. We have not resubmitted my declaration, but provide the following information to supplement and emphasize key points.

First, it is important for SWRCB staff to understand the water rights and water use reporting data to an adequate level of detail to address differences in implementation and enforcement of water rights between spring/summer as compared to fall/winter. We have met with SWRCB staff relative to this issue and intend to provide more detail prior to November 1 to support the lifting of curtailments to a certain priority date no later than November 1, 2014.

We strongly urge the SWRCB staff to perform a thorough and well documented quality control and assurance of the water use data being used to estimate demand for the curtailment process. We understand available staff resources are limited and therefore it may be difficult to assign to this task during this drought year; however, it is our opinion this step is essential as the current water use dataset needs refinement. The dataset includes pre-1914 and riparian claims and post-1914 water rights for direct diversion of significant quantities for power purposes, a

non-consumptive use. Additionally, the dataset includes water rights with significant quantities for power and incidental domestic purposes, a large portion of which is power only and non-consumptive. As just one example, Pacific Gas and Electric Company's License 9189 (Application 14743) for power and incidental domestic purposes on the Pit River contributes 1.9 million acre-feet of demand for the calendar year; however, in recent years only 10 units of domestic use have been reported. Furthermore, duplicate reporting under multiple water rights and the inclusion of unrealistic quantities are issues within the dataset that have yet to be addressed. It may be beneficial for SWRCB staff to consider incorporating a check into the dataset to flag unrealistic quantities or overages that can then be reviewed and addressed.

During our meeting with SWRCB staff, the possibility of using 2013 reported data as a demand estimate for use in future dry/drought years was discussed, for 2015. We believe that the 2013 data should be compared to the dataset relied on for this year to determine and understand discrepancies, and if it may better represent demand in a dry year.

On the Sacramento River Basin supply side of the SWRCB staff's calculation for curtailment, we understand it uses the four main river systems. Although we understand this represents the majority of the available flow in the Sacramento Valley during dry conditions, it does not represent the entire system. More important than assuring all available water supply is included in the calculation and procedures, is to assure only the appropriate and corresponding demand is used. It may also be appropriate to eliminate various demands on stream systems when it is known there is no available physical supply. As an example, water rights on Putah Creek and Cache Creek, such as Statements 824 and 17890 respectively, should be removed from the demand estimate if physically there is no available supply for these demands.

We appreciate the SWRCB and staff's efforts to improve on the implementation and enforcement of water rights. We are interested, on behalf of our clients, to provide our input, comments, and suggestions. We hope you will consider these comments and my declaration (submitted July 1, 2014) as our constructive input to assist with your efforts. We look forward to further discussion.

Please call if you have any questions.

Sincerely,
MBK ENGINEERS

Marc Van Camp

MVC/pa
4877/LETTER TO JEANINE TOWNSEND 2014-10-15

cc: John O'Hagan
Steve Grinnel
NCWA
Andrew Hitchings
Kevin O'Brien