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10 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

11  
12 **OPENING STATEMENT**

13 In the matter of Hearing re California  
14 WaterFix Petition for Change

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1 Last fall, the California Department of Water Resources (DWR) and the United States  
2 Bureau of Reclamation (Reclamation) (collectively, Petitioners) filed a petition for change  
3 (Petition) for the California WaterFix project (WaterFix) seeking to add three new authorized  
4 points of diversion in the northern part of the Sacramento-San Joaquin River Delta (Delta) to the  
5 water-right permits for the Central Valley Project (CVP) and the State Water Project (SWP).  
6 DWR Director Mark Cowin, Mid-Pacific Regional Director David Murrillo and the witnesses  
7 presented by DWR and Reclamation stated that the primary purpose of these requested changes is  
8 to provide the additional “operational flexibility” that the California WaterFix project would  
9 provide to the CVP and SWP.

10 During Part 1A of this hearing, Petitioners submitted evidence that they assert shows that  
11 the California WaterFix project will not cause any injuries to legal users of water. Petitioners  
12 argue— based on their CalSim II and DSM2 modeling work – that, even if the California WaterFix  
13 project proceeds, the upstream CVP and SWP reservoirs still will be operated in largely the same  
14 way as they are operated today, and that CVP and SWP operations with these proposed new  
15 points of diversions would not injure any legal user of water.

16 During this Part 1B, the Sacramento Valley Water Users (SVWU) will provide evidence  
17 demonstrating that the modeling described in Petitioners’ exhibits and testimony does not  
18 accurately reflect how the CVP and SWP probably would be operated with the California  
19 WaterFix Project.

20 The SVWU’s primary witness will be. Walter Bourez of MBK Engineers, one of the most  
21 respected CalSim II modelers in California. His testimony will describe the deficiencies in the  
22 Petitioners’ modeling work. Specifically, Mr. Bourez will testify that:

23 • Petitioners’ modeling does not consider the additional capacity that would be made  
24 available by the North Delta Diversion when modeling allocations of CVP and SWP water to  
25 south-of-Delta CVP and SWP contractors, and this assumption artificially and incorrectly tends to  
26 keep modeled storage in upstream CVP and SWP reservoirs at higher levels than actually are  
27 likely to occur with the California WaterFix project.

28 • Petitioners’ modeling includes artificial limits on the modeled use of the Joint

1 Point of Diversion by Reclamation for CVP Delta exports, and these limits keep modeled storage  
2 in upstream CVP reservoirs at higher levels than actually are likely to occur with the California  
3 WaterFix project.

4 • Petitioners' modeling changes north-of-Delta and south-of-Delta balancing criteria  
5 and the San Luis Reservoir rule curve so that less water is modeled as being conveyed from  
6 upstream CVP and SWP reservoirs to San Luis Reservoir during summer months than actually is  
7 likely with the California WaterFix project.

8 • Petitioners' modeling does not address the effects that the California WaterFix  
9 project may have on many types of Central Valley water users.

10 • Petitioners' modeling incorrectly constrains modeled diversions of excess Delta  
11 outflows beyond the limits in the California WaterFix draft Biological Assessment.

12 When these defects are corrected, modeled Delta exports are substantially higher, and  
13 modeled carryover storage in these upstream reservoirs is substantially lower, than the  
14 corresponding results in Petitioners' modeling. Specifically, while Petitioners' modeling predicts  
15 that average annual Delta exports would increase by 226 TAF with the California WaterFix  
16 project, Mr. Bourez's modeling shows that these exports actually could increase by 661 TAF,  
17 almost three times as much. Also, while Petitioners' modeling predicts that average annual total  
18 carryover storage in upstream CVP and SWP reservoirs would increase by 103 TAF, Mr.  
19 Bourez's modeling shows that this average annual total carryover storage actually could decrease  
20 by 325 TAF.

21 Mr. Bourez will testify that, when an above-normal or wet year is followed by a dry or  
22 critical year (such as was the case in 1993 and 1994), the additional releases of water from  
23 storage in upstream CVP and SWP reservoirs during the above-normal or wet year will lead to  
24 corresponding reductions in carry-over storage at the end of that year, that these reductions in  
25 carryover storage will lead to lower storage levels during the following dry or critical year, and  
26 that these lower storage levels may cause impacts to legal users of water. Mr. Bourez also will  
27 testify that the California WaterFix project would cause an increase in the frequency of Term 91  
28 curtailments, which is logical considering the increased Delta outflow requirements with CWF

1 resulting in the Delta being in balanced conditions more often.  
2 In short, Mr. Bourez’ testimony will demonstrate to the State Water Board that the California  
3 WaterFix project, notwithstanding its primary goal of “big gulp, little sip,” could cause the CVP  
4 and SWP to be operated to reduce of the availability of water to legal users of water, including  
5 users of water under contracts with DWR and Reclamation and water users with their own water  
6 rights. Such injuries are within the scope of “injury” under Water Code section 1702.  
7 Accordingly, the SVWU submit that, without terms and conditions limiting the operations of the  
8 California WaterFix project to prevent such injuries, there are no guarantees that the CVP and  
9 SWP will be operated with the California WaterFix in a way that will avoid injuries to legal users  
10 of water. The SVWU will be prepared, at an appropriate time during the Part 1 rebuttal phase, to  
11 propose such appropriate terms and conditions for the operation of the California WaterFix  
12 project.

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