



June 27, 2012

*Submitted via email: [DeltaPlanComment@deltacouncil.ca.gov](mailto:DeltaPlanComment@deltacouncil.ca.gov)*

Mr. Phil Isenberg, Chair  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Subject: Comment on the Final Staff Draft Delta Plan

Dear Chairman Isenberg:

As contractors of State Water Project (SWP) supplies, we appreciate the opportunity to provide comments on the 6th Staff Draft of the Delta Plan (Delta Plan). The SWP delivers water to 29 individual contractors who, in turn, deliver water to numerous retail water agencies that deliver water to 25 million rate-payers. As seven SWP contractors, we serve two million water users across the State in both rural and urban settings. We largely serve municipal and industrial users. We are proud to have invested millions of dollars to improve the reliability of the SWP supplies from the Delta and achieve improved regional self-reliance using smart planning and by implementing water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts. Many of us have not used our full contract amounts of SWP supplies. Instead, we invested in those supplies to provide our systems with flexibility under variable hydrologic conditions and to meet future demands.

The undersigned contractors have participated in the Delta Plan public comment process through our participation in the ACWA Ag-Urban Coalition, the State Water Contractors (SWC) and the State and Federal Contractors Water Agency. We thank the Delta Stewardship Council (Council) and its staff for engaging in numerous public and private meetings in the last year as you work towards an acceptable final Delta Plan. We remain concerned generally, however, with the plan's ability to achieve the co-equal goals of ecosystem restoration for the Delta and a more reliable water supply for California. We are concerned specifically that the 6th draft, as written, may impinge on water rights and the exercise of contracts. Specifically, the 6th staff draft Delta Plan contains a revised policy (WR P1) that defines "reduced reliance and improved regional self-reliance" as "a significant reduction in net water use, or in the percentage of water used, from the Delta watershed." This definition is a direct contradiction to the intent of the Delta Reform Act and other State policies that establish the co-equal goals of increasing statewide water supply reliability and restoring Delta ecosystems, not simply reducing Delta water exports.

We repeat that we do not believe that the Delta Reform Act of 2009 gave the Council regulatory jurisdiction over water planning and investment decisions outside the legal Delta and Suisun

Mr. Phil Isenberg

June 27, 2012

Page 2

Marsh. The 6th draft's WR P1 policy is based on Water Code section 85021. Section 85021 makes a clear statement that the policy is to be achieved through a "statewide strategy of investment," not by mandates to individual local agencies. Furthermore, current state law does not require specified capital investments in alternative water supplies – it does require planning by the local agency to determine its best mix of water supplies to serve local demands and improved (on a statewide basis) water use efficiency. Section 85021 does NOT demand reducing present uses of water in absolute terms or rescinding existing rights to water sourced from the watershed.

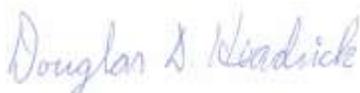
But under State law, those who must develop Urban Water Management Plans must develop the plans and implement them; and those who must develop Agricultural Management plans must develop the plans and implement them. For many of us, SWP supplies, even those yet to be utilized, are an integral part of those planning processes for water supply reliability. In addition, the 2009 Act called for certain conservation goals to be met by 2020. The undersigned contractors have robust water management plans and are on target to meet or exceed their 2020 goals.

As written, WR P1 would reduce SWP contract supplies and penalize agencies for planning ahead and diversifying supplies. It affectively negates the investment of millions of public dollars statewide. We urge you to clarify that WR P1 should be a recommendation, not a policy. Second, we ask you to clarify that those meeting or exceeding state standards for water supply planning and conservation are consistent with this section of the Delta Plan. We would welcome the opportunity to discuss our specific situations with you further. Thank you for your consideration.

Sincerely,



Jim Barrett, Acting General Manager  
Coachella Valley Water District



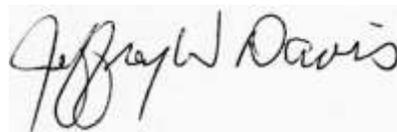
Douglas Headrick, General Manager  
San Bernardino Valley Municipal Water  
District



Kirby Brill, General Manager  
Mojave Water Agency



Dan Masnada, General Manager  
Castaic Lake Water Agency



Jeff Davis, General Manager  
San Gorgonio Pass Water Agency

Mr. Phil Isenberg

June 27, 2012

Page 3



Jill Duerig, General Manager  
Alameda County Flood Control &  
Water Conservation District, Zone 7



Dan Flory, General Manager  
Antelope Valley East Kern Water Agency

cc: Council Members  
Joe Grindstaff  
Martha Davis