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June 14, 2012

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Submitted via email:
DeltaPlanComment@deltacouncil.ca.gov

RE: Comments on Final Staff Draft Delta Plan

Dear Members of the Council:

The Mojave Water Agency (MWA) writes to provide our comments on the Final Staff Draft Delta Plan (“Sixth Draft”). MWA is a wholesale water provider serving roughly 450,000 people in the High Desert region of San Bernardino County and a State Water Project (SWP) contractor with a Table A contract amount of 82,800 acre-feet.

Please consider the following comments regarding the Sixth Draft:

1. Reduced Reliance on Delta Water

MWA recognizes the importance of reducing reliance on the Delta as a critical element of statewide water supply reliability. However, the definition contained in WR P1 in the Sixth Draft has a narrow focus and does not capture the broader intent of State Policy. The Sixth Draft has interpreted “Reduced Reliance” to mean taking less water from the Delta: “for the purposes of this policy, ‘reducing reliance on the Delta and adequately contributing to improved regional self-reliance,’ means a significant reduction in net water use, or in the percentage of water used, from the Delta watershed...”

This appears to be a material departure from the intent of the Delta Reform Act¹ and other State policies, which have established coequal goals of increasing statewide water supply reliability and restoring Delta ecosystems,² and not simply reducing Delta water exports. The Delta Reform Act specifically calls for improving the reliability of Delta Water supplies, including improvements to conveyance, storage infrastructure, and habitat.³ The Delta Reform Act says that *the State* can reduce its reliance on the Delta through *statewide investment* in improved regional water supplies, conservation, and water use efficiency, and that *regions* should improve their self-reliance through similar investments.⁴ **It does not say water agencies must reduce**

¹ The Sacramento-San Joaquin Delta Reform Act of 2009 (SBx7-1, 2009)

² Water Code § 85054

³ Water Code § 85020(f) and § 85211(b)

⁴ Water Code § 85021

their net average water use from the Delta. To the contrary, some investments in conveyance, storage infrastructure, and conjunctive use programs could actually increase Delta exports during certain times when sufficient water is available, as part of an overall strategy to reduce reliance on Delta water supplies.

“Reduced Reliance on the Delta” should recognize the statewide policy direction that encourages efficient use and management of water resources, which includes capturing surface water supplies when they are available and relying on banked or alternative water supplies during droughts.⁵ This includes the utilization of surface water and groundwater conjunctive use programs, as called for in the California Water Plan.

Under certain hydrological and environmental conditions, or due to catastrophic events, water supplies from the Delta can become completely disrupted or become available at reduced amounts for extended periods of time, but during other times water supplies may be available in excess of water demands. Because of this, for years MWA has been reducing its reliance on Delta water by investing in conjunctive use programs that utilize available groundwater storage to bank SWP supplies when available and then draw from those banked supplies when SWP supplies are not available. We have banked enough SWP water to meet the needs of our service area for more than four years should there be an extended outage on the SWP. Many other agencies have pursued similar types of strategies to meet their critical dry-year or outage scenarios, as required in Urban Water Management Plans (UWMPs).

MWA and many other agencies that have followed State water management laws may be harmed by the reduced reliance requirement as defined in the Sixth Draft, because the SWP is our only source of supplemental water supplies to meet demands projected in our UWMP. MWA has aggressively pursued water conservation programs, recycled water, and other local projects to improve our water supply reliability. Due to aggressive conservation, per capita water use in the Mojave Basin Area has dropped from 284 gallons per capita per day (gpcd) in 2000 to 190 gpcd in 2010, more than that needed to meet 20% by 2020 requirements. Despite these achievements in conservation, MWA will need to increase its use of Delta water supplies in the future in order to meet demands projected in our UWMP.

SWP water is primarily used by MWA to supplement groundwater pumping and prevent continued overdraft of our adjudicated basins. In order to comply with a Court Judgment, State UWMP laws, and to meet SB 610 and 221 Water Supply Assessment requirements, MWA has invested almost \$100 million in Table A purchases to meet projected future demands identified in our UWMP. A number of State Water Contractors in growing areas have similar situations and have pursued similar strategies.

Reduced Reliance, as currently defined by WR P1 in the Sixth Draft, has the potential to significantly reduce the water supply reliability, and therefore the value derived from, the extensive investments that have been made by the MWA and other State Water Contractors (SWC) in their efforts to comply with State law. Specifically, WR P1 may negate the water supply assumptions contained in many UWMPs throughout the State which rely on having certain average SWP water supplies available in the future, as identified in the State

⁵ California Water Plan 2009, page 2-11

Water Project Reliability reports prepared by the Department of Water Resources, which do not assume the water agencies will need to reduce their net use of water exported from the Delta.

Recommendation: *We urge the Council to consider that “Reduced Reliance” should not mean taking less water from the Delta on average over the long-term, which is contrary to a statewide goal of improving water supply reliability, but rather that regions should be prepared to meet the water needs of their areas during varying hydrological conditions in the Delta, including droughts and potential catastrophic events.*

2. Impediments to Water Transfers

Water supply reliability can be improved statewide by maximizing resource management through transfers between water agencies. The Sixth Draft recognizes the importance of this in WR R15. However, the Sixth Draft also creates an impediment to transfers in WR P1 by regulating any “proposed action” to export water from or transport water through the Delta, other than a one-year transfer. We interpret this to mean that any proposed contract amendment, renewal, or transfer in the SWP would fall under a covered action, requiring the approval of the Delta Stewardship Council (DSC). This creates a new administrative hurdle for SWCs, causing an impediment to transfers, and directly conflicts with WR R15. Many times, in order to be worthwhile, transfers must be able to take place quickly with minimal administrative or bureaucratic hurdles. The addition of a review process by the DSC for all transfers within the SWP will create an impediment to the very thing encouraged in WR R15.

Recommendation: *We urge the Council modify the language contained in WR P1 to allow SWP water transfers, contract amendments and renewals to be handled administratively between participating parties and DWR, in order to allow for maximum efficiency, as recommended in WR R15.*

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirby Brill', written in a cursive style.

Kirby Brill
General Manager