



May 25, 2021

Via email to Bay-Delta@waterboards.ca.gov

Water Rights Division
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Water Unavailability Methodology for the Delta Watershed

Need to consider the issue of diversion by the Sacramento Settlement Contractors under Reclamation's CVP Permits

Dear Water Rights Division staff,

The Water Unavailability Methodology needs to consider diversions by the Sacramento Settlement Contractors under Reclamation's CVP Permits.

Reclamation has never fully complied with CVP permit terms that require reporting of the total amount diverted under Reclamation's CVP water rights at the Sacramento Settlement Contractors' points of diversion. While Reclamation is reporting daily diversions at many Sacramento River mile locations under permit 12721, the relationship with the Settlement Contractor diversions is unclear. See, for example, the 2020 eWRIMS report at https://rms.waterboards.ca.gov/PermitPrint_2020.aspx?FORM_ID=482164.

Richard Woodley stated in a 2011 letter to Kathryn Mrowka that Reclamation is "currently evaluating each permit in conjunction with the water diversion and use reporting requirements of EWRIMS." And also that "Reclamation hopes to arrive at an internally acceptable method for determining separate historic and projected maximum storage, diversion, and beneficial use of water under each of these individual water right permits that are collectively exercised for the consolidated and coordinated operations of the Central Valley Project (CVP)."

To avoid gross errors in the Water Unavailability Methodology, the staff should cross check the diversions that appeared to be greater than the rights of the diverter, to ensure that those were not points of diversion under Sacramento Settlement Contracts. The Water Availability analysis should fully documents assumptions about the percentage of stored water vs unstored flows that are diverted under the Settlement Contracts.

The Water Rights Division should also ensure that Reclamation is fully complying with water rights reporting requirements for total CVP diversions at all points of diversion for the Sacramento Settlement Contractors.

Background

The table below, from the WaterFix Change in Point of Diversion Hearing notice, shows the Bureau of Reclamation’s permits.

Table 2
Summary of Reclamation’s Subject Water Rights and Requested Changes

App No.	Permit No.	Source(s)	Direct Diversion Amount (cfs)	Direct Diversion Season	Diversion to Storage Amount (TAF)	Diversion to Storage Season	Combination Exports Amounts (cfs / TAFA)	Complete Use Date ¹³	Petition Request to Add:
5626	12721	Sacramento R.	8,000	9/1 - 6/30	3,190	10/1 - 6/30	--	12/1/90	POD and PORD
9363	12722	Sacramento R.	1,000	Year-Round	310	10/1 - 6/30	--	12/1/90	POD and PORD
9364	12723	Sacramento R.	9,000	Year-Round	1,303	10/1 - 7/1	--	12/1/90	POD and PORD
13370	11315	American R.	8,000	11/1 - 8/1	1,000	11/1 - 7/1	--	12/1/90	PORD
13371	11316	American R.	700	11/1 - 8/1	300	11/1 - 7/1	--	12/1/90	PORD
5628	11967	Trinity R.	2,500	Year-Round	1,540	Year-Round	3,200 cfs / 2,500 TAFA	12/1/90	PORD
15374	11968	Trinity R.	300	Year-Round	200	Year-Round	3,200 cfs / 2,500 TAFA	12/1/90	PORD
15375	11969	Trinity R.	1,700	Year-Round	1,800	Year-Round	3,200 cfs / 2,500 TAFA	12/1/90	PORD
16767	11971	Trinity R.	--	--	700	Year-Round	3,200 cfs / 2,500 TAFA	12/1/90	PORD
17374	11973	Trinity R.	1,500	Year-Round	--	--	3,200 cfs / 2,500 TAFA	12/1/90	PORD
17376	12364	Clear Cr.	3,600	11/1 - 4/1	250	11/1 - 4/1	--	12/1/90	PORD

Decision 990 granted the permits 12721, 12722, and 12723 for diversions by the Central Valley Project on the Sacramento River. The permits considered the following:

- (1) providing a supplemental supply to meet the requirements of areas diverting directly from the Sacramento River, and from the bypasses and drainage channels paralleling the River (Colusa Trough, Back Borrow Pit, Knights Landing Ridge Cut, Yolo By-pass, Lower Butte Creek and Butte Slough, Sutter By-pass and Sacramento Slough) under local rights ...
(p. 34)

Decision 990 noted the following:

Regarding requirements (1) and (3) above, the Bureau proposed that Project water will be made available for diversion by and through the private facilities of water users to the extent necessary to assure the users a dependable supply over and above that which would have been available under local rights in dry years in the absence of the Project. These local rights include riparian; appropriative and other rights to use water in the Sacramento Valley and Delta. The quantity of water required for this Purpose is generally referred to as that quantity required to supplement local rights

along the Sacramento River and in the Delta and may be determined from USBR Exhibits 122, 123 and 124.
(p. 35-36)

Under “Direct Diversion and/or Rediversion Requirements,” Decision 990 noted:

Ultimate annual irrigation requirements for lands to be served from the Project are:

(1) 2,969,000 afa to be diverted at the maximum rate of 7,234 cfs for Project canals;
(2) 2,500,000 afa to be diverted at the maximum rate of about 11,200 cfs for supplementing local rights; and (3) 735,000 afa to be diverted at the maximum rate of 2,390 cfs for additional irrigation requirements within the proposed service area, to be diverted either through additional Project facilities or privately-owned facilities for new developments.
(p. 38)

Permit term 14 of Decision 990 required the following:

14. No direct diversion or rediversion of stored water for beneficial use under permits issued pursuant to Applications 5626, 9363, 9364, 9366, 9367 and 9368, other than through the conduits or canals hereinafter named in this paragraph, shall be made until a description of the location of each point of diversion and statement of the quantity of water to be diverted is filed with the State Water Rights Board”

- (a) Bella Vista Conduit
 - (b) Corning Canal
 - (c) Tehama-Colusa Canal
 - (d) Chico Canal
 - (e) Yolo-Zamora Conduit
 - (f) Contra Costa Canal
 - (g) Delta Mendota Canal
- (p. 84.)

Reclamation did file a description of the location of each of point of diversion after the Settlement Contracts were signed. However, the amount to be diverted at each location was reported as 25% of the total Settlement Contract amount. Clearly 25% is not correct in extreme dry years such as 2021.

The amount can be as high as 100% if the Settlement Contractors’ diversion under their own water rights are curtailed. An analysis by California Water Research of Sacramento River gauge data from 2014 showed that settlement contractors who had post-1914 rights appeared to be diverting under Reclamation’s CVP permits.

A table of assumed diversions from the CALSIM II documentation is shown on the next page.

Agency_Name	Project_Type				
	CVP_AG	CVP_LS	CVP_MI	CVP_RF	CVP_SC
Bella Vista W.D.	22.1				
Clear Creek C.S.D.	13.8				
Shasta County W.A.	0.5				
Shasta Lake, City of	2.5				
Bella Vista W.D.			2.4		
Clear Creek C.S.D.			1.5		
Mountain Gate C.S.D.			0.4		
Redding, City of/Buckeye			6.1		
Shasta C.S.D.			1.0		
Shasta County W.A.			0.5		
Shasta Lake, City of			0.3		
Anderson Cottonwood I.D.					128.0
Redding, City of					21.0
Sacramento River miscellaneous users					3.4
Sacramento River miscellaneous users					1.5
Maxwell I.D.					1.8
Princeton-Cordora-Glenn I.D.					67.8
Provident I.D.					54.7
Sacramento River miscellaneous users					4.9
Maxwell I.D.					16.2
Reclamation District 108					12.9
Roberts Ditch I.C.					4.4
Sacramento River miscellaneous users					9.5
Sycamore Family Trust					31.8
Carter M.W.C.					4.7
Feather River W.D. (export)	20.0				
Meridian Farms W.C.					35.0
Pelger Mutual W.C.					8.9
Reclamation District 1004					71.4
Sacramento River miscellaneous users					103.4
Sutter M.W.C.					226.0
Tisdale Irrigation & Drainage Co.					9.9
Reclamation District 108					219.1
River Garden Farms					29.8
Sacramento River miscellaneous users					0.9
Glenn Colusa I.D.					441.5
Sacramento NWR				53.4	
Glenn Colusa I.D.					383.5
Colusa NWR				28.8	
Delevan NWR				24.0	
Sacramento River miscellaneous users					4.8

Future project - PCWA Sac Diversion	
Natomas Central M.W.C.	120.2
Pleasant Grove-Verona M.W.C.	26.3
Sacramento River miscellaneous users	56.8
West Sacramento, City of	23.6
Sacramento County W.A.	10.0
Sacramento County W.A.	35.0
Corning W.D.	23.0
Proberta W.D.	3.5
Thomes Creek W.D.	6.4
Kirkwood W.D.	2.1
Orland Unit - South Canal	
Glide W.D.	10.5
Kanawha W.D.	45.0
Orland-Artois W.D.	53.0
Colusa County W.D.	62.2
Colusa, County of	20.0
Davis W.D.	4.0
Dunnigan W.D.	19.0
La Grande W.D.	5.0
Westside W.D.	65.0

Thank you for consideration of these comments.

Sincerely,



Deirdre Des Jardins
 Director
 California Water Research
 (831) 566-6320
ddj@cah2oresearch.com