

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

MAY 5, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento California 95814

scribed by: Kathryn Davis CSR No. 3808

kathryndavis & associates
deposition reporting

555 University Avenue, Suite 116 Sacramento, California 95825 916.567.4211 www.kdareporting.com

BBID Exh. 318

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

MAY 5, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento California 95814

Transcribed by: Kathryn Davis CSR No. 3808

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE WATER RESOURCES CONTROL BOARD

BOARD MEMBERS

Chair Felicia Marcus

Vice-Chair Frances Spivy-Weber

Board Member Tam M. Doduc

Board Member Steven Moore

Board Member Dorene D'Amamo

1 PORTION OF TRANSCRIPT OF PROCEEDINGS

2 (23:35 - 33:56)

3 --oOo--

4 CHAIR FELICIA MARCUS: Item No. 5. Mr. Howard,
5 would you introduce the item. Thank you all.

6 THOMAS HOWARD: John O'Hagan will provide the
7 drought update for the Board.

8 CHAIR FELICIA MARCUS: Well, the rainy season is
9 over.

10 JOHN O'HAGAN: Actually, it is going to rain a
11 little bit this week.

12 CHAIR FELICIA MARCUS: Well, that will be
13 delightful. How much will it rain?

14 VICE-CHAIR FRANCES SPIVY-WEBER: A slight chance
15 of rain.

16 CHAIR FELICIA MARCUS: I'll take it.

17 JOHN O'HAGAN: We are always optimistic.

18 Good morning. My name is John O'Hagan. I'm the
19 Assistant Division -- I forgot what I am. Anyway, I'm
20 going to give a drought update for the Board here today.

21 First off, I want to remind the Board that we
22 are going to be having the public workshop on May 20th.
23 That is for receiving comments on Bay-Delta issues.

24 In that workshop, we will be getting information
25 on the Bay-Delta Temporary Urgency Change from the

1 project. We also will be discussing Delta barriers,
2 curtailment and transfers by the projects. So a lot of
3 the update I'm going to be giving you will be short
4 today because of the items that will be discussed at
5 that workshop.

6 BOARD MEMBER STEVEN MOORE: Also temperatures,
7 right? Sacramento River temperatures?

8 JOHN O'HAGAN: That is correct.

9 CHAIR FELICIA MARCUS: That is part of it.

10 JOHN O'HAGAN: So yesterday, the Executive
11 Director approved the 401 certification for installation
12 of one Delta barrier on the West False River. With that
13 approval, construction is scheduled to start tomorrow.
14 It will be operational in June and then it will be
15 removed in October. So that is the planned schedule for
16 the Delta barrier on West False River.

17 VICE-CHAIR FRANCES SPIVY-WEBER: I have a
18 question. Will that May 20th workshop, it will also
19 cover wildlife that is being affected by these
20 activities; is that correct or not?

21 JOHN O'HAGAN: I believe that the discussions
22 could include those as well because the notice isn't
23 restricted and comments can come in.

24 CHAIR FELICIA MARCUS: Can you make sure that
25 Fish and Wildlife and the other fishing agencies would

<http://www.yeslaw.net/help>

1 be here? They would be anyway, right?

2 VICE-CHAIR FRANCES SPIVY-WEBER: I would hope
3 so.

4 JOHN O'HAGAN: They have all been invited.

5 VICE-CHAIR FRANCES SPIVY-WEBER: They are going
6 to be here and they are planning to talk about fish and
7 wildlife issues, including birds and giant garter snakes
8 and all the other concerns.

9 CHAIR FELICIA MARCUS: Bears and baker shells?
10 That is my favorite wildlife urban interface. Sorry.

11 JOHN O'HAGAN: Okay. On water transfers, as I
12 mentioned on our last update, we had received the
13 petition from the U.S. Bureau of Reclamation, Department
14 of Water Resources for the consolidated place use. That
15 order was approved on April 27th for an exchange or
16 transfer of 335,000 acre feet of water.

17 Additionally, we have approved a Temporary
18 Urgency Change Order for the Sonoma County Water Agency
19 on the Russian River at Lake Mendocino. That order
20 reduces flows in the upper and lower Russian River to
21 allow more storage in Lake Mendocino. And according to
22 Sonoma County Water Agency, roughly 6,300 acre feet of
23 stored water in Lake Mendocino may be saved through this
24 order.

25 CHAIR FELICIA MARCUS: I have a question on this

1 because this comes up every year and ends up being
2 particular challenging, given the nature of the
3 different water agencies there.

4 I would love -- and later, if either one of the
5 other Board members who's focus on the Russian River
6 would join me or if they want to take it on themselves
7 -- I would like to have a conversation in the long term
8 about how to manage that, so that every year we don't
9 end up with who is going to apply, are they going to
10 apply, are they not going to apply, et cetera. Because
11 it just seems time intensive. So I would just as soon
12 see if we can come up with a multi-year framework.

13 JOHN O'HAGAN: For the long-term plan, we do
14 have a long-term change petition for this. That is
15 always ongoing. But in the interim, the TUCs are
16 necessary for the yearly actions, if needed. So we do
17 have a long-term change petition on file with us from
18 the Sonoma County Water Agency.

19 CHAIR FELICIA MARCUS: Is that newly filed?

20 JOHN O'HAGAN: It's -- I don't know the exact
21 date of file. I can get that information to you.

22 CHAIR FELICIA MARCUS: Is it this year?

23 JOHN O'HAGAN: No, no.

24 CHAIR FELICIA MARCUS: I think both Sonoma
25 County and some of the upper watershed agencies don't

1 love this process. So that is what I want to talk
2 about, figuring out a way to make it less labor
3 intensive by spending a little time on the topic.

4 JOHN O'HAGAN: Okay. We will take care of that.

5 We do also have some pending Temporary Urgency
6 Changes. Merced Irrigation has filed a Temporary
7 Urgency Change Petition to allow relief from a minimal
8 pool schedule for Lake McClure to allow Lake Don Pedro
9 Community Service District to take 600 acre feet of
10 water from the dead storage pool, and also to reduce
11 their April through May bypasses from 60 CFS to 40 CFS.

12 We also have a TUC from June Lane Public Utility
13 District that doesn't require approval until June 1st.
14 And then also the City of Healdsburg. And that is for
15 initial review by the Division staff. And then approval
16 by July 1st. So we have those actions.

17 On curtailment, we discussed curtailment. As
18 you know, we did the Antelope and Deer Creek
19 curtailments for ensuring flow protections previously.
20 On the Scott River, post-1914 rights and also surplus
21 class rights have been curtailed. That is the same as
22 we did last year.

23 In the Sacramento/San Joaquin River Watershed on
24 April 23rd, we curtailed the San Joaquin side. And as
25 of May 1st, the Sacramento and Delta post-1914 water

1 rights have all been curtailed. So we are at a level of
2 curtailment in the Sacramento, San Joaquin and Delta
3 area that we were about nearly a month ahead of last
4 year on curtailments.

5 CHAIR FELICIA MARCUS: That is what I was going
6 to ask you, as to what the differences were between this
7 year and last year.

8 JOHN O'HAGAN: Last year, it would be --
9 curtailments were issued on May 28th. This year,
10 May 1st. So that is 27 days. Term 91 was also kicked
11 in the day before, April 30th. And that's the condition
12 in which supplemental project waters being released by
13 the Department and the Bureau can meet the Delta
14 standards downstream. And all of our monitoring of that
15 is posted on the website, as well as our curtailment
16 analysis.

17 For future curtailments, we are continuing to
18 monitor other watersheds. For the need at this time, we
19 don't see that. But in the Sacramento/San Joaquin, we
20 plan on meeting with the stakeholders of the San Joaquin
21 River Watershed to discuss the possibility of
22 curtailments of pre-1914 and riparian rights.

23 At that meeting, we will also be having the
24 Department of Water Resources come in and present their
25 calculations of full natural flow that was requested by

1 stakeholders.

2 VICE-CHAIR FRANCES SPIVY-WEBER: When will that
3 meeting be held?

4 JOHN O'HAGAN: I believe that is scheduled for
5 next Tuesday. And that all I have for right now.

6 CHAIR FELICIA MARCUS: For the stakeholders, I
7 know it has been helpful on a lot of fronts. So thanks
8 for all your efforts and updates from you and your
9 colleagues.

10 Are there any questions? Do you have the
11 actions?

12 BOARD MEMBER STEVEN MOORE: There is a lot.

13 There are a few cases that we heard about last
14 year that I haven't heard you mention. For instance,
15 the El Dorado issue with the wastewater flows that
16 provide for fish and wildlife. Was that an arrangement
17 that had a longer time scale or has that come up?

18 JOHN O'HAGAN: That may come up again, yes. I'm
19 not familiar with the exact stage of that, whether we
20 received anything like that, but it wasn't on my notes
21 from my staff.

22 BOARD MEMBER STEVEN MOORE: Okay. Thanks for
23 the update. I think it highlights that the agricultural
24 users in our state are taking a huge hit. And it is
25 good for the folks that are in the audience to hear

<http://www.yndaw.net/hisp>

1 about those real numbers; that this is a shared
2 challenge throughout our state.

3 JOHN O'HAGAN: Yeah. I believe that the
4 curtailments, that of the Post-14, affects 70 percent of
5 the water rights that are listed that have been
6 curtailed include agricultural use.

7 VICE-CHAIR FRANCES SPIVY-WEBER: On the workshop
8 that you have on May 20th, because we haven't heard very
9 much about fish and wildlife issues, I don't want that
10 to be at the very end. I guess that is my request.

11 Figure out when best to do it. But do it
12 earlier so that that issue does get front and center, as
13 we discuss these other things that we have gone over
14 regularly.

15 JOHN O'HAGAN: Okay.

16 CHAIR FELICIA MARCUS: It is sort of a parade of
17 horrors all around.

18 (Whereupon, end of transcribed portion.)
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

State of California)
) ss.
County of Sacramento)

I certify that the statements in the foregoing hearing were transcribed in the within-entitled cause by audio; that said hearing was taken at the time and place therein named; that the testimony of said witnesses was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August, 2015.

KATHRYN DAVIS
Certified Shorthand Reporter
Certificate No. 3808

-	9	bypasses 7:11
--000-- 3:3	91 8:10	C
1	A	calculations 8:25
1st 7:13,16,25 8:10	acre 5:16,22 7:9	care 7:4
2	actions 6:16 7:16 9:11	cases 9:13
20th 3:22 4:18 10:8	activities 4:20	center 10:12
23:35 3:2	Additionally 5:17	certification 4:11
23rd 7:24	affected 4:19	cetera 6:10
27 8:10	affects 10:4	CFS 7:11
27th 5:15	agencies 4:25 6:3,25	CHAIR 3:4,8,12,16 4:9,24 5:9,25 6:19,22,24 8:5 9:6 10:16
28th 8:9	Agency 5:18,22 6:18	challenge 10:2
3	agricultural 9:23 10:6	challenging 6:2
30th 8:11	ahead 8:3	chance 3:14
335,000 5:16	analysis 8:16	change 3:25 5:18 6:14,17 7:7
33:56 3:2	Antelope 7:18	City 7:14
4	apply 6:9,10	class 7:21
40 7:11	approval 4:13 7:13,15	colleagues 9:9
401 4:11	approved 4:11 5:15,17	comments 3:23 4:23
5	April 5:15 7:11,24 8:11	Community 7:9
5 3:4	area 8:3	concerns 5:8
6	arrangement 9:16	condition 8:11
6,300 5:22	Assistant 3:19	consolidated 5:14
60 7:11	audience 9:25	construction 4:13
600 7:9	B	continuing 8:17
7	baker 5:9	conversation 6:7
70 10:4	barrier 4:12,16	correct 4:8,20
	barriers 4:1	County 5:18,22 6:18,25
	Bay-delta 3:23,25	cover 4:19
	Bears 5:9	Creek 7:18
	birds 5:7	curtailed 7:21,24 8:1 10:6
	bit 3:11	curtailment 4:2 7:17 8:2,15
	Board 3:7,20,21 4:6 6:5 9:12,22	curtailments 7:19 8:4,9,17,22 10:4
	Bureau 5:13 8:13	

D		familiar 9:19	helpful 9:7
date 6:21		favorite 5:10	highlights 9:23
day 8:11		feet 5:16,22 7:9	hit 9:24
days 8:10		FELICIA 3:4,8,12,16 4:9,24 5:9, 25 6:19,22,24 8:5 9:6 10:16	hope 5:2
dead 7:10		Figure 10:11	horribles 10:17
Deer 7:18		figuring 7:2	Howard 3:4,6
delightful 3:13		file 6:17,21	huge 9:24
Delta 4:1,12,16 7:25 8:2,13		filed 6:19 7:6	I
Department 5:13 8:13,24		fish 4:25 5:6 9:16 10:9	include 4:22 10:6
differences 8:6		fishing 4:25	including 5:7
Director 4:11		flow 7:19 8:25	information 3:24 6:21
discuss 8:21 10:13		flows 5:20 9:15	initial 7:15
discussed 4:4 7:17		focus 6:5	installation 4:11
discussing 4:1		folks 9:25	instance 9:14
discussions 4:21		forgot 3:19	intensive 6:11 7:3
District 7:9,13		framework 6:12	interface 5:10
Division 3:19 7:15		FRANCES 3:14 4:17 5:2,5 9:2 10:7	interim 6:15
Don 7:8		front 10:12	introduce 3:5
Dorado 9:15		fronts 9:7	invited 5:4
downstream 8:14		full 8:25	Irrigation 7:6
drought 3:7,20		future 8:17	issue 9:15 10:12
E		G	issued 8:9
earlier 10:12		garter 5:7	issues 3:23 5:7 10:9
efforts 9:8		giant 5:7	item 3:4,5
EI 9:15		give 3:20	items 4:4
end 6:9 10:10,18		giving 4:3	J
ends 6:1		good 3:18 9:25	Joaquin 7:23,24 8:2,19,20
ensuring 7:19		guess 10:10	John 3:6,10,17,18 4:8,10,21 5:4, 11 6:13,20,23 7:4 8:8 9:4,18 10:3,15
exact 6:20 9:19		H	join 6:6
exchange 5:15		Healdsburg 7:14	July 7:16
Executive 4:10		hear 9:25	June 4:14 7:12,13
F		heard 9:13,14 10:8	
False 4:12,16		held 9:3	

K	morning 3:18	Post-14 10:4
kicked 8:10	multi-year 6:12	post-1914 7:20,25
L	N	posted 8:15
labor 7:2	natural 8:25	pre-1914 8:22
Lake 5:19,21,23 7:8	nature 6:2	present 8:24
Lane 7:12	needed 6:16	previously 7:19
level 8:1	newly 6:19	PROCEEDINGS 3:1
listed 10:5	notes 9:20	process 7:1
long 6:7	notice 4:22	project 4:1 8:12
long-term 6:13,14,17	numbers 10:1	projects 4:2
longer 9:17	O	protections 7:19
lot 4:2 9:7,12	O'hagan 3:6,10,17,18 4:8,10,21	provide 3:6 9:16
love 6:4 7:1	5:4,11 6:13,20,23 7:4 8:8 9:4,18	public 3:22 7:12
lower 5:20	10:3,15	Q
M	October 4:15	question 4:18 5:25
make 4:24 7:2	ongoing 6:15	questions 9:10
manage 6:8	operational 4:14	R
MARCUS 3:4,8,12,16 4:9,24	optimistic 3:17	rain 3:10,13,15
5:9,25 6:19,22,24 8:5 9:6 10:16	order 5:15,18,19,24	rainy 3:8
Mcclure 7:8	P	real 10:1
meet 8:13	parade 10:16	received 5:12 9:20
meeting 8:20,23 9:3	part 4:9	receiving 3:23
MEMBER 4:6 9:12,22	Pedro 7:8	Reclamation 5:13
members 6:5	pending 7:5	reduce 7:10
Mendocino 5:19,21,23	percent 10:4	reduces 5:20
mention 9:14	petition 5:13 6:14,17 7:7	regularly 10:14
mentioned 5:12	place 5:14	released 8:12
Merced 7:6	plan 6:13 8:20	relief 7:7
minimal 7:7	planned 4:15	remind 3:21
monitor 8:18	planning 5:6	removed 4:15
monitoring 8:14	pool 7:8,10	request 10:10
month 8:3	portion 3:1 10:18	requested 8:25
MOORE 4:6 9:12,22	possibility 8:21	require 7:13
		Resources 5:14 8:24

restricted 4:23	STEVEN 4:6 9:12,22	
review 7:15	storage 5:21 7:10	<hr/> V <hr/>
rights 7:20,21 8:1,22 10:5	stored 5:23	VICE-CHAIR 3:14 4:17 5:2,5 9:2
riparian 8:22	supplemental 8:12	10:7
River 4:7,12,16 5:19,20 6:5 7:20, 23 8:21	surplus 7:20	<hr/> W <hr/>
roughly 5:22		wastewater 9:15
Russian 5:19,20 6:5	<hr/> T <hr/>	water 5:11,14,16,18,22,23 6:3,18 7:10,25 8:24 10:5
<hr/> S <hr/>	taking 9:24	waters 8:12
Sacramento 4:7 7:25 8:2	talk 5:6 7:1	watershed 6:25 7:23 8:21
Sacramento/san 7:23 8:19	temperatures 4:6,7	watersheds 8:18
San 7:24 8:2,20	Temporary 3:25 5:17 7:5,6	website 8:15
saved 5:23	term 6:7 8:10	week 3:11
scale 9:17	things 10:13	West 4:12,16
schedule 4:15 7:8	THOMAS 3:6	wildlife 4:19,25 5:7,10 9:16 10:9
scheduled 4:13 9:4	time 6:11 7:3 8:18 9:17	workshop 3:22,24 4:5,18 10:7
Scott 7:20	today 3:20 4:4	<hr/> Y <hr/>
season 3:8	tomorrow 4:13	year 6:1,8,22 7:22 8:4,7,8,9 9:14
Service 7:9	topic 7:3	yearly 6:16
shared 10:1	transcribed 10:18	yesterday 4:10
shells 5:9	TRANSCRIPT 3:1	
short 4:3	transfer 5:16	
side 7:24	transfers 4:25:11	
slight 3:14	TUC 7:12	
snakes 5:7	TUCS 6:15	
Sonoma 5:18,22 6:18,24	Tuesday 9:5	
sort 10:16	<hr/> U <hr/>	
spending 7:3	U.S. 5:13	
SPIVY-WEBER 3:14 4:17 5:2,5 9:2 10:7	update 3:7,20 4:3 5:12 9:23	
staff 7:15 9:21	updates 9:8	
stage 9:19	upper 5:20 6:25	
stakeholders 8:20 9:1,6	urban 5:10	
standards 8:14	Urgency 3:25 5:18 7:5,7	
start 4:13	users 9:24	
state 9:24 10:2	Utility 7:12	