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REPLY TO: Riverside Office

March 10, 2015

VIA E-MAIL

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



**Re: Comment Letter of Coachella Valley Water District re March 18, 2015
Salton Sea Workshop**

Dear Ms. Townsend,

This law firm serves as special counsel for Coachella Valley Water District in regard to issues related to Colorado River water rights and the above referenced matter.

On behalf of Coachella Valley Water District, and pursuant to the Notice of Public Workshop: Solicitation of Comments Regarding the Status of the Salton Sea and Revised Order WRO 2002-0013, the enclosed Statement of Coachella Valley Water District and Resolution of the Board of Directors of Coachella Valley Water District, Resolution No. 2015-19, are submitted for consideration by the State Water Board at the workshop scheduled for March 18, 2015.

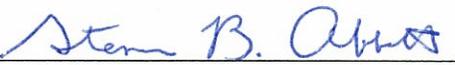
At the workshop, I shall orally present a summary of this statement within the allotted five minutes.

A copy of this submittal is being served by mail on counsel for petitioner Imperial Irrigation District.

Ms. Townsend, Clerk of the Board
March 10, 2015
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Please contact me at the phone number shown above or by email at sabbott@redwineandsherrill.com if there are any questions about this submittal.

Very Truly Yours,
REDWINE AND SHERRILL

By: 
Steven B. Abbott
Attorney for
COACHELLA VALLEY WATER DISTRICT

SBA:jml

Encl.: Statement of CVWD and Resolution of Board of Directors

cc: Ronald L. Olson
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STATEMENT OF COACHELLA VALLEY WATER DISTRICT

Coachella Valley Water District (“CVWD”) respectfully submits these written comments to the State Water Resources Control Board for consideration at its March 18, 2015 Workshop regarding the Status of the Salton Sea and Revised Water Rights Order 2002-0013.

In these comments, CVWD states its opposition to Imperial Irrigation District’s (“IID”) Petition for Modification, provides information regarding CVWD’s activities at the Salton Sea, including its willingness to voluntarily participate through the Salton Sea Authority in discussions regarding the most effective way to restore the Salton Sea, recounts CVWD’s role in the development of the Quantification Settlement Agreement (“QSA”) and the SWRCB proceedings leading to Revised Water Rights Order 2002-0013, discusses the 2003 legislation that separated the Salton Sea restoration process from the QSA, notes the importance of CVWD’s Colorado River water supplies, and addresses jurisdictional issues that preclude granting the relief IID seeks.

CVWD’s Position Regarding IID’s Petition to Modify WRO 2002-0013

On January 27, CVWD’s Board of Directors adopted Resolution No. 2015-19,¹ which states that CVWD’s Board of Directors:

- DOES oppose the November 18, 2014 Petition of Imperial Irrigation District for Modification of Revised Water Rights Order 2002-13; and
- DOES recognize the importance of an ecologically healthy Salton Sea to the quality of life of people living within its service area and the entire Coachella Valley and elsewhere; and
- DOES support restoration of the Salton Sea resulting in a sustainable, environmentally stable Sea; and
- DOES express its willingness to participate, as a member of the [Salton Sea] Authority, in voluntary discussions regarding the most effective ways to restore the Sea and most promising funding opportunities; and
- DOES call upon the State of California to fulfill the Legislature’s declared intention in SB 277 “that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of wildlife dependent on that ecosystem.”

CVWD opposes the Petition because the proposed condition IID seeks could “jeopardize the District’s Colorado River rights, and disrupt the deliveries of Colorado River water to farms and for recharge of the groundwater basin” and “would be contrary to the terms of the Colorado

¹ A copy of Resolution No. 2015-19 is attached to this statement.

River Water Delivery Agreement (Federal Quantification Settlement Agreement)” and “is preempted by federal law governing the distribution of Colorado River water in the Lower Colorado Basin.” (Resolution No. 2015-19.)

CVWD’s Activities Relating to QSA Environmental Mitigation and Salton Sea Restoration

CVWD provided this statement of its current policy objectives for the Salton Sea at the 2014 Salton Sea Science meeting hosted by University of California, Irvine, United States Geological Survey and Imperial Irrigation District at Imperial Valley College:

While members of the CVWD Board of Directors and District employees may ardently desire the restoration of the Salton Sea, such restoration efforts are not directly within the mission of the District. While the District continues to engage on restoration efforts, this is done to protect the Coachella Valley’s continued legal and environmentally conscious use of the Sea as a repository for agricultural runoff, storm water runoff, and treated wastewater disposal. As a QSA party, CVWD fully supports mitigation of the impacts of the QSA, understanding that the State of California is responsible for mitigating impacts beyond the reach of the contributions of the QSA parties required in the Environmental approval of the QSA. CVWD is a member Agency of the Salton Sea Authority and supports its funding, habitat, and restoration activities.

Under this policy, CVWD is actively involved in both mitigation of QSA-related impacts on the Salton Sea as well as Salton Sea restoration policy and planning through its membership in various agencies and workgroups.

CVWD is a member of the Quantification Settlement Agreement Joint Powers Authority (“QSA-JPA”), which is responsible for funding the measures adopted to mitigate the environmental impacts of the QSA on the Salton Sea. General Manager Jim Barrett serves as one of the four QSA-JPA commissioners, and Assistant General Manager Robert Cheng serves as CVWD’s alternate. In the 2003 QSA-JPA Agreement, CVWD agreed to pay \$36.7 million (2003 dollars) to the QSA-JPA in annual installments beginning in 2003 and ending in 2025. CVWD has twice agreed to accelerate payments--once in 2007, with a \$4.4 million advance payment, and again in 2015, with a \$5 million advance payment. Also under the QSA-JPA Agreement, CVWD contributed \$8,282,209 to the Salton Sea Restoration Fund.

CVWD is a member agency of the Salton Sea Authority (“SSA”), whose activities are described in the SSA’s submission. Two CVWD board members are appointed to the SSA board; currently, the delegates are Patrick O’Dowd and Castulo Estrada. Along with the other member agencies, CVWD funds the SSA; for the 2014-2015 fiscal year, CVWD contributed \$150,000.

Additionally, CVWD staff participates in various Salton Sea groups, including:

- The SSA Technical Advisory Committee, which meets monthly to discuss SSA planning and review unsolicited restoration concepts submitted to the Salton Sea Authority;

- As an ex-officio member of the Salton Sea Action Committee, a consortium of private enterprise community members working to support the activities of the Salton Sea Authority and other activities promoting the Salton Sea;
- The Salton Sea Technical Coordinating Team, a group including SSA member agencies and representatives of federal and state agencies and non-governmental organizations. The Technical Coordinating Team teleconferences monthly to discuss each party's activities in and around the Salton Sea in order to coordinate efforts when possible. New draft documents related to the Salton Sea Authority's Funding and Feasibility Action Plan are vetted here;
- The Salton Sea Infrastructure Financing District Formation Committee, which is charged with implementing an Infrastructure Financing District ("IFD") designed to capture incremental increases in property tax in the area for Salton Sea Restoration bonding repayment. Special state legislation authorized this IFD;
- The Salton Sea Authority Member Agency Legislative Working Group, assisting in formulating the SSA's legislative agenda; and,
- The Steering Committee for Imperial Irrigation District's Salton Sea Restoration and Renewable Energy Initiative.

Finally, CVWD is planning a 160 acre wetland habitat construction project on the north end of the Salton Sea, pursuant to CVWD's obligations under the Coachella Valley Multiple Species Habitat Conservation Plan. This project is independent of the SSA and QSA-JPA.

CVWD's Role in the QSA and the SWRCB Proceedings Related to WRO 2002-0013

Restoration of the Salton Sea, and particularly IID's current Petition by which this issue is before the Board today, cannot be intelligently considered without understanding the history of the 2003 Quantification Settlement Agreement by which the rights of California users of Colorado River water were quantified. Part of this complex history occurred before this Board.

The Need for Quantification

CVWD is a party to the Seven Party Agreement of 1931, which allocated California's apportionment of Colorado River water among the prospective public agency contractors. The Secretary of the Interior included the Seven Party Agreement priority system in CVWD's 1934 Boulder Canyon Project Act Section 5 water delivery contract along with the terms of the 1934 Compromise Agreement between CVWD and IID. This priority system did not allocate a specific quantified amount to CVWD or IID, leading to long-standing controversies among CVWD, IID and The Metropolitan Water District of Southern California ("MWD") over their respective entitlements and whether conserved water transfers were permitted under the Law of the River. In 1997, Secretary of the Interior Bruce Babbitt announced that he would not approve

any conserved water transfers unless the agricultural priorities of CVWD and IID were first quantified, either by agreement or, in the absence of agreement, by Secretarial decision. This led to intensive negotiations for a “Quantification Settlement Agreement” among CVWD, IID and MWD, mediated by officials from the Department of the Interior and the California Department of Water Resources.

SWRCB Proceedings

On July 22, 1998, IID and the San Diego County Water Authority (“SDCWA”) filed a Petition for Approval of a Long-Term Conserved Water Transfer Agreement and to Change Point of Diversion and Place of Use under IID Permit 7643 (Application 7483). Two Amendments to that Petition were filed: the First Amendment on October 8, 1998, and the Second Amendment on December 11, 2001. The Petition initially sought this Board’s approval of IID’s transfer of up to 300,000 acre-feet per year² (“afy”) of conserved Colorado River water to SDCWA for municipal use within SDCWA’s service area, and of a change in the point of diversion, from Imperial Dam to Lake Havasu.

CVWD filed a protest to IID and SDCWA’s Petition on the grounds that CVWD was a legal user of water under its 1934 Boulder Canyon Project Act contract with the United States and that the IID-SDCWA transfer would wrongfully injure CVWD’s water rights by transferring water to which CVWD was legally entitled, and also on grounds that this Board lacked jurisdiction to approve any changes of use of Colorado River water because of the exclusive authority of the Secretary of the Interior over the distribution of Colorado River water in California. MWD filed a similar protest.

QSA negotiations were ongoing at the time IID and SDCWA filed the petition, and those negotiations led to, among other things Agreement on Key Terms for a QSA in 1999 and a Protest Dismissal Agreement by and among IID, SDCWA, CVWD and MWD (“PDA”) in 2002.

In the PDA, IID and SDCWA agreed to modify their proposed transfer to reduce the amount transferred to SDCWA and to provide for CVWD and MWD’s acquisition of conserved water from IID. (PDA § 2.) In the PDA, the parties stipulated “that any decision, order, finding of fact or conclusion of law by the SWRCB concerning the Petition, other than as to matters involving standing or the right to appear and object, will have no precedential effect and will not be used by any Party adverse to any other Party in any matter presenting any issue of state or federal law arising in any context, including, without limitation, any attempt by IID and SDCWA to obtain future approval of any water transactions” (PDA § 6.)

The PDA further provided that it was “coterminous with the Quantification Settlement Agreement,” except with regard to Section 6’s covenant that any order, decision, finding of fact or conclusion of law by the SWRCB would have no precedential effect. (PDA § 9.) Further, if the QSA did not come to be, or terminated, IID and SDCWA would either withdraw the Petition or immediately terminate the transfer and acquisitions subject to the Petition, whichever was

² All acre-foot volumes are for consumptive use of Colorado River water (diversions less returns) per calendar year.

appropriate at the given point in time. (PDA § 9.) All parties reserved their legal position, and CVWD and MWD withdrew their protests. (PDA §4.)

As amended, the Petition sought approval of IID's transfer to SDCWA of up to 200,000 afy, and findings of fact and conclusions of law regarding acquisition by CVWD and/or MWD of an additional 100,000 afy of water conserved by IID.

After withdrawing their protests, CVWD and MWD ceased to participate in the proceedings before the Board, submitting only policy statements at the beginning of the noticed hearing which noted the districts' longstanding position that the SWRCB lacked jurisdiction over the distribution of Colorado River water in California due to the primacy of the Secretary of the Interior's contracting power under Section 5 of the Boulder Canyon Project Act.

In Water Rights Order 2002-0013, the Board designated its decision as non-precedential, concluding "that supporting the efforts of petitioners, MWD and CVWD to resolve their disagreements pertaining to the transfer petition, without prejudice to other parties, outweighs the value of designating this order as precedent." (WRO 2002-0013, p.79.)

The 2003 QSA Legislation Separates Salton Sea Restoration from the QSA.

To facilitate the QSA, in 2003 the California Legislature passed three bills--SB 277, SB 317 and SB 654 -- which assured that environmental impacts of the IID Transfer Project would be fully mitigated and funded, and set up a separate process for Salton Sea restoration.

In SB 654, the Legislature found "that in order to resolve conflicts that have prevented implementation of California's Colorado River Water Use Plan it is necessary to provide a mechanism to implement and allocate environmental mitigation responsibility between water agencies and the state for the implementation of the Quantification Settlement Agreement" (Stats. 2003, ch. 613, § 3.)

The mechanism chosen was to authorize the Department of Fish and Game to enter into a joint powers agreement with CVWD, IID and SDCWA "for the purpose of providing for the payment of costs for environmental mitigation requirements." (Stats. 2003, ch. 613, § 3, subd. (a).) However, the water agencies' liability for those costs was capped at \$133 million (2003 dollars). (Stats. 2003, ch. 613, § 3, subd. (b)(1).)The State is responsible for any additional mitigation costs. The QSA-JPA, formed under this bill, ensures that required environmental mitigation for the QSA is fully-funded and will be carried out. The QSA-JPA Agreement has been upheld by the Court of Appeal. (*Quantification Settlement Agreement Cases* (2011) 201 Cal.App.3d 758, 796-820.)

The QSA-JPA Agreement also provides for IID, CVWD and SDCWA to pay 30 million dollars to the Salton Sea Restoration Fund. (Stats. 2003, ch. 613, § 3, subd. (b)(2).) SB 654 further provides that except for required mitigation for the transfers and this contribution, "no further funding obligations or in-kind contributions of any kind for restoration of the Salton Sea shall be required of Imperial Irrigation District, the Coachella Valley Water District, the Metropolitan Water District of Southern California, and the San Diego County Water Authority.

Any future state actions to restore the Salton Sea will be the sole responsibility of the State of California.” (Stats. 2003, ch. 613, § 3, subd. (c).) SB 654 thus insulates the water agencies from any further responsibility for funding a Salton Sea Restoration, freeing the QSA Transfers from the burden of a restoration.

SB 277 (Stats. 2003, ch. 611) enacted the Salton Sea Restoration Act. (Fish and G. Code §§ 2930 et seq.) In the Act, the Legislature declares “[i]t is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem.” (Fish and G. Code § 2931, subd. (a).) The Act also establishes the Salton Sea Restoration Fund. (Fish and G. Code § 2932.) But while declaring the intention to undertake a restoration, the Act did not provide a mechanism to actually implement a restoration, leaving those steps to future legislatures to decide.

In SB 317 (Stats. 2003, ch. 612), the Legislature amended Fish and Game Code section 2081.7, to renew the expired authorization for the incidental take of fully protected species in connection with the implementation of the QSA transfers and acquisitions. The amendment made by SB 317 also required the Resources Agency to “undertake a restoration study to determine a preferred alternative for the restoration of the Salton Sea ecosystem and the protection of wildlife dependent on that ecosystem” (Fish & G. Code § 2081.7, subd. (e)(1)) and required the restoration study “including a proposed funding plan to implement the preferred alternative” to be “submitted to the Legislature on or before December 31, 2006.” (Fish & G. Code § 2081.7, subd. (e)(2).)

The combined effect of the three bills was to allow the QSA to go forward free of the burdens of financing or carrying out a Salton Sea Restoration. CVWD’s principal objection to IID’s petition is that it seeks to reverse this policy decision by the Legislature, and in the process jeopardize CWVD’s supplies of Colorado River water. The importance of those supplies is discussed below.

The Importance of the QSA Water Supplies to the Coachella Valley

The QSA negotiations culminated in the execution of the Quantification Settlement Agreement and numerous related agreements in October 2003. Key among those agreements is the Colorado River Water Delivery Agreement (Federal Quantification Settlement Agreement) (“CRWDA”), among the United States, IID, CVWD, MWD and SDCWA, in which the Secretary of the Interior agreed to deliver Colorado River water to the water agencies in conformity with the QSA water budgets, which included quantifications of priorities 3(a), 4, 5 and 6(a) of the Seven Party Agreement, schedules for transfers and acquisitions of conserved water, and allocations of responsibility for satisfaction of Indian and Miscellaneous Present Perfected Rights among CVWD’s, IID’s and MWD’s priorities.³

Exhibit B to the CRWDA contains a detailed spreadsheet schedule of water deliveries to IID and CVWD calling out for each calendar year from 2003 to 2077 the base entitlement of

³ The Indian and Miscellaneous Present Perfected Rights in California are listed in the Consolidated Decree entered in *Arizona v. California* (2006) 547 U.S. 150, 174-181. The Seven Party Agreement made no provision for satisfaction of these rights.

each district, the amount of water to be deducted from each district's base entitlement, and the amount of conserved water to be delivered to each district and to MWD, SDCWA and the San Luis Rey Indian Water Rights Settlement Parties, under the various agreements that implement the QSA. The Secretary's obligation to deliver water to the districts under the CRWDA runs to one of three specified dates (2037, 2047 or 2077) and has no early off ramps. (CRWDA, art. 6.) As part of the CRWDA, litigation over the 2003 water orders was dismissed and the Interim Surplus Guidelines were reinstated.

The QSA and related agreements established water budgets for CVWD and other California users of Colorado River water, which are essential to allow the water agencies to peaceably live within California's normal year apportionment of 4.4 million acre-feet of Colorado River water. The QSA and related agreements embody a carefully balanced compromise by all parties that benefit all the QSA parties and the State of California. Under the QSA, water budgets are established by both quantifications of priorities and the transfers and acquisitions of conserved water. Long-standing, bitter disputes over water use practices, transfers and priorities were laid to rest by the QSA's peace treaties. The execution of the QSA allowed the Inadvertent Overrun and Payback Policy to take effect, allowing agricultural and municipal agencies to make full use of their entitlements, and satisfied conditions for surplus water to be made available to MWD under the 2001 Interim Surplus Guidelines.

Under the QSA and the CRWDA, CVWD's Priority 3(a) is quantified at 330,000 acre-feet. From CVWD's Priority 3(a) entitlement:

- 27,500 acre-feet is deducted for the transfer of water conserved from the 2006 Coachella Canal Lining Project for use on the coastal plain of Southern California by MWD and/or SDCWA and/or the San Luis Rey Indian Water Rights Settlement parties pursuant to the Allocation Agreement and 1988 Federal Law;
- Up to 3,000 acre-feet is deducted and used to satisfy Indian Reservation and Miscellaneous present perfected rights in California; and
- The balance is used to provide irrigation water services to nearly 66,000 acres of very productive farmland in the Coachella Valley.

Under the QSA and CRWDA, CVWD obtains additional Colorado River water through acquisitions of conserved water from IID and exchanges with MWD. Components of this aspect of CVWD's QSA water budget include:

- Acquisition of up to 103,000 acre-feet of conserved water from IID's Priority 3(a) quantification;
- Up to 20,000 acre-feet of conserved water from the 1988 IID-MWD Water Conservation Program, from IID's Priority 3(a) quantification, is available upon request; and

- Purchase of up to 35,000 acre-feet of State Water Project water from MWD which is exchanged for an equal amount of MWD’s Colorado River water.

This additional water supply enables CVWD to counter groundwater overdraft in the Coachella Valley through direct and in-lieu recharge projects. These projects include direct recharge at the Thomas E. Levy water replenishment facility which was completed in 2006; the Mid-Valley pipeline project, which converts golf courses from groundwater to a blend of recycled and Colorado River water; and a proposed 2018 extension of CVWD’s irrigation system to convert irrigation of 7,101 acres of farm land in the Oasis area from groundwater to Colorado River water.

Jurisdictional Issues Regarding the IID Petition

CVWD’s participation in today’s workshop should not be construed as CVWD’s acquiescence to the Board’s jurisdiction to approve the modification sought by IID. CVWD reaffirms its longstanding position that Section 5 of the Boulder Canyon Project Act (43 U.S.C. § 617d) and Articles II (B) (5)⁴ and III (C)⁵ of the Consolidated Decree (*Arizona v. California* (2006) 547 U.S. 150, 156, 159-160) preclude the Board from imposing conditions that would prevent or disrupt deliveries of water under the schedules set forth in the Colorado River Water Delivery Agreement.

The United States Supreme Court has unequivocally held that the allocation and distribution of Colorado River water in California are solely within the authority of the Secretary of the Interior. “These several provisions . . . are persuasive that Congress intended the Secretary of the Interior, through his § 5 contracts, both to carry out the allocation of the waters of the main Colorado River among the Lower Basin States and to decide which users within each State would get water.” (*Arizona v. California* (1963) 373 U.S. 546, 580.) The Court further held “that the Secretary in choosing between users within each State and in settling the terms of his contracts is not bound by these sections to follow state law.” (*Arizona v. California*, 373 U.S. at 586.)

The California Court of Appeal, per Justice Ronald Robie, has also noted the exclusive role of the Secretary’s contracting power in the context of the QSA transfers and acquisitions of conserved water. After quoting the above passages from *Arizona v. California*, the court noted: “Thus in the absence of an agreement, concurred in by the Secretary of the Interior, a

⁴ Article II(B)(5) imposes the following injunction on the Secretary: “Notwithstanding the provision of Paragraphs (1) through (4) of this subdivision (B), mainstream water shall be released or delivered to water users (including but not limited to public and municipal corporations and other public agencies) in Arizona, California, and Nevada only pursuant to contracts therefor made with such users by the Secretary of the Interior, pursuant to Section 5 of the Boulder Canyon Project Act or any other applicable federal statute.” (*Arizona v. California* (2006) 547 U.S. 150, 156.)

⁵ Article III (C) enjoins the State parties, including the State of California, CVWD, IID and MWD: “From diverting or purporting to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for use in the respective States, provided, however, that no party named in this Article and no other user of water in said States shall divert or purport to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for its particular use.” (*Arizona v. California*, 547 U.S. at 160.)

determination of which entity in California received Colorado River Water would be up to the Secretary of the Interior, notwithstanding any provision of California law.” (*Quantification Settlement Agreement Cases* (2011) 201 Cal.App.3d 758, 783.)

Conclusion

Although CVWD opposes the specific relief sought by IID in its petition, and believes the Board is without jurisdiction to grant the modification, CWVD remains willing to participate, as a member of the Salton Sea Authority, in voluntary discussions regarding the most effective way to restore the Sea.

RESOLUTION OF THE BOARD OF DIRECTORS OF
COACHELLA VALLEY WATER DISTRICT

RESOLUTION NO. 2015-19

WHEREAS, the mission of the Coachella Valley Water District (District) is to provide water and water-related services to customers within its service boundaries in the Coachella Valley; and

WHEREAS, to obtain and maintain a reliable supply of Colorado River water to meet the needs of the District's customers, the District in October 2003 entered into the Quantification Settlement Agreement (QSA), and related agreements, including the Colorado River Water Delivery Agreement (Federal Quantification Settlement Agreement) and the Agreement for Acquisition of Conserved Water between Imperial Irrigation District and Coachella Valley Water District; and

WHEREAS, CVWD, Imperial Irrigation District (IID) and San Diego County Water Authority (SDCWA) in compliance with CEQA have adopted mitigation measures to fully mitigate the environmental impacts of the those agreements, including on the Salton Sea, and have entered into the Quantification Settlement Agreement Joint Powers Authority Creation and Funding Agreement in which IID, CVWD and SDCWA have agreed to pay \$133 million in 2003 dollars for environmental mitigation costs, and the State of California has made a binding contractual commitment to fund all environmental mitigation costs in excess of that amount; and

WHEREAS, as required by state legislation, the District, IID and SDCWA have agreed to contribute \$30 million to the state Salton Sea Restoration Fund and the District has made its full contribution of its share of that obligation; and

WHEREAS, the water agencies who are parties to the QSA and related agreements have fulfilled the obligations placed upon them by the QSA and related legislation; and

WHEREAS, for decades the District has supported efforts to restore the Sea, primarily through its involvement in the creation of the Salton Sea Authority (Authority) in 1993, with on-going funding, participation in its governance and technical support from staff; and

WHEREAS, IID has filed a petition with the State Water Resources Control Board (SWRCB) requesting the SWRCB to order the QSA Parties to participate in a process to develop

a feasible restoration plan, and to thereafter conduct an adjudicatory proceeding to amend Revised Water Rights Order 2002-13 to add as a condition to the acquisition of conserved water by CVWD from IID a requirement that the State of California fund and implant that restoration; and

WHEREAS, such a condition could jeopardize the District's Colorado River water rights, and disrupt the deliveries of Colorado River water to farms and for recharge of the groundwater basin; and

WHEREAS, such a condition would be contrary to the terms of the Colorado River Water Delivery Agreement (Federal Quantification Settlement Agreement) and is preempted by federal law governing the distribution of Colorado River water in the Lower Colorado Basin;

BE IT RESOLVED that the Board of Directors of the Coachella Valley Water District, assembled in regular meeting this 27th day of January 2015, hereby:

DOES oppose the November 18, 2014 Petition of Imperial Irrigation District for Modification of Revised Water Rights Order 2002-13; and

DOES recognize the importance of an ecologically healthy Salton Sea to the quality of life of people living within its service area and the entire Coachella Valley and elsewhere; and

DOES support restoration of the Salton Sea resulting in a sustainable, environmentally stable Sea; and

DOES express its willingness to participate, as a member of the Authority, in voluntary discussions regarding the most effective ways to restore the Sea and most promising funding opportunities.

DOES call upon the State of California to fulfill the Legislature's declared intention in SB277, "that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem".

* * * * *

STATE OF CALIFORNIA)
COACHELLA VALLEY WATER DISTRICT) ss.
OFFICE OF THE SECRETARY)

I, JULIA FERNANDEZ, Secretary of the Board of Directors of the Coachella Valley Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2015-19 adopted by the Board of Directors of said District at a regular meeting thereof duly held and convened on the 27th day of January, 2015, at which meeting a quorum of said Board was present and acting throughout. The Resolution was adopted by the following vote:

Ayes: Four
Directors: Powell, Nelson, O'Dowd, Pack
Noes: None
Abstained: Estrada

Dated this 27th day of January, 2015.

(SEAL)


Board Secretary