

**Comments of North Delta Water Agency
Proposed Update to the Water Quality Control Plan for the
San Francisco Bay/San Joaquin Delta Estuary (Lower San Joaquin River)
August 21, 2018**

Good morning, Meredith Nikkel with Downey Brand, representing the North Delta Water Agency.

As the State Water Board is aware, the Agency has a legislative mandate to assure that the lands within the North Delta have a dependable supply of water of suitable quality sufficient to meet present and future beneficial uses for agricultural, municipal, and industrial purposes.

Although water users within the Agency do not use water from the Lower San Joaquin River, the proposed changes to existing salinity standards may affect our water users.

The Agency therefore wants to remind the State Water Board and its staff of the contractual protections afforded to water users in the North Delta, including year-round water quality criteria at seven monitoring locations to protect agricultural activity and the responsibility of DWR to meet any new flow objectives contained in an updated Bay-Delta Plan.

In 1981 the Agency reached settlement with the State and signed a contract with the Department of Water Resources for the assurance of a dependable water supply of suitable quality to satisfy beneficial uses in all channels within the Agency's boundaries.

The 1981 Contract also prohibits the State from exporting State Water Project water so as to cause a decrease in natural flow, increase in natural flow, reversal of natural flow

direction, or alteration of water surface elevations in Delta channels to the detriment of Delta channels or water users within the NDWA.

In the D-1641 proceedings, DWR and the Agency entered into a Memorandum of Understanding (“MOU”) in 1998 which states that, pursuant to the terms of the 1981 Contract, DWR is responsible for any obligation imposed on water users within the Agency to provide flows to meet new flow objectives contained in the updated Bay-Delta Plan. The State Water Board then expressly assigned responsibility for any obligation of the Agency to meet flow objectives to DWR which was subsequently upheld by the Court of Appeal.

Before the board considers adoption of the San Joaquin River Amendments or releases a draft Sacramento River SED, the North Delta Wager Agency requests you evaluate and consider how relaxation of existing D-1641 salinity standards will affect the ability of the State to comply with the assurances provided in the 1981 Contract.