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July 8, 2021

Michael George, Delta Watermaster  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
[Michael.George@waterboards.ca.gov](mailto:Michael.George@waterboards.ca.gov)

Re: Analysis Related to Unauthorized in-Delta Diversions

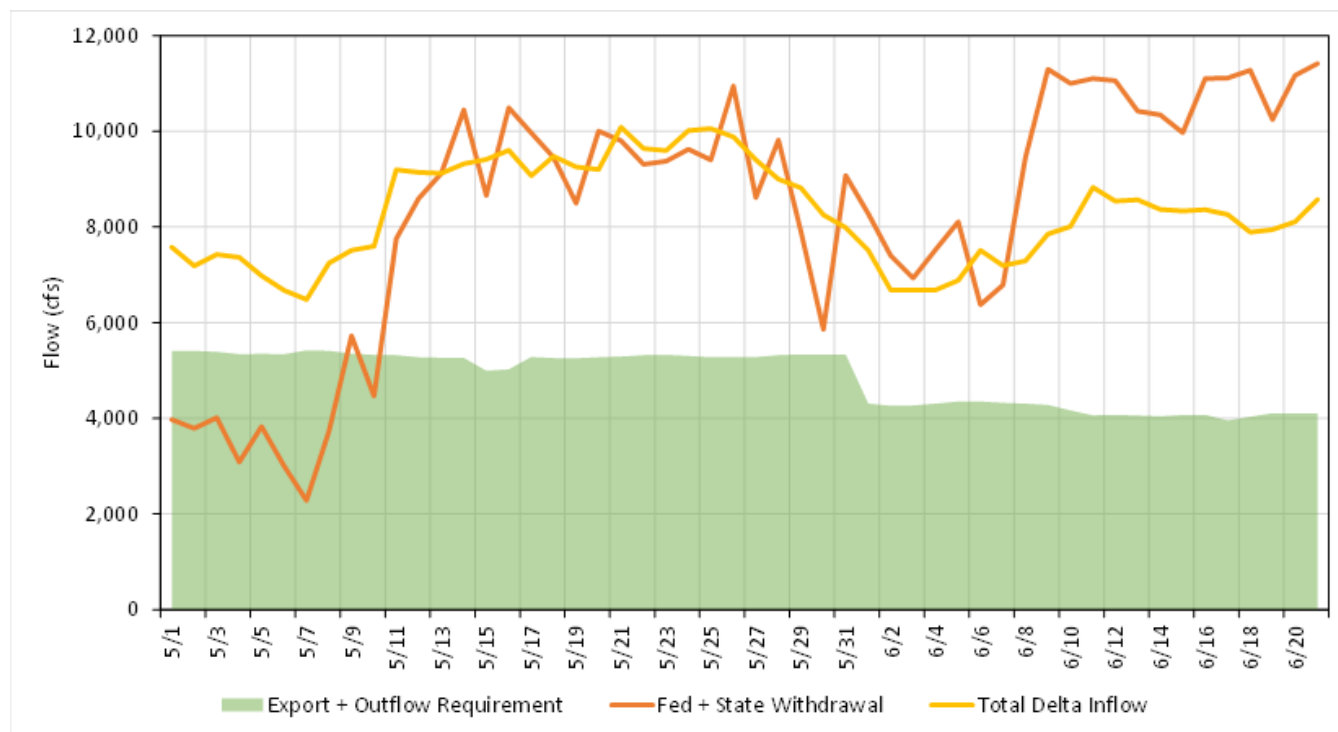
Dear Mr. George:

This letter is a follow up to my June 10, 2021, letter to State Water Resources Control Board (State Water Board) Chair Joaquin Esquivel stating concerns about the impact of diversions in the Sacramento-San Joaquin Delta (Delta) on supplies for other California water users and urging the State Water Board to immediately increase enforcement against illegal diversions within the Delta. Subsequently, you reached out to me via email with an interest in Friant Water Authority's (FWA) internal analyses indicating that in-Delta diversions may be exceeding their legal, permitted rights.

Since April of this year, FWA staff and consultants have been monitoring statewide hydrologic conditions, diversions, and regulatory actions to ensure that any potential anomalies are identified and elevated to the appropriate authorities. This spring and summer, it has become clear to FWA and others in the California water community that Federal and State project water stored in upstream reservoirs often supports in-Delta diversions for days or weeks at a time. During one of the driest years on record statewide, it is critical that the State Water Board curtail illegal diversions of Federal and State project water.

The figure on the following page shows for May 2021 and most of June 2021 the combined exports (Central Valley Project, State Water Project, Contra Costa Water District, and Byron Bethany Irrigation District) plus the Delta outflow requirement (4,000 cfs in May and 3000 cfs in June); the total combined Federal and State storage withdrawals (from Trinity, Shasta, Folsom, Oroville, and New Melones reservoirs); and total Delta Inflow. The difference between the green area and the yellow line can be assumed to be in-Delta diversions. When the orange line is equal to or higher than the yellow line we can safely assume that Delta inflow is being entirely supported by Federal and State storage withdrawals, since other inflows are a very small portion of total Delta inflow. This was the case periodically beginning on May 13 and almost consistently from June 8 through the two weeks following. Based on this information

alone, we would estimate in-Delta diversions of previously stored State and Federal project water have likely exceeded 300,000 acre-feet by June 20, 2021, which could have been used to meet upstream storage targets, temperature management, and south-of-Delta demands.



The above figure does not give any indications of whether the in-Delta diversions are being made by users with valid riparian or other water rights, which is an ongoing and recognized problem you and your staff have been investigating for a number of years in support of State Water Board enforcement actions. However, even if all of the in-Delta diversions in excess of Delta inflow as indicated in the above figure were under existing valid water rights, our concerns would still stand; these diversions are relying on storage water intended and paid for by State and Federal contractors.

If you are interested in further discussions about FWA's methodology, assumptions, or data used in the above analysis, please do not hesitate to contact me or our Water Resources Manager, Ian Buck-Macleod, at [ibuckmacleod@friantwater.org](mailto:ibuckmacleod@friantwater.org).

Sincerely,

Jason Phillips  
Chief Executive Officer