

NDWA Manager Report – June 2024

DELTA DOWNLOAD

Water Board Schedules Pre-Hearing for Delta Tunnel Water Rights Petition

The State Water Resources Control Board issued a [Notice](#) announcing a Pre-Hearing Conference to review the schedule and participation deadlines for hearings on the water rights change of diversion petition submitted by DWR for the Delta Conveyance Project. The water board will release the hearing schedule in late July.

Judge Approves Injunction on Delta Tunnel

A coalition of water districts in the Sacramento-San Joaquin Delta region were [granted an injunction](#) by Sacramento Superior Court Judge Stephen Acquisto to [prohibit exploratory deep drilling](#) and excavation of trenches to support construction of the Delta Conveyance Project until the State obtained a [certification of consistency](#) with the Delta Plan from the Delta Stewardship Council. The judge found that the plaintiffs would be prevented from appealing a certification before DWR finished its geotechnical work for the tunnel. Skepticism about the economic benefits promoted by DWR are debunked by [Dr. Jeffrey Michael](#) in a new paper challenging the financial feasibility of the tunnel project.

Report on Delta Drought Barrier Released

In accordance with a requirement imposed by the State Water Resources Control Board, DWR [released a report summarizing](#) the effectiveness and impacts resulting from construction and monitoring of the West False River Emergency Drought Salinity Barrier. Overall, the barrier achieved its objective of reducing salinity in the Central Delta while preserving upstream storage, but only had a minor influence at the SWP and CVP pumps in the South Delta.

LEGISLATIVE LATEST

[AB 460](#) (Bauer-Kahan) proposing to increase the water board's enforcement authority to prevent water theft passed the Assembly after adding [amendments in the Senate](#) to remove the most controversial parts opposed by a coalition of business and water groups. The bill still increases the fiscal penalties for stealing water or exceed their allotted share during droughts, but no longer expands the State Water Resources Control Board's authority to investigate and punish what it deems to be violations of water rights.

Legislature Approves Climate Bond

California voters will have the opportunity to vote on a \$10 billion climate resiliency bond after the State Legislature approved and Governor signed [SB 867](#), the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024. The bond proposal provides \$250 million for State Plan of Flood Control levees and \$150 million is dedicated to improving Delta levees. In addition, funds shall not be expended to fulfill any environmental mitigation requirements or compliance obligations imposed by law (§ 90105) and the legislation

also prohibits paying the costs of the design, construction, operation, mitigation, or maintenance of isolated Delta conveyance facilities (§90106). These costs must be paid by water districts receiving imported water from the Delta. To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division (§90150).

LEGAL MATTERS

New Counsel at Downey Brand

A distinguished water law attorney and the former Regional Director of the California-Great Basin Region of the U.S. Bureau of Reclamation, [Ernest Conant](#), has joined Downey Brand's Natural Resources team of attorneys.

KEEPING UP

Term 91 Curtailments Likely to Occur

The State Water Resources Control Board issued an email notifying [Term 91](#) water right license and permit holders that curtailment of those rights may need to be implemented in the near future if the trajectory of hydrologic conditions continue.

Predictions of Reduced Water Availability

A [new study](#) conducted by three California Universities predicts that a combination of factors under climate change will result in a 9 million acre feet per year [reduction in water supply](#). Urban use has remained constant for many years, so the fight over the reduced water yield will be between agricultural irrigation and environmental flows.

Water Study for Solano Supersized Development Project Released

The proponents of the [California Forever](#) development project proposed in Solano County [released](#) a water [study](#) describing the sources of water anticipated to provide water supply necessary to support a large new community. After a three-hour public meeting, the Solano County Board of Supervisors voted unanimously to [delay placement](#) of a proposal on the November 2024 ballot to authorize the construction of a new city in accordance with the California Forever plan. The Board requested staff to prepare a report analyzing impacts on existing cities in the region.

Feds Once Again Increase CVP Water Supply Allocation

The U.S. Bureau of Reclamation announced it will be increasing CVP water allocation another 10% to [50% for south of Delta](#) contractors.

DWR Recruiting for Apprenticeship Program

The opportunity to take an exam was [announced](#) by DWR to join its [apprenticeship program](#) to become a hydroelectric plant electrician, operator, mechanic, or utility craftsworker. The exams

are available June 26-July 24th. Apprentice classes are hired together, one time per year, in January. Completing the program leads to a full-time journey-level position with DWR.

CALENDAR ALERTS

July 12 - Deadline to comment on CA's [Climate Adaptation Strategy](#)

July 15 – Deadline to [submit comments](#) on EIR for Long-Term Operation of SWP

July 26 – Deadline to take [DWR Apprenticeship Program](#) Exam

Aug 7 – NDWA Board Meeting, 3050 Beacon Blvd, Ste. 203, W. Sacramento, 9:30 am

Aug 13 – SWRCB [Pre-Hearing Conference](#) on DCP Tunnel, online, 9:00 am

Sept 5 – Deadline to file comments with SWRCB on hearing issues related to DCP Petition