

Chris Shutes, CSPA, comments to EBMUD Board of Directors August 11, 2009

Good morning. Many people today have spoken or will speak about why expanding Pardee reservoir is not in the public interest for economic, or recreational, or moral reasons. CSPA agrees with many of those people, and what they have to say.

I'd like to focus on something a little different: whether the expansion of Pardee will actually provide additional water when the water is needed, in dry year conditions, which is the stated purpose of the project contemplated in the Programmatic EIR.

San Joaquin County has long been interested in the same water that would ostensibly be stored for dry year using, as part of the plan, an expanded Pardee Reservoir. San Joaquin County has at least two water rights applications pending at the State Board to remove additional water from the Mokelumne and use that surface water to recharge County groundwater. The County also has a proposal pending at the Board to divert Sacramento River water through EBMUD's Freeport Diversion and facilities to use for groundwater recharge, though it is unlikely in my opinion that such a project would pencil out.

I am very familiar with these applications, because CSPA has standing protests against all three. For the most longstanding application (29835 and 29855), a water availability analysis was performed in 2002. That analysis showed that if existing (senior) water rights were to be met, and even if not a drop of water were released into the lower Mokelumne River from Camanche above the minimum required in the Joint Settlement Agreement, San Joaquin could not have diverted a drop of water in one half of the 75 years from 1921 to 1995.

This half is presumably the dry years when the water would be most needed for EBMUD, and what is being looked at in the proposal to raise Pardee. Looked at another way, in half the years, there would be no more water to put in an expanded Pardee. The expanded reservoir would simply provide freeboard for potential future water that wasn't there.

How then would the District make use of the water? Well, in a fortuitous situation, a dry year scenario could fall after a wetter year in which an expanded Pardee filled up. So in the second year, the dry year, and perhaps in a third to a smaller degree, expanded storage would have bought the District some extra water and breathing room at the start. Of course, that would assume, given wet year conditions, all the "extra" water would have been saved and not used for new water supply, and that none of it would have been released for flood control, and so forth. There are quite a few assumptions.

The other scenario by which the District could make use of the water would be by "banking" the water underground, so that it could be pumped out later, either in its own self-contained system or in a system operated jointly with San Joaquin County.

In either case, we are brought squarely back to these San Joaquin County water rights applications and the underlying reason for them. You see, the County has an annual groundwater overdraft of about 200,000 acre feet. About 800,000 acre-feet of water is

pumped out of the ground in San Joaquin County, and only about 600,000 acre-feet is put back into the groundwater table. There is no groundwater management plan in force in the county. There is, in short, no demand control. In the North San Joaquin County Water Conservation District service area, a pumping fee of \$1 to \$5 an acre was voted in a couple of years ago. However, there is too much controversy surrounding this prospective fee, and it is not being collected.

The folks in the County feel that it is their right as property owners to pump as much groundwater out from under their land as they can and choose to. If you think that you have a problem with anglers and environmentalists and upcountry economies about a raised Pardee, wait till you start to mess with property rights in San Joaquin County.

So let's circle back to the idea of groundwater banking. You are proposing to open a water savings account that everyone in the county will be able to make withdrawals from at will.

Given that deficit water spending has been the cornerstone of the San Joaquin County economy for almost a century, how long do you think the account will last? Is San Joaquin County groundwater adjudication part of the assumptions of the Programmatic EIR?

The expressed goal of expanding Pardee is to provide a reliable dry year water supply. Even if you assume that it's okay to take all the water above the existing required minimum flow below Camanche, which it's not; even if you assume that the existing minimum instream flow does not contribute to harming the Delta, which it does; if the question is whether expanding Pardee will provide a reliable dry year water supply, the answer has to be no. It just won't do that.