



CENTRAL DELTA WATER AGENCY

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Via Facsimile (202) 225-5914

Honorable John Garamendi

Re: HR 1837 (Nunes)

Dear John:

The House Water and Power Subcommittee, chaired by Congressman McClintock, will hear HR 1837 introduced by Congressman Devin Nunes (R, Visalia) tomorrow. The Central Delta Water Agency offered to provide a witness at the hearing but were denied the opportunity.

The Agency strongly opposes the legislation.

When the U. S. Bureau of Reclamation was established to build water projects to provide irrigation and power to develop the West at the beginning of the 19th Century, it was required to abide by the State's water laws in which it pursued projects (Reclamation Act of 1902, Section 8). HR 1837 would turn 110 years of State/Federal cooperation on its head, especially surprising for Republican-sponsored legislation.

This bill would transfer responsibility for complying with State river flow and quality protections above levels established for three years in the 1994 Bay-Delta Accord to those non-export project water right holders who rely upon water in the San Francisco Bay-Delta watershed. Under California water law, these water rights are generally senior to those of the exporters.

Since 1994, the provisions of the Bay-Delta Accord have proven woefully inadequate to protect the Bay-Delta environment. Six separate species of native fish are now listed under the Federal and State Endangered Species Acts which, of course, are not going away. Preventing the courts and regulatory agencies from imposing needed regulations against the Central Valley Project and State Water Project above the 1994 levels will require larger contributions from the senior water rights holders to meet flows and water quality standards which have been determined to be necessary since 1994. For example, the State Water Resources Control Board, the National Academy of Sciences and other scientific panels formed to study the problem have all concluded that freshwater flow through the estuary should increase substantially from current levels. The Nunes bill in practical terms would shift responsibility to upstream water users in the Sacramento and San Joaquin Valleys, as well as the Delta itself, to provide these flows.

There are many objectionable features to this proposed legislation, not the least of which is the repeal of the San Joaquin River Settlement which exhibits much promise in restoring both flows and water quality to the San Joaquin River which was decimated, along with its historic salmon fishery, by the Central Valley Project.

The cornerstone promise by the United States to the Delta and other areas of origin was that exports from the Delta would be limited to water which is truly surplus to the present and future local needs including the needs of fish and wildlife. This promise should be honored.

We urge you to seek to defeat passage of HR 1837 in this and the many other forms it promises to take in future legislative proposals.

Yours very truly,



DANTE JOHN NOMELLINI
Manager and Co-Counsel