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## State Water Contractors Respond to Governor Newsom's Water Resilience Order

**Sacramento, CA** – Yesterday, Governor Newsom issued an [Executive Order \(EO\) N-3-23](#) to build water resilience amid climate-driven weather extremes. After years of extreme drought followed by weeks of intense storms and flooding, yesterday's EO protects water storage supplies in case the rest of the year remains dry while maintaining substantial flows through the Delta for fish and water quality.

In response, both the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR) submitted a Temporary Urgency Change Petition (TUCP) to the State Water Resources Control Board requesting approval to temporarily modify the most-westerly X2<sup>1</sup> compliance location specified in their water right permits for February and March. This temporary modification will allow DWR and USBR to continue maintaining low salinity conditions over a significant extent of the estuary while continuing the water supply operations in the Delta. Assuming the below average hydrology conditions experienced so far in February continue in March, under the current permit, DWR and Reclamation would be required to cut Delta exports and/or release stored water from upstream reservoirs to provide an estimated 700,000 acre-feet of Delta outflow required to maintain the X2 at Port Chicago during February and March.

**Statement from Jennifer Pierre, General Manager of the State Water Contractors:**

"Despite recent rains, and even as substantial runoff still flows through the Delta, California is still recovering from years of drought and water cutbacks. We must be nimble in ensuring responsible water management for both water supply and the environment. Many of our current regulations, including the Delta salinity and outflow requirements of Water Rights Decision-1641, are from the 1970s and 1990s and do not reflect the climate whiplash we are now experiencing.

The regulatory requirements in the Decision-1641 were from an era before CVP and SWP were subject to the multitude of additional regulatory requirements (e.g., 2020 biological opinions

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<sup>1</sup> 2 parts per thousand isohaline at Port Chicago

and incidental take permit) specifically designed to protect the sensitive fish species. Recent changes in hydrologic conditions coupled with the rigid and redundant regulatory requirements significantly eroded the ability of SWP and CVP to provide drought resilience. This TUCP is the appropriate action to help realign California's water management decision-making with the latest and most relevant science and the current hydrology.

Even with the TUCP, the Delta is and will remain substantially fresh, providing opportunities to maintain water supply operations without negative effects on fish and water quality. We are grateful that the water flowing through the Delta is sufficient to meet all the beneficial uses, but we must invest in infrastructure and establish operational rules that are better able to respond to our changed climate and hydrologic conditions. Implementing the Voluntary Agreements, Delta Conveyance Project, strategic storage projects and science-based flexibility in our management are absolutely necessary to ensure adequate and reliable water supplies for California's people and environment."

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