

SOUTH DELTA WATER AGENCY

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June 3, 1999

Via Fax (916) 654-9780

Mr. Stein Buer
Resources Building
1416 Ninth Street
Sacramento, CA 95814

Re: SDIT

Dear Stein:

Pursuant to my e-mail to you yesterday, I have developed a number of questions relating to the SDIT findings and recommendations. I suggest we schedule another SDIT public meeting to discuss my questions and the answers thereto. The following are my questions and requests.

1. Who made the final decision that the SDIT would recommend a two tidal barrier program?
2. Who are the "key Policy Group participants" that received the "detailed package" that was not distributed to the Policy Group in general?
3. Who are the members of the "Small Group?" How was that group created and what is its duties and responsibilities?
4. Please provide the modeling results (GLC barrier base case v. no GLC barrier) for other year types (i.e., below-normal, dry, and wet), and for other months (especially March, October and November).

Mr. Stein Buer

June 3, 1999

Page - 2 -

5. Please provide modeling that includes the Grantline Barrier at its originally proposed position at the west end of Grantline Canal.
6. Please explain the operational assumptions for the modeling, i.e, what are the state and federal export rates, when is Clifton Court Forebay being filled, etc.
7. Explain "minimum stage levels" referenced in the modeling results.
8. Please explain how export operations lower Grantline Canal water levels downstream of the barrier below what those levels would be in the absence of the Grantline Canal Barrier.
9. Please compare recent actual water levels to modeled levels. In the development of the Response Plan to allow joint point operations under WR 98-9, DWR, USBR, and SDWA agreed that predicted modeling potentially overstated water levels by as much as 0.6 feet. The critical year modeling results provided by you indicate that at minimum stage, the two tidal barrier program results in water levels (at points 12, 15, and 16) from 0.7 to 0.2 feet. What information do you have that indicates 0.7 to 0.2 is sufficient depth for agricultural diversions? What information do you have to indicate that if the 0.7 to 0.2 is adjusted down 0.6, there is sufficient water depth for agricultural diversions?
10. What modeling has been done regarding predicted effects of the proposed dredging?
11. Please provide the modeling which shows the different effects on South Delta circulation resulting from the three barrier program as compared to the two barrier program. Do the modeling assumptions include any dredging?
12. Please specify what areas are to be dredged. If specifics are unknown, what information is required to determine the specific areas? What is the time frame for developing this information.
13. Please provide the modeling that shows the effects of operating the Head of Old River barrier at times the tidal barriers are not operating.
14. Do you conclude that dredging will have any adverse effects on areas upstream of the dredged channel? On what do you base this conclusion?

Mr. Stein Buer
June 3, 1999
Page - 3 -

15. Do you conclude that the two barrier/dredging proposal will result in adequate circulation in the South Delta? On what do you base this conclusion?

16. How much of the above requested information was not provided to the key Policy Group participants, or the Policy Group? Why was it not provided?

17. On what basis was it decided that the two barrier/dredging proposal would adequately mitigate the harm to South Delta which results from Project operations? If dredging is expected to cause adverse effects upstream of the dredged areas, and if there is no modeling of the two barrier/dredging program's effects on circulation, what goals was the SDIT seeking to meet when it made its decision? Does SDIT believe those goals will be met?

18. Did the maintenance or improvement of exports enter into the decision to pursue the two barrier/dredging program?

19. What is the status of the ISDP? Is the barrier program now separated from the program to change the intake at Clifton Court Forebay? Why or why not?

20. Please provide the channel cross sections with undistorted x and y-axis scales. Who produced the original charts with the distorted scales?

21. SDWA has already disagreed with many of the 17 elements in the South Delta Investigation Decision. On what basis does CALFED change and then move forward on a program to improve South Delta water levels, circulation, and water quality without SDWA's support?

22. Since the barrier program portion of the ISDP was part of a settlement of a lawsuit, did the SDIT consult with counsel to determine if changing the preferred alternative in ISDP was legal, or in breach of contract?

Please refer the following questions to DWR's counsel:

23. The development of a settlement to the 1982 lawsuit included numerous signed commitments. What is the current status of:

-- The Draft Contract

Mr. Stein Buer
June 3, 1999
Page - 4 -

- 1985 Letter of Intent
- 1986 Joint Powers Agreement
- 1986 Framework Agreement
- 1990 Summary of Settlement

24. Do you believe SDWA is still obligated to make payments to DWR under the Draft Contract?

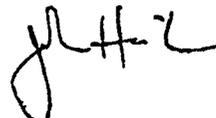
25. Does DWR no longer believe that the three barrier program is "the most viable alternative for improving SDWA water flows and circulation?" (Language is from the 1990 Summary of Settlement.)

26. Is DWR going to proceed with a barrier program even though SDWA believes the recent changes to the program do not fully address the claims in the original complaint?

27. Do DWR, USBR, and SDWA now need to renegotiate the Draft Contract that was proposed to settle the 1982 lawsuit?

As you can see, SDWA is gravely concerned with the position in which CALFED has placed it. The original three barrier program was developed and agreed upon by SDWA, DWR, and USBR as a means of settling a portion of a lawsuit. Unilateral changes in that barrier program, especially ones not based on adequate investigation and review, will have serious consequences and legal ramifications. I encourage you and your counsel to discuss these matters fully with me before scheduling the next SDIT public meeting.

Very truly yours,



JOHN HERRICK

JH/dd

cc: Mr. Alex Hildebrand