COA 101: the Coordinated Operation Agreement

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History of COA
A Tale of Two Projects

- Central Valley Project was originally proposed by the State in 1930s as part of the State Water Plan
- 1933 - CVPA approved by large majority of CA's voters
- Due to the Depression – State couldn't fund the bonds
Central Valley Project

• Public support for the project increased due to a severe statewide drought 1928 – 1934
• Severe groundwater overdraft
• Subsidence
• Dustbowl effect
Central Valley Project

- 1937 - Feds took over the CVP as one of FDR's "alphabet soup" programs
Central Valley Project

• State assigned most of its 1928 water rights filings to the United States
• U.S. began to build the planned facilities
• Construction of Friant Dam completed in 1944
• Other facilities soon followed
State Water Project

• In postwar boom, State wanted to pursue a State-owned water project

• For the most part, the State facilities rely on water permits that were filed in the 1950s, during the “Pat” Brown administration

• These permits are junior to the CVP’s permits
CVP v. SWP

• CVP’s rights are generally senior
• CVP is storage-rich
• SWP has much bigger pumping capacity
San Luis Reservoir Proposal

- Application filed in 1954 by Westlands Water District, subsequently assigned to U.S.
- Both parties had permits for appropriation of unappropriated Delta water
- Protests filed on each other’s applications for water rights permits
The Birth of Coordinated Operations

• "It is in the best interest of the United States and the State to agree on the use of water rights . . . rather than litigate such uses . . . "

[Image of two men standing and smiling]
History of COA

• Agreement of May 16, 1960 requires modification due to "subsequent developments and changes in the two projects"
• Recognized the need for criteria for coordinated project operation
• May 13, 1971 Draft Agreement negotiated but not implemented
• COA suspends, but does not supersede, the Agreement of May 16, 1960
3 Main Areas of Proposed Changes

- Inbasin Use Formulae
- Unstored Water Available for Export Formulae
- Sharing Flows During Excess Conditions with Export Constraints
“Sacramento Valley Inbasin Uses”

• legal uses of water in the Sacramento Basin
• **includes** the water required “under the provisions of Exhibit A”
• Exhibit A = D-1485 water quality control standards
Inbasin Uses

• Subject to 75% - 25% sharing formula
• Central Valley Project provides 75% of water needed to meet these demands
• Based on CVP’s greater storage
Unstored Water Available for Export

• During “Balanced Water Conditions” when unstored water is available for export, allocated 55% to United States, 45% to State

• "Balanced water conditions" - when it is agreed that releases from upstream reservoirs plus unregulated flow approximately equal the water supply needed to meet Sacramento Valley inbasin uses, plus exports.
Excess Conditions with Export Constraints

• In excess conditions, water shared 50%/50%
• "Excess water conditions" - when it is agreed that releases from upstream reservoirs plus unregulated flow > Sacramento Valley Inbasin Uses plus exports.
• Same ratio has been applied in Excess Conditions subject to Export Constraint
• "Handshake" agreement
2014-15 Drought

- Highlighted significant problems with COA
- Many CVP contractors received 0 allocations in both years
- Inconsistent with federal reclamation law’s directives regarding delivery of water and repayment of costs of facilities
Proposed Changes to COA

• Adjust Inbasin Use Formulae
• Adjust Unstored Water Available for Export Formula
• Develop a Sharing Formulae to Address Excess but Export Constrained Condition
• Address D-1641 (WQCP update - ?)
• Potentially Other Changes?
Why It Matters to This Region

- COA treats water quality control plan objectives as Inbasin Uses
- Reclamation has been expected to contribute 75% of the total volume needed for IBU, even as WQ objectives have increased
- Constraints on Shasta operations sometimes impede using Sacramento River water to meet water quality control plan objectives
- Folsom is most likely to refill and closest in distance to the Delta compliance points
- A disproportionate share of the burden of the CVP meeting its Inbasin Use targets falls on Folsom Reservoir
Pending Amendment to Water Quality Standards

• COA contemplates D-1485
• If SWRCB establishes new Delta standards & the U.S. determines that operation of the CVP in conformity with them is "not inconsistent with Congressional directives," the parties “shall amend” Exh. A & COA “as necessary to provide for continued operation of both projects to accomplish the purposes of COA.”
• If the U.S. determines the new Delta standards are inconsistent with Congressional directives → U.S. shall ask DoJ to bring an action to determine applicability to CVP.