



Directors:
Jeffrey Rabo – President
Linda Pitter – Vice-President
Jake Thompson
Doug Amato
Patrick Johnson

November 4, 2022

Mr. Esquivel, Chair
Members of the State Water Resources Control Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

SUBJECT: PETITION FOR RECONSIDERATION OF CURTAILMENT ORDERS WR 2022-0169-DWR AND WR 2022-0170-DWR FOR THE CURTAILMENT OF DIVERSIONS ON MILL AND DEER CREEKS

Dear Chair Esquivel and members of the State Water Resources Control Board,

A letter was submitted to the Board from Deer Creek Irrigation District dated August 10, 2022 requesting that the Board reject a resolution to curtail water diversions on Deer Creek. We write to you again to request that the Board reconsider Curtailment Order WR 2022-0170-DWR issued on October 7, 2022.

The Emergency Regulations identifies the presence of Steelhead in Deer Creek as the basis for water curtailment needs. In their letter dated October 6, 2022 CDFW only makes mention of six Steelhead being present in Clear Creek and Battle Creek. The presence of Steelhead in Clear Creek and Battle Creek does not constitute a reasonable assumption that Steelhead are present in Deer Creek. At the time that CDFW submitted their letter, flow conditions below Stanford Vina Dam were approximately 40 cubic feet per second (cfs). CDFW's curtailment request suggests that migrating fish will encounter extremely low stream flows is without merit. The assertion that the fish cannot migrate at 40 cfs, but can at 50 cfs, further bolsters the argument for streambed alteration projects to occur; a suggestion and request that has been presented by water right holders on Deer Creek repeatedly.


The letter from CDFW to the State Water board was submitted on October 6th, and the curtailment order was authorized by the Board on October 7th. The lack of any outreach or notification by CDFW to stakeholders prior to the request for the implementation of the curtailment order can only be interpreted as an unwillingness to seek out voluntary agreements with water right holders. Misrepresentation of stream flow conditions and the presence of

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Steelhead in Deer Creek is akin to falsifying information, and can be perceived by water right holders as an attack on the District's senior water right.

Deer Creek Irrigation District has a long history of cooperation with CDFW to achieve voluntary measures that will provide migrating fish with sufficient water during drought conditions. These agreements are vital to the success of agricultural needs of water right holders and the fisheries. DCID requests that the Board reverse its decision to adopt Curtailment Order WR 2022-0170-DWR, and encourage CDFW to pursue voluntary measures and instream projects.

Respectfully,



Jeffrey K. Rabo
D.C.I.D. Board President




Linda Pitter
D.C.I.D. Board Vice-President



Jake Thompson
D.C.I.D. Board Member



Doug Amato
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