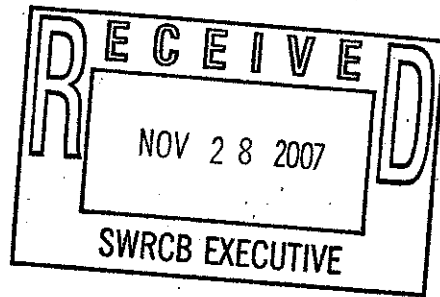


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November 28, 2007

State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, California 95814

Re: *Comments on State Water Resources Control Board Resolution No. 2007__ : Water Boards Actions to Protect Beneficial Uses of the San Francisco Bay-San Joaquin Delta Estuary*

Dear Board Members:

This letter transmits the comments of the San Luis & Delta-Mendota Water Authority ("Authority") and Westlands Water District ("Westlands") on the draft State Water Resources Control Board ("SWRCB") Resolution No. 2007-__, entitled "Water Boards Actions to Protect Beneficial Uses of the San Francisco Bay - San Joaquin Delta Estuary" ("Draft Resolution").

The Authority, which was formed in 1992 as a joint powers authority, consists of 32 member public agencies.¹ Each of the Authority's member agencies contract with the United States Department of the Interior, Bureau of Reclamation ("Reclamation"), for supply of water from the federal Central Valley Project ("CVP"). Together, the

¹ The member agencies of the Authority are: Banta-Carbona Irrigation District; Broadview Water District; Central California Irrigation District; Centinella Water District; City of Tracy; Columbia Canal Company; Del Puerto Water District; Eagle Field Water District; Firebaugh Canal Water District; Fresno Slough Water District; Grassland Water District; James Irrigation District; Laguna Water District; Mercy Springs Water District; Oro Loma Water District; Pacheco Water District; Pajaro Valley Water Management Agency; Panoche Water District; Patterson Water District; Plain View Water District; Pleasant Valley Water District; Reclamation District 1606; San Benito County Water District; San Luis Canal Company; San Luis Water District; Santa Clara Valley Water District; Tranquillity Irrigation District; Turner Island Water District; West Side Irrigation District; West Stanislaus Irrigation District; Westlands Water District; and Widren Water District.

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supply of water from the federal Central Valley Project ("CVP"). Together, the Authority's member agencies hold contracts that entitle the member agencies to approximately 3.3 million acre-feet of CVP water. Of that amount, they use approximately 2.7 million acre-feet of CVP water on agricultural lands within the western San Joaquin Valley, San Benito County, and Santa Clara County, California; 200,000 to 250,000 acre-feet of CVP water for municipal and industrial uses, including those within the Silicon Valley; and approximately 300,000 to 350,000 acre-feet of CVP water for environmental purposes, including for waterfowl and wildlife habitat in the San Joaquin Valley, California.

Westlands, a member of the Authority, is a California water district with a right to receive up to 1,150,000 acre-feet of CVP water annually. Westlands uses this water for municipal and industrial purposes, as well as for irrigation of approximately 500,000 acres on the west side of the San Joaquin Valley in Fresno and Kings Counties. Westlands' farmers produce more than 60 high quality commercial food and fiber crops sold for the fresh, dry, canned, and frozen food markets, both domestic and export. More than 50,000 people live and work in the communities that are dependent on Westlands' agricultural economy.

The Authority and Westlands acknowledge there are complex challenges facing the Bay-Delta. Past efforts to develop solutions resulted in the CVP bearing a significant and inequitable share of the burden of implementing actions intended to overcome the Bay Delta's challenges. More than anywhere else within the State of California, those areas within the Authority and Westlands have been adversely affected by the CVP bearing that burden. For this reason, as well as others, the Authority and Westlands appreciate the apparent intent of the Draft Resolution, to improve the Bay-Delta by addressing the many factors potentially affecting it. Indeed, such an approach is the one most likely to achieve successful results. It is also an approach that will require, because of its water right and water quality authority, decision-making by the SWRCB. However, the SWRCB's wholesale adoption of the Draft Resolution at this time will not lead to an improved Bay-Delta. In fact, such an action would likely prove more disruptive than productive. Instead of adopting the Draft Resolution, the SWRCB should: (1) immediately authorize specific actions, discussed in more detail below, and (2) hold a multi-day workshop to obtain additional information prior to directing other actions to be taken.

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I. Potential Immediate Actions

By preparing the Draft Resolution, the SWRCB staff identifies many of the perceived problems that present complex challenges for the Bay-Delta. The Authority and Westlands believe the SWRCB can implement some of those actions without significant risk to ongoing efforts to address perceived Bay-Delta problem – “no regret” type actions.² They include:

1. Review southern Delta salinity objectives in the Bay-Delta Plan;
2. Require characterization of dischargers to and from Delta Islands for water quality purposes;
3. Compile and assess available data on contaminants and toxicity;
4. Develop and implement regulatory controls to address invasive species;
5. Require a standardized monitoring program to better understand blue-green algae blooms;
6. Hold a workshop in January 2008 to discuss what actions, if any, the SWRCB should take to address the pelagic organism decline; and
7. Hold a workshop in the summer of 2008 on San Joaquin River flow issues.

If the SWRCB were to approve any of those actions (or other “no regret” actions) at this time, it must, as proposed in the Draft Resolution, instruct SWRCB staff to prepare a strategy and workplan for their “implementation.” When developing the strategy and workplan, the SWRCB staff should prioritize matters, in particular giving higher priority for those action requiring improved data, data collection, or data analysis.

² If the Authority’s and Westlands’ belief is incorrect, that the listed actions cannot be implemented without significant risk to on-going effects, the Authority and Westlands request that the SWRCB not approve the actions. Instead, as recommended below, those actions should be discussed during a workshop.

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II. Need for Workshop

Before the SWRCB makes a decision on actions proposed in the Draft Resolution, other than those "no regret" actions the SWRCB acts upon, if any, the SWRCB must gather additional information. Additional information is needed for three primary reasons.

First, the list of remaining, proposed actions presented in the Draft Resolution, while extensive, may not be exhaustive. A workshop will allow for discussion and input to ensure important areas where the SWRCB could become involved are not overlooked.

Second, a workshop will allow stakeholders to provide information to the SWRCB on effects that could be caused by the adoption of a resolution like the Draft Resolution. For example, adoption of the Draft Resolution would cause significant, if not devastating effects on existing efforts to address perceived Bay-Delta problems. Among other activities, federal and state agencies and stakeholders have invested significant resources in efforts including the Delta Vision and the Bay Delta Conservation Plan. If the SWRCB were to adopt the Draft Resolution, the resources dedicated to those efforts would immediately be redirected, regardless of how the workplan were developed. A workshop would allow the SWRCB, prior to directing action, to better understand the impact, if any, its action would have on ongoing efforts.

Finally, a workshop will allow stakeholders to discuss the fiscal implications of the Draft Resolution. Many of the actions proposed in the Draft Resolution are far-reaching and extensive. It would likely cost tens of millions of dollars to implement those proposed actions. Again, it seems prudent to consider funding/resources requirements to implement actions, before directing such actions be taken.

In conclusion, the Authority and Westlands recognize the challenges of the Bay-Delta and agree that the SWRCB must be part of the solution. However, the Authority and Westlands recommend that the SWRCB approve at this time only "no-regret" actions. To ensure the SWRCB understands the benefits/concerns stakeholders believe would result from SWRCB's direction on other proposed actions, the Authority and Westlands ask that the SWRCB hold a workshop to receive information on the scope of propose actions, the possible effect of the proposed actions on ongoing efforts, and the fiscal implications of implementing the actions. Only through additional evaluation, and consideration of stakeholder input, can SWRCB develop a calculated

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and effective approach to a resolution of the perceived problems in the Delta that will not be disruptive to ongoing Delta-related processes.

Very truly yours,

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