

**From:** "George V. Hartmann" <[gvhlaw@gmail.com](mailto:gvhlaw@gmail.com)>  
**Date:** August 7, 2014 at 7:01:16 PM PDT  
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**Subject: Re: Letter from South Delta landowners**

August 7, 2014  
VIA ELECTRONIC MAIL  
Ms. Barbara L. Evoy  
Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
RE: July 23, 2014 Letter from DWR and USBR and related correspondence

Dear Ms. Evoy:

This office represents Reclamation Districts and landowners in the Delta. Please regard this letter as a strong objection to the Board taking any action in response to the DWR and USBR July 23, 2014 "letter" other than scheduling a hearing. The letter in question does not appear to be a complaint that would trigger specific actions by the Board under its recently-adopted emergency regulations - much less a "wholesale" investigation of the water rights of all in-Delta diverters - which, as Mr. Herrick has ably stated in his letter to you - have already been thoroughly investigated by the Watermaster and others.

The McDonald Island landowners and Reclamation District (No. 2030) recently furnished the state Watermaster with the preliminary but factually accurate results of a recent study that clearly and simply demonstrates that the drainage system on McDonald Island returns substantially more water to the Delta than is consumed by crops, evaporation and carriage losses. Water returned to the system includes tail-water, seepage, rainfall and artesian flows. We are prepared to submit the results of our study to the Board as part of the record of a proper hearing.

To suggest, as DWR/USBR asserts in their letter to you, that Delta diversions increase the amount of stored water that must be released in order to maintain salinity levels, is mere speculation and without foundation. We believe this and other issues should be thoroughly vetted in the proper forum. We also believe that the Board Members and Staff (as well as DWR and USBR) would be helped by understanding the reality of the Delta, the constant availability of water in the Delta, and what would happen if landowners / farmers were rendered unable to conduct farming and reclamation (drainage)

operations in the Delta. All of these subjects (and more) are ripe for discussion at a properly noticed Hearing, which we request before any action is taken under the emergency regulations.

I am out of the office on vacation and do not have my firm's letterhead available. Please accept this communication in email format.

Very Truly Yours,

George V. Hartmann

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Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough.

Abraham Lincoln  
16th president of US (1809 - 1865)