



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Kern National Wildlife Refuge Complex
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 October 19, 2009

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Arthur G. Baggett, Hearing Officer
 State Water Resource Control Board
 Division of Water Rights
 1001 I Street, 14th Floor, P.O. Box 2000
 Sacramento, CA 95812-2000

Dear Member Baggett:

Regarding the public hearing and petition(s) to revise the declaration of fully appropriated stream system status of the Kern River, this letter is submitted for your review and consideration. A number of protracted lawsuits have been adjudicated between the water right holders on the first point of diversion of the Kern River. In summary, at issue in the lawsuits and hearing before CA Water Resource Control Board is the use of Kern River water that Kern Delta Water District acquired from the City of Bakersfield in 1976. The interpretation of information contained in the previously adjudicated court cases may lead many interested parties to believe that the CA SWRCB has reasonable cause to find a change in circumstances and revise or revoke the fully appropriated status of the Kern River stream system.

As a natural resource management organization with an interest in migratory birds and related public trust resources, Kern National Wildlife Refuge desires to submit the following information as a policy statement for your consideration;

Any finding that unappropriated water exists which can be released into the Kern River channel will have immense positive benefits to migratory birds and riparian habitat conditions along the Kern River. Returning water supplies to the natural river channel at locations upstream of diversions and increasing flows of water in the Kern River downstream of existing diversions will facilitate riparian forest restoration projects currently under way. Riparian forest habitats resulting from improved water flows are more optimal in terms of supporting high avian species richness and breeding bird densities.

Please feel free to contact this office if any additional information is desired.

David Hardt,
 Project Leader