

**Congress of the United States**  
**Washington, DC 20515**

February 21, 2023

Ms. Eileen Sobeck  
Executive Director  
California State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Director Sobeck,

We write to strongly urge the State Water Resources Control Board (State Water Board) to approve the Temporary Urgency Change Petition (TUCP) submitted by the U.S. Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) on February 13, 2023, and request the State Water Board issue an Order approving the requested waiver of Delta outflow requirements, without any conditions that limit maximizing Delta exports, as expediently as possible. The TUCP will allow storage to be prioritized throughout the California water system, and South of Delta water exports to be maximized.

Without the Board's approval of the submitted TUCP, the inflexibility of Water Right Decision D-1641 will require increased Delta outflows to be sourced by releasing water from North-of-the-Delta storage and decreasing South of Delta exports. This Delta outflow requirement is itself representative of the complete failure of D-1641 to adequately consider the current conditions of the California water system when dictating water operations. By only considering river flow conditions from the previous month, D-1641 is willfully blind to the past three years of drought, current water storage levels, and lack of precipitation in forecasts.

This regulatory blindness is not a new issue for the Board or any of the agencies involved. Temporary Urgency Change Petitions were submitted and approved in both 2021 and 2022. In Water Year 2022, a deluge of precipitation arrived in October and December, followed by the driest January, February, and March on record. In Water Year 2023, the State received significantly above average rainfall in December and January, but February has been dry and forecasts are not promising.

Lastly, failure to approve the TUCP would exacerbate existing discord over water prioritization as seen over the past two months, when other environmental requirements prevented maximum South of Delta water exports. The petition submitted by Reclamation and DWR correctly seeks to prevent D-1641 Delta outflow requirements from gambling away what precipitation was stored during recent storms, potentially jeopardizing operations throughout the remainder of Water Year 2023. We strongly urge the Board to approve the TUCP while maintaining maximum Delta exports as rapidly as possible.

Sincerely,

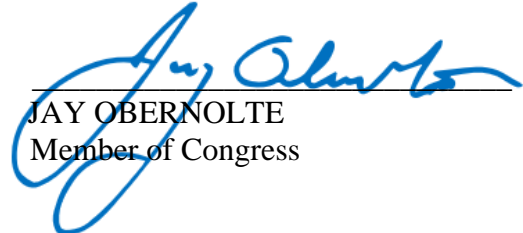
  
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