

CENTRAL DELTA WATER AGENCY

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February 13, 2015

Via email

CommentLetters@waterboards.ca.gov

Re: February 17, 2015, Informational Item 4.

Dear Board Members and Staff:

I have reviewed the Letter and Notice sent to various water right holders re: Order For Additional Information.

While our agency is committed to assisting our landowners in making a good faith effort to respond, we believe the shortness of time will make it impossible for many landowners to comply. As to the online reporting form, there are difficulties associated with locating and managing the form and inappropriate questions which could cause uninformed or inadvertent responses deceptively detrimental to the reporting party. The average farmer will have extreme difficulty with the form.

1. The form cannot be located on the SWRCB website without using the specific site address which is not on the form but contained in small print on page 2 of the letter. We request that a "quick link" be provided on the SWRCB home page.

2. The form does not allow for revision prior to submittal. If you go back and then hit "continue", you lose the data already entered on the pages to which you return. This should be changed.

3. The form does not allow for printing a copy of the final form prior to submittal or of the form actually submitted.

4. APNs, address of owner and map of place of use is already in the SWRCB database. The need for repetition, particularly, where the landowner has multiple diversions is unduly burdensome.

5. The patent information from the BLM site referenced in the form is in some cases

limited and will not always produce a copy of the patent. The desired copy will in many cases not be available by March 6, 2015, from the BLM website and may not be available from the site at all. Other means of retrieval will require more time to provide.

6. The question regarding “severance” from the riparian watercourse and the riparian claim preserved through title is compound and inappropriately seeks legal conclusions. A comment box should be provided to explain the response.

7. The required separation of quantities for riparian and pre-1914 is inappropriate. The rights for most diverters in the Delta are overlapping. Overlap is possible with pre-1914, riparian, post-1914, groundwater rights, overlying rights, rights to artesian flow, and statutory rights. While we agree there should be no duplication, the form should allow a recognition of such overlap as opposed to a “O”.

8. The pre-1914 claim date in most cases can only be estimated because it is dependent upon dates of early use for which a comprehensive investigation of historical documents is necessary. Time does not permit such investigation.

9. The form precludes the opportunity for general comments or explanation of the entries. The form should be changed to include a comment box at the end of the form.

10. The need to make two separate email submittals, one for riparian and one for pre-1914 is unduly burdensome. One submittal with two tabs should be sufficient and submittal by mail should also be allowed. Most landowners have limited scanning capability and will have difficulty complying.

The anticipated monthly reporting will be hugely burdensome and compliance impossible. We would like to work with you to see if with the projected 2015 cropping you could utilize available Eto information in house to meet your needs.

We are disappointed that we were not consulted prior to adoption of the form so that a less burdensome and less deceptive form could be developed with a more realistic time for response.

Yours very truly,



DANTE JOHN NOMELLINI
Secretary and Counsel

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