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VIA ELECTRONIC MAIL: commentletters@waterboards.ca.gov



Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: **Dry Year Report Comments**

Dear Chair Marcus and Member of the Board:

Thank you for the opportunity to submit these recommendations regarding how the Board can improve water rights administration in dry years. These comments focus on what we believe are the most important issues. They are brief due to time constraints. We encourage the Board to establish a working group of stakeholders to assist the Board in adopting policy and protocols to be used in future dry years.

1. Establish a written protocol for curtailments with stakeholder cooperation. The protocol should explain how supply and demand will be computed to determine if curtailments are needed in a given year. We encourage the Board to establish a working group to meet regularly for this purpose.
2. Determine what information will be used to assess available supply and demand with stakeholder input. Where it is obvious that existing sources of information are not sufficient to provide accurate estimates of supply, hold hearings or invest in studies to obtain better information.
3. Recognize that the database generated from Statements and License/Permit reports is not accurate.
 - a. Work with stakeholders to fix double and triple reporting occurring because of overlapping rights.
 - b. Address the fact that diversion data does not equate to a total withdrawal from the stream system due to return flows.
 - c. Invest in the consumptive use model for the Delta to help resolve accuracy issues associated with the large number of individual reports.

4. Issue curtailments before planting decisions are made. Once farmers have invested in planting and raising crops, it is very difficult to obtain curtailment and the farmer will suffer significant losses beyond just the inability to farm due to sunk costs in planting and cultivation.
5. This office questions the authority of the Board to curtail riparian and pre-1914 rights. If the Board believes it has this authority, at a minimum it should establish an expedited hearing process for curtailment of riparian or pre-1914 rights to fulfill due process mandates.
6. Enforcement must be swift and in real time to be effective. It is still unclear whether the Board will pursue enforcement actions for 2014 and the irrigation season is coming to an end. If enforcement is pursued after irrigation has ended, it will only serve as a revenue generating activity and will not assist with curtailing diversions when the curtailment was needed.

Thank you for the opportunity to present these comments.

Very truly yours,



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