

September 12, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-2000



Re: **Dry Year Report Comments** – September 10, 2014 Notice of Solicitation
Regarding Improvements to the Implementation and Enforcement of Water Rights
During Drought Conditions

Dear Ms. Townsend:

In the Board's consideration of the referenced solicitation, provide them my comments to consider.

I am discouraged by the referenced September 10, 2014 Notice as it infers a too-limited focus of the Board's enforcement duties and performance expectations. The thrust of my concern is that the Board is strongly attempting to protect the water rights and use of water by out-of-stream users while neglecting protection of all other beneficial uses of the same water.

The foremost issue is what is the status of enforcement of water rights and the protection of beneficial uses during non-drought times? One has to assume by this notice that enforcement of water rights is not a priority or focus of the Board during non-drought times, despite the much increased staffing of the Enforcement staffing by the provisions of the Delta Reform Act. Justice (read rights) delayed is justice (read rights) denied. The Board owes the legislature and the public a transparent evaluation of the enforcement problems and complaints encountered and/or formally lodged during the 2012-2014 period as well as a similar report on the period 2000-2014 to address more normal situations.

The Board is all-around weak on enforcement. I have received a letter from Board staff and read newspaper articles on the constraints the Board seems to think they have enforcing water rights and, more importantly, water right violations. There is a need for a bigger hammer. I recall one exploiter once telling staff of a state regulatory agency "There is no fine you can levy on me that will stop me from taking what I want and when I want it". I think that we are already there on water diversions. This is not a governance that the public can be confident in.

The Notice asks #7 "What additional actions, if any, should the Board take to prepare for the next dry year or series of dry years? The Board needs to 1) message water right holders and project operators that they, not the Board, need to manage supply risk, 2) the standards will not be relaxed again save for some unforeseen catastrophic event, and 3) start by managing carryover storage to deal with flow and water temperature requirements. The history of Board bailouts of some few water rights users at the expense

of well-thought-out standards for the protection of all other beneficial uses needs to be reset.

The notice interchangeably uses the term "drought" and "dry years"; these terms need to be defined of existing Board definitions in the Water Code referenced.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Morat", written in a cursive style.

Richard Morat
2821 Berkshire Way
Sacramento, CA 95864