

TDP

7-8-02

State Water Resources Control Board

Attn: Tom Pelier

As an interested party, I received a copy of the request made by the Colorado River Board of California to you, dated 7-2-02, concerning your June 14, 2002 correspondence.

I support its request, albeit I disagree as to one of its assumptions, i.e. first paragraph, second page, last sentence:

—We believe that the State Board should focus on intrastate issues and leave resolution of these interstate and federal issues to be resolved in another venue.

I conclude that:

- (1) The long-term water transfer between IID and SDCWA is an interstate transfer.
- (2) IID's water is under federal jurisdiction and the Law of the River applies.
- (3) Notwithstanding, pursuant to Section 5, Article III of the California Constitution, and there being no federal prohibition, SWRCB has the responsibility and attending authority to receive, process, and act on this interstate water transfer petition.

This position is based on:

- (1) A conversation with Ed Anton, Chief, Division of Water Rights, soon after the PVID-MWD fallow test program was completed.
 - (a) My question of Mr. Anton was:
—What role did you play in this transfer?
 - (b) His answer was:
—None, we only deal with intrastate transfers.
- (2) The written response that I received from SWRCB when I protested that "IID's water was not under state jurisdiction (as stated in the petition)."

Therefore, I hold that the SWRCB having the responsibility and attending authority does not change the interstate status of the transfer nor of IID's water being under federal jurisdiction.



Cliff Hurley

cc: Colorado River Board of California

Others