



MIMI DUZENSKI
Clerk of the Board

BOARD OF SUPERVISORS

44 NORTH SAN JOAQUIN STREET, SUITE 627
STOCKTON, CALIFORNIA 95202
TELEPHONE: 209/468-3113
FAX: 209/468-3694

KATHERINE M. MILLER
Chair
Second District

CHUCK WINN
Vice Chair
Fourth District

CARLOS VILLAPUDUA
First District

STEVE J. BESTOLARIDES
Third District

BOB ELLIOTT
Fifth District

February 27, 2015

Mr. Thomas Howard, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

SUBJECT: FEBRUARY 3, 2015 ORDER APPROVING DWR/USBR TEMPORARY
URGENCY CHANGE PETITION

Dear Mr. Howard:

The following comments are respectfully submitted on behalf of the County of San Joaquin (County) with respect to the above-referenced Order granting in part provisions in the Temporary Urgency Change Petition (TUCP). In times of drought, temporary urgency change petitions, such as the TUCP approved by the Order referenced above, are arguably inappropriately used as a water management tool, as it perpetuates, allows, and promotes unsustainable and woefully inadequate long-term drought planning by the Department of Water Resources (DWR) and the Bureau of Reclamation (USBR) in State Water Project (SWP) and Central Valley Project (CVP) operations.

California is once again faced with dire water conditions and difficult water resources decisions in 2015, and, once again, DWR and the USBR seek to abdicate their respective responsibilities in operating the SWP and CVP. In similar circumstances in 2014, at the beginning of the third year of drought, DWR and the USBR submitted a similar TUCP to the State Water Board to relax the standards by which the SWP and CVP are operated. State Water Board Members publicly stated the importance of measured drought planning and operations, and that an issue of such great impact throughout the State of California warrants meaningful public participation and deliberate and thoughtful planning. However, the State Water Board was complicit by approving the 2014 TUCP and not ordering the requested evidentiary hearing.

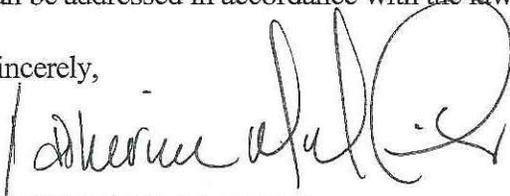
Despite criticism and direction from the State Water Board, DWR and the USBR have again, in 2015, conveniently elected to use the expedited urgency change mechanism to avoid participating in meaningful discourse regarding Project drought operations. It is not unexpected that California faces another tough year of drought conditions. Yet, these Agencies that have such a critical and important role in California's water management, have failed to follow the rules.

The County is concerned that the Order does not tell DWR and USBR that the State Water Board is serious about enforcing the terms of their permits or requiring sufficient drought planning. When,

pursuant to the rules in place, there is no water available in the system for export, and the State Water Board allows exports, and even allows increased exports, the protections by which the State Water Project and Central Valley Project should be governed are meaningless and DWR and USBR have no incentive to plan as they should.

The County appreciates the work done thus far by you and your staff on this matter and recognize that the Order does not approve the requested changes in their entirety, but the Order remains a categorical failure of the State Water Board's duty to lawfully administer the water right system. Accordingly, San Joaquin County requests that the State Water Resources Control Board do everything in its power to ensure that the Department of Water Resources and the Bureau of Reclamation undertake adequate long-term drought planning so that even in times of great drought, California's water resource needs can be addressed in accordance with the law.

Sincerely,



KATHERINE M. MILLER
Chair, Board of Supervisors
San Joaquin County

KM:BN:nt
TUCP DRAFT COMMENTS.DOCX

c: Rich Satkowski, State Water Resources Control Board
(Rich.Satkowski@waterboards.ca.gov)
James Mizell, Department of Water Resources (James.Mizell@water.ca.gov)
Amy Aufdemberge, Regional Solicitor's Office (Amy.Aufdemberge@sol.doi.gov)
Michael Selling, Deputy Director of Public Works (mselling@sjgov.org)