

Calaveras County Water District – Calaveras Public Utility District
Central Delta Water Agency– City of Sacramento Department of Utilities
East Bay Municipal Utility District – Foresthill Public Utility District
Jackson Valley Irrigation District
Mountain Counties Water Resources Association
Nevada Irrigation District – Placer County Water Agency
Sacramento Municipal Utility District
San Francisco Public Utilities Commission
San Joaquin County – South Delta Water Agency
Tuolumne Utilities District
Wallace Community Services District – Woodbridge Irrigation District

August 27, 2009

Honorable Darrell Steinberg
President Pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

Honorable Karen Bass
Assembly Speaker
California State Assembly
State Capitol, Room 219
Sacramento, CA 95814

Dear President Pro Tempore Steinberg and Speaker Bass:

We the undersigned greatly appreciate your serious efforts to address the declining situation within the Delta by bringing forth the Delta package of bills: PSB 1 (Simitian), PSB 2 (Pavley), PSB 3 (Wolk), PAB 1 (Huffman), and PAB 2 (Feuer). These bills comprise an ambitious legislative package that is intended to address a wide range of important Delta-related issues in order to achieve the co-equal goals of water supply reliability and ecosystem restoration.

As you know, this bold package of bills proposes radical changes in our water resources state regulatory structures that are the most fundamental reforms in California water policy seen in decades. All of the changes proposed by this ambitious package must be carefully evaluated and many amendments will be needed before these measures are ready to become law. **It is our view that getting this done properly is more important than acting hastily. The end of session rush does not present sufficient time to ensure that passage of the package of bills will not result in unintended consequences that could prove even more harmful to the state than the current situation presents.**

We are strongly supportive of fixing the Delta and there is much that is right in the Delta package. However, work needs to be done to ensure the Delta solutions do not come at a cost of the Delta itself, less secure water rights, or unfairly burdening some with costs that are rightfully borne by others.

The four key policy concerns that we believe must be addressed in order for these bills to move forward are as follows:

- 1. Delta Council** - The powers that would be vested in the Delta Stewardship Council are overly broad and lack necessary due process protections. The Delta Council would have authority not just over the operation of the export pumps, but potentially, reoperation of the entire Delta watershed – constituting a huge portion of the state’s water. The Council would be free to impose any conditions on state agencies that would affect various water agencies or classes of water agencies and the Council members would be appointed without any statutory qualifications or technical expertise requirements. Local agencies and special districts could be required to take restoration actions in addition to mitigation. The Delta Plan that would be implemented by the Delta Council needs refinement to ensure protection of critical water uses as well as affording due process protections to those that would be affected by the plan.
- 2. Delta Watermaster** - The Delta Watermaster would be given an unprecedented level of authority over nearly half of the state’s water rights holders that surpasses even the State Water Resources Control Board’s (SWRCB) authority. This would include the ability to direct the daily operations of these 6,300 water rights holders. Few, if any, procedural requirements are included to address how the Watermaster would implement a wide range of responsibilities. The duplicative vesting of water rights powers in the SWRCB and the Watermaster, and the assigning of additional water rights powers to the Watermaster, would result in a collision between the Watermaster, SWRCB, and water rights holders in the Delta watershed. These bills must include a clear delineation of the authority that would be vested with this person and how this authority would comport with the authority of SWRCB, and critical water use and due process protections for the water rights holders in the Delta watershed.
- 3. Funding** - The proposed new, annual state water fees associated with Delta restoration need far more statutory protections to ensure they do not become a “de facto” state water tax that is used to supplant programs currently funded by the General Fund. These bills must include all of the critical parameters for establishment of new state water fees to ensure a fair and equitable outcome. There is no statutory ceiling on the amount of fees to be charged a single agency. There are no protections from future Legislatures using this fee to supplant General Funded-programs and tripling the amount of the fees. Finally, there must be rules and procedures in the legislation regarding how to determine who benefits and how much they benefit from a specific Delta improvement.
- 4. Levees** - The attention given to the critical role of the levees in protecting the diverse in-Delta uses is wholly inadequate. The Delta cannot be abandoned and this legislative package must more fully address the issues associated with protecting the Delta islands, by ensuring a long-term plan for maintaining and strengthening the levees that protect critical Delta islands. The State of California must do a better job of acknowledging its responsibility for protecting the diversity of uses within Delta into the future.

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We appreciate this opportunity to comment on this important legislation. Again, due to the profound changes that are proposed by the package, we urge you not try to advance the bills this year but to take the necessary time to refine the bills so that each of these issues can be adequately addressed.

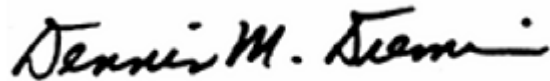
The concerns that we have raised regarding this Delta bill package are not merely the details – these issues go to the heart of this legislation and must be fixed for this package to proceed.

We are heartened by the serious nature in which the Legislature is attempting to tackle the difficult issues in the Delta. Accordingly, we look forward to working closely with you in the hopes of achieving successful legislation in 2010.

Sincerely,



Larry Diamond, Interim General Manager
Calaveras County Water District



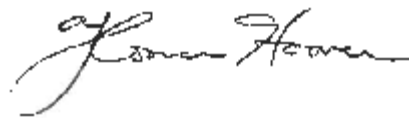
Dennis M. Diemer, General Manager
East Bay Municipal Utility District



John Ornellas, District Manager
Calaveras Public Utility District



Kurt W. Reed, General Manager
Foresthill Public Utility District



Thomas Hoover, General Manager
Jackson Valley Irrigation District



Dante Nomellini, Manager and Counsel
Central Delta Water Agency



Marty Hanneman, Director
City of Sacramento Department of Utilities



Duane Frink, Board President
Mountain Counties Water Resources
Association

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Patrick Luzuriaga, Executive Director
Mountain Counties Water Resources
Association



Ron Nelson, General Manager
Nevada Irrigation District



David A. Breninger, General Manager
Placer County Water Agency



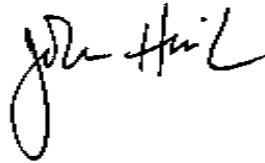
James R. Shetler, Assistant General Manager
Energy Supply
Sacramento Municipal Utility District



Michael Carlin, Deputy General Manager
San Francisco Public Utilities Commission



Larry Ruhstaller, Supervisor
San Joaquin County



John Herrick, Manager and Counsel
South Delta Water Agency



Pete Kampa, General Manager
Tuolumne Utilities District



Charles W. Cantoni
Member, Board of Directors
Wallace Community Services District



Anders Christiansen, General Manager
Woodbridge Irrigation District

cc: Senator Fran Pavley
Senator Joseph Simitian
Senator Lois Wolk
Assemblymember Jared Huffman
Assemblymember Mike Feuer