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Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100



Dear Jeanine Townsend:

I am writing with comments regarding Improvements to the Implementation and Enforcement of Water Rights during Drought Conditions. My comments are specifically focused on the petition filed by the IID and its legal firm, Munger Tolle and Olson. Although many of my remarks have wider implications for the entire state, I'm particularly concerned about the Imperial Valley and the unique circumstances forced upon it by the Quantitative Settlement Agreement (QSA).

Point 1 under Stakeholder Input:

Imperial has senior perfected rights to the water from the Colorado River which allows it to withdraw water before Junior Water Right holders such as Arizona and Nevada. These legal rights were obtained by Imperial over 100 years ago when they served as a source of food for miner at Sutter's Mill. Ever since that time, they have supplied what is now estimated to be almost half of all the winter table vegetables served at our nation's tables.

By entering into the Quantitative Settlement Agreement (QSA) in 2003, they have had to fallow almost 50,000 acres of arable soil for water conservation. Currently, they supply approximately 20% of their water to San Diego, MWD and Coachella. While San Diego is now paying roughly \$2,600 for new water, they pay only about \$650 per acre foot to the IID. MWD gets its IID water at cost and Coachella pays about \$75 per acre foot. San Diego also gets all the water from the All American Canal and pays nothing for it.

As to what actions the SWRCB could take to improve its information and analyses of water availability, I have one suggestion. The Colorado River is the major source of western water and the supply is limited. All parties must conserve. The question is how. To that end, the SWRCB should evaluate (and perhaps recommend) conservation options both on the side of water suppliers and water users. Take the IID and San Diego as examples. Is following the best way to obtain water conservation or would new technologies and the lining of canals produce better savings? On San Diego's side what is it doing to promote drought tolerant practices in places like Rancho Santa Fe which has the highest urban water consumption (according to a study done by the Los Angeles Times) in California? How is it working with its development and zoning departments to promote better conservation practices on new construction? Can the SWRCB incentivize cities like San Diego to encourage greater cooperation between agencies such as

water and power and development/zoning? All are responsible for regulations impacting water useage.

On the question of watersheds, new information provided by the Army Corp of Engineers indicates that stream beds with vegetation as opposed to cement channels curtail the rush and waste from storm water runoff. Inter-agency meetings with other state and federal agencies to explore and share new knowledge and information in these areas should be encouraged by the SWRCB.

Point 2 under Stakeholder Input:

We all now recognize the importance of solid information about our limited water supply in California and the Southwest. But this awareness, even for water agencies, is recent. Prior to a few years ago, water agencies were focused purely on supplying water at a reasonable cost and were not that concerned about water availability. Asking a fair price for water may be the only way to awaken people to the need for conservation and the value of this scarce resource. And paying a fair price by cities like San Diego for water from the IID would not only incentivize the IID to do more but allow it to provide for the health and economic wellbeing of its citizens. Imperial County has one of the highest rates of childhood asthma in the nation and is one of the poorest counties in California. By contrast, San Diego and Coachella are doing very well on the economic scale.

Point 3 under Stakeholder Input:

The State Water Resources Control Board must not play off the interests of wealthy parts of the state against poorer (and often largely Latino) regions. Development interests along the coast and inland cannot be given special treatment above agricultural interests in places like Imperial. This slanting of the deck toward urban over agricultural interests must be stopped. It has been one of the unfortunate impacts of the Quantitative Settlement Agreement (QSA) which, to this day, some members of the IID board do not fully understand because of the confusing information provided by their attorneys. According to one IID Board member, Bruce Kuhn, an escalation clause that tied water prices to the current market value of water was in the draft QSA. It was removed in the final agreement signed by the IID Board. The Board members thought they were signing the same agreement they had seen and approved in the draft. The escalation clause had been removed in the final document which no board member read at the time of signing.

In terms of policy, what can the SWRCB do? Perhaps it can create a ratio between population density in urban areas verses the food producing capacity of agricultural lands. The state now does this by estimating the amount of open space that must be provided to accommodate specified numbers of urban dwellers – a ratio of people weighed against park and open space within certain areas.

Point 4 under Stakeholder Input:

Meetings within communities by the SWRCB need to widely publicized in at least Spanish and English and in a timely fashion. Some of these meetings might be moved from intimidating government building to churches or community centers which people frequent and where they feel most comfortable.

Point 5 under Stakeholder Input:

No comment.

Point 6 under Stakeholder Input:

Water is one of the most important elements in supporting life on our planet. Plants, animals and people cannot exist without it. Yet the supply is limited. It's time to make that point in meetings, utility bills, Op-Ed articles, news stories and social media – everywhere people get their news. Water is sacred to life. Treasure it! Water agencies and others responsible for planning will have an easier time of it if people understand the scarcity of water and their role in protecting it. So publicity will lead to more authority by water agencies to do better planning.

Point 7 under Stakeholder Input:

Two years ago, the Executive Director of MWD came to my city to make a presentation on the drought. According to him, we had nothing to worry about. MWD had built Diamond Valley Lake for storage and we in the L.A. area were covered. What denial!

The SWRCB can play a much stronger role in coordinating responses among water agencies and seeing that they all act responsibly. Different messages coming from multiple water agencies stir confusion. A united message coordinated by SWRCB could go a long way to restoring public confidence.

Thank you and the State Water Resources Control Board for considering my suggestions and comments.

Sincerely,
Christle Balvin
Hintz & Balvin Communications