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Date: February 19, 2009

Our File: 3535-010

Please Deliver the Following Page(s) Immediately To:

Name:	c/o Gregg Wilson
Company:	Division of Water Rights
Facsimile No.:	(916) 341-5400
Telephone No.:	(916) 341-5427

Name:	c/o Kathryn Petersen
Company:	South Feather Water and Power Agency
Facsimile No.:	(530) 533-9700
Telephone No.:	(530) 534-1221, ext. 202

FROM: Jon D. Rubin
PAGES (including cover): 5
MESSAGE:

Attached are comments submitted on behalf of the San Luis & Delta-Mendota Water Authority in connection with the Petition for Temporary Change - Applications 1641 and 2492 (South Feather Water and Power Authority/San Diego County Water).

2009 FEB 19 PM 2:21
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February 19, 2009

Via Facsimile: (916) 341-5400
And U.S. Mail

California State Water Resources Control Board
Division of Water Rights
c/o Greg Wilson, P.E.
P.O. Box 2000
Sacramento, CA 95812-2000

2009 FEB 19 PM 2:21
 DIVISION OF WATER RIGHTS
 SACRAMENTO

Re: Petition for Temporary Change -- Applications 1651 and 2492 (South Feather Water and Power Authority/San Diego County Water)

Dear Mr. Wilson:

Pursuant to the State Water Resources Control Board's January 13, 2009, notice concerning the above referenced petition, we file this protest on behalf of the San Luis & Delta-Mendota Water Authority (Authority).¹

The petition, if granted, would allow for a transfer of water stored in Little Grass Valley Reservoir and Sly Creek Reservoir, two reservoirs located upstream of Oroville Dam. As such, the transfer would affect operations of the State Water Project's Lake Oroville. The affect could result in changing the timing or quantity of inflow into Lake Oroville this year. A change in the timing or quantity of inflow into Lake Oroville could be adverse if it alters the quantity of water the Department of Water Resources is required to allocate to those persons or entities commonly referred to as Feather River

¹ The Authority is a joint powers authority representing 31 public agencies that contract with the United States Bureau of Reclamation for water from the Central Valley Project. Those contractors rely on water from conveyed through the Sacramento-San Joaquin River Delta to meet the water needs for Californians and millions of acres of prime farmland. It is vital to the Authority and its members that transfers of water from rivers or tributaries to rivers that flow into the Delta be structured in a manner that ensures other legal users of water are not negatively impacted.

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California State Water Resources Control Board
Division of Water Rights
c/o Greg Wilson, P.E
February 19, 2009
Page 2

Water Rights Settlement Contractors. In a subsequent year, the refilling of Little Grass Valley Reservoir and Sly Creek Reservoir due to the transfer could directly affect the quantity of water stored in Lake Oroville.

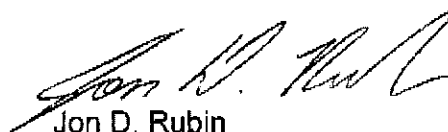
The Authority is concerned with these impacts because they have the potential of impairing the Central Valley Project, the project from which the Authority's member agencies receive water. There is a potential for an adverse impact to the Central Valley Project because the Central Valley Project and the State Water Project are coordinated pursuant to an agreement commonly referred to as the Coordinated Operations Agreement. As such, changes in State Water Project operations could force changes to Central Valley Project operations and hence to the quantity of water available for delivery to the Authority's member agencies.

The Authority will withdraw its protest to the petition if the potential for harm is precluded. That would occur if petitioner South Feather Water and Power Agency amends the petition or if the State Water Board grants the petition subject to criteria that ensure: (a) Little Grass Valley Reservoir and Sly Creek Reservoir refill without adverse impact to downstream water right holders, and (b) changes resulting from the petition do not affect the allocation of water to the Feather River Water Right Settlement Contractors.

The Authority welcomes the opportunity to work with petitioner South Feather Water and Power Agency, the State Water Board staff, and the San Diego County Water Authority (purchaser of water pursuant to the underlying transfer) to develop criteria that address the Authority's concerns.

Very truly yours,

DIEPENBROCK HARRISON
A Professional Corporation



Jon D. Rubin
Attorneys for the San Luis & Delta-Mendota
Water Authority

cc: Daniel Nelson

2009 FEB 19 PM 2:21

1 I declare as follows:

2 I am over 18 years of age and not a party to the within action; my business address is 400
3 Capitol Mall, Suite 1800, Sacramento, California, I am employed in Sacramento County, California.

4 On February 19, 2009, I served a copy of the following foregoing document entitled:

5 **Petition for Temporary Change -- Applications 1651 and 2492 (South Feather Water and**
6 **Power Authority/San Diego County Water** on the following interested parties in the above-
7 referenced case number to the following:

8 Division of Water Rights
9 c/o Greg Wilson
10 P. O. Box 2000
11 Sacramento, CA 95812-2000
12 Fax: (916) 341-5400
13 Telephone: (916) 341-5427

South Feather Water and Power Agency
c/o Kathryn Petersen
2310 Oro-Quincy Highway
Oroville, CA 95966
Fax: (530) 533-9700
Telephone: (530) 534-1221, ext. 202

14 **BY MAIL**

15 By following ordinary business practice, placing a true copy thereof enclosed in a sealed
16 envelope, for collection and mailing with the United States Postal Service where it would
17 be deposited for first class delivery, postage fully prepaid, in the United States Postal
18 Service that same day in the ordinary course of business as indicated in the attached
19 Service List of Participants and noted as above.

20 **ELECTRONIC MAIL**

21 I caused a true and correct scanned image (.PDF file) copy to be transmitted via the
22 electronic mail transfer system in place at Diepenbrock Harrison, originating from the
23 undersigned at 400 Capitol Mall, Suite 1800, Sacramento, California, to the e-mail
24 address(es) indicated in the attached Service List of Participants and noted above.

25 **BY FACSIMILE** at 1:33 p.m. to the fax number(s) listed above. The facsimile
26 machine I used complied with California Rules of Court, rule 2003 and no error was
27 reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused
28 the machine to print a transmission record of the transmission, a copy of which is
attached to this declaration.

A true and correct copy was also forwarded by regular U.S. Mail by following ordinary business
practice, placing a true copy thereof enclosed in a sealed envelope, for collection and mailing with the
United States Postal Service where it would be deposited for first-class delivery, postage fully prepaid, in
the United States Postal Service that same day in the ordinary course of business.

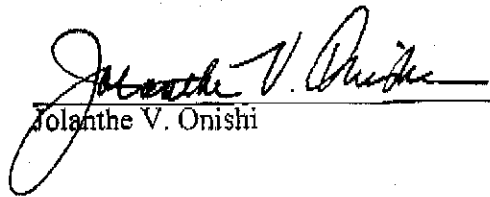
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PERSONAL SERVICE
 via process server
 via hand by

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 19, 2009, at Sacramento, California.



Jolante V. Onishi