



May 4, 2015



[Submitted via email to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)]

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Flor  
Sacramento, CA 95814


Dear Ms. Townsend,

Thank you for the opportunity to submit further comments to the SWRCB as part of the Drought Emergency Regulatory Framework issued by the SWRCB. It is unclear from the SWRCB's notice whether the City's previous comments are incorporated into the public record for the proposed hearing on May 5 and 6, so the City has attached its previous comment letters to this letter to ensure that all documents are properly considered by the SWRCB.

In summary, the City reasserts its positions that the SWRCB's regulations are contrary to the Reasonable Use Doctrine and California's water rights priority system as explained by the California Supreme Court in *Barstow v. Mojave*. The SWRCB's regulations are also contrary to the California's Regional Self Reliance mandates as adopted in 2009, codified in Water Code Section 85021, as well as Water Code Section 1011 that preserves conserved water for those who implement water conservation activities. And last, the SWRCB's regulations are unreasonable and arbitrary as they are applied to calculating the gallons per capita per day (GPCD) baseline conditions, assigning conservation tiers to the water purveyors, and determining SWRCB's underlying methodology that is applied to calculate GPCD conservation savings. All of these problems result in a set of unworkable regulatory actions that cause material harm to water purveyors that have planned and prepared for California droughts.

As described in the attached documents, the City respectfully requests that the SWRCB issue regulations that better align with California's 165 year history of water rights laws and recognize the City's prudent planning to manage its water supplies.

Sincerely,



Matthew Brower  
City Manager  
[matthew.brower@lincolnca.gov](mailto:matthew.brower@lincolnca.gov)  
916.434.2449

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<sup>1</sup> City of Barstow v. Mojave Water Agency (2000) 23 Cal.4<sup>th</sup> 1224

City Hall  
600 Sixth Street  
Lincoln, CA 95648  
(916) 434-2400  
[www.ci.lincoln.ca.us](http://www.ci.lincoln.ca.us)

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