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June 27, 2014

Via Electronic Mail and U.S. Mail

Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
commentletters@waterboards.ca.gov

**Re: State Water Board Meeting July 1, 2014
Comments on Agenda Item 5 (Proposed Resolution Regarding Drought-
Related Emergency Regulations for Curtailment of Diversions)**

Dear Chair Marcus:

These comments, regarding the above-referenced agenda item, are being submitted on behalf of the Byron-Bethany Irrigation District (BBID). BBID is a multicounty special district established under state law primarily to provide water to lands in Alameda County, Contra Costa County, and San Joaquin County. Under its pre-1914 appropriative water rights, BBID provides agricultural water supplies in its service area, provides the sole source of water for the nearly 12,000 residents of the community of Mountain House, and provides water for two energy facilities and fire suppression at the Contra Costa Airport.

BBID has, throughout this year, kept its customers informed of the District's water supply situation and has, consistent with information emanating from the State Water Resources Control Board (SWRCB), cautioned its growers and other customers that curtailments could issue at any time. BBID was prepared for curtailments of pre-1914 rights in early June and then again in mid-June. The uncertainty in curtailments has, itself, caused many growers to choose not to plant crops this year, resulting in significant adverse financial impacts to growers and the economy they support.

In this regard, BBID joins in the comment letter submitted by the Northern California Water Association (NCWA) and believes that the curtailment of pre-1914 appropriative water rights is not warranted this year. Information submitted demonstrates that curtailments of pre-1914 appropriative rights are neither warranted nor appropriate. Based upon that information, BBID urges the SWRCB to remove the cloud of uncertainty surrounding the diversion of

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water under pre-1914 water rights so agencies, growers, and other users of water diverted pursuant to pre-1914 appropriative rights can plan for operations through the summer months.

BBID also agrees with NCWA that section 878.3 is unclear and appears to provide an exception to the State's water right priority system. BBID would object to any exception that would serve to reduce the amount of water available to BBID under its pre-1914 appropriative water rights.

Very truly yours,

SOMACH SIMMONS & DUNN



Daniel Kelly

DK:yd

cc: Frances Spivy-Weber, Vice-Chair
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