



Dear Public Trustees:

The proposed resolution and emergency regulations are clearly a step in a constructive direction, but in current form, they simply do not meet minimal standards required of designated public resource trustees for California beneficiaries of this and future generations. That part of the governing background for water in this state is not adequately disclosed in the Notice of Emergency Rulemaking. In other words: "The California Public deserves better" and there isn't a whole lot of extra time to dither about details. Despite justifiable public fears, the legal process for allocating public water in California is NOT just a rigged "game" of musical chairs featuring highly paid participants with non-disclosure agreements in an undisclosed location with tightly closed doors. California Law requires that the public be informed of the legal authority and the implications of regulatory enforcement.

While the enforcement of water rights law is sometimes consistent with public trust principles, the failure to include either the historic Hydraulic Mining cases or the more recent Mono Lake Controversy as relevant legal authority in the regulatory Notice is more than a glaring omission.

While the Board at times bends over backward to acknowledge the pain and power of "Senior Water Right Holders," the resolution at times seems to minimize the very real public costs imposed with "enforcement" of California Water Rights under emergency drought conditions. Who will get water and who is left with a handfull of paper is the actual question presented for some participants. Others are far less "invested" in the outcome, even though California law has always protected interests many of us don't even know we have. As a State polity, we have successfully delayed and avoided reasonable discussion for decades and we find ourselves in our current position. But let's at least be honest in discussing where we go from here. California Law requires a "reasonable" approach and the proposed language goes a long way toward this, but a lot of issues are needlessly conflated while others are not even acknowledged. How much of saltwater intrusion is due to rising sea level and how much to "overpumping" of threatened aquifers? And what about any mention of the Board's Continuing duty of supervision of water rights and bottom line obligation to protect the public trust whenever feasible when planning or allocating water? The Board must surely reach further than protecting Senior rights and ensuring no unreasonable impacts on fish and wildlife.

And even more, why should the emergency human health and safety needs not even apply to Section 875 curtailments? This is actually required if we want to begin being reasonable.

Sincerely,

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