June 30, 2014

Via Email to commentletters@waterboards.ca.gov

Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: **7/1-2/14 BOARD MEETING (Item 5: Consideration of a proposed Resolution regarding drought related emergency regulations for curtailment of diversions to protect senior water rights)**

To the Clerk of the Board:

Wagner & Bonsignore Consulting Civil Engineers and Ellison, Schneider & Harris, LLP submit the following comments on the Proposed Emergency Regulations for Statewide Drought Related Curtailment of Water Diversions to Protect Senior Water Rights ("Emergency Regulation"). These comments are submitted on behalf of the Alexander Valley Group, a coalition of vineyard owners that pump from wells in the Alexander Valley region of the Russian River watershed: Amanos LLC (Vino Ranch #4); Constellation Wines; Crimson Wine Group; Ferrari-Carano Vineyards & Winery; Gallo Family Vineyards; Hoot Owl Creek Vineyards; Klein Foods (Rodney Strong); Lytton Rancheria; Marietta Cellars; Reuser Incorporated; Seghesio Family Vineyards; Silverado Sonoma; and ViMark (Trione Vineyards & Winery). The stated purpose of the Emergency regulation is to "improve[] the State Water Board's abilities to quickly and effectively implement and enforce those curtailments during the current drought to ensure that the State's water right priority system is effectively implemented during the drought emergency." The Alexander Valley Group opposes the Emergency Regulation as drafted because it will not protect their senior water rights.[1] Fundamental improvements to Board staff's process of determining available supply and water right priorities for issuing water right curtailments are needed before the Board can adopt the Emergency Regulation. If the curtailment process is not fixed, the Emergency Regulation would only rubber stamp arbitrary curtailment orders that impair their senior water rights.

[1] We concur with other comments that proposed regulation's elimination of individualized investigation and hearing on unauthorized water diversion and use–fundamental due process steps afforded by the Water Code—for sake of staff workload and expediency does not constitute an emergency. We focus instead on the factual circumstances demonstrating where the current and proposed curtailments themselves do not protect senior rights, and as such the removal of important due process protections renders the proposed regulation arbitrary and capricious and contrary to law.

Alexander Valley Group's Water Rights

The Alexander Valley Group entities own the majority of the vineyard acreage on the valley floor of the Alexander Valley American Viticultural Region, which encompasses lands within Sonoma County along the Russian River from Healdsburg north to Geyserville, Cloverdale and the Mendocino County border. An extensive groundwater basin underlies this region. (Department of Water Resources Bulletin 118-4, 1983.) The Alexander Valley groundwater basin is estimated to have nearly 1 million acre feet of groundwater in storage.[2] The legal characterization of the Alexander Valley Group's water rights are uncertain. Each entity has at least one each permit or license with a water source characterized by the State Water Board as "Russian River Underflow," and pumps this water from a well that is located some distance from the channel of the Russian River. Each entity with a permit or license with a Russian River Underflow source also claims a riparian or groundwater right for the same diversion on the basis that its properties overlies the subsurface water supply and is not dependent on the surface flow of the Russian River.

Critique of the Curtailments Currently In Effect and Proposed for the Russian River Watershed

Board staff issued a May 27, 2014 notice of water right curtailment to permittees and licensees with a priority date after February 19, 1954 in the Russian River watershed above the confluence with Dry Creek. On June 19, 2014 we provided Executive Director Tom Howard comments expressing our concern with the technical approach employed to issue these curtailments and discussing why the Board does not have sufficient information to issue further curtailments. (Exhibit 1.) The Board estimated water supply of the entire watershed upstream of its confluence with Dry Creek using only inflow from Russian River tributaries and historic estimates of unimpaired surface flow on the mainstem Russian River at Healdsburg. The supply estimate did not include estimates or measurements of streamflow in the numerous tributary streams that lack USGS stream gages (some of which have flow in upper reaches but not lower reaches) and without accounting for the subsurface water available in the extensive alluvial deposits along the middle reaches of the Russian River mainstem within Sonoma County. We also noted that the water demand projection overestimated demand during this drought, and that the Board should not have combined the demand of sources that are not hydrologically connected.

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[2] Bulletin 118-4 (1980) estimates that 990,000 acre feet were in storage in 1980.

Using the groundwater gradients and cross sections developed by the U.S. Geological Survey (Metzger, et al., 2006), permeability values (hydraulic conductivities) based on the USGS descriptions of the geologic formations (including lithology, specific yield, and average well yields), the groundwater flux through the lower end of the Alexander Valley (roughly Lytton to Jimtown) is estimated at 133 cfs. This value was based on the USGS's Autumn 2002 groundwater elevation map (from the end of a two-year drought period), when groundwater discharge was assumed to be at a lower-end value. Late-season depth to water data were also verified using the DWR's online *Water Data Library*.

Implications of Flawed Curtailment Methodology for Water Rights in the Russian River

Water underground is presumed to be percolating groundwater, which is defined as those waters that "do not form part of the body or flow, surface or subterranean, of any stream." (*City of Los Angeles v. Pomeroy* (1899) 124 Cal. 597, at 633-634.) The State Water Board's water right permitting jurisdiction extends only to surface water flowing in a natural channel and to groundwater in a subterranean stream flowing through known and definite channels. (Water Code § 1200; *Pomeroy*, 124 Cal. at 633-634; *see also* Water Code § 1205, subd. (a) ("'stream system' includes stream, lake, or other body of water, and tributaries and contributory sources, *but does not include an underground water supply other than a subterranean stream following through known and definite channels*."(emphasis added).) In the Russian River watershed, the Water Board has characterized the source of some diversions from wells as "underflow" of the Russian River without specifying whether or not the water is confined to a subterranean stream as defined in courts and prior Water Board Orders. The Water Board's water right database for Sonoma County lists 1,277 surface water right holders and claims of right with Russian River Underflow as the source of water. These right holders pump water beneath the ground from wells, and do not divert surface water directly from a stream.

If the "underflow" is confined to a known and definable subterranean stream groundwater extractions from the source for use on overlying (riparian) lands would enjoy a riparian right to the subsurface flow within the subterranean stream. In such a case, the groundwater storage and the groundwater flux is the source of water for riparian diversions, and not the surface flow of the Russian River or releases from storage in upstream reservoirs. If the "underflow" is not confined, the groundwater is beyond the Water Board's permitting authority, notwithstanding the Board's issuance of a permit to appropriate the water, and the groundwater extractions are available to overlying land owners and exporters of groundwater (appropriators) to non-overlying land to the extent there is no shortage (overdraft) within the groundwater basin. Pre-1914 diversions from the underflow of a subterranean stream would similarly have access to water in the absence of surface flow.

Pre-1914 diversions and riparian diversions, and overlying landowners have a priority over others in the watershed, depending on source. In the alluvial valleys of the Russian River watershed, groundwater extractions (whether or not the extractions are determined to be from a subterranean stream subject to the permitting authority of the Water Board) are senior to diverters of surface water released from storage. In order for the Emergency Regulation to protect senior water right holders the Water Board must evaluate the available groundwater resources of the alluvial valleys to determine whether or not these are properly characterized as groundwater basins or subterranean streams. Alexander Valley and Ukiah Valley, for example, are described by the Department of Water Resources as groundwater basins in Bulletin 118.

Within the Russian River watershed the Emergency Regulation and any curtailments issued under its authority should acknowledge the physical reality that groundwater resources are plentiful and that any curtailments issued would not apply to riparian diversions of groundwater (if the groundwater is confined to a subterranean stream) or to overlying landowners who extract groundwater, or to exporters of groundwater from a non-overdrafted groundwater basins. The Regulation should also acknowledge that permittees and licensees extracting Russian River "underflow" have available source in excess of the presumed unimpaired surface flow.

Evidence that Russian River Underflow is not Surface Water of the Russian River

Along the Russian River, losses to surface flow released from storage occur for many reasons. In various reaches of the river accretions offset losses. The losses are the result of uptake by riparian plants and surface evaporation. The accretions are the result of groundwater discharge (from various sources) to the river system and tributary inflow.

The Water Board acknowledges that the potential for groundwater diversions to impact the Russian River is limited. The Supplement to Appendix D of the Substitute Environmental Document, April 2013 for the State Water Resources Control Board's North Coast Instream Flow Policy (Supplement 2013) states:

> As indicated in the 2008 SED, a switch from surface water diversions to groundwater pumping also could result in reduced surface flows. The 2008 SED did not explain, however, that the potential reduction in surface flows is unlikely. In fact, a switch to groundwater pumping is likely to result in less depletion of surface water flows because groundwater pumping will not ordinarily deplete hydraulically connected surface water flows on a one-to-one basis, and in some cases the groundwater and surface water may lack hydraulic connection entirely, or the hydraulic connection may be indiscernible. A switch to groundwater pumping could cause a delay in surface flow depletion, which could in turn cause a significant adverse environmental impact, particularly if the delayed reduction in flows occurs during the summer months, but this potential impact is speculative and unlikely to occur in the Policy area. This conclusion is further explained through the following discussion of basic principles of well hydraulics and groundwater hydrology, and an examination of geologic and hydrologic conditions in the Policy area.

The Supplement further explains that groundwater diversions are less likely to deplete streamflow than surface diversions. The Supplement also sets forth factors that should be evaluated before determining that a groundwater well would have an affect on the streamflow.

In the Alexander Valley and Ukiah Valley, water levels in wells are stable other than normal seasonal variations. Many of the wells are distant from the river, and likely cause little if any stream depletion. Further, the recharge to the groundwater basins from sources other than releases from upstream reservoirs greatly exceeds the demands in

those groundwater basins. The USGS report "Geohydrology and Water Chemistry of the Alexander Valley, Sonoma County, California", SRI 2006-5115, (Metzger, et al.) demonstrates in general the accretions to the Russian River system in Alexander Valley and the relative lack of influence due to pumping as indicated by the Water Board's Supplement to Appendix D as indicated above.

> Water year 2000 represents a near normal year in terms of precipitation; with 41.57 in. measured at Healdsburg compared with an average precipitation of 41.87 in. for 1932–2004. Discharge at the Healdsburg gage was greater than that at the Cloverdale gage between February and June 17, 2000, (except for 1 day) primarily because of inflow from tributaries downstream of the Cloverdale gage. After June 17, discharge decreased between Cloverdale and Healdsburg on most days; this pattern persisted until October 25, when discharge began to increase consistently between the two gages. The decrease in discharge is a measure of evapotranspiration along the riparian corridor, direct diversions from the river, indirect diversions from ground-water pumping near the river, and seepage from the river into the alluvial aquifer. The total difference in discharge between the two gages from June 17 to October 25, 2000 was about 2,776 acre-ft. This represents the minimum amount of water consumed between the two gages; additional water may have entered the river from tributaries or from irrigation return. However, these quantities were not gaged.

As reported by Metzger, there was a difference in gaged flow between Cloverdale and Healdsburg (roughly the area of the Alexander Valley) totaling 2,776 acre feet for 130 days, amounting to about 10.76 cfs (approximately 21.34 acre feet per day). This means that the total decrease in surface flow within the Alexander Valley was 10.7 cfs and includes, surface evaporation and evapotranspiration of riparian plants, as well as pumping by agriculture and uptake by native vegetation within Alexander Valley. We assume that the evapotranspiration potential is roughly equal to surface evaporation (0.3 inches per day for Lake Mendocino; or 0.025 feet per day, CDEC). Metzger et al., estimates there is about 59,000 acres of native vegetation. Assuming that evaporation and evapotranspiration of riparian plants and native vegetation occur at roughly the same rate, the total soil moisture, surface evaporation and riparian uptake of 59,000 acres is about 1,475 acre feet per day.

Given these assumptions, the reported streamflow losses can be entirely accounted for by evaporation and riparian plant uptake. That means the pumping within the Alexander Valley and the needs of native vegetation (some 59,000 acres) must be supplied by groundwater accretions. In any event, the accretions are not part of the river flow released from storage by upstream reservoirs. Similarly, if the same analysis is applied to the flow today the same conclusion is reached.

Recommendations

We urge the Board to reject the Emergency Regulation because it will remove due process protections for water right holders and will not accomplish its stated purpose of protecting senior water rights. If the Board adopts the regulation, the following changes must be incorporated:

1. Amend Section 875(b) of the Emergency Regulation to clarify that it does not apply to diversions of groundwater unless there has been a prior finding that the diversion is from a subterranean stream.

   (b) After the effective date of this regulation, when flows are sufficient to support some but not all diversions, the Deputy Director for the Division of Water Rights, or her designee, may issue curtailment orders to water right holders in order of water right priority, requiring the curtailment of water diversion and use except as provided in sections 878 and 878.3. **This section shall not apply to an underground water supply other than a subterranean stream flowing through known and definite channels.**

2. In order to provide right holders with meaningful due process, the Board must adopt findings supporting any curtailment order and provide the opportunity for a hearing before a water right is curtailed. The following changes to Section 875(c) and (f) would provide appropriate due process protections to right holders adversely affected by an erroneous curtailment order:

   (c) In determining whether water is available under a diverter's priority of right and to issue curtailment orders, the Deputy Director for the Division of Water Rights, or her designee, ~~**may rely upon**~~ **shall adopt and post findings for the following criteria for each proposed curtailment order**:

   …

   (5) The findings required by this section and all relevant information supporting the findings shall be posted for public inspection no less than seven (7) days prior to issuance of a curtailment order.

   (f) **Any person subject to a curtailment order shall be afforded a hearing prior to the effective date of the curtailment.** ~~**All curtailment orders issued under this article shall be subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the California Water Code.**~~

3. Revise the description of "[w]ater right demand projections" in Section 875(c)(2) to exclude demand that is not likely to occur in this extreme drought year demand from water sources that lack hydrologic continuity to downstream reaches.

> (2) Water right demand projections based on: recent reports of water use for permits and licenses, 2010, or later, statements of water diversion and use, or reports submitted by watermasters**, and excluding demand that is unlikely or impossible to be met due to lack of streamflows or minimum bypass flow requirements and demand from sources that lack hydrologic continuity to downstream rights**.

4. Expand the description of the bases for "[w]ater availability projections" in section 875(c)(3) to account for subsurface water supplies.

> (3) Water availability projections based on:
> i. Projected full natural flow data supplied by the Department of Water Resources, where available;
> ii. Projections from the National Weather Service's River Forecasts website, where available;
> iii. Stream gage data, where available; **or**
> iv. **Estimates of groundwater supply within a subterranean stream supplied from the Department of Water Resources Bulletin 118, the United States Geological Survey, and other sources, where available; and**
> **v.** Other data that the Deputy Director for the Division of Water Rights determines is appropriate, given data availability and reliability and staff resources.

5. Curtailment of junior rights must be enforced to prevent premature curtailment of senior water rights.

The Emergency Regulation Digest, page 14, states that there is a risk of premature curtailment of senior rights if the Board does not first ensure compliance by curtailed junior rights and adjust curtailment projections accordingly:

> Without first curtailing at least some junior water rights it is difficult to determine with precision exactly what rights must be curtailed. . . . Timely compliance by curtailed water right holders is needed so that the Board can promptly make appropriate adjustments to curtailments, if needed. Timely responses by water right holders and timely adjustment to Board curtailments ensure that no water right holder is prematurely curtailed, and that no senior water right holder is injured due to lack of available water because of diversions by a more junior water right.

(Emergency Regulation Digest, page 14.) Accordingly, the Board should make enforcement of junior right curtailments an express condition of curtailments of senior rights, including pre-1914 and riparian rights, by Board staff.

6. The Emergency Regulation and curtailment orders should be designated as non-precedential in accordance with Government Code section 11425.60.

Conclusion

The curtailment currently in effect in the Russian River Watershed and additional curtailments proposed by Water Board staff are not supported by data and analysis. The Water Board has not identified the senior right holders, the relative priorities of water rights among competing users, and the sources available to those users. Appropriative water rights may be junior in time in some cases but have access to different sources of water than the apparent senior rights. While the Emergency Regulation package states that additional enforcement powers are needed to protect senior water rights, the emergency regulation would have the opposite effect. Senior water rights are threatened by arbitrary curtailments, and adding the power to increase penalties for noncompliance with an arbitrary curtailment process will further harm water rights and deny senior rights holders of due process. The Board must first fix the process for curtailing water rights before it empowers Board staff to enforce arbitrary curtailment orders.

Sincerely,

ELLISON, SCHNEIDER
& HARRIS, LLP

Peter J. Kiel

WAGNER & BONSIGNORE,
CONSULTING CIVIL ENGINEERS

Robert C. Wagner, P.E.

Enclosure

Exhibit 1

June 19, 2014 Comments on Russian River Curtailments

June 19, 2014

Via Personal Delivery and Email

Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: **Russian River Water Right Curtailments**

Mr. Howard:

Wagner & Bonsignore, Consulting Civil Engineers and Ellison, Schneider & Harris, LLP are writing on behalf of various clients that hold post-1914 and pre-1914 appropriative rights and riparian rights in the Russian River watershed. We have concerns with the technical approach employed by your staff to issue the May 27, 2014 notice of water right curtailment to permittees and licensees with a priority date after February 19, 1954. We have reviewed the information relied upon by your staff—a spreadsheet of Russian River demand and unimpaired flow data provided to us by Ms. Laura Lavallee on May 28, 2014—and believe that the Board does not have sufficient information to issue further curtailments.

The ostensible purpose of the State Board's notice of curtailment is to protect senior water rights. The Board can fulfill this purpose only if it undertakes more careful examination of the water supply in the system, including accounting for the extensive supply of groundwater stored within the water bearing sediments of the Redwood Valley, Ukiah Valley, Alexander Valley and Russian River Valley and the other alluvial valleys within the watershed. Accounting must also be made for water reserved under Sonoma County Water Agency water rights for downstream users, and to better assess water demand, such as by excluding the demand for diversions with water sources that lack hydrologic continuity to the Russian River. The Water Board's curtailment does not include an analysis of the sources of water available to the various diverters and right holders. Further curtailments without better information would be arbitrary and would deprive curtailed water users of due process of law and infringe on their property rights. By ignoring all of the various sources of water in the watershed, the Board may fail to protect senior right holders against junior appropriators.

The following are general comments and observations.

The Board's estimate of Russian River water supply fails to consider all sources of water that are available for appropriation.

Our understanding is that your staff estimated Russian River water supply using a few stream gages in the Russian River system and estimates of historic "unimpaired" surface flow in the Russian River at Healdsburg provided by the California Department of Water Resources (DWR). Using DWR's unimpaired flow estimates and limited stream gages as the basis for determining water available for appropriation is flawed for at least four reasons. First, unimpaired flow is not the correct metric for determining what water is available for appropriation. A water right holder is entitled to divert the "natural flow" of the Russian River and its tributaries. Natural flow "means such flow as will occur at the point in a stream from the runoff of the watershed which it drains, from springs and seepage which naturally contribute to the stream and from waste and return flow from dams, conduits, and irrigated land. Natural flow is distinguished from water released directly from storage for rediversion and use, or water imported from another watershed which is released directly to the natural channel for conveyance to the place of beneficial use." (SWRCB Order No. 90-6, p. 20.)

Second, the few stream gages in the watershed used for the supply estimate are not reasonably representative of all streamflow in the Russian River system. There are only three active USGS gages that measure unimpaired flow, and two of these are upstream of Lake Sonoma and Lake Mendocino. There are no gages on tributaries used in the supply estimate. The lack of tributary gaging creates two problems. The water made available from tributaries that are currently flowing into the Russian River may not be accounted for in the supply estimate. Similarly, the spring-fed headwaters of many tributaries are currently flowing, but the lower reaches of those streams are not flowing and do not have hydrologic continuity to the Russian River mainstem.

Third, the estimate does not account for subsurface water available in the extensive alluvial deposits along the middle reaches of the Russian River mainstem within Sonoma County. The subsurface water, a source the Board has defined as "Russian River underflow" in many water right permits and licenses, is not subject to direct measurement and is not accounted for in the Board's water supply estimate. Subsurface flow and groundwater have been available in the Redwood Valley, Ukiah Valley, Alexander Valley and Russian River Valley for diversion and use at all times, including times when there is no surface flow in the Russian River as occurred every summer and fall prior to the construction of Lake Mendocino and Lake Sonoma. For example, the USGS estimated that there were 75,000 to 100,000 acre feet of storage in the Ukiah Valley Groundwater Basin in 1965 (Cardwell, USGS Water Supply Paper 1548) and that there was 90,000 acre feet of storage in 1986 (Farrar, USGS Water-Resources Investigations Report 85-4258). In the Alexander Valley-Healdsburg area, DWR estimated that 992,000 acre feet of groundwater were in storage in 1980 (Bulletin 118-4, 1983. Our review of historical groundwater level data from DWR's Water Data Library indicate that groundwater levels have declined temporarily during past droughts, but recovered rapidly during more normal rainfall years. As there is no evidence of long term decline in aquifer storage and hence no overdraft, the

water stored in the alluvial sediments is available to be pumped by pre-1914 diverters, riparians, overlying groundwater users or appropriators of groundwater.

Sources of water to recharge the Ukiah Valley include the West Fork Russian River, East Fork Russian River, infiltration along the alluvial basin contact with the continental deposits and surrounding upland areas, and most importantly, direct recharge of precipitation. These sources all provide many times the available recharge to the groundwater system (aquifer) than the demand. The groundwater resources are sufficiently recharged without project water and should not be subject to curtailment. This example could be applied to every other alluvial filled valley of the Russian River system.

Fourth, Permit 12947B (A.012919A) of the Sonoma County Water Agency authorizing storage in Lake Mendocino reserves 8,000 acre-feet for use in Mendocino County and 10,000 acre-feet for use in Russian River Valley within Sonoma County. (Decision 1030; s*ee also* SWRCB Standard Terms 81 and 82.) It is unclear whether the Board has assessed which post-1949 water right permits and licenses are entitled to divert water under this reservation.

The Board has overestimated water demand.

The Board staff have estimated water demand by averaging the last three years of water diversions reported in reports of permittees, licensees and statements of water diversion and use. The assumption that average direct diversions over the last three years would recur in this extreme drought year overestimates water demand. Much of the summer and fall water diversion demand on the tributaries is unlikely to be met due to lack of streamflows. Demand from reaches of tributaries that now have no surface and subsurface flow should be excluded from the demand estimate. Sonoma County Water Agency will not directly divert from its mainstem Russian River points of diversion this summer and fall due to low storage in Lake Mendocino, and will instead divert stored water from Lake Sonoma on Dry Creek. Accordingly, the large Sonoma County Water Agency direct diversion demand should also be excluded from the demand estimate.

The Board should not curtail diversions from sources that lack hydrologic continuity to the Russian River.

The Board's treatment of the entire Russian River watershed (above the Dry Creek confluence) as a single source of water unfairly curtails water users relying on water sources that lack hydrologic continuity to the Russian River mainstem or its tributaries. The Board has previously recognized that water sources that lack hydrologic continuity to downstream stream segments, such as headwaters of streams, are exempt from curtailment. For example, in Standard Term 90A, the Board reserves jurisdiction to curtail the season of diversion for diversions "when hydraulic continuity with the Russian River exists, or is likely to exist, during the requested diversion season." (*See also* Standard Terms 80, 91, 93.) There are numerous headwaters of tributary streams that flow perennially, but the flow is not of sufficient quantity to maintain surface flow in downstream reaches. Flow in lower reaches may cease due to reduced

groundwater accretion and the effects of geologic controls such as alluvial fans or fractured bedrock. Curtailing an upstream diverter with access to perennial flow lacking hydrologic continuity to downstream reaches unreasonably limits that user's water rights while providing no protection to downstream water users.

The Board must also recognize that there is ample subsurface water available to users in the alluvial reaches of the Russian River valleys, and much of this water lacks hydrologic continuity to the Russian River due to lowered groundwater tables. Also, pumping of subsurface water that is in hydrologic continuity with the surface flow of the River will not affect surface flow as would a pump in the stream channel, and depending upon various factors may have no discernable effect on the surface flow. There are hundreds of water right permits and licenses and hundreds more riparian and pre-1914 claimants that divert "Russian River Underflow." A review of the eWRIMS web mapping program reveals that some of these diverters have wells 3000-4000 feet from the Russian River channel. Assuming that the only water available to Russian River underflow diverters is surface flow released from upstream reservoirs is patently incorrect.

Conclusion.

We are available to discuss our findings with your staff. If the Board does not account for these matters in further curtailments for the Russian River, our clients will be forced to take action to defend their water rights.

Sincerely,

ELLISON, SCHNEIDER
& HARRIS, LLP

Peter J. Kiel

WAGNER & BONSIGNORE,
CONSULTING CIVIL ENGINEERS

Robert C. Wagner, P.E.

cc: Ms. Felicia Marcus, Chair of the Board
Ms. Barbara Evoy, Deputy Director for Water Rights
Mr. John O'Hagan, Chief of Enforcement Section