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VIA E-MAIL

State Water Resources Control Board,
c/o Michael Buckman
Michael.Buckman@waterboards.ca.gov

Department of Water Resources,
c/o James Mizell
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Regional Solicitor's Office,
c/o Amy Aufdemberge
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U.S. Bureau of Reclamation,
Paul Fujitani
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Re: **Comments and Objections Regarding February 28, 2014 Modifications To Order Approving a Temporary Urgency Change in License and Permit Terms and Conditions Requiring Compliance With Delta Water Quality Objectives in Response to Drought Conditions** (In the Matter of Specified License and Permits of the Department of Water Resources and U.S. Bureau of Reclamation for the State Water Project and Central Valley Project)

Dear State Water Resources Control Board Members and Agency Staff:

This letter is submitted on behalf of the San Luis & Delta-Mendota Water Authority and its member agencies ("Authority"). The Authority appreciates this opportunity to provide comment and objections to the February 28, 2014 modifications to the Order Approving a Temporary Urgency Change in License and Permit Terms and Conditions Requiring Compliance With Delta Water Quality Objectives in Response to Drought Conditions (hereafter, "Order"). On February 28, 2014, the Executive Director of the State Water Resources Control Board ("Water Board"), modified the Order by extending the Order's Delta Outflow requirements into March to conserve stored water. On March 3, 2014, the Water Board issued a modified

announcement regarding the Order (“Announcement”), stating that comments regarding the modification to extend the Order must be submitted by March 10, 2014.

The Authority previously submitted a Petition for Reconsideration and comments and objections in response to the Order.¹ The Authority submits this comment letter to make it clear that the Authority’s objections to the Order, as described in its Petition for Reconsideration submitted February 28, 2014 and its comments and objections submitted March 3, 2014, continue to be applicable to the Order as modified on February 28th. That is so because the Order as modified imposes during March the same limitations on exports and deliveries that the Authority objected to in its Petition for Reconsideration and March 3rd comments and objections. The Authority therefore incorporates its Petition for Reconsideration and March 3rd comments and objections by reference, and requests that the Water Board continue to consider those submittals in taking any subsequent actions involving the Order, as amended.

The Announcement indicates the Executive Director intends to make additional revisions to the Order on or about March 12, 2014. The Announcement states that these revisions will include “clarification of the allowable uses of water pumped under the health and safety export provisions of the Order” and a “requirement to maintain a minimum quantity of water in Project reservoirs at the end of September.” These potential revisions heighten the Authority’s concern about possible limitations on Central Valley Project operations and resulting adverse impacts to the Bureau of Reclamation’s ability to operate the Central Valley Project to meet Project purposes, and disruption of longstanding principles and agreements upon which Central Valley Project operations are based. The Authority appreciates that the Water Board is trying to mitigate the impacts of an unprecedented drought, but respectfully submits that the Water Board may deepen those already calamitous effects.

The Authority appreciates your consideration of these comments.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



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Attorneys for the San Luis & Delta-Mendota Water Authority

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¹ The Authority’s Petition for Reconsideration is available at http://www.swrcb.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/comments/sldm_wa_ohanlon022814.pdf. The Authority’s comments and objections are available at http://www.swrcb.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/comments/sldm_wa_nelson030314.pdf.