

EXHIBIT 69



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

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To: Diversers of Surface Water

NOTICE OF SURFACE WATER SHORTAGE FOR 2009

After experiencing two years of drought, California's water reserves are extremely low in many parts of the state. The California water rights system is designed to provide for the orderly allocation of water supplies in the event that there is not enough water to satisfy everyone's needs. As a result, every water right holder has a priority, relative to every other water right holder. When there is insufficient water for all, water diversions must be curtailed in order of water right priority.

Current hydrologic data indicates that this year will be a dry year in your hydrologic area. In view of the current situation, the State Water Resources Control Board (State Water Board) considers it important and prudent to assume that there will **not** be sufficient surface water available during the year for those who hold water right permits, licenses, and registrations issued by the State Water Board. If water supply conditions do not improve, permit, license and registration holders may be curtailed. It may even become necessary this year in some parts of the state to curtail more senior water rights, such as riparian rights or pre-1914 rights.

If you plan to grow crops that will need water beyond the limited supply available, you may find yourself in a very serious dilemma. There is a strong possibility that your water right will be curtailed due to a lack of surface water or a low priority of right. Consequently, you should look into acquiring a firm alternate source of water, such as a well pumping from groundwater that does not require a water right permit, purchase water from someone that pumps groundwater or has a storage reservoir, or recycled wastewater. You may also be able to contract for water deliveries from a water supplier, such as the U.S. Bureau of Reclamation, the State Department of Water Resources, or a local water or irrigation district, provided that the water supplier has water to deliver to you. In view of the current situation, the State Water Board strongly encourages your immediate implementation of the enclosed conservation guidelines. Additional guidance is available for agricultural water users at the Agricultural Water Management Council's website at <http://www.agwatercouncil.org>.

If you hold a water right for domestic or municipal use, you may also need to reduce water use and seek alternate supplies. If there are no alternate supplies available, you may be required to reduce water use down to what is necessary for health and safety purposes. Guidance for urban water users is available at the California Urban Water Conservation Council's website at <http://www.cuwcc.org>.

Unless sufficient additional precipitation occurs this rainy season, no water will be available for many water diversers. It is our intent to contact you again in the near future if there is expected to be no water available for you at your water right priority. State Water Board staff is available to answer your questions at (916) 341-5300.

Sincerely,

Victoria A. Whitney
Deputy Director for Water Rights

Enclosure

California Environmental Protection Agency

