

February 12, 2015

Honorable Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street, 26<sup>th</sup> Floor  
Sacramento, CA 95814

RE: Objections to Order Approving In Part And Denying In Part A Petition For Temporary Urgency Changes To 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 Ms. Marcus:

Western Growers Association strongly objects to the denial of “Order Approving In Part And Denying In Part A Petition For Temporary Urgency Changes To License And Permit Terms And Conditions Requiring Compliance With Delta Water Quality Objectives In Response To Drought Conditions,” (Order) issued on February 3, 2015 and asks for immediate reconsideration.

The Central Valley Project (CVP) and the State Water Project (SWP) jointly filed a Temporary Urgency Change Petition (TUCP) to temporarily modify requirements in their water rights for the CVP and SWP. The requested modest changes are based on real time scientific data and are supported by the United States Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS) and the California Department of Fish and Wildlife (DFW). The requested change is also supported by the U.S. Bureau of Reclamation and the California Department of Water Resources.

It is unclear why the Executive Officer denied intermediate rates for pumping of 3,500 cfs when the Net Delta Outflow Index is between 5,500 and 7,100 cfs and the Delta Cross Channel gates are closed when the state and federal agencies with fishery and ecosystem expertise supported this change. Those agencies evaluated the TUCP including data on fish abundance, distribution, and entrainment risk and supported the proposed actions, including the intermediate pumping rate.

Throughout the last year, state and federal officials have praised their collaboration in managing the drought and have pointed to their increased reliance on real-time monitoring and data to manage our infrastructure more flexibly and ensure that all water users, including farms and cities south of the Delta, are not harmed by unnecessarily restrictive decisions to limit water deliveries. The Executive Officer of the State Water Resources Control Board has acted unilaterally to undermine the projected benefits of this collaborative, flexible approach.

The Board is well aware the devastation a fourth year of drought will have on the agricultural industry. We believe this Order is devoid of balance with regard to beneficial uses and conflicts with the Governor's December 22, 2014 Executive Order.

We urge your rapid reconsideration.

Sincerely,

Tom Nassif  
President and CEO

Cc: Dorene D'Adamo, Member of SWRCB  
Tam Doduc, Member of SWRCB  
Steven Moore, Member of SWRCB  
Frances Spivy-Weber, Member of SWRCB  
Tom Howard, Executive Director, SWRCB