



LOCAL AGENCIES OF THE NORTH DELTA

Via email to California WaterFix Petition service list

March 29, 2016

Tam Doduc
Felicia Marcus
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

CWFhearing@waterboards.ca.gov

Re: Bureau of Reclamation/Department of Water Resources Request for 60-Day Delay of California Waterfix Water Rights Change Petition

Dear Hearing Officers and Board Hearing Staff:

We write to request that the State Water Resources Control Board dismiss the California WaterFix Change Petition. Yesterday, Petitioners requested for the second time that the proceedings be delayed because they are not ready to present their case. In particular, they are not ready to submit a complete application that describes the changes proposed, or to describe potential impacts of the Project on water rights and fish and wildlife impacts.

Water Code sections 1701.1 and 1701.2 and Title 23 of the California Code of Regulations section 794 (among other provisions) describe the contents of a complete change petition. The Hearing Officers previously acknowledged that the Petition was incomplete, but continued with the hearing process with the expectation that the Petition would be subsequently completed, first by March 1st, and then by March 30th. Now Petitioners are unable to meet the current deadline and are again asking for more time. Each time the Hearing Officers accommodate the Petitioners delay requests with more time, more Board staff and protestant time and financial resources are taken, and hundreds of people's schedules are impacted. We believe there are much better uses of everyone's time, such as spending the necessary time to update the Bay-Delta Water Quality Control Plan to adequately protect current beneficial uses.

Among other deficiencies, the Change Petition: (1) does not adequately describe the changes sought; (2) fails to attempt to demonstrate a reasonable likelihood that the change will not injure any other legal user of water; and (3) fails to describe the extent of impacts to fish and wildlife. As a result of these and other deficiencies, the full nature and extent of injuries to legal users of water and significant adverse impacts to fish and wildlife uses have not been identified and analyzed.

Thus, we respectfully request that the Hearing Officers dismiss the Petition until a complete petition, is submitted pursuant to Water Code section 1701.2 and Title 23 of the California Code of Regulations section 794, among other requirements.

Sincerely,



Jonas Minton
Planning and Conservation League



Bill Jennings
California Sportfishing Protection
Alliance



Colin Bailey
Environmental Justice Coalition for
Water



Barbara Barrigan-Parrilla
Restore the Delta



Conner Everts
Environmental Water Caucus

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Tim Strohane
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E. Robert Wright
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Carolee Krieger
California Water Impact Network



Kyle Jones
Sierra Club California