Congress of the United States
Washington, DC 20510

March 5, 2014

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

Dear Mr. Howard,

We urge you to defer issuing the State Water Resources Control Board's extraordinarily far-reaching proposed order prioritizing water deliveries throughout the State until at least March 21 to make sure it is correctly calibrated to minimize the potentially devastating effects on many Californians. We appreciate the efforts of coordination that are underway between federal, state, and local stakeholders, and are encouraged by the outreach on the proposal that will occur this week. Nevertheless, we believe that additional time is needed to allow all affected parties ample opportunity to fully understand your proposal, and to work with your staff to develop alternatives that account for the recent rainfall, maintain fully defined public health and safety goals, and avoid catastrophic reductions of water deliveries to California agriculture.

It is our understanding that the State Water Resources Control Board ("the Board") plans to issue a decision as soon as next week that could cut back all Delta water pumping for agriculture and refuges, except possibly during periods of high outflow, in order to achieve enough carryover storage at the end of this September to protect public health and safety should extreme dry hydrology continue into 2015.

We are aware that the Board faces difficult decisions in balancing all beneficial uses of water. However, we are very concerned that if the current proposal as reported to us is enacted, it will have significant near- and long-term effects on the California economy and, more importantly, will not achieve the desired water supply security intended by the proposal.

Before the Board makes such a momentous decision, we believe it is crucial to have enough time to gather more data and input. We understand that recent rains are expected to lead to significant outflows at the Delta over the next two weeks, which means the Board's proposal would not take effect during that period regardless. We now have a window of opportunity for all affected parties to work with the State Board to assess viable options.

We hope that federal, state, and local entities working together can develop options that would be respectful of the Board's goals, but also allow flexibility in fulfilling water contracts and mitigating the effects of a severe cutback in water deliveries. Providing more time would also allow stakeholders to assess the effects of the current rainstorms, and provide the Board with the best available information on which to base complex water delivery decisions that could affect large parts of California, especially those regions that are integral to our nation's agricultural economy.

We acknowledge that the Board is eager to issue a decision so that senior water rights holders do not plant crops with the expectation of receiving a 40 percent CVP water allocation when public health and safety considerations may require a significant cutback. Federal and local stakeholders have informed us that there may be ways to maintain the advance notice that the Board desires, but still leave enough time to fully consider relevant data and options before issuing a decision.

The Board's final decision could have far-reaching effects. The potential of stopping all pumping out of the Delta for agriculture and refuges, except when there are high runoff flows, is of deep concern to water contractors both north and south of the Delta who have been hit by one piece of bad news after another.

These are the same contractors who have received, for the first time ever, an initial allocation of zero from the State Water Project. Many of them also received an initial allocation of zero from the Central Valley Project (CVP). Even those who have senior water rights, and who have never received less than 75 percent of their allocations, are unlikely to receive greater than 40 percent of water deliveries this year.

The Board's current proposal could reduce allocations further. For example, the Exchange Contractors estimate that the proposal would leave them with the equivalent of a 10 percent allocation, down from 40 percent, and without any option to make up the difference even with significant groundwater overdrafting.

This final order must be formulated with great care so that its burdens do not unduly fall on those who have already had to give up a great deal. We are deeply troubled by the difficulties that face California agriculture, and do not wish to see the situation worsen.

Again, we sincerely appreciate the dialogue and collaboration you have planned for the coming weeks with various stakeholders. We reiterate our hope that you will defer your decision until at least March 21, so there will be ample time to assess all viable alternatives before the Board issues a final decision.

Thank you for your urgent attention to this very important matter.

Sincerely,

Dianne Feinstein
U.S. Senator

Barbara Boxer
U.S. Senator

Jim Costa
U.S. Representative

John Garamendi
U.S. Representative

DF/fy

Cc:
Governor Edmund G. Brown, Jr.
Karen Ross, Secretary, California Department of Food and Agriculture
Janelle Beland, Undersecretary, California Natural Resources Agency
Gordon Burns, Undersecretary, California Environmental Protection Agency
Felicia Marcus, Chair, State Water Resources Control Board
Dorene D'Adamo, Member, State Water Resources Control Board
Tam M. Doduc, Member, State Water Resources Control Board
Steven Moore, Member, State Water Resources Control Board
Frances Spivy-Weber, Vice Chair, State Water Resources Control Board