

# The Upstream Coalition

## List of Coalition Members

September 23, 2009

Northern California  
Water Association

San Francisco Public  
Utilities Commission

East Bay Municipal  
Utility District

City of Sacramento

San Joaquin River  
Group Authority

Yuba County Water  
Agency

Regional Water  
Authority

Modesto Irrigation  
District

Merced Irrigation  
District

Placer County Water  
Agency

Stockton East Water  
District

San Juan Water  
District

Sacramento Suburban  
Water District

City of Folsom

City of Roseville

Yolo County Flood  
Control and Water  
Conservation District

Tuolumne Utilities  
District

Browns Valley  
Irrigation District

Carmichael Water  
District

The Honorable Darrell Steinberg  
Senate President *Pro Tempore*  
State Capitol, Room 205  
Sacramento, California 95814

The Honorable Dennis Hollingsworth  
Senate Minority Leader  
State Capitol, Room 305  
Sacramento, California 95814

The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 213  
Sacramento, California 95814

The Honorable Sam Blakeslee  
Assembly Minority Leader  
Post Office Box 942849  
Sacramento, California 94249

Re: Position on Water Bill Package

The members of this coalition serve water to millions of people and millions of acres of farmland, managed wetlands and wildlife habitat in the San Francisco Bay Area and the Sacramento and San Joaquin Valleys. Our service areas support thousands of businesses and millions of jobs. While our circumstances vary greatly, we share the characteristic that we have developed our water supplies primarily through local investments based either on our own water rights or on settlement contracts that reflect the water rights we held before the Central Valley Project (CVP) and State Water Project (SWP) were constructed.

We all support a comprehensive solution to the Delta's ecosystem and water-supply problems because we recognize the importance of such a solution to the state as a whole. Conversely, such a solution must respect the massive local water-supply and ecosystem investments that our communities have made based on our water rights. Each coalition member has its own unique concerns that will determine whether it will be able to support a water bill package. We share, however, the position that we must oppose any package that does not incorporate the following items:

- Any required contribution from any member of this coalition to Delta streamflows or ecosystem-restoration measures must be based on State Water Resources Control Board (State Board) findings that: (1) the allocations of obligations among water users respect water-right priorities; (2) a water supplier's obligation will address only ecosystem problem(s) directly caused by that supplier's operations; and (3) in that context, a water supplier's obligation, if any, is proportional to that supplier's contribution to the problem. SB 68 does not require any such findings.
- Consistent with its practice in past Bay-Delta proceedings, the State Board must hold an evidentiary hearing to determine any Delta streamflow requirement. SB 68's requirement of a "public process" is not sufficiently detailed because it could

just mean a monthly State Board meeting. We would be committed to ensuring that any such State Board hearing would occur on an expedited basis, if necessary.

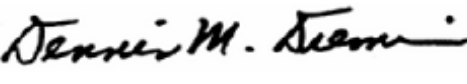
- Any determination of streamflow requirements in any Delta tributary must allow for an evidentiary hearing on, and thorough consideration of, the matter. SB 68's proposal that such determinations occur in "high priority" streams by 2012 is highly unlikely to allow the requisite attention to such matters.
- SB 68's measures that would expand the State Board's enforcement authority and administrative remedies, such as interim relief measures, should be deleted. We believe that existing laws are sufficiently adequate to authorize the State Board and other resource agencies to protect resources. Expanding the State Board's enforcement authority, as proposed in SB 68, would unnecessarily erode important procedural and water-right protections and prove ineffective to restore fisheries and water quality.
- The scope of Delta governance measures must be limited to the statutory Delta, with an allowance for voluntary projects to be undertaken elsewhere in the Sacramento and San Joaquin Valleys. SB 68 currently approaches this standard, but requires clarification as to the scope of projects that could be undertaken in the watershed.
- We support water-use reporting requirements, but severely punitive fines and penalties must not be associated with them. SB 68's proposed fines and penalties are far too high.
- Delta governance measures must not require water users that do not rely on diversions from the statutory Delta to pay fees to support those measures.
- New Delta governance and conveyance measures and operations – including, but not limited to, those of a Delta Council and Plan, BDCP and any new CVP or SWP Delta conveyance – must not reduce the water supplies of water users who rely on supplies other than CVP or SWP exports.

Each of our members' unique situations will ultimately determine whether it will support a water bill package, but this letter expresses the positions that we share.

Hon. Darrell Steinberg  
Hon. Karen Bass  
Hon. Dennis Hollingsworth  
Hon. Sam Blakeslee  
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Very truly yours,


EAST BAY MUNICIPAL UTILITY  
DISTRICT

By:   
Dennis M. Diemer  
General Manager


NORTHERN CALIFORNIA WATER  
ASSOCIATION

By:   
Donn Zea  
President & CEO

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

By:   
Ed Harrington  
General Manager

CITY OF SACRAMENTO

By:   
Marty Hanneman  
Director, Department of Utilities

YUBA COUNTY WATER AGENCY

By:   
Curt Aikens  
General Manager


REGIONAL WATER AUTHORITY

By:   
John Woodling  
Executive Director

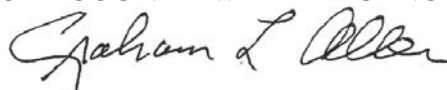
SAN JOAQUIN RIVER GROUP  
AUTHORITY

By:   
Allen Short  
Coordinator

MODESTO IRRIGATION DISTRICT

By:   
Allen Short  
General Manager

PLACER COUNTY WATER AGENCY

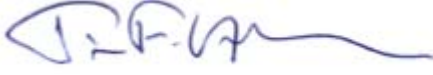
By:   
Gray Allen  
Chairman, Board of Directors

MERCED IRRIGATION DISTRICT

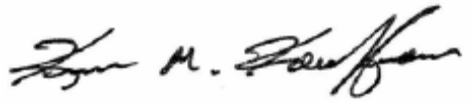
By:   
Hicham Eltal  
Acting General Manager

Hon. Darrell Steinberg  
Hon. Karen Bass  
Hon. Dennis Hollingsworth  
Hon. Sam Blakeslee  
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YOLO COUNTY FLOOD CONTROL &  
WATER CONSERVATION DISTRICT

By:   
Tim O'Halloran  
General Manager

STOCKTON EAST WATER DISTRICT

By:   
Kevin M. Kauffman  
General Manager


SAN JUAN WATER DISTRICT

By:   
Shauna Lorance  
General Manager


SACRAMENTO SUBURBAN WATER  
DISTRICT

By:   
Robert Roscoe  
General Manager


CITY OF ROSEVILLE

By:   
Derrick Whitehead  
Environmental Utilities Director


TUOLUMNE UTILITIES DISTRICT

By:   
Peter J. Kampa  
General Manager


BROWNS VALLEY IRRIGATION  
DISTRICT

By:   
Walter Cotter  
General Manager

CARMICHAEL WATER DISTRICT

By:   
Steven M. Nugent  
General Manager

CITY OF FOLSOM

By:   
Kenneth V. Payne  
Utilities Director

Cc: Hon. Fran Pavley  
Hon. Dave Cogdill  
Hon. Jared Huffman  
Hon. Jean Fuller

Hon. Darrell Steinberg  
Hon. Karen Bass  
Hon. Dennis Hollingsworth  
Hon. Sam Blakeslee  
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Members of Senate Natural Resources and Water Committee  
Members of Assembly Water, Parks & Wildlife Committee  
Members of Legislative Water Conference Committee  
Charles Hoppin, State Water Resources Control Board  
Lester Snow, Department of Water Resources  
John Moffatt, Office of the Governor  
Dennis O'Connor, Senate Natural Resources and Water Committee  
Alf Brandt, Assembly Water, Parks and Wildlife Committee  
Steve McCarthy, Senate Republican Caucus  
Doug Harland, Assembly Republican Caucus  
Greg Hurner, Senate Republican Caucus  
Delette Olberg, Assembly Republican Caucus