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February 15, 2008

**Via e-mail: [strategicplan@waterboards.ca.gov](mailto:strategicplan@waterboards.ca.gov)**  
**And U.S. Mail**

Jeanine Townsend, Acting Clerk to the Board  
State Water Resources Control Board  
1001 I. Street  
Sacramento, California 95814

*Re: San Luis & Delta-Mendota Water Authority's Comments on Draft Strategic Plan Update 2008-2012*

Dear Ms. Townsend:

This letter is sent to you on behalf of the San Luis & Delta-Mendota Water Authority ("Authority"). It transmits the Authority's written comments on the State Water Resources Control Board's ("Board") Draft Strategic Plan Update 2008-2012, dated January 25, 2008 ("draft Strategic Plan Update").

The Authority was formed in 1992 as a joint powers authority, and consists of 32 member public agencies. The Authority's member agencies are entitled to approximately 2.7 million acre-feet of water for agricultural lands within the western San Joaquin Valley, San Benito County, and Santa Clara County. Authority members also supply approximately 200,000 acre-feet of water for municipal and industrial uses and approximately 250,000 to 300,000 acre-feet of water for waterfowl and wildlife habitat. In addition, the Authority operates and maintains certain CVP facilities under contract with United States Bureau of Reclamation.

A representative from the Authority attended the Strategic Plan Update 2008-2012 Workshop on February 6, 2008 and, at that time, the Authority verbally submitted

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## **DIEPENBROCK HARRISON**

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comments on the draft Strategic Plan Update. The comments contained in this letter supplement the comments the Authority provided at the February 6, 2008, Workshop. The Authority's comments herein pertain primarily to the draft Strategic Plan Update's Priority No. 1 ("Protect and Restore Surface Waters") and Priority No. 3 ("Promote Sustainable Water Supplies").

As an initial matter, while the Authority supports efforts to improve water quality to protect resources, the Board's mission is to preserve, enhance and restore water quality and enhance the allocation and efficiency of water use for the benefit of present and future generations. The Board's mission must be read in conjunction with the declarations by the California Legislature that the water resources of the State be put to beneficial use to the fullest extent of which they are capable. In this context, the Strategic Plan Update should reflect a goal of the Board to meet all beneficial uses of and demands for water.

Also, some of the more important activities the Board will embark upon during the 2008-2012 period might be those activities discussed in the Board's Resolution 2007-0079 (commonly referred to as the "Bay Delta Resolution"). The Strategic Plan Update should discuss Resolution 2007-0079. At a minimum, the Strategic Plan Update should acknowledge that the Board's staff is developing, through a process that allows for meaningful input from stakeholders, a workplan for those activities identified in Resolution 2007-0079, and that the workplan will include a plan of implementation that likely requires an exercise of the Board's water right and water quality authorities.

More specific, with regard to Priority No. 1, the protection and restoration of surface waters, the Strategic Plan Update must, but currently fails to, reflect a comprehensive approach, which considers all factors affecting beneficial uses. The draft Strategic Plan Update appears to focus principally on the development of TMDLs. There are multiple stressors affecting surface waters in the State. The Strategic Plan Update must reflect the Board's need to address as many of those stressors as possible, within the Board's authorities.

In terms of Priority No. 3, promotion of sustainable water supplies, the draft Strategic Plan identifies a water supply goal of 1.7 million acre-feet. To ensure the draft Strategic Plan Update sets an appropriate target, the Board's staff should consult with stakeholders in an effort to determine if the goal currently set is appropriate.

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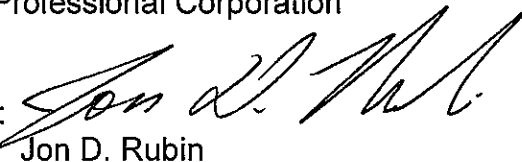
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Whether increased future supplies will need to be 1.7 million acre-feet, or some other amount, the draft Strategic Plan's focus on water recycling and conservation as the sole means to meet future unmet demand will likely prove insufficient. Certainly, the Authority supports increased recycling and conservation efforts. However, at least with respect to the service area of the Authority's member agencies, water recycling and conservation, alone, will not meet future needs. To ensure adequate future supplies to the Authority's member agencies, there will likely need to be improvements in water storage and water conveyance. At a minimum, the Strategic Plan must reflect that need.

The Authority appreciates the opportunity to provide these comments.

Very truly yours,

DIEPENBROCK HARRISON  
A Professional Corporation

By:   
Jon D. Rubin

Attorneys for the  
San Luis & Delta-Mendota Water Authority

JDR/jvo

cc: Daniel G. Nelson