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August 1, 2012

The Honorable Jerry Brown  
 Governor, State of California  
 State Capitol, Suite 1173  
 Sacramento, CA 95814

The Honorable Ken Salazar  
 Secretary of the Interior  
 1849 C Street, NW  
 Washington, DC 20240

Regarding: Statewide Water Solutions

Dear Governor Brown and Secretary Salazar,

**Executive Members**

- Amador Water Agency
- Calaveras County Water District
- County of Calaveras
- County of Placer
- El Dorado County Water Agency
- El Dorado Irrigation District
- Foresthill Public Utility District
- Georgetown Divide Public Utility District
- Nevada Irrigation District
- Placer County Water Agency
- South Tahoe Public Utility District
- Tuolumne Utilities District
- Utica Power Authority

The Mountain Counties Water Resources Association (MCWRA) direct this letter to you to express our appreciation and comments after listening to the much anticipated Bay Delta Conservation Plan (BDCP) announcement in Sacramento at the Natural Resources Department. We are encouraged by the coordinated and assertive leadership as the State of California and the United States work to develop sound water policy to solve the Delta crisis and bring water reliability to California.

MCWRA formed in the early 1950s and advocates for the water interests of its 54 members in all or a portion of 15 counties within the Sierra Nevada and Cascade mountain ranges. These foothill and mountain areas contain the headwaters for 40% of the state’s developed water supply and our members are vigilant stewards of these precious environmental resources, including 383 miles of Wild and Scenic Rivers that also fuel the engine of our State’s economy.

A primary MCWRA objective and goal is to assist the region in protecting water rights to ensure regional certainty for a reliable, sustainable water supply for our economic and environmental well-being for future generations. The Association strongly opposes any state and/or federal agencies using regulatory authority to reallocate area of origin and watershed of origin water supplies essential for the communities and eco-systems in Mountain Counties to solve Delta environmental problems caused by water export deliveries to the Bay Area and Southern California. The association maintains that direct beneficiaries of the Bay-Delta must be fully responsible for any redirected upstream consequences related to any flows, funding and/or environmental damage upstream of the Delta.

We praise the Governor’s leadership and commitment to “make sure implementation of BDCP will not result in adverse effects on the water rights of those in the watershed of the Delta, nor will it impose any obligations on water users upstream of the Delta to supplement flows in and through the Delta.” This commitment supports the County of Origin Statute (*Water Code Section 11460 to 11463, passed in 1933 as part of the Central Valley Project Act*) and the Area of Origin Statute (*Water Code Section 12200 to 12205, passed in 1959 at the same time as the Burns Porter Act*)

*authorizing the State Water Project*), along with Opinion No. 53/208 in the Senate Journal by Attorney General Edmund G. Brown, dated June 5, 1955 (page 92). The first paragraph of the Analysis reads: [“Water Code Section 10505 is commonly referred to as the “County of Origin” statute. Water Code Sections 11460 and 11463 are the principle operative provisions of what is commonly known as the “watershed protection” statute. These two statutes were enacted at different times and appear in different parts of the Water Code. However, they have a common purpose, i.e., to reserve for the areas where water originates some sort of right to such water for future needs which is preferential or paramount to the right of outside areas, even though the outside areas may be the areas of greatest need or the areas where the water is first put to use as the result of operations of the Central Valley Project.]

Even with these assurances, water rights in the Areas of Origin seem under constant threat. In recent years, efforts by MCWRA members to exercise the decades-old water rights filed by the state for their benefit have drawn opposition and lawsuits from (among others) both the United States Bureau of Reclamation and the state Department of Water Resources. MCWRA is also expending significant time and effort urging the Delta Stewardship Council to recognize and mitigate the Delta Plan’s potential impacts on water supplies, hydropower production, recreation, tourism, and instream flows in our members’ service areas upstream of the Delta.

This region is solely dependent upon surface water from snowmelt stored in Sierra Nevada reservoirs that were built to meet our existing and future environmental and economic water needs. Our region does not have the options of other regions in the state as groundwater is limited due to primarily fractured rock formations in the Sierra, recycled water is not feasible in many locations due to the topography, and we can’t go to the sea.

We appreciate Governor Brown’s leadership to ensure that water rights, supplies and regional self-sufficiency in the Delta watershed will be fully honored.

Leadership at the highest governmental levels must consider a comprehensive and collaborative approach and be mindful of regional needs to make informed and sound statewide decisions. The Association supports the state’s co-equal goals and has encouraged success in the BDCP to help resolve the challenges in the Delta.

We look forward to further discussion with your staff in developing a solution for the Bay-Delta and the State of California. Our executive director John Kingsbury can be reached at 530.957.7879.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill George", with a stylized flourish extending to the right.

Bill George, President  
Board of Directors  
Mountain Counties Water Resources Association

C:

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