

**Calaveras County Water District  
Carmichael Water District  
Central Delta Water Agency  
Citrus Heights Water District  
City of Folsom  
City of Hayward  
City of Manteca  
City of Roseville  
City of Sacramento  
City of Stockton  
County of Sacramento  
Del Paso Manor Water District  
East Bay Municipal Utility District  
El Dorado Irrigation District  
Regional Water Authority  
Sacramento Municipal Utility District  
Sacramento Suburban Water District  
San Francisco Public Utilities Commission  
San Joaquin County  
San Juan Water District  
Stockton East Water District  
South Delta Water Agency  
Woodbridge Irrigation District**

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August 4, 2010

Karen Scarborough  
Undersecretary, California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Ms. Scarborough:

We recognize your efforts with regard to the Bay Delta Conservation Plan (BDCP). However, as diverters of water in and upstream of the Delta, we are neither formal participants in nor

beneficiaries of the long-term operating permits which may be issued under the BDCP. We anticipate no benefits for ourselves such as the long-term operating permits and regulatory assurances that the BDCP water agencies stand to enjoy.

In the very short time that remains before completion of the draft BDCP in November, we are concerned that major questions are still unanswered, with few clues as to the outcome. Foremost among these are:

- 1. Water Rights and Delta Flows** – The Delta Reform Act of 2009 states that water rights shall not be impaired or diminished as a result of its provisions, which include the BDCP. However, virtually no information has been made available from the BDCP on how the Delta estuary can be revitalized under the operational scenarios envisioned for new conveyance which may result in increased water diversions from the Delta. The State Water Board has recently adopted its flow criteria for the Delta ecosystem. It is unclear how these flow criteria will inform the BDCP planning process, as required by law. This compels us to ask that you clarify how the BDCP Steering Committee intends to incorporate this mandated flow criteria into the BDCP.
- 2. Funding** - The costs of implementing the BDCP will be enormous even if south of Delta exporters pay for new conveyance; however, up to this point there has been very little open discussion of the total program costs or the sources of financing. In this time of unprecedented government budget deficits, it is critical to have complete transparency in deliberations on how the BDCP will be funded. The applicants for the BDCP, or potentially regulated entities, will derive tangible benefits of considerable value from the BDCP and need to shoulder an appropriate share of the total costs in exchange for the benefits they will receive.

Fairness and equity dictate that the total costs of the Delta Plan, including the BDCP, be apportioned on the basis of benefits received. Such allocation must necessarily include a clear distinction between the benefits received by Delta exporters and those benefits that should appropriately be paid for by other beneficiaries or the general public.

In summary, the BDCP must not be developed and implemented in a way that undermines water rights for non-BDCP participants, or unfairly burdens some with costs that are not clearly linked to the benefits received.

We appreciate this opportunity to comment on the BDCP development. Due to the profound scope and potential long-term changes that are proposed by this applicant-driven process, we urge you allow sufficient time to address these concerns comprehensively, as well as other comments that are sure to arise as the BDCP releases more detailed information about the proposed project and its impacts. The Steering Committee has been diligent in its efforts on the BDCP over the past several years, and we look forward to your openness and responsiveness to public input on the BDCP.

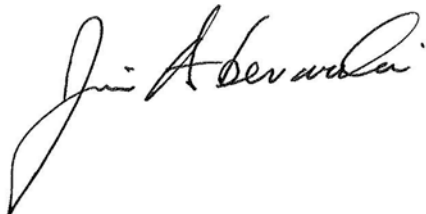
Undersecretary Karen Scarborough

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We certainly look forward to the opportunity to work through these issues cooperatively with the Steering Committee.

Sincerely,



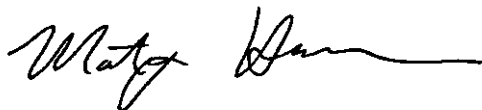
Jim Abercrombie, General Manager  
El Dorado Irrigation District



John DiStasio, General Manager & Chief  
Executive Officer  
Sacramento Municipal Utility District



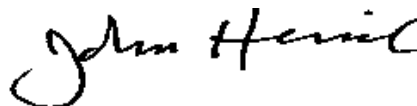
Michael Carlin, Deputy General Manager  
San Francisco Public Utilities Commission



Marty Hanneman, Director, Department of  
Utilities  
City of Sacramento



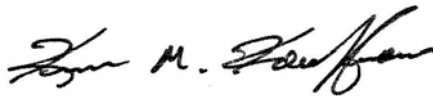
Anders Christensen, General Manager  
Woodbridge Irrigation District



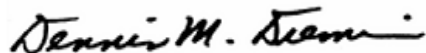
John Herrick, Counsel & Manager  
South Delta Water Agency



Keith DeVore, Director, Department of  
Water Resources  
County of Sacramento



Kevin M. Kauffman, General Manager  
Stockton East Water District



Dennis M. Diemer, General Manager  
East Bay Municipal Utility District



Joone Lopez, General Manager  
Calaveras County Water District

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Shauna Lorance, General Manager  
San Juan Water District



Larry Ruhstaller, Vice Chairman  
San Joaquin County



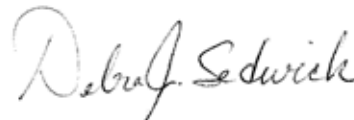
Mark J. Madison, Director, Municipal  
Utilities Department  
City of Stockton



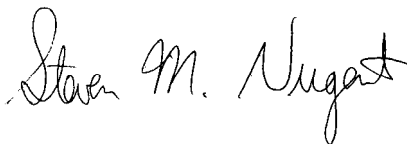
Robert Roscoe, General Manager  
Sacramento Suburban Water District



Dante John Nomellini, Counsel  
Central Delta Water Agency



Debra Sedwick, General Manager  
Del Paso Manor Water District



Steven Nugent, General Manager  
Carmichael Water District



Michael Sweeney, Mayor  
City of Hayward



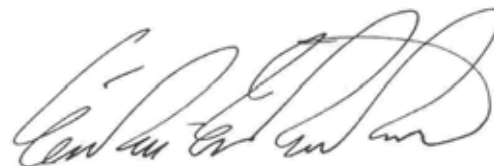
Kenneth Payne, Director, Utilities  
Department  
City of Folsom



Ken Vogel, Supervisor  
San Joaquin County



Charles Rose, President, Board of Directors  
Citrus Heights Water District

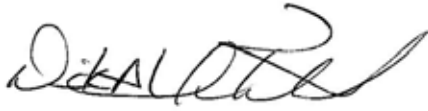


Willie W. Weatherford, Mayor  
City of Manteca

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A handwritten signature in black ink, appearing to read "D. Whitehead". The signature is fluid and cursive, with a large initial "D" and "W".

Derrick Whitehead, Director, Environmental  
Utilities  
City of Roseville

A handwritten signature in black ink, appearing to read "John Woodling". The signature is cursive and stylized, with a large initial "J" and "W".

John Woodling, Executive Director  
Regional Water Authority