



July 13, 2020

Ms. Nai Hsueh, Chair
Board of Directors
Santa Clara Valley Water District
2020 Almaden Expressway
San Jose, CA 95118

Subject: Bay Delta Plan and Tuolumne River Voluntary Agreement

Dear Chair Hsueh:

As Chief Executive Officer of the Bay Area Water Supply and Conservation Agency, I am writing to you about the litigation item on your Board's Agenda for the July 14, 2020 meeting and referenced as *Santa Clara Valley Water District v. State Water Resources Control Board* (State Board), Sacramento Superior Court Case No. JCCP 5013. As you are aware, that lawsuit was one of more than a dozen other lawsuits that were coordinated under the *State Water Board Cases*, Sacramento Superior Court JCCP Case No. 5013. I want to make clear that BAWSCA is a party to that coordinated lawsuit and represents each of its member agencies, including eight of which are located in Santa Clara county.

At this moment, I also want to emphasize for you and your Board of Directors BAWSCA's unwavering support for a voluntary agreement (VA). A VA will modify the State Board's "Phase 1 Proposal", which it approved on December 12, 2018. More specifically, the Tuolumne River Voluntary Agreement (TRVA) will modify the part of that Proposal which relates to Tuolumne River water supplies. BAWSCA, of course, appreciates your agency's continuing support for the VA concept. Phase 1 referenced the future incorporation of VAs to serve as an alternative and settlement to an unimpaired flow requirement for the Tuolumne River water source for BAWSCA's agencies.

The TRVA would reduce the very serious impacts on BAWSCA's water users caused by the State Board's proposal that would otherwise threaten the present water supply for 1.8 million residents and over 40,000 businesses, including most of Silicon Valley, in Alameda, San Mateo, and Santa Clara counties, whose water interests BAWSCA represents under California law (AB 2058). A very large portion of the water supply for these water customers comes from the Tuolumne River and the TRVA is a science-based alternative that will meet the environmental objectives of the State Board's Phase 1 Bay-Delta Plan.

The TRVA has been developed by the water rights holders on the Tuolumne River, including the San Francisco Public Utilities Commission, and we believe that the TRVA is a strong and persuasive science-based alternative to the State Board's Plan. It will meet the environmental objectives of the State Board's Plan without seriously reducing water supply for current users. The TRVA, when approved, will serve as a basis for a settlement that can meet the State Board's

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objectives to protect the fish in the river and the surrounding environment. It will also protect the residents, businesses, and communities that depend on this water source.

Governor Newsom, in a recent article in the publication CALMATTERS, expressed strong support for VAs as a valuable way to solve water supply issues in California and directed his staff to move the VA discussions forward, including those conversations for the Tuolumne River. Also, the State Board's immediate past Chair, Felicia Marcus, encouraged the parties involved to come together with a voluntary approach to successfully resolve this vitally important water-supply issue. Discussions about a voluntary approach began in the Spring of 2019 and are continuing. The TRVA is the logical, helpful, and responsible way to solve this issue.

BAWSCA appreciates Valley Water's support for a VA for the Tuolumne River water-supply issue. This will benefit Valley Water's customers as well as BAWSCA's constituents in the three counties and its 26 member agencies, including of course, its eight member agencies which are located in Valley Water's service area. We hope that Valley Water will stay the course to support this vitally important legal and strategic effort.

Respectfully,

A handwritten signature in blue ink, reading "Nicole Sandkulla", is positioned above the printed name.

Nicole Sandkulla, CEO