

December 27, 1997

To: Mary Selkirk Fax (916) 654-9780
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At the last BDAC Water Transfers Subcommittee meeting it was agreed that we would further discuss on January 21 the third party impacts that will result when water is transferred that is excess to the seller's needs, but not to the needs of the watershed.

I agree with the October 15 statement by the Bay Area Water Policy Forum that "Water transfer policy must strive to balance the interests of all parties involved". In order to do this the effect of a transfer on interests throughout an overcommitted watershed must be addressed.

I am not proposing any change in water right law. However, when the SWRCB approves a change in place and purpose of use by a permittee it must consider the third party impacts that result from the transfer wherever and whenever those impacts will occur. Furthermore, Cal Fed policy prohibits promoting transfers that have redirected impacts.

The attached memo further explains this issue. Please distribute it to the Water Transfer Committee.

cc Garry Johns Fax (916) 657-1485