



CENTRAL DELTA WATER AGENCY

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Via email commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



**Re: Comment Letter - Emergency Regulation for Measuring and Reporting the
Diversion of Water**

Section 917

The authority to require more frequent reports than monthly should be deleted from the opening paragraph, and from subsection (a).

Section 917(b)

This section should be changed to read "Water right demand projection shall be based on the best and most accurate available data specific to the particular location of the diverter groups, and may be based on reported diversion and use data, including but not limited to data submitted with progress reports by permittees, reports of licensees, reports of registration and certificate holders, supplemental statements of water diversion and use, reports filed by water masters pursuant to Water Code § 5101(d) and (e) with adjustments to eliminate duplication, adjustments to exclude demand served with stored water or foreign water and adjustments to account for demand served from the Delta pool including natural flow from the west.

Section 917(c)

Section 917(c) should be changed to read "Water availability projections shall be based on the best and most accurate available data specific to the particular location of the diverter groups and may be based on: (1) projected full natural flow data supplied by the Department of Water Resources or any less biased source; (2) projections from the National Weather Service California/Nevada River Forecast Center and similar sources; (3) stream gage data; (4) good faith estimates of accretions; (5) natural flow available in the Delta pool including natural flow from the west; and (6) other data the Deputy Director for the Division of Water Rights determines is appropriate given data

availability, data reliability and staff resources.

Section 300(b)(1)(A)

Consideration should be given to eliminating hourly measurement capability as such is of limited value. For small reservoirs and ponds less than 200 acre-feet consideration should be given to monthly or less frequent measurement. For the smaller reservoirs in remote locations which intercept water only in the wetter periods and those that constitute a depression, exemption from measurement should be considered.

Section 933(b)(2)(B)

Section 933(b)(2)(B) should be limited to a point of diversion rather than a diverter which either directs more than 10,000 acre-feet annually or on a monthly basis diverts more than 50 percent of the monthly median flow. The difficulty and cost of real-time telemetered diversions on multiple points of diversion is excessive.

Section 934 second to the last line the word "separate" should be eliminated. In cases where multiple rights including riparian rights overlap it is impossible to separate the quantity.

Section 934(E), (G) and (H)

These subsections should be deleted as measurement methods should be allowed without meeting such conditions

Section 934(d) - Certification

The third sentence should be deleted until we gain more experience working with the results of the study of the Delta currently in progress.


Section 934(g)(3)

Section 934(g)(3) the 90 days should be extended to at least 12 months.

Lastly, the annual reporting for Permits and Licenses and Statements of Diversion and Use should be on or before July of the following year.

These comments are submitted on behalf of Central Delta Water Agency and South Delta Water Agency.

Thank you for your consideration


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Manager and Counsel