

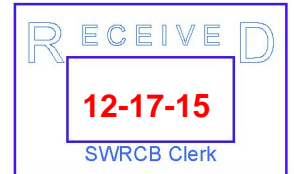


Jeanne M. Zolezzi
jzolezzi@herumcrabtree.com

VIA EMAIL

December 17, 2015

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



Re: Senate Bill 88 and Draft Emergency Regulation for Measuring and Reporting on the Diversion of Water

Dear Ms. Townsend:

The following comments are submitted on behalf of The West Side Irrigation District, Banta-Carbona Irrigation District, West Stanislaus Irrigation District, and Patterson Irrigation District on the Draft Emergency Regulations released by the State Water Resources Control Board for Measuring and Reporting on the Diversion of Water.

While we understand that the requirements of the law go into effect shortly, the regulations are nevertheless premature. Water users, particularly larger water users, have not had time to consider the impact of the law itself, let alone the specifics of the regulations.

Of particular concern is that portion of the regulations that go beyond measurement, and deal with the determination of the sufficiency of flows to support all diversions. It appears that the State Board is attempting to justify its flawed methodology for determining water availability through adoption of this emergency regulation. The very methodology proposed to be included in the regulations is currently the subject to two enforcement hearings and five lawsuits. At the very least it is therefore premature to be included in a regulation.

At a minimum the regulation in Section 917 should indicate that the determination by the State Board of water availability under this section of the regulation is only an estimate of availability.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeanne Zolezzi".

JEANNE M. ZOLEZZI
Attorney-at-Law