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State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



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

February 14, 2018

Submitted via e-mail: commentletters@waterboards.ca.gov

Re: Comments Pertaining to Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

On behalf of the Three Valleys Municipal Water District (TVMWD) and its retail member agencies, we are one of the many State water users and water right holders who stand to be impacted if the State Water Resources Control Board ("SWRCB") adopts its proposed "Wasteful and Unreasonable Water Use Practices" regulation ("Regulation") as currently drafted. Although we very much support the conservation objectives of the Regulation, and the specific conservation measures proposed in the Regulation, we believe using "waste and unreasonable use" as the tool to reach these conservation objectives is problematic and inconsistent with the law. Nonetheless, we believe conservation is critical and we support several other ways the Regulation could be implemented.

As discussed in many of the comments previously submitted, the SWRCB's authority to determine waste and unreasonable use of water is an adjudicative act that requires due process of law. The Regulation is defective because it has the effect – if not the purpose – of diminishing water rights by legislative means, without any process whatsoever.

Several of the comment letters previously submitted to the SWRCB proposed minor and sensible modifications to the legal framework for Regulation that would have no effect on the substance or objectives of the conservation measures in the Regulation. These comments carefully addressed the serious water rights and due process concerns created by the proposed Regulation. Yet, those comments were ignored in the modified Regulation distributed by the SWRCB on January 31, 2018. The SWRCB should not ignore these significant legal issues, particularly when there are other lawful grounds supporting the proposed conservation measures.

We respectfully ask the SWRCB to work with the water users and interested parties to make water conservation a way of life in California and we request that the SWRCB table any action to approve the Regulation at its February 20th meeting, and direct staff to work with us to develop a more defensible legal framework for its proposed conservation Regulation.

Thank you for your consideration of this matter. If you have any questions regarding our comments, please do not hesitate to contact me at 909-621-5568.

Sincerely,



Richard Hansen, P.E.
General Manager
Three Valleys Municipal Water District

cc: Senators Ed Hernandez, Connie Leyva, Tony Mendoza, Josh Newman, Anthony Portantino
Assembly Members Ian Calderon, Philip Chen, Chris Holden, Freddie Rodriguez, Blanca Rubio