



May 4, 2015

SENT VIA E-MAIL: commentletters@waterboards.ca.gov

Chair Felicia Marcus and Board Members
C/O Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment Letter – Emergency Conservation Regulation

Dear Chair Felicia Marcus and Board Members:

The Casitas Municipal Water District appreciates the opportunity to contribute stakeholder comments regarding the State's April 28, 2015, revision of the Proposed Emergency Regulation.

Section 865 (a) (4)

There is a need to clarify the intent of the State in excepting from section 10617 the wholesale of water from the requirements that are placed on an urban water supplier. The term "solely" limits the exception to only those agencies whose sole purpose is the wholesale of water. The exception should be extended to those agencies that serve any portion of its water supply in a wholesale manner, and be able to subtract such wholesale water customer numbers or water production from the total water production calculation for the purposes of determining the agency's status for the customer or supply thresholds (3,000 customers or 3,000 acre-feet, respectively) set forth in Water Code 10617.

- It is recommended to amend Section 865 (a) (4) to read as follows: (4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity or functioning as both a retail and wholesale capacity and the retail capacity is less than 3,000 customers or supplying less than 3,000 acre-feet of water annually.

This amendment would provide a consistent policy for all wholesale water providers, regardless of whether all or only a portion of the water supply is served in a wholesale manner. Further, the amendment would clarify the calculation in determining the attainment of the customer or supply thresholds set forth in Water Code 10617 by considering only the direct customer number or direct water supplied, which will lead to the determination of the agency's status as either an urban water supplier or a small water supplier.

Section 865 (c) (2).

There is a need for clarity to the ambiguous first phrase of the first sentence, specifically "whose water supply does not include groundwater or water imported from outside the hydrologic region in which the water

supplier is located, and that has a minimum of four years' reserved supply available...". What does appear to be clear is the State's intent to provide an approval to water suppliers that do have a minimum of four years' of reserve water supply. The ambiguity of the phrase (underlined above) is in whether groundwater raises the question, is it the State's intent to approve the request of an agency that is self-reliant on local water supplies for the four years without importing water resources (groundwater or surface water) that originate outside of the hydrologic region of water use, or deny the agency's request if the agency's four year reserve supply includes a reliance on groundwater supply that is not imported from outside the hydrologic region?

Without clarifying the intent of this disjunctive and ambiguous phrase at this time, the State's interpretation of the Proposed Regulations will likely result in additional work to support the intent of the State to lessen the drought impacts to broader regions that is caused by the reliance on water importation from groundwater and surface water sources.

It would be reasonable and sound policy to approve the request of an agency that does not rely on imported water (groundwater and/or surface water) as a part of the four year reserve supply, the agency's Urban Water Management Plan has been accepted by the State, and the agency can demonstrate that the UWMP is being implemented (WC § 10631). It would be unreasonable public policy implementation to deny the agency's request on the premise that groundwater is a part of the reserve water supply.

The Casitas Municipal Water District (Casitas) is a good example for demonstrating the ambiguity of the phrase. The Casitas water supply includes Lake Casitas, planned for a twenty-year drought cycle with an annual safe yield of 20,840 acre-feet, that has declined to fifty percent of full storage in the ninth year since full, and one small water well that provided 27 acre-feet in 2014. The water demands within the Casitas district boundary are met solely by water supplies that are within the local hydrologic region of the Ventura River watershed. There is no water importation into the Ventura River watershed. Does the interpretation of the Proposed Regulation deny the request for consideration under Section 865 (c) (2), because Casitas has one groundwater source (less than 01% of total supply)? This interpretation would seem unreasonable and would negate the regional efforts to plan, finance and construct, and implement a local water supply that is being operated to survive a twenty-year drought cycle.

For these reasons, it seems prudent for the State to clarify the phrase in question in a manner that would provide an agency with a long-term drought supply, including local groundwater, to operate in accordance with its Urban Water Management Plan, Water Shortage Contingency Plan, and Water Allocation Plan, and to qualify for consideration of approval to comply under Section 865 (c) (2).

Proposed Changes to Subtraction of Agriculture Use Requirements, Sec. 865 (2) (e)

It is recommended that Section 865 (e) be amended to comply with the intent of Government Code section 51201 and to include an allowance to those agencies that serve less than 10,000 acres to subtract the commercial agricultural use from its potable water production total. This amendment would provide a consistent policy for all agricultural agencies, large or small. It is recommended that the underlined sentence be added to Sec. 865 (2) (e):

(e) Each urban water supplier that provides 20 percent or more of its total potable water production for commercial agriculture use meeting the definition of Government Code section 51201, subdivision (b) may subtract the amount of water supplied for commercial agricultural use omits potable water production total, provided the supplier complies with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order. An Agricultural Water Management Plan shall only be required when total planted acres exceed 10,000 acres planted within the water agency's service area. Each urban water supplier that serves 20 percent or more of its total potable water production for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b) shall certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b) and shall report its total potable water production pursuant to subdivision (b) (2), identifying the total amount of water supplied for commercial agriculture use.

The Casitas Municipal Water District serves 50 percent of its potable water supply to 5,300 acres of citrus and avocado crop, tree orchards, from the Ventura River Project (Lake Casitas). The Ventura River Project was constructed by the Bureau of Reclamation in the 1950's to serve M&I, agriculture, and supplement groundwater during a long-term drought. The placement of 6,000 acre-feet of agricultural use into the 1,700 acre-feet of direct retail use serving a population of 9,300 would drastically change the requirements for conservation. The resulting interpretation and application of this Section will have significant consequences for Casitas' agricultural, in loss of water from tree crop, and residential water users in order to attain mandated water cutbacks.

The recommended change to Section 865 (e) follow the intent of Government Code 51201 that provides an exemption to small agencies (less than 10,000 acre) to prepare an Agricultural Water Management Plan. By doing so in Sec. 865 (e) would be consistent with the Government Code and place all agricultural agencies on an equal basis when calculating the potable water total.

The Casitas Municipal Water District recognizes the challenging task placed before the Board to implement the Governor's executive order during one of the most difficult times for our State. The District also recognizes that the real work is ahead with attaining end user responses to meet the standards set by the Board's action.

Sincerely,



Steven E. Wickstrum
General Manager