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- John Kingsbury – Executive Director

February 13, 2018

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Transmitted electronically
commentletters@waterboards.ca.gov

Regarding: Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Jeanine Townsend,

The Mountain Counties Water Resources Association (MCWRA) reviewed the State Water Resources Control Board's (SWRCB) proposed rulemaking to establish California Code of Regulations, title 23, division 3, chapter 3.5 on Conservation and the Prevention of Waste.

As water rights holders with senior priority and public agency suppliers in the areas-of-origin, this region has a direct and vested interest in the SWRCB's interpretation of a wasteful and unreasonable use of water in the interest of the people and for the public welfare under the authority of Article X, Section 2, of the California Constitution.

Several of the comment letters previously submitted in response to the SWRCB proposed modifications to the legal framework for the Regulation addressed the serious water rights and due process concerns it created by the proposed Regulations. 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.

Using the California Constitution to achieve improved water use efficiency and conservation is the wrong approach and should be tabled at this time.

Rather than imposing a punitive and draconian mandate, the SWRCB would better serve the public by recognizing and celebrating the herculean accomplishments to improve urban water use efficiency and conservation during this past drought.

Local water managers did an outstanding job of managing supplies through the drought, by not only encouraging the efficient use of water, but also by facilitating transfers, fixing leaks, and engaging in extensive public outreach, education, and voluntary water audits. It was those efforts that got us through the drought – not a prohibition on hosing down your sidewalk or driveway.

The state should work with local water districts to identify stressors, support creative regional solutions to achieve the SWRCB water conservation goals, and commit to ensure healthy foothill and headwaters.

Not understood by many of those who do not live or work in the foothill and the headwaters of California, a wrong SWRCB decision will penalize rural disadvantaged communities, increase fire-prone vegetation, tree mortality and the risk of catastrophic fire in the Wildland Urban Interface (WUI), degrade air quality, increase ground temperature, harming the residents, wildlife, aquatic plants and fish species, endangered species, and the overall health of the Sierra Nevada environment. A wrong decision that results in drying up rural water uses, which are inextricably integrated within the natural environment, is a failure to understand the value of this water being kept in circulation, its role in decreasing the risk of catastrophic fire, and the potential long term costs to the state of its impaired source water.

A new collaborative and regional framework to solve these complex problems better serves the people of California.

Thank you for your attention to this matter. We look forward to working with you.

Sincerely,



John Kingsbury, Executive Director
Mountain Counties Water Resources Association

c: Board of Directors, Mountain Counties Water Resources Association

The Honorable:

Senator Tom Berryhill
Senator Ted Gaines
Senator Jim Nielsen
Assembly Member Frank Bigelow
Assembly Member Brian Dahle
Assembly Member James Gallagher
Assembly Member Kevin Kiley