

**Brownstein Hyatt
Farber Schreck**



December 3, 2015

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VIA EMAIL TO DWR-MEASUREMENT@WATERBOARDS.CA.GOV

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Proposed Emergency Regulation for Measuring and Reporting the Diversion of Water

Dear Honorable Board Members:

Brownstein Hyatt Farber Schreck represents a wide range of clients who divert surface water. We write this letter on behalf of agricultural clients whose livelihoods rely upon the use of rural surface water diversions and groundwater extractions.

Farming and ranching is always economically challenging. Tight profit margins and hard physical labor, combined with the vagaries of the market, competition from foreign imports, and rising costs of labor and equipment place on-going stresses on farmers' and ranchers' revenues. The prolonged drought is just one more source of stress and economic hardship. The time and expense involved in compliance with expanded, more frequent and more intensive reporting regulations could be the final straw for many cattle ranchers who rely on stock ponds.

For that reason, we concur with the recommendation that smaller diverters not be subject to the proposed new emergency regulations. Our clients suggest that the exemption, now recommended to be 10 AFY, be increased to 20 AFY cumulatively to include all surface water diversions on a parcel, regardless of size. Cattle operators use more than one stock pond so a 10-acre exemption simply isn't enough to avoid imposing overly-burdensome reporting requirements on property owners who cumulatively divert relatively small amounts of water.

We urge you, therefore, to increase the exemption from the new emergency regulation to 20 AFY.

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If you have any questions or require further information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Susan F. Petrovich". The signature is written in black ink and is positioned above the printed name.

Susan F. Petrovich