



DEPARTMENT OF WATER RESOURCES

Agricultural Water Measurement Regulation
California Water Commission
February 15, 2012

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Water Use and Efficiency Program

OAL Reasons of Disapproval

- A- Clarity
- B- Consistency
- C- Necessity
- D- Inadequate response
- E- Incomplete files
- F- Incomplete Form 400

Department Plan of Action

- Modify section 597.3(b)(1)(B)
- Delete section 597.1(i)
- Modify Initial Statement of Reason
- Complete the Rule Making files

Recommended Changes

597.3(b)(1)(B)

- When ~~the~~ measurement options in §597.3(a) cannot be met, as ~~approved~~ determined by an engineer, by installing a commercially available measurement device, ~~that is comparable in cost to other measurement devices commonly in use,~~ at each of the downstream individual customer's delivery points because small differentials in water level or large fluctuations in flow rate or velocity that occur during the delivery season at those delivery points exceed the device accuracy standard. ~~When a water measurement device becomes commercially available, that is comparable in cost to other measurement devices commonly in use, and~~ When conditions at the delivery points change that can meet the measurement options in §597.3(a)(2) at the individual customer's delivery points, an agricultural water supplier shall include in its Agricultural Water Management Plan, as specified in §597.4, a schedule, budget and ~~finance~~ plan to measure water at the individual customer delivery points in compliance with §597.3(a)(2) of this Article. Agricultural water supplier shall report in its Agricultural Water Management Plan schedule, budget and plan and demonstrate progress over time to measure at all farm gates using commercially available devices consistent with §597.3(a)(2) of this Article .

Recommended Change

- Delete section 597.1(i)
 - Reasons:
 - It appears that Department does not have authority to exempt the Reclamation water suppliers from sections 10608.48(b) and (c)- *water measurement and pricing*.
 - Reclamation 2008 Criteria is superseded by Reclamation 2011 Criteria.
 - Reclamation 2011 Criteria is not equivalent to Department Regulation.

Next steps

- Once the CWC endorses Department's proposed changes
 - Open the third 15-day Comment Period:
 - Text of regulation with the proposed changes and
 - Modified Initial Statement of Reasons
 - After the Comment Period, Department responds to all public comments and prepares its final Regulation and Final Statement of Reasons (FSR)
- Submits the final Regulation and FSR to the CWC
- CWC reviews and adopts the Regulation
- Submit the Regulation package to OAL
- If OAL approves the regulation, the rulemaking record is closed and the Regulation is published in CCR.

Timeline

- Issue 15-day Comment Period Notice, **March 1, 2012**
- Comment period ends, **March 15**
- CWC reviews for approval of the Regulation, **April 18**
- Submit the Regulation files to OAL, **April 23**
- OAL reviews and decides within 30 working days, **June 1st.**