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SENT VIA EMAIL

July 14, 2014



Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 2815
Sacramento, CA 95812-2815

Re: San Joaquin Tributaries Authority Comments on Item 10: Consideration of a proposed Resolution for drought-related Emergency Regulations pertaining to urban water conservation.

Dear Chair Marcus and Board Members,

On July 8, 2014, the State Water Resources Control Board (State Water Board) staff released proposed urban conservation emergency regulations (Proposed Regulations). The Proposed Regulations appear to regulate the conservation of municipal and domestic water use. However, the language in Section X.2(e) is unclear and, as currently drafted, could potentially have significant impacts to the agricultural sector. Section X.2(e) states:

“To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

- (1) Limit outdoor irrigation by the persons it serves to no more than two days per week; or
- (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.”

Water Code section 350 does not define public water supply distributor. It may be more appropriate for the Proposed Regulations to use the definition of “public water system” provided in Health and Safety Code section 116275(h). Rather than provide a definition, Water Code section 350 provides general drought authority to a broad range of districts and may include irrigation districts. The limitation on “outdoor irrigation” implies, but does not clearly state, that the limitation extends only to domestic irrigation and does not limit the irrigation of agriculture. The San Joaquin Tributaries Authority (SJTA) requests the State Water Board revise Section X.2(e) to make clear the regulation does not apply to irrigation districts and would not limit irrigation of agricultural lands to no more than

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two days per week. The SJTA recommends revising the definition to reference the Health and Safety Code definition and adding the word “domestic” to clarify the limitation as follows:

- (1) Limit outdoor domestic irrigation by the persons it serves to no more than two days per week.

Thank you for the opportunity to comment. Individual SJTA members may provide further comment regarding the remainder of Proposed Regulations pursuant to each member’s operations.

Very truly yours,

O’LAUGHLIN & PARIS LLP

A handwritten signature in blue ink, appearing to read "Valerie Kincaid", written over a horizontal line.

VALERIE C. KINCAID

VCK/tlb