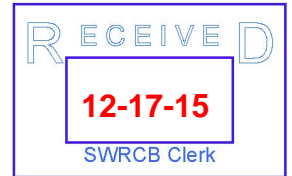


commentletters

From: Poulsen, Brian <bpoulsen@eid.org>
Sent: Thursday, December 17, 2015 9:16 AM
To: Wells, Paul@Waterboards; commentletters
Cc: Cumpston, Tom; 'Dave Bolland'
Subject: Comments on Draft Emergency Regulation For Measuring and Reporting Water Diversions



Mr. Wells and Ms. Townsend,

Thank you for taking and considering public comments on the proposed draft emergency regulations for measuring and reporting water diversions. Unfortunately, I am unable to attend the public workshop on this matter, scheduled for December 17, 2015. Therefore, please consider the following comments:

- First, the District needs more time to review and analyze the draft regulation in order to provide the SWRCB with substantive/meaningful feedback. While we appreciate the effort of staff to reach out to the District and others in the water community through small working group meetings, proposing and adopting such complicated regulations in so little time benefits no one. Nothing in the regulations appears to address an emergency-specific need of the SWRCB. Neither will the regulations apply only in times of emergency.
- Requiring agencies to submit "preliminary" data within three months and then follow up with final data is duplicative and serves no legitimately articulated need.
- Proposed section 934 appears to ignore the explicit statutory language adopted in SB 88, which specifically authorizes agencies to employ methods, rather than installing devices, capable of measuring the rate of diversions, releases from storage, etc. Proposed section 934, however, would require agencies to request specific approval from the SWRCB to employ methods rather than install devices, and demonstrate that installing a device to measure would be unfeasible. This goes way beyond the language of SB 88. The SWRCB should eliminate this requirements from the proposed regulation.

These are comments are preliminary only and intended for the public workshop on this matter. Thank you for your consideration.

bp

Brian D. Poulsen Jr.

Senior Deputy General Counsel
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

Phone (530) 642-4021

Fax (530) 642-4321

Please Note: Governor Brown has issued an executive order mandating that all water providers achieve a statewide 25% reduction in water use. As a result, the District is required to reduce its water usage by 28% and mandatory watering restrictions are in effect. For more information, visit www.eid.org/drought

ATTENTION

The preceding email message/messages string (including any attachments thereto) contains information that may be legally privileged, confidential and/or non-public information. It is intended to be read only by the individual(s) or entit(y/ies) to whom it is addressed. If the reader of the message/message string (including any attachments thereto) is

not an intended recipient, you are on notice that any use, dissemination, distribution, or reproduction of the preceding email message/message string (including any attachments thereto) in any form, is strictly prohibited and may be unlawful. If you have received this message/message string in error, please immediately notify the sender by replying, and promptly delete the message/message string (including any attachments thereto) entirely from your computer system.