



December 16, 2015

By U.S. Mail and E-mail
(commentletters@waterboards.ca.gov)

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

(12/17/15) Public Workshop
Emergency Reg for Measuring & Reporting Diversions
Deadline: 12/17/15 by 12:00 noon



Re: Comments on Senate Bill 88 Draft Emergency Regulations

Dear Board Members:

This letter presents Yuba County Water Agency's (YCWA) comments on the State Water Resources Control Board's (SWRCB) draft emergency regulations to implement Senate Bill 88 (SB 88).

YCWA strongly supports complete, accurate reporting for water diversions. We appreciate that the draft regulations would promote complete and accurate reporting, and the stakeholder outreach efforts conducted by SWRCB staff.

Sections 925 and 929 of the draft regulations concern annual reporting by permittees and licenses. These sections would provide that, for water diverted in 2016 and after, the annual water use reports for permits and licenses must be filed by March 31. (See §§ 925, subd. (b), 929, subd. (b).) For the annual use reports for statements of diversion, the draft regulations would set a deadline of June 30.

During the stakeholder workshop on November 9, 2015, Katherine Mrowka of the Division of Water Rights stated that the reason SWRCB staff was recommending an earlier reporting deadline for permittees and licensees is that, because SB 88 will require many water right holders to submit annual reports for the first time, SWRCB staff believes the SWRCB's computer network would be overloaded if the deadline for all reports was June 30. Therefore, the proposed earlier deadline for permittees and licensees would stagger the reporting deadlines and reduce the load on the SWRCB's computer network.

It would be very difficult for holders of water rights for complex water projects like YCWA's to submit annual diversion numbers by the proposed March 31 deadline. Although the draft regulations provide that permittees and licensees could use provisional data to prepare their reports by March 31, the draft regulations would also require permittees and licensees to submit amended reports based on final data by June 30. (See §§ 925, subd. (b), 929, subd. (b).) This would mean that YCWA and other water right holders must incur the time and expense of reporting twice.

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YCWA requests that the SWRCB revise subdivision (b) of Sections 925 and 929 to provide that annual reports by permittees and licensees shall be filed "within five months of the close of the twelve month reporting period ..." rather than within three months.

This revised recommendation would recognize SWRCB staff's belief that staggered reporting deadlines for permits and licenses and statements of diversion will be needed once SB 88 takes effect. It also would reduce the risk that, for holders of water rights for complex projects like YCWA's, the proposed March 31 reporting deadline would not be achievable.

Thank you for the opportunity to comment on SWRCB staff's recommendations. Please contact me or Alan Lilly, Bartkiewicz, Kronick & Shanahan, at (916) 446-4254 should you have questions.

Very truly yours,



Curt Aikens
General Manager

cc: Alan Lilly (by email)

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