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# California State Senate



**SENATOR**  
**JIM NIELSEN**  
FOURTH SENATE DISTRICT

COMMITTEES  
APPROPRIATIONS  
BUDGET & FISCAL REVIEW  
VICE CHAIR  
HEALTH  
VETERANS AFFAIRS  
CHAIR

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



December 14, 2015

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

**Subject: Comment Letter – Emergency Regulation for Measuring and Reporting the Diversion of Water**

Dear Ms. Townsend:

When I opposed Senate Bill 88, the so-called “drought trailer bill,” in Budget Committee and on the Senate Floor, it was because it proposed major policy changes to water rights laws, local enforcement authority, broad new state and local powers which lessen individual control, increased civil penalties, and other problematic issues that are being disguised as necessary emergency drought actions. A particular concern was that SB 88 contained the expansion of the existing water diversion measurement and reporting requirements to those who divert 10 acre feet of water or more in a year.

One of the assurances that proponents of the bill touted is that the State Water Resources Control Board (SWRCB) has the discretion to “modify the requirements” if “strict compliance is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water.” They may also “increase the 10-acre-foot reporting threshold to 25 acre-feet or above if they find that the benefits of the additional information within the watershed or subwatershed are substantially outweighed by cost of installing measuring devices or employing methods for measurement for diversion at the 10-acre-foot threshold.”

In conversations with stakeholders in my district, it has become clear that some equipment and methods for measuring water diversions for remote irrigation diversions, small irrigation ponds and small livestock ponds is impractical, infeasible, or cost prohibitive. Often there is no remote power at diversion points, and some points are not even accessible during inclement weather. And, more universally, the simple cost is burdensome: from the initial purchase of the meter and related equipment, to the maintenance.

It is imperative that the SWRCB clearly defines the approved devices and methods of calculation. A standardized list of approved equipment will ensure statewide efficiency and equality.

I hope that the SWRCB will listen to the specific concerns of the agricultural community and water rights holders as you create the SB 88 regulations.

You are welcome to contact me if you would like to discuss this matter further. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jim Nielsen". The signature is written in a cursive style with a large initial "J".

JIM NIELSEN  
Senator, Fourth District