

## North Eastern California Water Association

P.O. Box 367, McArthur, CA 96056

*NECWA's Mission is to protect and enhance water rights, water quality and riparian areas to the benefit of agriculture, the environment, recreation, and wildlife in the Northeastern California region*

November 24, 2015



To: California State Water Resources Control Board

Sent via Email to: [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov)

Re: Senate Bill 88 and the Emergency Regulation for Measuring and Reporting the Diversion of Water.

From: North Eastern California Water Association

The North Eastern California Water Association (NECWA) appreciates the opportunity to comment on the proposed regulations to implement SB-88. NECWA represents landowners in the Upper Pit River Watershed with 80,723 acres currently enrolled in the Irrigated Lands Regulatory Program.

NECWA thanks you for holding a hearing in Redding, CA. Unfortunately, the meeting notice was received only a few days prior. Many of our water right holders within the Upper Pit River Watershed are unaware of SB-88 and its significant impacts.

... "Commencing January 1, 2016, Senate Bill 88 would require a person who diverts 10 acre-feet of water per year or more under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and a rate of withdrawal or release from storage. This bill would also require a person who diverts water under a registration, permit, or license to report to the state board, at least annually, and authorize the state board to adopt regulations requiring measurement and reporting of water diversions." ..

SWRCB needs to make sure that the proposed law is not forfeiting any water rights that are tied to the actual property right. In the last few years, our landowners have shown good stewardship and used less than their allotted water right. Conscientious and respectful should be awarded not penalized. Remember that California water is diverted in many ways. One size does not fit all.


SB-88 may require diverters to obtain a 1602 permit from California Department of Fish and Wildlife to install a measurement device. Additionally, if steelhead or salmon are present they may need to consult the National Marine Fisheries (and possibly obtain a permit) and may also need an Army Corps of Engineers permit. Permits can take years to obtain with substantial cost to the landowner. How does this fit into the regulation?

NECWA is an advocator for education. Bi-Annual workshops are held in conjunction with the local UC Cooperative Extension to reinforce the importance of water management. Workshops include water volume to crop yield, options and implementation of water flow measuring devices, downloading and summarizing transducer data, and changes in water regulations. NECWA landowners have proven to be conscientious and respectful stewards of the environment and the land.

January 1, 2016 does not allow those affected by the law to educate themselves or prepare for the proposed regulation. Numerous landowners in our watershed are not on-line and have multiple diversion points, exploiting the financial and technical difficulties that these water right holders will face.

SB-88 should be put on hold and revised into a workable piece of legislation that benefits the people of California.

Sincerely,

A handwritten signature in cursive script that reads "Ted deBraga". The signature is written in dark ink and is positioned above the printed name.

Ted deBraga  
North Eastern California Water Association, President