



CF/43-0-25 State Water Resources Control Board (SWRCB)  
(ID 1181)

December 17, 2015

**Sent via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) and U.S. mail**

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Re: Emergency Regulation for Measuring and Reporting the Diversion of Water**

Dear Ms. Townsend:

The Sonoma County Water Agency (Water Agency) appreciates the opportunity to comment on the proposed approach and draft emergency regulation implementing the requirements of Senate Bill 88 which was signed by Governor Edmund G. Brown, Jr. on June 24, 2015. The Water Agency comments encompass the review of the documents made available by the State Water Resources Control Board (State Board) and noticed in the December 3, 2015 revised notice.

The Water Agency holds water rights permits and licenses for direct diversions and diversions to storage that serve consumptive uses for municipal and agricultural water supplies and non-consumptive uses for hydropower generation and recreation in the Russian River watershed. The Water Agency is supportive of the State Board efforts to improve the accuracy and comprehensiveness of reporting of diversions and water use. Past metering and reporting in the Russian River watershed have not provided sufficient information for the Water Agency or State Board to properly characterize diversions in the watershed or their impacts on available supplies and instream flows. This uncertainty significantly limits the State Board's ability to protect public trust resources and water rights priorities.

The Water Agency has the following comments related to the approaches discussed in the *List of Concepts and Recommendations for the Emergency Regulation (11/2/2015)*:

- **Concept 1:** To coordinate data gathering among Agency contractors, retrieve non-provisional USGS stream flow data, and conduct water balance modeling to determine diversion allocation among the Water Agency's four water supply water rights permits takes considerable time. For this reason, the proposed deadline of April 1<sup>st</sup> would be too early to allow diverters to accomplish all of these tasks. The Water Agency proposes that the reporting deadline be June 1<sup>st</sup> or later.

- **Concept 3:** The proposal to use the combined face value of all bases of right for each place of use as the method for determining the diversion threshold for the measurement requirements would be difficult to implement due to poor mapping of many POUs and multiple water rights for ranches having several different POUs. To address this problem, the Water Agency proposes that the diversion threshold criteria be applied to a facility's total water rights that share a common POD or a group of PODs or that serve the same parcels or overlapping places of use.
- **Concept 6:** For direct diversions, the Water Agency supports maintaining the threshold at 10 ac-ft/yr. It is expected that an operation or facility using at least this amount of water would experience only a minor percentage increase in overall costs to comply with these regulations.
- **Concept 7:** The Water Agency supports the concept that specific measurement requirements should be based on reasonable accuracy.
- **Concept 9:** The Water Agency supports developing a framework for alternative measurement requirements and suggests that, in addition to considering the impact of diversion on the watershed, consideration also be given to the value of the monitoring information that would be provided.
- **Concept 10:** The Water Agency supports a one-year implementation period for less complex facilities and a multi-year implementation period for facilities that will require significant investments of time and resources.
- **Concept 11:** The Water Agency supports the concept that measuring equipment be required to be installed in accordance with manufacturer specifications, field verified after installation, maintained for accuracy, and inspected by State Board staff on a routine basis.

The Water Agency has the following comments related to the *December 7, 2015 Agency Draft for Public Comment*:

- Under Sections 925 and 929, the draft regulation proposes deadlines for progress reports by permittee and licensee reports before April 1<sup>st</sup>. It further proposes that if these reports are based on provisional streamflow data, then the water right holder shall file an amended report before July 1<sup>st</sup>.
  - The Water Agency is reliant on a third-party (USGS) to approve provisional streamflow data. This data is used to determine temporal water availability by the type of water (natural flow, imported water, and reservoir releases), which is required for the allocation of diversions among the Water Agency's four water rights permits. The current methodology employed by the third-party to approve data is limited by river conditions and there is a likelihood that approved streamflow data would not be available in time for the Water Agency to submit amended reports by July 1<sup>st</sup>. The Water Agency recommends that this requirement be revised to state that amended reports will be provided as approved data is made available. Having an arbitrary cutoff date that often cannot be met does not serve the public good. It is understood that prompt

corrections should be completed, but closing off potential amended reports before the streamflow data can be made available is unreasonable.

- Under Sections 925 and 929, the draft regulation proposes that diversions be reported on a point of diversion basis.
  - The Water Agency maintains four water rights for water supply purposes with each water right sharing many common PODs with some having in excess of 30 PODs. The Water Agency observes that under the proposed language of Section 935 that the Water Agency may seek via a request to the deputy director to have a consolidation PODs for the purpose of measurements.
- Under Sections 925 and 929, the draft regulation proposes that water conservation amounts be reported on a monthly basis.
  - The Water Agency uses the California Urban Water Conservation Council methodology for determining annual water conservation. Due to the diverse portfolio of water conservation programs employed, the Water Agency would not be to provide monthly water conservation amounts using this methodology.
- Under Sections 925 and 929, the draft regulation proposes that recycled water amounts be reported on a monthly basis.
  - The Water Agency does not directly control the recycled water system, but reports recycled water used to offset urban demands in its service area. Some of the recycled water systems have billing cycles of every two months, which would not allow the Water Agency to strictly conform to the draft regulations. The Water Agency recommends modifying the language to account for less than monthly billing cycles.
- Under Section 933, the draft regulation proposes that for water right holders that divert more than 10,000 ac-ft per year that real-time telemetry be used to provide diversion data via a public website. It further proposes that this data be provided at least on a daily time-step and updated weekly.
  - For reservoir operations, the Water Agency observes that this proposed language is problematic since in our operations diversions to storage can only be determined 30 days after a diversion occurs. The draft language should address the data publishing requirements for diversions to storage separately from direct diversions.
- Under Sections 925 and 929, the draft regulation proposes that measurement data collected under the proposed requirements of Section 933 for permits and licenses that authorize collection to storage shall be included in the annual reports.
  - The Water Agency observes that under Section 933 there are also measurement requirements for direct diversions as well. The Water Agency recommends that these records also be required in the annual reports.
- Under Section 933, the draft regulation proposes that a measuring device shall be calibrated at least once every three years.

- The Water Agency recommends that this language be updated to account for devices that do not require calibration, such as magnetic flowmeters. The Water Agency records most of its diversions using magnetic flowmeters.

The Water Agency thanks you for your consideration of these comments. If you have any questions, please contact Todd J. Schram, P.E. at (707) 524-1173 or [tschram@scwa.ca.gov](mailto:tschram@scwa.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Schram". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd J. Schram, P.E.  
Senior Water Resources Engineer

c: P. Jeane, D. Seymour - Sonoma County Water Agency  
S. Shupe - Sonoma County Counsel  
Alan Lilly - Bartkiewicz, Kronick & Shanahan