

Comments on the March 18 Draft Ag Water Measurement Regulation and Subsequent Versions.

#	Organization / Submittal Date	Name	Comment Summary	Response
1	UC Kearney Agricultural Center March 25, 2011	Larry Schwankl	Does the current Regulation wording allow a provider to measure accuracy in the aggregate or can it only be measured on an individual flow measurement device basis? A simple example would help. Two flow measurement devices are evaluated in a district. One is +30% accurate and the other is -35% accurate. Evaluated individually, they are both quite inaccurate and would certainly not meet the proposed regulation, but measured in the aggregate (averaged together) they would be -5% accurate and meet the regulation. I believe the issue is, does the current Regulation wording allow a provider to measure efficiency in the aggregate?	The required measurement device accuracy standards are applicable to devices on an individual basis (i.e., all and each device has to meet the standard). The simple example given in the comment illustrates the basis for not allowing an aggregate accuracy for compliance where an average accuracy could be shown to meet the regulation when in fact individual devices are well out of compliance.
2	Center for Irrigation Technology March 25, 2011	Dave Zoldoske	<ul style="list-style-type: none"> • Suggest changing $\pm 3\%$ to to $\pm 6\%$ • Measurements of flow rate and velocity are of no intrinsic value. There must be a mechanism for integrating flow rate and velocity over a cross-sectional area and/or time. • Suggest including a moisture balance calculation in the apportioning of flows calculation • 597.4 a) iii) testing of a sample of existing devices will not meet the fundamental objectives of this article 	<ul style="list-style-type: none"> • The $\pm 3\%$ is a lab accuracy for the device under controlled conditions. Most commercial measurement devices currently available can meet that standard as per manufacturers' rating. • Language in §597.5 requires supplier to describe methods used to determine volumetric quantities from measured flow rate or velocity. Regulation is not meant to be too prescriptive, and suppliers are asked to demonstrate they use proper methods to apportion the quantities of water delivered to individual customers. • Testing of a sample size is a mean for showing initial compliance. All devices need to be maintained, operated, and inspected frequently according to best professional practices.

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3	Best Best & Krieger LLP April 5, 2011	Robert M. Sawyer	<ul style="list-style-type: none"> • Editorial suggestions • Supports SLDMWA and the Friant Water Authority 	See Comment 4
4	San Luis & Delta-Mendota Water Authority and others April 5, 2011	Frances Mizuno and others	Specifying the edition of the Conservation and Efficiency Criteria Standards would promote an environment of non-compliance with both CVPIA or RRA and the relevant sections of the California Water Code. Alternatively, remove subdivision (h) of CCR 597.1 in its entirety. Section merely confuses what is already clearly addressed in Water Code section 10828	Language pertaining to federal contractors has been removed.
5	Friant Water Authority and others April 5, 2011	Ronald D. Jacobsma and others	<ul style="list-style-type: none"> • Same as Comment 4 	See Comment 4
6	Palo Verde Irrigation District April 6, 2011	Roger Henning	<ul style="list-style-type: none"> • Who are the parties referred to in 10608.8(d)? Only QSA signatories or any supplier diverting water from the Colorado River? • “Diverted water” and “consumptively used” water are handled the same. There should be distinct and agencies returning a portion of the water should get a credit applied to the diverted amount. 	<ul style="list-style-type: none"> • Language pertaining to QSA has been removed since it’s already included in the legislation. • Definitions of “Diverted” vs “consumptively” are not relevant to this regulation. Thresholds for applicability are acreage based. The regulation applies to supplier providing water to 25,000 irrigated acres or more, and those providing water to 10,000 or more but less than 25,000 irrigated acres if sufficient funding is provided to them specifically for that purpose.
7	Wheeler Ridge-Maricopa Water Storage District April 6, 2011	Robert Kunde	<ul style="list-style-type: none"> • Allow field testing wherein aggregate accuracy of multiple devices can be verified • Clarify “best professional practices”. Delete frequency of testing (according to best professional practices is subjective) 	<ul style="list-style-type: none"> • Accuracy standards are applicable to devices on an individual basis - See Comment 1. • To avoid having a regulation that is too prescriptive, and given that testing protocols are device specific, suppliers are required to use ‘best professional practices.’

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8	Provost & Pritchard Consulting Group April 6, 2011	Kevin Johansen	<ul style="list-style-type: none"> Concur with the SLDMWA and the Friant Water Authority 	See Comment 4
9	Banta-Carbona Irrigation District April 6, 2011	David Weisenberger	<ul style="list-style-type: none"> Concur with the SLDMWA and the Friant Water Authority 	See Comment 4
10	Kern County Water Agency April 6, 2011	Larry J. Rodriguez	Accuracy standards provided in Option A are sufficient to meet the requirements – no need for Option B.	Accuracy standards in option B are slightly more stringent to account for additional errors introduced by having to apportion allocations and estimate deliveries at points downstream of the measurement point.
11	Association of California Water Agencies April 6, 2011	David Bolland	<ul style="list-style-type: none"> Concerned about the practical capability of some agricultural water agencies under actual field conditions to demonstrate immediate compliance with the proposed accuracy standards. accuracy standards seem to be too high and difficult to interpret certification and performance requirements seem to be unnecessarily burdensome 	<ul style="list-style-type: none"> We recognize the challenges that water suppliers may face in planning, financing, and installing measurement devices. DWR staff has been advised that DWR may not have the authority to include in the regulation a final compliance date that is different from the July 31, 2012 date specified in SBx7-7. The regulation is for setting accuracy standards and giving a range of measurement options and does not deal with implementation or compliance. Based on data collected and presented to the ASC, most commercial measurement devices currently available can meet the accuracy standards proposed. To demonstrate compliance, certification and performance requirements would be provided as part of the suppliers AWMP

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12	Turlock Irrigation District and others April 6, 2011	Debra C. Liebersbach and others	Analysis underestimates the implementation costs, particularly the initial costs by more than 50%	Significant uncertainty associated with data and assumptions suggest that the range of potential cost is large. The cost estimates have been revised, the mid-range estimates of total present value of costs are \$333 million over 20 years, and \$420 million over 40 years.
13	Natural Resources Defense Council April 6, 2011	Edward R. Osann	<ul style="list-style-type: none"> Proposed Regulation broadly exempts CVP contractors Proposed Regulation exempts from farm-gate measurement requirement based on seasonal variation in flow – also for an unspecified # of irrigators receiving water through community ditches Proposed Regulation allows certification of accuracy by flow rate or velocity in place of volume as required Proposed Regulation allows for less-than-representative sampling of the accuracy of measurement devices currently installed. Proposed Regulation doesn't require retention of records to document compliance with all portions of the reg. 	<ul style="list-style-type: none"> Language pertaining to federal contractors has been removed. Measurement at laterals will be accepted only for special cases where farm-gate measurement is not technically or legally feasible. Suppliers have to demonstrate that measurement under section 597.3(a) is not legally accessible or technically feasible and cannot meet the required level of accuracy as specified in that section; and show how the supplier will apportion the quantities of water delivered to individual customers. Most devices are rated for accuracy by flow rate or velocity. For those devices measuring flow rate or velocity, supplier has to describe methods used to determine volumetric quantities from measured flow rate or velocity. Sampling to determine initial compliance is done on a random statistically representative sample. Devices also need to be maintained, operated, and inspected frequently according to best professional practices. Suppliers are required to keep records for two Water Management Planning cycles.

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14	US Bureau of Reclamation April 6, 2011	Sheri Looper	Specifying the 2008 Criteria limits Reclamation's ability to assess and update them. It also puts federal contractors at risk of not being able to comply with either federal or state law if Reclamation does update its Criteria.	See Comment 4
15	Pacific Institute April 6, 2011	Juliet Christian-Smith	<ul style="list-style-type: none"> • Accuracies must be reported in terms of volume • Revise requirements for measurements upstream • statistically representative sample – not fixed approach • Performance requirements should be reported in AWMP 	<ul style="list-style-type: none"> • Most devices are rated for accuracy by flow rate or velocity. For those devices measuring flow rate or velocity, supplier has to describe methods used to determine volumetric quantities from measured flow rate or velocity. • Measurement at laterals will be accepted only for special cases (see comment 14) • Performance requirements shall be reported in the AWMP; and suppliers are required to keep records for two Water Management Planning cycles.
16	Summers Engineering, Inc. April 6, 2011	Roger L. Reynolds	<ul style="list-style-type: none"> • Implementation deadline is impractical. • Accuracy standards are too high and difficult to interpret. • Certification and Performance Requirements are onerous 	<ul style="list-style-type: none"> • The regulation is for setting accuracy standards and giving a range of measurement options and does not deal with implementation or compliance. DWR may not have the authority to include in the regulation a final compliance date that is different from the July 31, 2012 date specified in SBx7-7. • Based on data collected and presented to the ASC, most commercial measurement devices currently available can meet the accuracy standards proposed. • To demonstrate compliance, certification and performance requirements would be provided as part of the suppliers AWMP

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17	Turlock Irrigation District and others April 6, 2011	Debra C. Liebersbach and others	<ul style="list-style-type: none"> Combine options (a) & (b) Average accuracy Phased Implementation by 2020 	<ul style="list-style-type: none"> Accuracy standards in option B are slightly more stringent to account for additional errors introduced by having to apportion allocations and estimate deliveries at points downstream of the measurement point. See comment 1 See comment 16
18	RSA Environmental, Inc. April 6, 2011	Rick Adler	Provided information on proprietary metering system that meets the SBx7-7 accuracy requirement.	Thank you.
19	Valley Center Water District April 6, 2011	Gary Arant	Agricultural water suppliers should be afforded sufficient time to adequately implement the criteria in the proposed regulations. Full compliance should be by 2020.	<ul style="list-style-type: none"> The regulation is for setting accuracy standards and giving a range of measurement options and does not deal with implementation or compliance. DWR may not have the authority to include in the regulation a final compliance date that is different from the July 31, 2012 date specified in SBx7-7.
20	Oakdale Irrigation District April 7, 2011	John B. Davids	Installing hardware to comply within a narrow timeline will cause a future impact that is the "failure timeline". All hardware installed at the same time will likely reach their useful life (failure) at the same time in the future. This will create an economical impact and funds may not be available for replacement of failed hardware during a narrow window of time.	DWR may not have the authority to include in the regulation a final compliance date that is different from the July 31, 2012 date specified in SBx7-7. However, most suppliers have already some devices already installed even prior to the regulation.
21	Tulare Irrigation District April 8, 2011	Aaron Fukuda	Request that regulation exempt from measurement requirements those turnouts that serve less than 10 acres.	The legislation is requiring measurement to all customers in order to be able to bill them based on volume delivered. The issue was discussed, but there seem to be no basis or authority to exempt some turnouts from measurement based on an acreage threshold.

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22	San Luis & Delta- Mendota Water Authority and Friant Water Authority April 29, 2011	Ronald Jacobsma and Daniel Nelson	Suggest removing subdivision c) of 597.3 in its entirety as it confuses what is already clearly addressed in Water Code section 10828, or revise the language to mirror the requirements under section 10828 of the Water Code.	Language pertaining to federal contractors (subdivision c) of 597.3) has been removed.
23	Oakdale Irrigation District May 5, 2011	Steve Knell and Al Bairos	Compliance with the regulation will detract from what we have done, what we are doing, and what we plan to do. OID wishes to comply with regulation, but to do so, the regulation must be implementable, flexible and fit within the economics of ongoing programs. We recommend that DWR step back from the details and review the overarching practicality concerning implementation specifically concerning timing (compliance), requirements under Proposition 218, economic impact (detraction from what we are doing now), actual intent of the legislation, public perception and the accuracy of the data which will be generated.	