



Meeting Minutes

Meeting of the California Water Commission

Wednesday, June 15, 2011

1:00 p.m. to 5:00 p.m. PST

State of California, Resources Building

1416 Ninth Street, First Floor Auditorium

Sacramento, CA 95814

1. Welcome and Introductions

Chair Anthony Saracino called to order the meeting of the California Water Commission at 1:02p.m.

2. Roll Call

Interim Executive Officer Sue Sims called roll. The following members were present: Andrew Ball, Joe Byrne, Dave Cogdill, Kim Delfino, Luther Hintz, and Paul Kelley, and Anthony Saracino. Joe Del Bosque attended the meeting via teleconference. Daniel Curtin arrived shortly thereafter.

3. Approval of minutes

A motion was made and seconded to approve the draft minutes from the May 18, 2011 meeting. A vote was taken and the motion passed unanimously.

4. Executive Officer's Update

Interim Executive Officer Sue Sims noted that due to state budget end-of-year payment constraints, this meeting would not be webcast live. A video of the meeting would be posted to the California Water Commission's website. She noted that all other issues would be addressed later in the meeting agenda.

5. Legislative Update

Kasey Schimke, Assistant Director of Legislative Affairs for the Department of Water Resources, provided a legislative update. He provided a list of all active water-related bills in the California Legislature. He noted that the deadline for bills to pass out of their house of origin had just passed, and the list of active bills was now significantly shorter than previous versions. Mr. Ball asked if the Commission could review HR 1837. Mr. Schimke agreed that it should be reviewed and agreed to present an overview at the July meeting.

6. Rules and Regulations Committee Report (Combined with Item 7)

7. Action Item: Approval of Agricultural Water Measurement Regulations developed under SBX7-7, Water Conservation Bill of 2009 (including Public Comment)

Agenda Items 6 and 7 were heard concurrently.

Mr. Byrne stated that the Rules and Regulations committee had met the previous week to discuss and hear public testimony on the proposed Agricultural Water Measurement Regulations and made

recommendations to the full Commission on several of the issues. The Commission discussed, took public comment, and voted on each of the following issues:

Exhibit 1: Future Amendments

A motion was made to approve the language recommended by the Rules and Regulations Committee at their June 7 meeting as amended at the June 15 Commission meeting.

Motion passed unanimously.

Approved text: Notes: 3. The Department shall report on the availability of new commercially available water measurement technologies and impediments to implementation of this Article when reporting to the Legislature the status of adopted Agricultural Water Management Plans in plan submittal years 2012, 2015 and every five years thereafter as required by California Water Code §10845. The Department shall also report the findings to the California Water Commission.

Exhibits 2a, 2b, and 2c: Accuracy Standard Definition, Volume versus flow and velocity, and Simplify Accuracy Standards

Public Comments:

Doug Obegi, Natural Resources Defense Council, and Mike Wade, California Farm Water Coalition, commented on the accuracy standards for existing devices.

A motion was made to approve the recommendations made by the Rules and Regulations Committee at the June 7 meeting. Motion passed unanimously.

Approved Text: §597.2. (a)(1) "Accuracy" means the measured volume relative to the actual volume, expressed as a percent. The percent shall be calculated as $100 \times (\text{measured value} - \text{actual value}) / \text{actual value}$, where "measured value" is the value indicated by the device or determined through calculations using a measured value by the device, such as flow rate, combined with a duration of flow, and "actual value" is the value as determined through laboratory, design or field testing protocols using best professional practices.

§597.4(e)(3) If a water measurement device measures flow rate, velocity or water elevation, and does not report the total volume of water delivered, the agricultural water supplier must document in its Agricultural Water Management Plan how it converted the measured value to volume.

§597.3(a) Measurement Options at the Delivery Point or Farm-gate of a Single Customer

An agricultural water supplier shall measure water delivered at the delivery point or farm-gate of a single customer using one of the following measurement options. The stated numerical accuracy for each measurement option is for the volume delivered. If a device measures a value other than volume, for example, flow rate, velocity or water elevation, the accuracy certification must incorporate the measurements or calculations required to convert the measured value to volume as described in §597.4(e).

- 1) *An existing measurement device shall be certified to be accurate to within $\pm 12\%$ by volume.*
- and,*
- 2) *A new or replacement measurement device shall be certified to be accurate to within:*
 - A) *$\pm 5\%$ by volume in the laboratory if using a laboratory certification;*
 - B) *$\pm 10\%$ by volume in the field if using a non-laboratory certification.*

Exhibit 3a: Legal Access

Public Comments:

Mike Nordstrom, Water Attorney, Juliet Christian-Smith, Pacific Institute, and Doug Obegi commented on the legal access of a water supplier to its customer delivery points.

Motion was made to approve the Staff Recommendation as amended during the Commission meeting. Motion passed unanimously.

Approved Text: §597.3 (b)(1)(A) The agricultural water supplier does not have legal access to the delivery points of individual customers or group of customers downstream of the point of measurement needed to install, measure, maintain, operate, and monitor a measurement device.

§597.3 b)(2)(A) When applicable, to demonstrate lack of legal access at delivery points of individual customers or group of customers downstream of the point of measurement, the agricultural water supplier shall self-certify to the Department that it has sought and been denied access from its customers to measure water at those customer delivery points.

Exhibit 3b: Field and Flow Conditions

Public Comments:

Juliet Christian-Smith commented that cost-effectiveness of new water measurement devices is not considered in this section of the legislation.

Mike Wade, California Farm Water Coalition, commented on commercial viability of new water measurement devices.

Motion was made to approve Staff Recommendation as amended during the meeting. Motion passed unanimously.

Approved Text: §597.3 (b)(1)(B) The measurement options in §597.3(a) cannot be met, as approved by an engineer, by installing a commercially available measurement device, that is comparable in cost to other measurement devices commonly in use, at each of the downstream individual customer's delivery points because small differentials in water level or large fluctuations in flow rate or velocity occur during the delivery season at those delivery points. When a water measurement device becomes commercially available, that is comparable in cost to other measurement devices commonly in use, and that can meet the measurement options in §597.3(a)(2) at the individual customer's delivery points, an agricultural water supplier shall include in its Agricultural Water Management Plan a schedule, budget and finance plan to measure water at the individual customer delivery points in compliance with §597.3(a) of this Article.

§597.3 (b)(2)(B) When applicable, the agricultural water supplier shall document that the field or flow condition(s) described in §597.3(b)(1)(B) exist at individual customer's delivery points downstream of the point of measurement as approved by an engineer.

Exhibit 4: Central Valley Project (CVP) Water Suppliers

Public Comments:

Mario Santoyo, Friant Water Authority/San Luis Delta Mendota Water Authority, Sheri Looper, US Bureau of Reclamation, Doug Obegi, and Mike Wade provided comments on the provision of the regulation excluding CVP water suppliers.

Motion to strike the provision was made by Ms. Delfino and seconded by Mr. Byrne. Motion failed 4-5.

Yes: Ball, Byrne, Delfino, Saracino

No: Cogdill, Curtin, Bosque, Hintz, Kelley

An alternative motion was made by Mr. Cogdill to use the language recommended by the Rules and Regulations Committee at its June 7 meeting. The motion was seconded and passed 5-4.

Yes: Cogdill, Curtin, Bosque, Hintz, Kelley

No: Ball, Byrne, Delfino, Saracino

Approved Text: §597.1(i) An agricultural water supplier subject to CVPIA or RRA shall be deemed in compliance with this article if all irrigation water delivered by that water supplier to each customer is delivered through measurement devices that meet the United States Bureau of Reclamation accuracy standards defined in Reclamation's Conservation and Efficiency Criteria Standards of 2008 or future amendments.

Exhibit 5: Economic Impact Assessment

Clarification only, required no vote.

Exhibit 6: Field Inspection

A motion was made and seconded to approve the language recommended by the Rules and Regulations Committee at the June 7 meeting. Motion passed unanimously.

Approved Text: §597.4(b)(3) Field-inspections and analysis protocols shall be performed and the results shall be approved by an engineer for every existing measurement device to demonstrate that the design and installation standards used for the installation of existing measurement devices meet the accuracy standards of §597.3(a) and operation and maintenance protocols meet best professional practices.

Overall Regulation Package

A motion was made and seconded to approve the entire Agricultural Water Measurement Regulation Package. The motion passed 8-1.

Yes: Ball, Byrne, Cogdill, Curtin, Del Bosque, Hintz, Kelley, Saracino

No: Delfino

9. Action Item: Water Storage Workshops Proposal

Ms. Sims provided an overview and outline of the two upcoming Water Storage Workshops. A tentative date of September 14 has been selected for the first workshop, with the second workshop to follow sometime in October. Staff was directed to secure workshop dates. No action was needed.

10. Briefing on statutory responsibilities of the Water Commission including naming of State Water Project facilities and eminent domain

Ms. Sims briefed the Commission on their duties related to eminent domain and the naming of State Water Project facilities, and outlined the basic processes for these functions. She noted that a more in-depth presentation on eminent domain would be given in July.

8. Update on work related to Quantification of Public Benefits

Ajay Goyal, Chief of DWR's Statewide Infrastructure Investigations Branch, provided an overview of the work performed to date on Quantification of Public Benefits of Storage as defined in SBX7-2. The Commission was given specifics on the task order work by CH2MHill and an overall project schedule.

11. Consideration of items for next California Water Commission meeting

Items to be included on the July agenda include: a briefing on eminent domain, an update on the Water Storage Hearings, and any feedback from the Office of Administrative Law on the Agricultural Water Measurement Regulation.

12. Public Comments

There were no further public comments.

13. Adjourn

The meeting was adjourned by Mr. Saracino at 5:00 p.m.