



Informational Item: Update on Agricultural Water Measurement Regulations and Office of Administrative Law response

Background

On June 15, 2011, the California Water Commission approved the Department of Water Resources' (DWR) Emergency and Permanent Agricultural Water Measurement. Following the meeting, DWR submitted the emergency regulation for agricultural water measurement to the Office of Administrative Law (OAL). OAL notified DWR they would outright reject the regulation in its entirety if DWR failed to remove the "or future amendments" phrase from the Central Valley Project/U.S. Bureau of Reclamation provision that was discussed at length at the Commission meeting. OAL also strongly urged DWR to remove the entire provision regarding CVP contractors.

DWR submitted the emergency regulation without the "or future amendments" phrase to keep the public review process moving forward, but did not feel they had the authority to remove the entire CVP provision. The proposed permanent regulation will now have a 45-day minimum public comment period, providing more time for the Commission to resolve this and any other remaining disputed issues. The 45-day public comment period end in early September 2011.

§597.1 (i) was approved by the Commission to read:

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.

Section §597.1 (i) of the emergency regulation currently in effect reads:

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.

Agenda Item: 6
Meeting Date: July 20, 2011
Page 2

Attachments

[Approved Emergency Agricultural Water Measurement Regulations](#)

Contact

Sue Sims
Department of Water Resources
(916) 653-6055

Spencer Kenner
Staff Counsel
(916) 651-0874