

TITLE 23. WATERS
DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 5.1 WATER CONSERVATION ACT OF 2009
ARTICLE 2. Agricultural Water Measurement

**SIXTH 15-DAY NOTICE OF MODIFICATIONS TO THE TEXT
OF PROPOSED REGULATION**

Related to Rulemaking File No. 2011-1219-04C

June 20, 2012

Pursuant to the requirements of Government Code section 11346.8 (c), and section 44 of Title 1 of the California Code of Regulations, the Department of Water Resources (hereafter Department) is providing notice of changes made to the proposed Agricultural Water Measurement regulation text (Title 23, Division 2 of the California Code of Regulations, Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4).

The changes made to the text of regulation, that was released to the public on June 20, 2012, are in response to comments received from the Office of Administrative Law.

The reasons for this notice are twofold and are procedural related. One is to incorporate by reference the Agricultural Aggregate Farm – Gate Delivery Reporting Format for Article 2 (Rev. 6-20-12) in §597 and note a new Authority Section WC 10608.52. The other is in §597.3 b. (1) (B) to remove (2) from reference §597.3(a)(2) and the phrase as specified in §597.4 for purposes of clarity.

The changes being made in the regulation are:

§597.

Notes: 2.

~~By reference, the a~~ Agricultural water suppliers reporting agricultural water deliveries measured under this article shall use the “Agricultural Aggregated Farm – Gate Delivery Reporting Format for Article 2” (Rev. 6-20-12), ~~reporting format and criteria~~ developed for ~~Water Code §531~~ this Article and hereby incorporated by reference.

Note: Authority cited: Section 10608.48, Water Code. Reference: Sections 531.10, 10608.48 (b), 10608.48 (i), 10608.52 (b) and 10845 Water Code.

And:

§597.3 b. (1) (B)

An engineer determines that, due to small differentials in water level or large fluctuations in flow rate or velocity that occur during the delivery season at a single farm-gate, accuracy standards of ~~When~~ the measurement options in §597.3(a) cannot be met, ~~as approved determined by an engineer,~~ by installing ~~a measurement device or devices commercially available (manufactured or on site built or in-house built measurement devices) with or without additional components (such as gauging rod, water level control structure at the farm-gate, etc.), 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 that occur during the delivery season at those delivery points exceed the device accuracy standard. When a water measurement device becomes commercially available, that is comparable in cost to other measurement devices commonly in use, and~~ ~~When~~ If conditions at the delivery points change such that can meet the accuracy standards of measurement options in §597.3(a)(2) at the individual customer's delivery points farm-gate can be met, an agricultural water supplier shall include in its Agricultural Water Management Plan as specified in §597.4, a schedule, budget and ~~finance~~ finance plan to ~~measure water at the individual customer delivery points in compliance with §597.3(a)(2) of this Article. Agricultural water supplier shall report in its Agricultural Water Management Plan schedule, budget, and plan and demonstrate progress over time to measure water at all the farm-gates using a commercially available or on site built measurement device consistent in compliance~~ with §597.3(a)(2) of this article

If you have any comments regarding only the proposed changes, the Department will accept written comments between June 20 and July 5, 2012. All written comments must be submitted to the Department no later than 5:00 p.m. on July 5, 2012 and addressed to:

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All written comments received by 5:00 p.m. on July 5, 2012 which pertain only to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments only to the modifications to the text, where added text is displayed in shaded font italicized bolded double underline and deleted text is displayed as shaded font italicized double underline and double strikeout above.