

DRAFT FINAL STATEMENT OF REASONS
For the California Water Commission Information

UPDATE OF INITIAL STATEMENT OF REASONS

Agricultural Aggregated Farm-Gate Delivery Reporting Form for Article 2, Section 23 CCR 597. The proposed regulation as originally noticed to the public, would have changed the form from a fiscal year format (July-June) to a calendar year format (January-December). However, in response to public comments, additional changes were made to the form. This included a rewrite of the subheading of the form for clarity. DWR added “Irrigated Acreage for Reporting Period” and added “Total” to “Service Area Acreage”, and also added “Reporting Year”. These changes will increase the clarity and utility of the form.

Summary and Response to Public Comments Received During the Initial Notice Period of July 5, 2013 through August 21, 2013.

1(a). Comment: Where to send the Aggregated Farm-gate Delivery Reporting form. I have looked through the Regulation and proposed revisions but can't find anything in the material or on the form as to where to send the form. Is there an email and or other address to which to send the forms that are due at the end of the month? It would be helpful if that information was included on the form itself.

1(b). Comment: It would be really good to have where to submit the form on the form (email, preferably and/or snail mail address).

Response: Reject. Placing an e-mail or mailing address on the form would make it part of the regulation. An e-mail or mailing address could readily change in any given year, which would require DWR to amend the regulation, and potentially a cause for confusion among agricultural water suppliers. DWR has notified, and will continue to notify agricultural water suppliers via DWR's website, mass e-mail, and other public outreach, where to send in the form. Currently these instructions are on DWR's website: <http://www.water.ca.gov/wateruseefficiency/agricultural/farmgatedelivery.cfm>

2. Comment: Need to clarify what value is to be entered for “Service Area Acreage”.

Response: Accept. This comment was incorporated into the 15-day Notice proposed changes.

3. Comment: The change in the revised version to entries based on the calendar year is very helpful for IID, because USBR and, therefore, the district do water accounting on a calendar year basis.

Response: Accept.

4. Comment: For those of us completing USBR Form 7-2045m would it be possible to submit this form to CDWR in fulfillment of this requirement to report aggregated farm-gate deliveries?

Response: Reject. DWR cannot reference a federal form by reference into a state regulation.

5. Comment: There is no place on the form to indicate the year that the data is being reported for.

Response: Accept. This comment was incorporated into the 15-day Notice proposed changes.

Summary and Response to Public Comments Received During the Period of August 29, 2013 through September 12, 2013 the Modified Text Was Available to the Public

The modified text was made available to the public for comment from August 29, 2013 through September 12, 2013. One comment was received and is summarized below:

6. Comment: The “Note” near the bottom of the form currently states:

“An agricultural water supplier's total water use may be different from Aggregated Farm-Gate deliveries because measurement at these points may not account for other practices (such as groundwater recharge/conjunctive use, water transfers, wheeling to other agencies, urban use, etc).” Because most if not all agricultural water suppliers are required to report their diversions to the State Water Resources Control Board Division of Water Rights it should identified that the Aggregated Farm-Gate deliveries may also be different than the agricultural water suppliers total diversions. Therefore, we suggest this language be revised to read similar to the following:

“An agricultural water supplier’s ~~total water use may be different from Aggregated Farm-Gate deliveries~~ may be different than its total water use or reported diversions because measurement at ~~these points~~ the farm-gates may not account for other practices (such as groundwater recharge/conjunctive use, water transfers, wheeling to other agencies, urban use, etc).”

Response: Reject. This comment is outside the scope of the 15-Day Notice. We are only considering comments on the proposed changes.

7. Comment: We have been contacted by several of our clients recently asking where this form was to be submitted for reporting their aggregated farm-gate deliveries for 2012. It is unclear from either the regulation or the form where to submit the completed forms. Therefore, in order to assist those agricultural water suppliers that required to complete and submit these forms, we suggest that a mailing address and an email address to which the form is to be submitted be included on the form itself.

Response: See response to comment 1 above.

ALTERNATIVES DETERMINATION

The Department has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected persons than the proposed action, or would be less cost-effective to affected persons and equally effective in implementing the statutory policy or other provision of law.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.