

State of California  
Department of Fish and Game



**M e m o r a n d u m**

**Date:** November 18, 2011

**To:** Richard Satkowski  
State Water Resources Control Board  
Division of Water Rights  
1001 I Street  
Sacramento, CA 95814

**From:** Glenda Marsh   
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**Subject:** Notice of Opportunity to Comment – Guidance for Complying with Water Diversion Measurement Requirements for Statement Holders

On October 27, 2011 the State Water Resources Control Board (State Water Board) provided guidance on how to comply with the water diversion measurement requirements (requirements) for Statements of Water Diversion and Use holders and requested comments on this guidance.

Included in the Notice of Opportunity to Comment was a link to the Delta Watermaster's report "Statements of Water Diversion and Use: Providing a Better Picture of Water Use in the Delta." The report provided an overview of the State Board's guidance on how to comply with the new requirements along with suggestions for the State Water Board. The Department of Fish and Game (Department) supports flexibility for addressing small diversions and special situations like brackish water diversions and will continue to consider alternatives that can meet the State Water Board's requirements. The report concludes with the statement "In addition, the new requirements regarding water diversion measurement must be implemented carefully to deal with the practical problems facing many diverters." It is evident that the issues and concerns expressed by the public at the July 21 Water Diversion Measurement Workshop were considered when the State Water Board drafted the current guidance information and the 2012 Supplemental Statements online form.

As stated in the Department's June 23, 2011 comment letter addressing the State Water Board's Notice of Public Workshop for Water Diversion Measurement, the Department is currently developing a compliance strategy that includes: 1) an inventory of current water diversion infrastructure for the Department's claimed (riparian and pre-1914) water rights, 2) an assessment of costs associated with purchase, installation, and maintenance of any required new infrastructure, and 3) proposed engineering alternatives for compliance with California Water Code section 5103 subdivision (e)(1) and Title 23 of the California Code of Regulations section 920. As we continue to develop the compliance strategy, the Department will evaluate the range of water measurement devices and alternative measurement methods available in order to develop an approach which takes into consideration the full range of physical, biological, and hydrologic conditions which exist throughout the Department's statewide network of pre-1914 and riparian water diversions. We anticipate prioritizing diversions based on "locally cost effective" criteria such as relative cost to benefits provided, diversions within the tidal zone, power availability, access, operation and maintenance requirements. We will continue our coordination with management and staff of the State Water Board's Division of Water Rights Enforcement Section as we develop our compliance strategy.

We appreciate the opportunity to provide comments. Please contact Mr. James Rosauer at (916) 445-8360 if you have any questions.

cc: Mr. John O'Hagan  
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