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May 22, 2009

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Honorable Board Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comments on the Draft 20x2020 Water Conservation Plan

Dear Board Members,

The Mountain Counties Water Resources Association (MCWRA) submits this letter on behalf of our membership with great concern over fundamental flaws included in the State Water Resources Control Board Draft 20 x 2020 Water Conservation Plan for the State of California. Our specific comments are as follows:

1. The proposed gallons per capita per day (GPCD) conservation baseline and targets by hydrologic region is an impractical means to formalize water conservation, especially based on preliminary data. To mandate a program with inaccurate data is highly inequitable and fails to recognize significant variations in existing water usage within hydrologic regions. Furthermore, to assign water conservation targets as potentially permanent requirements to every entity fails to recognize significant efforts of our local member agencies' existing conservation plans and water efficiency measures taken to date, especially for those agencies' whose water use is currently less than the 2020 target. To request data for compliance from water agencies first would be the most equitable and responsible means to establish such a baseline. Furthermore local agencies can be your resource for designing, implementing and maintaining a conservation program if offered the opportunity. Many smaller water agencies of the mountain counties are not urban. To apply mandatory urban standards to the rural areas of the state is unreasonable and would significantly change the character of rural California life.
2. The California Water Code section 1011 provides for rights of conserved water to be maintained by the right holder. The 20 x 2020 plan fails to recognize this and suggests that water rights may be reconsidered based on "reasonable use." This is not what the current California Water Code allows. To attempt to implement the 20 x 2020 plan as drafted does not make available 100% of the conserved water. Furthermore, conservation should be a temporary measure included alongside a comprehensive plan to develop water supplies for population growth. To attempt to address water supply for population growth solely through conservation is indeed temporary and would result in re-evaluation of water supply, even in 2020. If California's population grows by even 2% per year, by 2020, California would have approximately 25% more residents demanding 100% of the water presumably conserved by the draft plan. Consider acknowledging water rights, and in particular area of origin water rights, as recoverable water under California Water Code

Section 1011 as is current law, and include observations of the need for additional water supplies to meet California's population growth.

3. The issue of recycled water use as a future "significant method...to offset baseline...water use" fails to recognize the State Board's own limitations on its use. One of our Executive Members, the El Dorado Irrigation District recently considered expanded recycled water use from its wastewater treatment plant – its request was essentially denied, given limitations for minimum flow requirements in the stream into which treated wastewater is discharged. To increase its recycled water use from their existing wastewater treatment facilities would produce the simplest and least expensive addition to its recycled water system. To be denied that request reveals the internal conflict of the State Board's recycled water agenda.
4. Additional measures included in the conservation plan that are overreaching or unacceptable to us include the public goods charge for water / mandated water conservation pricing. Local districts have managed finances well for their individual districts, some of whom have sufficient water supplies for their customers expected for the foreseeable future. To apply a public goods charge for water would effectively subsidize financing of water infrastructure to all of Californians for the good of less than all. This would be inequitable application of such funds collected.

On behalf of our membership organizations, we recommend major revisions to the Water Conservation Plan, to reflect lawful, equitable and local-agency-designed programs. To gain local agency support at the outset would result in substantially greater success in implementation.

Delivered via e-mail to 2020comments@waterboards.ca.gov (signed original to follow by U.S. Mail)

Duane Frink
Board President

Patrick Luzuriaga
Executive Officer