



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

Public Comment
Changes to Prohibiting Wasteful Water Use Practices
Deadline: 2/14/18 by 12 noon

GENERAL MANAGER
Jim Barrett

ASSISTANT GENERAL MANAGER
Robert Cheng

SENT VIA EMAIL:
commentletters@waterboards.ca.gov



February 13, 2018

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

RE: Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Chair Marcus:

The Coachella Valley Water District (District) writes to thank the State Water Resources Control Board (State Board) for its consideration and inclusion of the District's several recommended changes to the proposed Regulation Prohibiting Wasteful Water Use Practices.

In December 2017, the District submitted comments to the State Board expressing concern about several items in the State Board's initial draft regulations. As a water district serving desert communities, the District was concerned with ensuring the regulations were fair and equitable to residents and water users throughout the state. The District was primarily concerned with measurable rainfall and prohibitions against irrigating landscapes following measurable rainfall. Desert residents and landscapes require larger rain events than residents in northern portions of the state before artificial irrigation systems can be turned off. Furthermore, the District was concerned with the prohibited irrigation of public medians with recycled water outlined in the earlier draft regulations.

The District is pleased to see the comments and concerns it submitted have been addressed and the regulations have been redrafted in a manner considerate of the unique conditions faced by residents in the Coachella Valley. While the District will always prefer local control over local water use, the District is more comfortable with the amended standards for water efficiency in the new draft regulations.

While the District is appreciative of these changes made by the State Board, the District is concerned that Water Code 1101 has not been cited in these draft regulations and there are no other assurances in the draft language that conserved water will not be forfeited by the District. District employees were active during the development of these regulations and were given verbal assurances from State Board staff that such conserved water would not be seen as reducing the District's water rights. However, written confirmation in the regulation of the State Board's stated intent is respectfully requested.

Coachella Valley Water District
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Lastly, the District, as a State Water Project (SWP) Contractor, has concerns regarding the State Board's authority to determine waste and per se unreasonable uses of water. Such a determination is an adjudicative act that requires due process of law. The regulation as drafted is flawed because it may diminish water rights by legislative means, without any process whatsoever. The District is a signatory to a similar comment letter submitted by the SWP Contractors.

The District appreciates the additional 15-day comment period in which to submit these comments. If you or your staff have any additional questions, please contact Katie Evans, Director of Conservation and Communications, at (760) 398-2661, extension 3405, or by email at kevans@cvwd.org.

Sincerely,



J. M. Barrett
General Manager

cc: State Water Resources Control Board
The Honorable Steven Moore, Vice Chair
The Honorable Dorene D'Adamo, Member
The Honorable Joaquin Esquivel, Member
The Honorable Tam Doduc, Member
Eileen Sobeck, Executive Director
Eric Oppenheimer, Chief Deputy Director
Department of Water Resources
Gary B. Bardini, Deputy Director, Integrated Water Management
Kamyar Guivetchi, Manager, Statewide Integrated Water Management
Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.

KJ:Comm/Consvr 20180213-SWRCBltr-regprohibitingwastefulwtrusepractices
File: 0022.11, 0932.