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November 30, 2015

Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Directors
Edward J. "Ted" Costa
Kenneth H. Miller
Dan Rich
Pamela Tobin
Bob Walters
General Manager
Shauna Lorange

Transmitted by email to the Clerk of Boards at commentletters@waterboards.ca.gov

Dear Chair Marcus and Board Members D'Adamo, Doduc, Moore and Spivey-Weber:

We appreciate the State Water Resources Control Board (Board)'s continued leadership in responding to this historic drought. We recognize the uncertainty of 2016 water supply conditions and the desire of the Board to ensure adequate water supplies for all of the state's water users. Thank you for the opportunity to contribute to this discussion.

San Juan Water District (San Juan) has responded to the drought, achieving some of the highest conservation levels in the state in both 2014 and 2015. However, the current emergency regulations have been especially onerous on San Juan as we faced a 36% conservation target, well above the statewide goal of 25%. San Juan stepped up to the challenge, as did our customers, but the result is an inordinate burden of economic loss in our community in the form of dead and dying landscapes and trees, a financial burden on our customers in having to make up lost revenue and increased costs to San Juan, and a sensitive political climate resulting from the effects on the community.

We recommend modifications to the water conservation regulations, should they be extended into 2016, for a more equitable distribution of water savings amongst water agencies, while still reaching the state's goals.

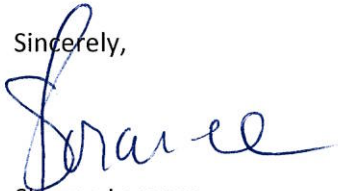
- As suggested when the emergency regulations were developed, a relatively simple adjustment that recognizes the vast climatic differences in the state should be included.
- The regulations should recognize the past development of drought resilient supplies in setting conservation targets.
- Cumulative conservation goals need to consider reduced winter use. A uniform reduction goal based on peak irrigation months cannot be achieved when irrigation no longer exists.
- San Juan's service area consists of large lot sizes comparable to most in the state resulting in higher usage per person, though a lower use per acre than most. Land use and land use density should be considered in future reduction goals.
- The regulations must be flexible and responsive to developing localized hydrologic conditions through the winter and spring of 2016.

When the emergency regulations were developed and adopted last spring, time was of the essence. San Juan and the vast majority of water providers responded by meeting or exceeding the assigned standards over the critical summer months but are now falling short as irrigation demands are reduced. We appreciate the State Water Board's commitment to taking the time necessary to improve the emergency regulations should they be extended.

San Juan shares the State Water Board's desire to effectively respond to this historical drought. We continue to invest in both long-term and drought conservation efforts. At the Governor's request, San Juan voluntarily reduced its use by 28% in 2014. In 2015, we continue to conserve, saving 36% from June through October but we are now falling short and will likely not be able to achieve compliance through February. We support extending appropriate emergency regulations if the state identifies a continued need and the State Water Board modifies the Emergency Regulation to incorporate the effects of climate on water use, recognizes past development of drought resilient supplies, considers lot size, considers winter usage when setting reduction target and considers localized hydrologic conditions.

Thank you for the opportunity to comment. Per the State Water Board's request, detailed responses to the three questions in the Notice of Public Workshop dated November 6, 2015 are provided as an attachment.

Sincerely,

A handwritten signature in blue ink that reads "Lorance". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Shauna Lorance
General Manager

1. What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?

When reduction requirements were established, peak irrigation months (July-September) were used to create agency specific residential reduction goals resulting in a 36% reduction goal from June through February. This methodology is not sustainable as it does not consider land use, land use density, the effects of climate, winter and summer usage patterns, or local water supply conditions. Any extended Emergency Regulation should provide equitable distribution of water use reduction requirements and be modified to recognize these factors.

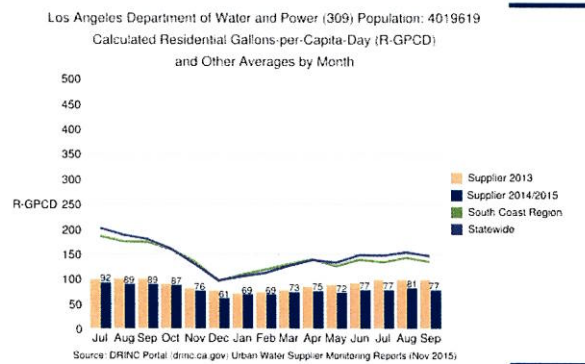
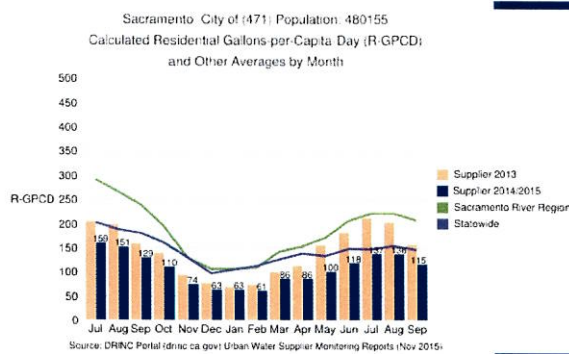
Land use and land use density: Most of San Juan Water District's residential customer base consists of large homes on large lots. Ranching, agriculture and urban forests are common and require more water to sustain during the hot summer months. Incorporating an adjustment for population density or usage per acre better represents rural water use.

Climate adjustment: Any extended Emergency Regulation should be modified to recognize the effects of climate on water use by adjusting water agency conservation standards based on their relative evapotranspiration (ET) rates as compared to a statewide average ET rate. For example, water agencies with higher ET rates compared to the state average ET would receive a reduction in their current conservation standard. This modification would more accurately assess inefficient outdoor water use by first accounting for the differing biological water requirements of landscapes throughout the state. A low water use landscape still requires more water to survive in hotter, drier areas of the state when compared to cooler, wetter areas. More water doesn't correspond to waste.

This seasonal change in demand increases a water agency's residential gallons per capita per day (R-GPCD) in the summer months when compared to winter months and contributes to a higher yearly average R-GPCD. A climate adjustment will mean Californians will make comparable commitments to water conservation. Inland residents shouldn't be expected to replace dead landscapes and lose trees, while those on the coast aren't expected to stress their landscapes beyond recovery.

These adjustment to recognize climate as a driver of water use will increase the equity of the emergency regulation. They can be fairly applied to all water agencies. No water agency is untouched by the effects of climate. While we agree that watering nonessential landscape material such as ornamental turf grass is not a priority of the state in this drought, preserving higher value landscape materials such as trees and shrubs, playing fields, and defensible space around structures is a priority for maintaining quality of life, habitat, public safety and the overall health of the environment. Many inland water agencies and water users have to choose between meeting their conservation standards and protecting their longer term priorities listed above.

Average annual water usage: The inequity of the current regulations is exacerbated by the metric used for target setting. The emergency regulation applies a conservation standard based on peak summer water use, but the standard must be achieved throughout the June through February period, or June-October if extended. Such a standard does not reflect the differences in seasonal water use in California (see graphic). Water use directly varies with seasonal weather patterns, especially in inland areas where summer water use is often double winter water use because of the demands of landscapes. As a result, conservation targets as high as 36%, based on high summer water use, must be maintained throughout the fall and winter. Coastal communities are not impacted by this condition as their water use remains more uniform throughout the year.



With the recent reporting, the Board now has a wider range of monthly R-GPCD figures. We recommend that the individual water agency R-GPCD figures that serve as the basis for assigning conservation standards be recalculated based on annual, rather than seasonal water use.

Local water supply conditions: San Juan has invested heavily in alternative water supply sources to mitigate its reliance on Folsom reservoir. If water is available through these alternative sources, San Juan recommends the Board evaluate local supply conditions to ensure there is a nexus between the reduction mandate and supply availability. It is important that trust between San Juan and its customers remain. If we ask customers to reduce water use by well over the statewide target and no immediate local water supply limitations exist, credibility is at risk. Factors such as the 8-station precipitation index, snowpack, local reservoir storage and regional water supply conditions could all be evaluated.

2. What additional data, if any, should the Board be collecting through the Emergency Regulation and how would it be used?

San Juan supports the Board’s current reporting efforts during this drought. Regarding additional data collection, the Board should first identify objectives to be achieved through data collection and then identify what supplementary data is available to achieve those goals. New data should only be collected to support a new goal and the process should be clearly communicated to the water agencies. Additional reporting may be necessary depending on any modifications or additions that are formally adopted by an extended Emergency Regulation.

3. How should the Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?

An extended Emergency Regulation should reflect the water supply needs of the state. Unfortunately, the expiration of the current regulations in February may be a difficult time to assess water supply conditions for 2016. In addition, conditions will vary by region and water source. The arrival of a strong El Nino could magnify the variations between regions depending on how, when and where precipitation occurs. Continuation of high water conservation targets, in the absence of direct evidence of an extreme ongoing drought, will make it difficult to drive customer behavior to continue to achieve the targets. Loss of the good faith efforts of California’s residents will have a negative impact on both short and long-term water efficiency improvements.

While we recognize the intention of the Board to adopt extended emergency regulations to prepare for a continuing drought, we urge you to create flexibility to adjust targets based on periodic evaluations of water conditions.

At minimum, the Board in partnership with the California Department of Water Resources, the United States Bureau of Reclamation and a statewide representation of water agencies should evaluate snowpack, reservoir levels, groundwater conditions, projected runoff, and available local supplies in

January and April 2016 to guide implementation of Emergency Regulations through October 2016. If conditions have improved from 2015, either statewide or regionally, the Board should be prepared to modify the Emergency Regulations to adjust the state conservation standard, and therefore individual water agency conservation standards. The ultimate goal is to match a water supply need with a conservation standard to fulfill that need.

At the same time, the continued declaration of a drought emergency should be reassessed in partnership with the Governor's Office. The people of California are responding to the need to conserve on the premise that we are in an emergency situation. Continuing to hold Californians accountable to emergency drought conservation levels beyond what is necessary will diminish the trust between the state and its people, and between local water providers and their customers. This trust will be needed to prepare for and respond to the inevitable future droughts that California will experience. Water agencies will continue to invest in water efficiency improvements to reduce longer-term water demand without the driver of emergency regulations.