

TITLE 23. WATERS
DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 5.1 WATER CONSERVATION ACT OF 2009
ARTICLE 2. Agricultural Water Measurement

**FIFTH 15-DAY NOTICE OF MODIFICATIONS TO THE TEXT
OF PROPOSED REGULATION**

Related to Rulemaking File No. 2011-1219-04C

April 18, 2012

Pursuant to the requirements of Government Code section 11346.8 (c), and section 44 of Title 1 of the California Code of Regulations, the Department of Water Resources (hereafter Department) is providing notice of changes made to the proposed Agricultural Water Measurement regulation text (Title 23, Division 2 of the California Code of Regulations, Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4) and a Supplement to the Initial Statement of Reasons.

The changes made to the text of regulation, that was released to the public on March 26, 2012, are in response to comments received from stakeholders and the California Water Commission decision on April 18, 2012. The changes being made to the regulation are:

Section 597.3(b)(1) (B) has been modified to add text as shown in *shaded red font italicized double underline* and delete text as shown in ~~*shaded red font italicized double underline double strikeout*~~

- *An engineer determines that, due to small differentials in water level or large fluctuations in flow rate or velocity that occur during the delivery season at a single farm-gate, accuracy standards of* ~~*When The*~~ measurement options in §597.3(a) cannot be met, ~~*as approved determined by an engineer,*~~ by installing ~~*a measurement device or devices*~~ *commercially available (manufactured or on site built or in-house built measurement device(s) with or without additional components (such as gauging rod, water level control structure at the farm-gate, etc).* ~~*that is comparable in cost to other measurement devices commonly in use,*~~ *at each* of the downstream ~~*individual customer's delivery points because small differentials in water level or large fluctuations in flow rate or velocity that occur during the delivery season at those delivery points exceed the device accuracy standard.*~~ ~~*When a water measurement device becomes commercially available, that is comparable in cost to other measurement devices commonly in use, and*~~ *When If conditions at the delivery points change such* that ~~*can meet*~~ the *accuracy standards of* measurement options in

§597.3(a)(2) at the ~~individual customer's delivery points farm-gate can be met~~, an agricultural water supplier shall include in its Agricultural Water Management Plan, as specified in §597.4, a schedule, budget and ~~finance~~ finance plan to ~~measure water at the individual customer delivery points in compliance with §597.3(a)(2) of this Article. Agricultural water supplier shall report in its Agricultural Water Management Plan schedule, budget, and plan and~~ demonstrate progress over time to measure water at all the farm-gates using a commercially available or on site built measurement device consistent in compliance with §597.3(a)(2) of this Article.

The Supplement to the Initial Statement of Reasons is also modified.

If you have any comments regarding the proposed changes, the Department will accept written comments between April 19, 2012 and May 3, 2012. All written comments must be submitted to the Department no later than 5:00 p.m. on May 3, 2012 and addressed to:

Fethi Benjema
Department of Water Resources
901 P Street, Suite 313A
Sacramento, CA 95814
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All written comments received by 5:00 p.m. on May 3, 2012 which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text, where added text is displayed in shaded red font italicized double underline and deleted text is displayed as ~~shaded red font italicized double underline double strikeout~~ above and the Supplement to the Initial Statement of Reasons.