

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

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

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

March 26, 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 February 28, 2012, are in response to comments received from stakeholders and the California Water Commission decision on March 21, 2012. The changes being made to the regulation are:

- Section 597.3(b)(1) (B) has been modified to delete the words “or devices” in two places shown below in ~~shaded italicized double strikeout~~ text. These changes are not shown in the modified text of the regulation because the deletions are to interim changes approved by the Commission and not the original text of regulation that was submitted to OAL:
 - B) When ~~the~~ measurement options in §597.3(a) cannot be met, as ~~approved~~ determined by an engineer, by installing a commercially available or on site built measurement device ~~or devices, 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 conditions at the delivery points change that can meet the measurement options in §597.3(a)(2) at the individual customer’s delivery points, an agricultural water supplier shall include in its Agricultural Water Management Plan, as specified in §597.4, a schedule, budget and ~~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 at all farm gates using commercially available or on site built measurement device ~~or devices~~ consistent with §597.3(a)(2) of this Article.

The changes to the Supplement to the Initial Statement of Reasons are displayed in underlined text.

If you have any comments regarding the proposed changes, the Department will accept written comments between March 27, 2012 and April 11, 2012. All written comments must be submitted to the Department no later than 5:00 p.m. on April 11, 2012 and addressed to:

Fethi Benjema
Department of Water Resources
901 P Street, Suite 313A
Sacramento, CA 95814
jemaa@water.ca.gov

All written comments received by 5:00 p.m. on April 11, 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 deleted text is displayed in ~~shaded italicized double strikeout~~ above and to the underlined text in the Supplement to the Initial Statement of Reasons.