



NATURAL RESOURCES DEFENSE COUNCIL

February 28, 2012

Marty Berbach  
Department of Water Resources  
901 P Street, Room 313A  
Sacramento, CA 95814

Sent via e-mail to: [mberbach@water.ca.gov](mailto:mberbach@water.ca.gov)

**RE: Comments in Response to the Draft Guidebook to Assist Agricultural Water Suppliers to Prepare a 2012 Agricultural Water Management Plan**

Dear Mr. Berbach:

In response to the Department's February 1, 2012 workshop on the Draft Guidebook to Assist Agricultural Water Suppliers to Prepare a 2012 Agricultural Water Management Plan (Guidebook), this letter provides comments and recommendations from the Natural Resources Defense Council (NRDC). Although NRDC appreciates the effort that the Department has put into developing the Guidebook, we are concerned that the document, as currently drafted, misses an opportunity to help agricultural water districts critically evaluate their water delivery systems, uses, and options to meet future water challenges. Specifically, the draft Guidebook fails to provide direction on how agricultural water suppliers should determine whether mandatory conservation measures are "locally cost effective," or "technically feasible."

With the enactment of the Water Conservation Act of 2009, the California Water Code now requires agricultural water suppliers to implement 14 measures with the following preamble:

*"Agricultural water suppliers shall implement additional efficient management practices, including, but not limited to, practices to accomplish all of the following, if the measures are locally cost effective and technically feasible."*<sup>1</sup>

In other words, these measures are mandatory unless they are *not* locally cost-effective or *not* technically feasible. Water suppliers would greatly benefit from some guidance providing standard methods for determining whether the specific measures enumerated in the Act are "locally cost effective." Even the term "technically feasible," without any definition or qualification, is overly broad and susceptible to wide interpretation.

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<sup>1</sup> Cal. Water Code, § 10608.48 (emphasis added).

**NRDC Comments in Response to the Draft Guidebook to Assist Agricultural Water Suppliers to Prepare a 2012 Agricultural Water Management Plan**

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Page 2 of 2

Neither term was included in the glossary of the latest draft of the Guidebook, and neither term was addressed in a way that would put analytical tools in the hands of the plan writers. The Guidebook merely asks suppliers to “Submit information that documents the supplier’s determination of an efficient water management practice is not locally cost effective or technically feasible”[sic], rather than showing how to actually conduct these analyses.

This is a gap that should be filled, because the language of the law is specific. The law cannot be read as allowing water suppliers to simply ignore these practices without serious evaluation. We urge the Department to include more detailed guidance on how to determine local cost effectiveness and technical feasibility in the final Guidebook.

Thank you for your attention to these views.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edward R. Osann".

Edward R. Osann  
Senior Policy Analyst