



TERESA JORDAN
3152 SHAD COURT
SIMI VALLEY, CA 93063
TELEPHONE NO. (805) 522-5016

TO: Fethi Benjemaa
Department of Water Resources
901 P Street, Suite 313A
Sacramento, CA 95814

FAX NO.: (916) 323-6826

DATE: August 3, 2011

NO. OF PAGES: 4 (includes cover sheet)

RE: Proposed Regulation to Add Chapter 5.1,
Sections 597, 597.1, 597.2, 597.3,
and 597.4 to Title 23, Division 2
of the California Code of Regulations.

3152 Shad Court
Simi Valley, CA 93063
August 3, 2011

Fethi Benjemas
Department of Water Resources
901 P Street, Suite 319A
Sacramento, CA 95814

Re: Proposed Regulation to Add Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4 to Title 23, Division 2 of the California Code of Regulations (Certificate of Compliance Rulemaking Related to Emergency Rulemaking File #2011-0624-01E).

Dear Fethi Benjemas:

This letter is a follow-up to my August 1, 2011 letter on the aforementioned subject.

Section 597. Agricultural Water Measurement

#2 - Page 1, since it is stated in SB 7, Chapter 4, Section 10608.4(j) that "It is the intent of the Legislature, by the enactment of this part to... Support the economic productivity of California's agricultural, commercial, and industrial sectors", and it is stated in Section 10608.8(c) that "This part does not require a reduction in the total water used in the agricultural or urban sectors, because other factors, including, but not limited to, changes in agricultural economics or population growth may have greater effects on water use. This part does not limit the economic productivity of California's agricultural, commercial, or industrial sectors", the elimination of "Agricultural" water rate accounts, or these customers transitioned into the urban water suppliers "Commercial" water rate category I don't believe is something that the Legislature's conservation measures call for in light of these California Code Sections. Nor is the situation related to what is stated in the Camrosa Water, and Calleguas Municipal Water Districts' 2010 Urban Water Management Plans.

Approximately 21% of Camrosa Water District's potable water serves "agricultural and other irrigation needs" (Page 2-2). It is stated on Page 3-3 that "As can be seen from Table 4, the number of agricultural accounts decreased significantly between 2005 and 2010. This is due primarily to the reassessment of agricultural parcels within the Camrosa Water District in 2008. When Metropolitan Water District ended the Interim Agricultural Water Management Program, which had offered discounted water rates to agricultural customers, Camrosa followed suit and established one cost scale for potable water. Even though classification as agricultural producers no longer affected customers' water rates, Camrosa thought it pertinent at the time to assess how many of its accounts were primarily or exclusively agriculture operations. Approximately 150 customers that had previously been identified as agricultural users were found to not meet the minimum acreage/crop requirements and were reclassified as residences. The reclassification also affected the volume of water considered agricultural irrigation, as shown in the decrease between 2007 and 2008 in Table 5 below, though the exceedingly low agricultural demand in 2010 (506 AF) was the of abnormally cool and wet weather all year" (Page 3-3). Not sure if these new "residences" have been added to the population growth figures.

Approximately 10 percent (10%) of the water distributed by the Calleguas Municipal Water District's purveyors is expect for agricultural uses (Page 3-2). Not sure if this amount is subdivided between Calleguas Municipal Water District purveyors, or only among some of them.

It was difficult tracking information on urban water suppliers Websites' posted Urban Water Management Plan Updates. It is extremely difficult to cross-reference urban water suppliers who have Websites but do not post the draft and final Urban Water Management Plan Updates. Example: While the Golden State Water Company's Simi Valley Notice of Public Hearing

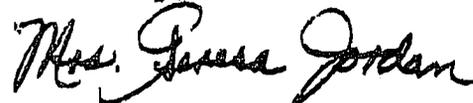
was posted about a month before the August 15, 2011 public hearing, the Plan can be reviewed by the public during normal business hours, and only by appointment. The public has one week to review the Plan. I don't know if this is the "Draft" Plan, or the "Final" Plan.

The DWR must ensure that the public has no less than two weeks to review agricultural water suppliers' 2012 Agricultural Water Management Plans. If agricultural water suppliers have Websites, then, the draft and final AWMs, and the public hearing notices must be posted for public review.

Section 597.2. Definitions

#2 - Page 3, add a definition for "Agricultural Water User" and delete "Customer". While it is stated in SB 7, Chapter 4, Section 10608.12(a) that "Agricultural water supplier" . . . distributes or sells water for ultimate resale to customers", and it is stated on Section 10608.48(b)(1) that Measure the volume of water delivered to customers", as well as it is stated on Section 10608.48(c)(10) that "Facilitate or promote customer pump testing and evaluation", in order for consistency with SB 7, the proper definition must be "Agricultural water user" since SB 7 on Section 10608.12(d) states "Commercial water user", on Section 10608.12(h) states "Industrial water user", and on Section 10608.12(i) states "Institutional water user", as well as states on Section 10608.48 "Provide for the availability of water measurement services to water users".

Sincerely,



Mrs. Teresa Jordan



TERESA JORDAN
 3152 SHAD COURT
 SIMI VALLEY, CA 93063
 TELEPHONE NO. (805) 522-5016

TO: Fethi Benjemaa
Department of Water Resources
901 P Street, Suite 313A
Sacramento, CA 95814

FAX NO.: (916) 323-6826

DATE: August 1, 2011

NO. OF PAGES: 10 (includes cover sheet)

RE: Proposed Regulation to Add Chapter 51,
Sections 597, 597.1, 597.2, 597.3, and
597.4 to Title 23, Division 2 of the
California Code of Regulations.

3152 Shad Court
Simi Valley, CA 93063
August 1, 2011

Fethi Benjemaa
Department of Water Resources
901 F Street, Suite 313A
Sacramento, CA 95814

Re: Proposed Regulation (Certificate of Compliance Rulemaking Related to Emergency Rulemaking File #2011-0624-01E) to Add Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4 to Title 23, Division 2 of the California Code of Regulations.

Dear Fethi Benjemaa:

The following are my comments on the proposed regular regulations.

Section 597. Agricultural Water Measurement

#1 - Page 1, while this section does not address a volumetric water pricing structure, Section 10608.48(b) paragraph (2) does.

After reading for the third time through the proposed regulations; reading the cost analysis; mulling in my head the elimination of the "Agricultural" water use customer category and rescinding of the meter service charges by the Ventura County Waterworks District No. 8 (City of Simi Valley) on July 25, 2011; and researching agricultural water measuring devices, I am appalled with the heavy burden imposed upon the agricultural community by the State Legislature.

Water conservation is one thing, but gouging the small agricultural businesses is another. While the Legislature provided options to help with compliance, the result is purported efficiency and conservation at an astronomical cost.

On Page 6 of the NOTICE OF PROPOSED RULEMAKING (Note: the pages were not numbered), it is stated under ASSESSMENT OF EFFECT ON JOBS/BUSINESSES: NONE that "The proposed regulation for agricultural water measurement will not:

- Eliminate jobs within California;
- Eliminate existing businesses within California;
- Affect the expansion of businesses currently doing business within California".

While the regulations might not eliminate jobs and businesses, and effect existing business expansion, the truth of the matter is that by complying with Section 10608.48(b) the proposed regulations will add to the volumetric water pricing structure. Decisions like the Calleguas Municipal Water District to no longer offer Agricultural Water Rates, and the Ventura County Waterworks District No. 8 (City of Simi Valley) eliminating the "Agricultural" rate category and transitioning the former "Agricultural" customers into the "Commercial" rate category, speak volumes of impacts not foreseen by the DWR.

Even though the Ventura County Waterworks District No. 8 (City of Simi Valley) Board of Directors on July 25, 2011 voted to rescind the former "Agricultural" accounts (45) meter service charges from January 1, 2010 to December 31, 2014 (Commercial rate approved on December 7, 2009), the former "Agricultural" water rate customers were bemoaned at the dias just because they were getting something free. The Engineer's Report fell short, and District staff could have avoided bigger meter size use by some of the customers.

The DWR must take into consideration how many "Agricultural" water use customers go the way of the former Ventura County Waterworks District No. 8 (City of Simi Valley) former "Agricultural" accounts, not just rely on the expectation that:

1. "the agricultural water measurement regulation will help create new businesses and expand existing ones in the domain of manufacturing of measurement devices and device testing and

calibration" (Page 6, NOTICE OF PROPOSED RULEMAKING, Pages not numbered); 2. "an identified number of jobs will be created in manufacturing, installation, and maintenance of agricultural water measurement devices" (Page 7, NOTICE OF PROPOSED RULEMAKING, Pages not numbered); and 3. "volumetric pricing of water deliveries" will "achieve an equitable billing for the agricultural water users" (Page 8, NOTICE OF PROPOSED RULEMAKING, Pages not numbered).

If the elimination of "Agricultural" water rates that have taken place in Ventura County occurs throughout California, then "the proposed regulations will" "have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states" (Page 8, NOTICE OF PROPOSED RULEMAKING, Pages not numbered).

Section 597.1. Applicability

#1 - Page 2, if I am unable to get a response from the Ventura County Waterworks District No. 8 (City of Simi Valley) staff on whether or not any of the complying entity categories listed apply to it, then I will comment on this section another day.

Section 597.2. Definitions

#1 - Page 3, add definitions for "Accuracy Certification", "Agricultural Water Management Plan", "Agricultural Water Management Plan Cycle", "Agricultural Water Measurement", "Efficient Water Management Practices", "In-House Built Device", and "On-Site Built Device".

Section 597.4 Accuracy Certification, Records Retention, Device Performance, and Reporting

#1 - Page 8, under Section (c), it is stated "Records documenting compliance with the requirements in" Section "597.3 and" Section "597.4 shall be maintained by the agricultural water supplier for ten years or two Agricultural Water Management Plan cycles". It is stated on Page 2 under

number "3" that "The Department shall report on the availability of new commercially available water measurement technologies and impediments to implementation of this Article when reporting to the Legislature the status of adopted Agricultural Water Management Plans in plan submittal years 2012, 2015 and every five years thereafter as required by California Water Code" Section "10845. The Department shall also report the findings to the California Water Commission". This statement indicates that the first two Agricultural Water Management Plan cycles would be 2012 and 2015, not 2015 and 2020. This will result in a shorter time span. I don't agree.

Sincerely,


Mrs. Teresa Jordan

Enclosures:

- July 25, 2011, Letter to City Council/VCWWD No. 8
Board of Directors c/o Mr. Mike Sedell; Agenda Item
2C. (2 Pages)
- July 27, 2011, Letter to City Council/VCWWD No. 8
Board of Directors c/o Tracy Noonan, City Attorney,
July 25, 2011 Meeting. (2 Pages)
- July 27, 2011, Letter from Mr. Mike Sedell, City
Manager; July 25th Letter to the City Council/VCWWD
#8 Board of Directors.

3152 Shad Court
Simi Valley, CA 93063
July 25, 2011

City Council
VCWWD No. 8 Board of Directors
c/o Mr. Mike Sedall
City Hall
2929 Tapo Canyon Road
Simi Valley, CA 93063

Re: Agenda Item 2C--Public Hearing to Adopt a Resolution
Rescinding the Meter Service Charge for Former
Agricultural Accounts.

Dear Members of the Council/Board:

I support the aforementioned subject, and leave it up to the former Agricultural customers to decide how they want to be reimbursed for this lack of foresight by City staff and yourselves.

Members of the Council/Board, the staff report for tonight's meeting states on Pages 1, 2, and 3 that the number of existing former Agricultural customers levied this meter service charge is "44". The staff report for your December 7, 2009 public hearing meeting (Agenda Item 4C to establish water rates for Calendar Year 2010) stated on Page 3 that the elimination of the Agricultural Water Rates would impact "45" District customers "whose rates would transition to Commercial category". Why the discrepancy in the July 25, 2011 staff report? Is one of the former Agricultural Water Rates customers no longer a District customer? If this is the case what will be done with this customer's reimbursement since the amount to be reimbursed is \$45,000? It is stated on Page 2 of the July 25, 2011 staff report that "It is estimated that the fiscal impact of this recommendation is a reduction in annual revenue in the amount of \$45,000". Or, will the 45th customer's reimbursement be subdivided among the existing "44"?

Members of the Council/Board, the number of existing former Agricultural Water Rate customers must be included in the Board of Director's resolution's fourth recital.

2

The resolution's fourth recital reads "WHEREAS, the District Board of Directors is authorized to rescind the service charge for former agricultural accounts retroactive to January 1, 2010 through December 31, 2014". The resolution's fourth recital must read "WHEREAS, the District Board of Directors is authorized to rescind the service charge for the 45 existing former agricultural accounts retroactive to January 1, 2010 through December 31, 2014".

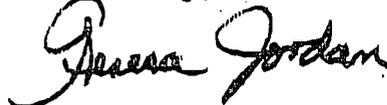
Members of the Council/Board, the resolution must be accompanied by an Exhibit that maps the location of the 45 former Agricultural customers, or lists the names of the customers with corresponding assessment parcel numbers, or a combination of the two Exhibit options in the fashion that District staff provided for your Agenda Item 7B (West Simi Valley Water Recycling Project's 28 potential customers).

Members of the Council/Board, what specific local, or State law authorizes you to rescind the service charge?

Members of the Council/Board, it was premature for you to have eliminated the "Agricultural" water rate category in light of the Department of Water Resources' Agricultural Water Management Planning process, and agricultural water use efficiency meetings.

Members of the Council/Board, I would really appreciate it very much if District staff would respond to my letter.

Sincerely,



Teresa Jordan

3152 Shad Court
Simi Valley, CA 93063
July 27, 2011

Simi Valley City Council
VCWWD No. 8 Board of Directors
c/o Tracy Noonan, City Attorney
Simi Valley City Hall
2929 Tapo Canyon Road
Simi Valley, CA 93063

Re: The July 25, 2011 Meeting.

Dear Council Members, and Board Directors:

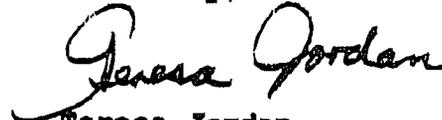
During the Agenda Review (Agenda Item 1) section of the July 25, 2011 meeting Agenda, City Manager Mike Sedell stated something to the effect that "staff has nothing this evening". Please note that on July 20, 2011 I faxed a letter addressing Agenda Item 2C (Public Hearing to Adopt a Resolution Rescinding the Meter Service Charge for Former Agricultural Accounts).

Members of the Council/Board Directors, I am perplexed with this state of affairs in light of the fact that the fax number ((805) 526-2489) through which I submitted my public comments for the public hearing, and which is listed on my facsimile machine's TRANSACTION REPORT is correct, and is still active as of today.

Members of the Council/Board Directors, the legal public hearing notices posted in the local newspapers do not require your constituents, or interested parties, to attend meetings in order to get their supporting, objecting, and general comments across to you on the subject matter.

Members of the Council/Board Directors, I don't want to venture a guess as to what became of my faxed comments submittal, but this situation must be corrected. A notation with an asterisk ("*") to the effect that "A letter from Teresa Jordan was submitted for Agenda Item 2C" on the July 20, 2011 draft and approved Minutes is one way to correct this oversight. If not, please have City staff respond in kind about changes to your written public comments policy (Supplementals) when the Agenda Review section of your Agenda comes up for consideration.

Sincerely,


Teresa Jordan

Enclosures:

July 25, 2011, Teresa Jordan Facsimile Cover Sheet.

July 25, 2011, Letter to the City Council, and VCWWD
No. 8 Board of Directors, c/o Mr. Mike Sadell;
Agenda Item 2C. (2 Pages)

July 25, 2011 Teresa Jordan Facsimile TRANSMISSION
REPORT.



CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

July 27, 2011

Teresa Jordan
3152 Shad Court
Simi Valley, CA 93063

Dear Ms. Jordan:

Thank you for your letter to the City Council/WWD #8 Board of Directors which was faxed to the City Manager's office on July 25 for that evening's consideration by the City Council/Board. As you know, the City Council/Board did concur with your recommendation to approve the item. Unfortunately, due to a staff oversight, for which I take full responsibility and apologize for, your letter was not seen on the fax machine until after the item had been considered. I have asked that the City Clerk's Office place your letter, along with this response, in the official records of the July 25 meeting, in order that your concerns will be officially recorded. Additionally, I am asking that the Public Works Department respond directly to you (with a copy to me and the City Council) regarding your specific questions.

Again, thank you for your comments and concerns on this issue and please accept my apology that our usual level of customer service to our residents was not achieved in this instance. I know that the City Council does value your input on our agenda items on a regular basis and, while not always agreeing with your positions, does always consider your input and seeks answers to your questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Sedell".

Mike Sedell
City Manager

cc: City Council
City Attorney
Director of Public Works