

February 24, 2012

Mr. Manucher Alemi
Chief, Water Use and Efficiency Branch
Department of Water Resources
901 P Street
Sacramento, California 95814

RE: Comments on the February 3, 2012 Draft Report to the Legislature *A Methodology for Quantifying the Efficiency of Agricultural Water Use*

Dear Manucher:

Our review of the February 3, 2012 draft of the *Methodology for Quantifying the Efficiency of Agricultural Water Use* left us disappointed and confused as to why this draft is so radically different compared to the previous draft and discussions in the A1 subcommittee. Regretfully, and despite well-intended efforts by all contributors, we have come to the collective conclusion that this version of the report is still deeply flawed.

To make this process successful, we need to take a step back and come to agreement on the fundamental purpose of the report and to ensure that the report is consistent with the legislation. We are committed to that process. As we have stated numerous times, our goal is to provide the Legislature with a report that contains useful information for making informed water policy decisions that consider impacts to the State budget, individual landowners, local government entities and third parties, along with the imperative of increasing water use efficiency.

The recent Office of Administrative Law (OAL) disapproval of the measurement regulation exemplifies the need to develop regulations and reports that are clear, concise, and address the requirements outlined in the legislation. Although this report will not be subject to OAL review, we should endeavor to complete and agree on a document that both complies with the legislation and serves useful purposes. As a first step, the following fundamental issues must be addressed before we can commit to continued participation in this process.

First, all drafts of the report to date have been unsuccessful in creating a clear distinction between the efficiency quantification methodology and the informative material for the legislature. “Productivity indicators” cannot be used to quantify the efficiency of agricultural water use and therefore are not part of the methodology. Appendix C-6 is full of errors, incorrect applied water values, etc. that to the reader lead to conclusions about the gross crop revenue per acre-foot of applied water that are incorrect. Further, there is no assessment of the cost or losses of water for which the table assumes all water is created equal, which it is not.

According to Water Code Sec. 10608.64, “The plan [included in the report to the Legislature] shall include the estimated implementation costs and types of data needed to support the methodology [emphasis added].” Because the “productivity indicators” are not included in the methodology, according to the Water Code they should not be included in the implementation plan, nor should a cost estimate for their implementation be developed. We will not support any report to the Legislature that contains “productivity indicators” and/or a plan and cost estimate for their implementation. A simple description of “productivity indicators” could be included in an appendix to the report. But, a plan or cost estimate for their implementation is not authorized by the legislation.

Second, we are pleased with the more realistic deadlines that were established for comments and the circulation of revised materials prior to A1 or ASC meetings. This will need to continue. Circulating

materials the night before or day of a meeting does not facilitate constructive input on the document or engender trust in the process. We believe this procedural flaw has been a substantial contributor to the problems with the current draft.

Finally, there are technical issues with the methods presented in the draft report that need to be addressed. A1 committee members, Grant Davids, Gary Kienlen and Roger Reynolds are submitting a separate document focused on these issues that we expect will be useful.

Given the significant and outstanding concerns of this report, we request that this report be reviewed in detail by the A1 committee as soon as possible and a process be established to resolve all issues. Allowing a comment period only is not acceptable.

Once again, our goal is to assist DWR in crafting a draft report that complies with the legislative mandate, and moreover provides value and guidance to the Legislature. Substantial progress toward that goal will need to be made if we are to continue participating in this process.

Sincerely,

Lewis Bair, Reclamation District No. 108
Barry Bedwell, California Grape and Tree Fruit League
Thaddeus Bettner, Glenn-Colusa Irrigation District
David Bolland, Association of California Water Agencies
Manuel Cunha, Nisei Farmers League
Gail Delihant, Western Growers Association
Aaron Fukuda, Tulare Irrigation District
Roger Isom, Western Agricultural Processors Association
Tim Johnson, California Rice Commission
Chris Kapheim, Alta Irrigation District
Debra Liebersbach, Turlock Irrigation District
Todd Manley, Northern California Water Association
Brad Mattson, Richvale Irrigation District
Danny Merkley, California Farm Bureau Federation
Mike Montna, California Tomato Growers Association
Joel Nelsen, California Citrus Mutual
Tim O'Halloran, Yolo County Flood Control and Water Conservation District
Larry Rodriguez, Kern County Water Agency
Mario Santoyo, Friant Water Authority
Ted Trimble, Western Canal Water District
Walter Ward, Modesto Irrigation District
Earl Williams, California Cotton Growers Association
Earl Williams, California Cotton Ginners Association

cc: Mr. Mark Cowin
Mr. Kamyar Guivetchi