

February 14, 2018

**Via Email and U.S. Mail**

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Re: Comment Letter – Changes to Proposed Regulation  
Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

The agencies denoted represent many of the State's water suppliers and water right holders who stand to be impacted if the State Water Resources Control Board ("SWRCB") adopts its proposed "Wasteful and Unreasonable Water Use Practices" regulation ("Regulation") as currently drafted. Although we very much support the conservation objectives of the Regulation, we believe using waste and unreasonable use as the tool to reach these conservation objectives is problematic and inconsistent with the law. That said, we believe conservation is critical and, as such, have suggested many other ways the Regulation could be implemented.

As discussed in many of the comments previously submitted, the SWRCB's authority to determine waste and unreasonable use of water is an adjudicative act that requires due process of law. The Regulation is defective because it has the effect – if not the purpose – of diminishing water rights by legislative means, without any process whatsoever. The Regulation therefore turns the water rights system on its head.

Several of the comment letters previously submitted to the SWRCB proposed minor and sensible modifications to the legal framework for Regulation that would have no effect on the substance or objectives of the conservation measures in the Regulation. These comments surgically addressed the serious water rights and due process concerns created by the proposed Regulation. Yet, those comments were ignored in the modified Regulation distributed by the SWRCB on January 31, 2018. The SWRCB should not ignore these significant legal issues, particularly when there are other lawful grounds supporting the proposed conservation measures.

We respectfully ask the SWRCB to work with us, and with other water suppliers and interested parties, to make water conservation a way of life in California. To this end, we request that the SWRCB table any action to approve the Regulation at its February 20th meeting, and direct staff to work with us to develop a more defensible legal framework for its proposed conservation Regulation.

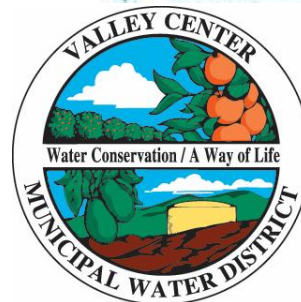
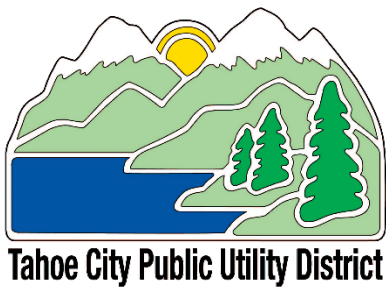
Thank you for your attention to this matter. We look forward to working with you.

cc: Felicia Marcus, Chair, State Water Resources Control Board  
Steven Moore, Vice Chair, State Water Resources Control Board  
Tam M. Doduc, Member, State Water Resources Control Board  
Dorene D'Adamo, Member, State Water Resources Control Board  
E. Joaquin Esquivel, Member, State Water Resources Control Board  
Eileen Sobeck, Executive Director, State Water Resources Control Board  
Michael Lauffer, Chief Counsel, State Water Resources Control Board  
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board  
Max Gomberg, Climate & Conservation Program Mgr., State Water Resources Control Board  
Charlotte Ely, Climate and Conservation Specialist, State Water Resources Control Board  
Kathy Frevert, Climate and Conservation Specialist, State Water Resources Control Board

\*\*\*



**SOUTH VALLEY  
WATER ASSOCIATION**





California  
Water  
Association



**OLIVENHAIN**  
Municipal Water District

**Carlsbad**  
Municipal Water District



**Rincon** del  
**Water** Diablo

  
**San Diego County**  
**Water Authority**



**GCID**  
Glenn-Colusa Irrigation District

 **RAINBOW**  
MUNICIPAL WATER DISTRICT  
*Committed to Excellence*



**Helix**  
WATER DISTRICT



 **MID** Modesto  
Water and Power Irrigation  
District





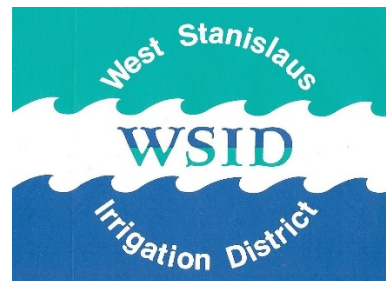
Westlands Water District

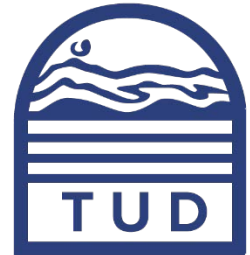


Yorba Linda  
Water District



SOUTH SAN JOAQUIN  
IRRIGATION DISTRICT





# BAWSCA

Bay Area Water Supply & Conservation Agency

