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Subject: Comment Letter – Water Measurement

Dear SWRCB Members:

The letter is intended to provide input to your July 21, 2011 public workshop to consider information regarding water diversion measurements which require diverters of water who file *Statements of Water Diversion and Use* to measure their monthly diversions and report their maximum rate of diversion achieved each month.

Imperial Irrigation District holds water rights to and diverts water from the Colorado River for distribution and use within its service area. Under the terms of the Quantification Settlement Agreement (QSA), IID's annual consumptive use entitlement is 3.1 million acre-feet, which could result in diversions in excess of this value. The 2009 modifications to the California Water Code, section 5013 subdivision (e)(1), state that after January 1, 2012, diversion measurements shall be made using the best available technologies and best professional practices subject to the implementation of those practices being locally cost-effective. While IID supports the concept of increased measurement accuracy, it is also concerned that the "one size fits all" regulatory language does not adequately capture the complexities of diversion measurement and accounting as they relate to IID. As you know, under the QSA, IID is engaged in a very large conserved water transfer to urban agencies. The transfer has a ramp-up schedule that accommodates SWRCB environmental mitigation concerns that IID must address, in addition to the practical realities of creating 303,000 acre-feet of conserved water at full implementation. As water conservation projects in the IID distribution system and on-farm are implemented over the 20 year ramp-up period, there is the possibility of corresponding changes in the measurement process within IID that may also require re-evaluation of the historic measurement and calculation processes applicable to IID's diversion of Colorado River water. This changing situation for IID needs to be taken into account.

Based on the background provided in the Notice of Public Workshop, it appears that the intended purpose of the enhanced measurement provisions are to provide a higher level of measurement and flow accuracy to the SWRCB for use in its Electronic Water Right Information Management System (eWRIMS) to better account for the 50,000-plus recorded water rights, statements, permits and licenses it administers. IID maintains seven of these permits, one for irrigation, domestic and other purposes and six for power-related purposes. These permits account for the same water at multiple locations along the All-American Canal, which cumulatively result in volumetric totals well in excess of IID's actual water diversions. The problematic reporting mechanism that the SWRCB employs results in both erroneous accounting volumes and unfair fee assessments; the reported data simply is not reflective of IID's actual diversions. Measurement accuracy will not correct the magnitude of error that this processing complexity results in, and IID suggests that the SWRCB may need to consider the unique circumstances of IID, and perhaps other entities, as it develops general measurement requirements intended to provide better water supply data.

In addition, the United States Bureau of Reclamation, as per Article V of the consolidated decree of the United States Supreme Court in *Arizona v. California*, 547 U.S. 150 (2006), is responsible for the accounting and reporting of Colorado River diversions and consumptive uses for California contractors. Through partnerships with these contractors and independent measurement experts such as the USGS, the California agencies work with Reclamation to monitor and calculate their diversions and consumptive uses. Various measurement methods and technologies are used to obtain flow data and, combined with both measured and unmeasured (calculated) return flow credits, since 1964 each Colorado River contractor's monthly and annual water use is calculated and published (see <http://www.usbr.gov/lc/region/g4000/wtracct.html>) on an annual basis. Given that a longstanding reporting and measurement mechanism is already in place, IID strongly encourages the SWRCB to acknowledge these unique conditions and determine that existing federal partnerships and accounting mechanisms satisfy the intended goals of these new measurement requirements so that they are not disrupted or result in duplicative or potentially conflicting measurement data.

Sincerely,



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cc: General Manager, IID
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