

From: Collins, John@Waterboards [<mailto:John.Collins@waterboards.ca.gov>]

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To: ngmplcs@pacbell.net (ngmplcs@pacbell.net); 'dantejr@pacbell.net'; 'Brett Baker (brettgbaker@gmail.com)'; John Herrick (Jherrlaw@aol.com); Melinda Terry (melinda@northdeltawater.net) (melinda@northdeltawater.net); Meserve, Osha@semlawyers.com (osha@semlawyers.com); Erik Ringleberg (erik@thefreshwatertrust.org); 'jennifer@spalettalaw.com'; S. Dean Ruiz (dean@hprlaw.net); Tom Slater; Dave Forkel (dave.forkel@zks.com); Gary Kienlen; Anne Williams; 'rpincus@wqconsultants.com'

Cc: George, Michael@Waterboards; Matal, Kristi@Waterboards; Wang, Ruey-wen@Waterboards

Subject: SB 88-No Consortium Coverage

Greetings,

In late 2016 and in light of unexpected challenges in measuring diversion in the Delta, the Office of the Delta Watermaster convened the Delta Measurement Experimentation Consortium (Consortium). This working group consists of agencies and consultants working with water users to conduct various experiments to gain more knowledge of measuring devices and related equipment in the Delta setting with the objective of identifying gizmos and methods that are sufficiently accurate/reliable to satisfy the regulatory requirements implementing Senate Bill 88 (SB 88).

In order to allow time for the experiments to be conducted and evaluated, the Delta Watermaster granted extensions of time to comply with SB 88 based on periodic showings of diligence and progress. Various experiments are focusing on how to measure tidal gates, pumps, open channel structures, and syphons, which are the most challenging and abundant in the Delta. Individual diverters who have proactively "opted-in" to the Consortium experimentation process are covered by extensions of time to comply with the measurement regulations; the current extensions generally expire on January 1, 2019.

As more diverters roll out measuring devices in compliance with the regulation, we are also gathering new data about the accuracy and reliability of installed equipment, which will add more insight and value to the experimentation process.

At this time, we are seeking your assistance in verifying our records of those covered by extensions and those who, we presume, have already complied with the measurement regulation.

To develop the attached spreadsheet, we started with the master list from eWRIMS of all in-Delta diverters who have reported use in excess of 10AF/year in their annual Report of Licensee or Statements of Water Diversion and Use Reports (that is, the universe of diverters subject to the measurement requirement). We cross referenced against those Statements which have "opted-in" to the experiment programs being sponsored by Central/South Delta ("DAMMP"), The Freshwater Trust, The Nature Conservancy, Department of Fish and Wildlife, Reclamation District 999, Metropolitan Water District, U.S. Fish & Wildlife Service, and other individual diverters that are working with MBK Engineers. We removed all those "opt-ins" from the master list, based on their coverage under extensions of time to comply.

Next, we deleted from the master list diversions of the Department of Water Resources that have been fitted with measuring devices, diversions that are part of the Suisun Resource Conservation District's alternative plan of compliance within the Suisun Marsh, and diversions within the Woods Irrigation Company water service area that are subject to a pre-SB 88 Settlement Order under which diversions (as well as drainage returns) are measured.

Next, we culled the master list to remove Statements that have been deactivated and diversions which we have already verified installation of measuring devices.

What remains is the attached spreadsheet listing 36 Licenses and 85 Statements for a total of 121 License and Statements. None of these Licenses and Statements appear to be covered by a pending or granted extension of time request. Therefore, we assume all of the Licenses and Statements on the list have independently come into compliance with the measurement regulations, either by installing measuring devices or developing a measurement method meeting the accuracy standards in the regulation. Because these compliant diversions represent a significant cross section of Delta diverters, we are interested to learn of their compliance experience, which may provide additional insight useful to the broader compliance process. Therefore, we intend to begin a "spot check" process to gather their data. Of course, we expect to take enforcement action against any of these diverters found not to be in compliance.

Before we commence the spot-check process, we ask that you review the attached spreadsheet and alert us if you recognize any listed Applications and Statements that we may have erroneously left on our list (i.e., if any on the list are among the "opt-ins" for sponsored experiments covered by extensions). You can send me corrections via email. Should you have any questions, please call me at (916) 445-5963 or Krisit Matal at (916) 319-8264.

As always, we appreciate your assistance both to our Office and to your constituents to achieve the Delta's customarily high levels of regulatory compliance

