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October 10, 2016

Felicia Marcus, Chair and
 State Water Resources Control Board Members
 P.O. Box 100
 Sacramento, CA 95812-0100

Regarding: Permanent Water Conservation

Dear Chair Marcus and Board members -
 D’Adamo, Doduc, Moore, and Spivy-Weber,

Thank you for your untiring and herculean effort to stretch the State’s water supply during the drought emergency.

As California recovers from the drought, it is troubling that there is push by certain interest groups to establish permanent water conservation mandates, beyond this emergency. It seems that these groups are focused more on their ideology or political agenda than on the real impacts that such a permanent “state of emergency” will have on other people’s lives and livelihoods. There are concerns with this strategy and I would like to offer the following comments and suggestions for your consideration.

Obviously a “one size fits all” approach to water use in California does not work. Whether you live in the rural mountain communities, the Sacramento San Joaquin Delta, southern CA, or in an apartment high rise with a potted plant for landscape, we live in these areas for diverse socioeconomic reasons, sometimes by necessity, and often for a certain quality of life. As such, people should not be governed by the same regulations and be expected to thrive. People have different needs depending on where they live, as do the varied ecosystems.

For example, the mandated conservation regulations did not work for those with very senior water rights in the mountain counties. Mandated conservation in the mountain counties area was often unjustified by water shortage, and so it functioned as a backdoor to allow a junior water right to take from a senior water right. Many very senior, area-of-origin water rights holders were assigned stringent conservation mandates while junior right holders well downstream in urban areas were asked to do much less. Someone looking to overturn the priority principle of California water rights could hardly have designed a cleverer takings strategy.

Mandated conservation does not equal water use efficiency. Brown lawns are not a sign of efficiency; they are a sign of rationing. California should use the term "conservation" when there is a drought, broken water line, tank out, water quality issue, or other emergency, but not as a permanent term. Over time, the term "conservation" will lose its effectiveness. People will be hesitant to respond effectively in the next emergency, or unable to, if efficiency measures have hardened their water demands to the breaking point.

The state would greatly benefit from a more strategic and holistic approach to ecosystem management. It is important to note that water in rural environments, unlike urban environments, account for and promote open space, wildlife habitat, locally grown healthy food from small farm agriculture, carbon-free renewable hydropower energy, and support significant recreation and tourism not only from California, but from around the world. These are socio-economic drivers that define rural communities and differentiate urban environments from rural environments.

One of the lessons learned from the drought is that the state was unprepared to deal with the value of wildlife and environment in this region. The imposition of broad-brush conservation mandates robbed the environment and wildlife of water classified as "urban use". Unlike coastal urban areas, all the water in this region, both indoors and outdoors not used by people or for the environmental needs of wildlife, landscape, and soil, moves down into the streams and creeks, provides beneficial uses to the valley floor, and replenishes the ground water aquifers. The people and the environment in this region are knitted together. Unless intelligently crafted, conservation measures can harm the environment, the region's unique ecosystem, and the resident's quality of life.

While long-term water management policy is most appropriately developed and administered by DWR, water conservation and shortage regulations require social solutions at the local level. The Water Board should encourage and support investments in drought-resiliency, water-use efficiency technology, and other incentives such as water transfers from this region of conserved water. The Water Board should also continue to support Integrated Regional Water Management, as administered by DWR. This enables self-identified regions to integrate and implement water management solutions for their region, which is a foundation principle of the California Water Action Plan.

Thank you for your consideration on these important and challenging aspects of long term water management for this region. If you have questions, or if I can be of assistance, please contact me.

Sincerely,



John Kingsbury, Executive Director
Mountain Counties Water Resources Association

c: Mark Cowin, Director, Department of Water Resources
Chuck Bonham, Director, Department of Fish & Wildlife
Board of Directors, Mountain Counties Water Resources Association

The Honorable:

Assembly Member Frank Bigelow
Assembly Member Brian Dahle
Assembly Member Beth Gaines
Assembly Member James Gallagher

Senator Tom Berryhill
Senator Ted Gaines
Senator Jim Nielsen