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December 19, 2016

Sent via email to: wue@water.ca.gov

Honorable Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Honorable Mark Cowin, Director
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236

SUBJECT: Comments on “Making Conservation a California Way of Life” Public Review Draft

Dear Chair Marcus and Director Cowin:

The Placer County Water Agency (PCWA) appreciates the opportunity to provide comments on the November 2016 Public Review Draft of “Making Water Conservation a California Way of Life,” a joint report prepared by the California Department of Water Resources, State Water Resources Control Board, California Public Utilities Commission, California Department of Food and Agriculture, and the California Energy Commission (Report). The Report was prepared in response to Governor Edmund G. Brown Jr.’s Executive Order B-37-16 (EO).

PCWA is a public agency that serves retail and wholesale treated water, as well as agricultural water, to customers in Placer and Sacramento Counties, including the cities of Colfax, Auburn, Loomis, Rocklin, Lincoln, and Roseville, as well as the majority of unincorporated Placer County. While PCWA understands the Report seeks to implement and carry out several directives contained in the EO, it is concerned with the proposed long-term framework outlined in **Section 3.1** of the Report – **New Water Use Targets Based on Strengthened Standards**.

As the primary water resource agency for Placer County, PCWA recognizes the challenges that water managers have faced over the past several years in dealing with drought and reduced availability of water in certain areas of the state. PCWA also supports the concepts of reasonable beneficial uses of water, and eliminating wasteful uses of water.

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These practices and principles, however, should not be confused with “conservation.” Conservation is a tool, implemented for the purpose of maintaining supplies in time of shortage. Thus, over the past several years, conservation, even in parts of the state where shortages did not exist, allowed water supplies statewide to be made more reliable. Conservation essentially served two goals in the most recent drought. In areas of the state where water supplies were low, conservation was used as a tool to reduce demand and stretch supplies. In areas of the state where water supplies were more robust, conservation was used as a tool to allow additional water to be made available to move to areas of the state where supplies were low. In other words, conservation was employed for different reasons, depending on local conditions.

Conservation as a “California Way of Life,” as detailed in Section 3.1 of the Report, is entirely different from the conservation employed in the most recent drought. In certain areas of the state, water supplies have not only recovered, but are abundant. Last year, we saw flood control operations return to northern California reservoirs. This year, Folsom reservoir has already encroached into flood control space and the United States Bureau of Reclamation has already begun flood control releases. Local water supplies are in good shape and being managed appropriately.

Many local water agencies have invested significant resources to obtain water rights and construct water supply infrastructure. Many public agencies are located in areas of the state that are not reliant on imported water but instead are located in areas where water originates. PCWA, more than one-half century ago, invested in and constructed the Middle Fork American River Project (MFP). The MFP stores water within the upper North Fork American River watershed for beneficial use in and around Placer County, all within the watershed of the American River. The investments made in the MFP by the people of Placer County sought to ensure a reliable water supply for the residents of Placer County, enabling what was once a rural county to become a regional economic driver. PCWA and its customers put water to reasonable beneficial use and avoid waste because it is the right thing to do as stewards of our resources. However, if local suppliers cannot use these investments, we are betraying the trust of customers.

Making “permanent,” temporary water restrictions and conservation mandates as Section 3.1 proposes would mean that PCWA’s customers, who have invested substantial resources in the MFP, would have to permanently lose outdoor landscaping and make other significant lifestyle changes. Imposing such a mandate would not only be contrary to well-established law regarding water rights, the beneficial use of water, and the water right priority

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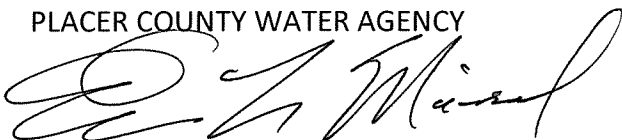
system, it destroys the notion of local control by assuming that individual water purveyors cannot determine local water supply adequacy or local conservation requirements.

PCWA sees merit with the State's move away from simply comparing local per capita water use rates to statewide averages or arbitrary targets to determine water use efficiency. Instead, the Report leads to a budget based approach that takes into account the amount of irrigated land per capita, local climate conditions and the other unique aspects of each water purveyor and its service area. This approach holds the opportunity to align state and local interests to improve water use efficiency, reduce waste and achieve overall water savings. However, we do not support a policy that gives the State authority to overrule local agencies in their determination of the sufficiency of local water supplies or to require customers to reduce their water use below an amount reasonably required to maintain existing landscapes.

Achieving local water supply reliability during drought can only be accomplished at the local level, and at local cost, for many regions of the state. The long-term conservation framework fails to recognize the many water agencies, like PCWA, that have prepared for the occurrence of drought. By regulating both normal year water uses, through restrictive water use targets that do not allocate enough water for existing uses, and dry year responses, through water shortage contingency plan requirements, the state disregards local water supply differences and undermines the effective leadership and planning demonstrated by a majority of the water suppliers statewide.

Sincerely,

PLACER COUNTY WATER AGENCY

A handwritten signature in black ink, appearing to read 'Einar Maisch', written over the typed name below.

Einar Maisch, General Manager

cc: PCWA Board of Directors and Legal Counsel
Senator Ted Gaines
Senator Jim Nielsen
Assembly Member Frank Bigelow
Assembly Member Brian Dahle
Assembly Member Kevin Kiley
Assembly Member James Gallagher