



March 15, 2022

Honorable Bill Dodd  
California State Senate  
1021 O Street, Suite 6620  
Sacramento, CA 95814

**RE: SB 832 (Dodd) – SUPPORT IF AMENDED**

Dear Senator Dodd:

On behalf of the State Water Contractors (SWC), I am pleased to inform you that we will support your SB 832, as amended on March 10, 2022, which would require the State Water Resources Control Board (SWRCB) to prepare and implement study plans to evaluate the efficacy of evapotranspiration as a proxy or substitute for conventional surface water diversion metering, to gather information related to water diversion rates, amounts, and timing, and to evaluate the rigor and accuracy of various methodologies in verifying water rights compliance, **if it is amended as described below.**

The SWC is an organization representing 27 of the 29 public water entities that hold contracts with the California Department of Water Resources for the delivery of State Water Project water. Collectively, the SWC members provide a portion of the water supply delivered to approximately 27 million Californians, roughly two-thirds of the state's population, and to more than 750,000 acres of irrigated agriculture. Water supply delivered to the Bay Area, San Joaquin Valley, Central Coast, and Southern California from the State Water Project is diverted from the Sacramento-San Joaquin River Delta.

Over the years, we've appreciated your leadership in bringing greater transparency and open access to water data so that water managers, regulatory and administrative entities, and stakeholder interests are better able to make timely, science-based decisions that can lead to a more sustainable water future. Your work in this policy area has helped to better inform California water policy and allows us to improve implementation of adaptive management methodologies to use our finite water resources more efficiently and effectively.

We recognize that you've brought the same intention to your introduction of SB 832, in an effort to bring efficiency and transparency to surface water diversion data-gathering methodologies. Importantly, the statutory and regulatory structures that govern surface water diversion data collection is very specific regarding the scope of information necessary to properly enforce water rights – including diversion rates, timing, and amounts from specific points of diversion. Conventional metering of diversions is an effective and proven methodology for collecting data and information necessary to enforce water rights compliance. That being said, we are supportive of the approach you've outlined in SB 832 to direct the SWRCB to develop and implement a five-year study to evaluate the efficacy of alternative methodologies – like evapotranspiration – as a proxy or substitute for conventional metering methodologies. Before simply altering the conventional metering structure to shift to an evapotranspiration methodology, we agree that it is important for a comprehensive study to be undertaken so comparative information can be appropriately evaluated.

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We have greatly appreciated the willingness of your office to work with the SWC and other stakeholders to help shape the study structure contained in the current version of SB 832. As you move the measure forward through the Legislature, we would encourage your consideration of three additional amendments to SB 832 that we believe would improve the measure and allow the SWC to consider supporting the measure:

- **Amend Section 1840(a)(2) to reinstate the phrase “at time intervals of one hour or less.”** We believe that it is important to ensure a range of measurement alternatives so that best available data can be collected to allow for full and complete evaluation of various diversion attributes.
- **Amend SB 832 to include an “independent” or “outside” review component for the development of the SWRCB’s study plan and to comprehensively evaluate the study results.** We believe it is important to the rigor, transparency, and accountability of the study process to have some element of independent review engaged.
- **Amend Section 1840(e)(2) to include the phrase “from points of diversion” on page 5, line 23 of SB 832.** Whether or not evapotranspiration can be made to apply to individual points of diversion remains an open question that we believe the SWRCB study should address. Omitting that phrase from the provisions of subdivision (e) would provide the SWRCB with the discretion to **not** evaluate that question in the course of the study, so to ensure the best collection of data and information, we encourage your inclusion of “from points of diversion” in subdivision (e)(2).

Again, thank you for your willingness to work with the SWC and stakeholders to help shape the study provisions of SB 832. We look forward to continuing to work with you and your staff to address the remaining issues we’ve identified.

Please don’t hesitate to contact me at [jpierre@swc.org](mailto:jpierre@swc.org) or at (707) 280-9673, or SWC’s legislative advocate Glenn Farrel at [glenn@gfadfocacy.com](mailto:glenn@gfadfocacy.com) or (916) 216-1747, if you have any questions regarding the SWC’s position on SB 832.

Sincerely,



Jennifer Pierre  
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State Water Contractors



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General Manager  
Antelope Valley East Kern Water  
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Jim Barrett  
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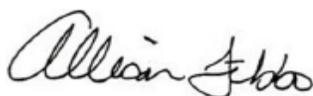
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