

**TITLE 23. WATERS**  
**DIVISION 2. DEPARTMENT OF WATER RESOURCES**  
**CHAPTER 5.1 WATER CONSERVATION ACT OF 2009**  
**ARTICLE 2. Agricultural Water Measurement**

**NOTICE OF MODIFICATIONS TO THE TEXT  
OF PROPOSED REGULATION**

September 22, 2011

Pursuant to the requirements of Government Code section 11346.8 (c), and section 44 of Title 1 of the California Code of Regulations, the Department of Water Resources (hereafter Department) is providing notice of changes made to the proposed Agricultural Water Measurement regulation text (Title 23, Division 2 of the California Code of Regulations, Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4).

The changes are in response to comments received regarding the proposed regulation during the 45-day comment period. The changes being made are:

- Section 597.1(i) has been deleted. Water Code section 10608.48(b)(1)(i) limits the Department's regulatory authority to "providing a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in [section 10608.48(b)(1)]."
- Sections 597.3(b)(1)(A) and (B) have been modified to delete redundant language. The phrase "downstream of the point of measurement" has been deleted as it is redundant to similar language appearing in paragraph 597.3(b)(1).
- Section 597.3(b)(2) has been modified to add the word 'current' to ensure that up-to-date documentation gets submitted in the Agricultural water Management Plans.
- Section 597.3(b)(2)(A) has been modified to require suppliers claiming the lack of access to customers delivery points to make a certification through their legal counsel.

- Section 597.3(b)(2)(B) has been modified to require documentation of device unavailability and water level conditions to be consistent with the reasons described in section 597.3(b)(1)(B).
- Section 97.4(e)(4) has been modified to specify the Plan submittal date as specified in Water Code Section 10820(a).

If you have any comments regarding the proposed changes, the Department will accept written comments between September 23, 2011 and October 7, 2011. All written comments must be submitted to the Department no later than 5:00 p.m. on October 7, 2011 and addressed to:

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All written comments received by 5:00 p.m. on October 7, 2011 which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text, where added text is displayed in *italicized double underline* and deleted text is displayed in ~~strikeout underline~~.