

State Water Resources Control Board

NOTICE OF PROPOSED ACTION

Title 23. Waters

State Water Resources Control Board

Changes to CA Code of Regulations, Title 23, Chapter 2 (Appropriation of Water), Chapter 2.7 (Water Diversion and Use), and 2.8 (Measuring and Monitoring)

SUBJECT: WATER MEASUREMENT AND REPORTING REVISIONS

PROPOSED REGULATORY ACTION

The State Water Resources Control Board (State Water Board or Board) is proposing to revise California Code of Regulations, title 23, chapters 2 (Appropriation of Water), 2.7 (Water Diversion and Use Reports), and 2.8 (Measuring and Monitoring). Revisions are focused on more clearly identifying standards for data submission, requiring measurement data be transmitted to the State Water Board in a more specific manner and format, requiring diverters to provide an email address, requiring diverters to identify point of measurement locations, and generally updating the language of the existing regulations to be clearer. These regulation revisions will be adopted in accordance with title 2, division 3, chapter 3.5 of the Government Code (commencing with section 11340).

The changes are being proposed with the purpose of:

- Aligning water rights measurement data with the Division of Water Rights' modernized accounting and reporting system (CalWATRS) by standardizing data submissions formatting to improve their usability,
- Collecting contact information necessary to validate CalWATRS accounts, and
- Improving the clarity of the existing requirements.

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Water Board will conduct an Administrative Procedure Act (APA) public hearing at the time and place described below. At the hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice.

The public hearing will begin with a staff presentation summarizing the proposed regulation revisions, followed by an opportunity for oral public comments. Oral public

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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comment during the public hearing will be in addition to the written comment opportunity described below. While a quorum of the State Water Board may be present, the Board will not take formal action at the public hearing.

The hearing will be held on **April 16, 2025, at 10:00 a.m. PDT** on Zoom only.

To register to attend on Zoom, use the QR code below or visit:

<https://bit.ly/WaterMeasurementHearing>

Please complete the Zoom registration form if you would like to provide oral comments or ask clarifying questions.



The hearing will be recorded and will be webcast at <https://video.calepa.ca.gov/>. Final regulations are expected to be adopted by the Board later this year, after consideration of all written and oral comments.

Additional information regarding State Water Board meetings and workshops is available on the Board's online calendar:

https://waterboards.ca.gov/board_info/calendar. If you have any questions regarding how to participate in the hearing, please contact DWR-Measurement@waterboards.ca.gov or (916) 323-9393.

Reasonable Accommodation or Language Requests

To request special accommodation or language needs, please contact the Office of Public Engagement, Equity, and Tribal Affairs at (916) 341-5254 as soon as possible, but no later than 10 business days before the scheduled Board hearing.

Para solicitar adaptaciones especiales o necesidades de idioma, comuníquese con la Oficina de Participación Pública, Equidad, y Asuntos Tribales al (916) 341-5254 lo antes posible, pero no después de 10 días antes de la audiencia programada de la Junta.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

(Gov. Code, §11346.4, subd. (a); §11346.5, subd. (a)(15))

Any interested person, or their representative, may submit written comments relevant to the proposed regulatory action. Any written comments pertaining to the proposed regulation, regardless of the method of transmittal, must be received by the State

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Water Board by **5:00 p.m. PDT, on April 23, 2025**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to: DWR-Measurement@waterboards.ca.gov. The State Water Board requests but does not require that email transmission of comments, particularly those with attachments, contain the regulation package identifier “Comment Letter – Water Measurement and Reporting Revisions” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 341-5620. The State Water Board requests but does not require that faxed comments contain the subject line “Comment Letter – Water Measurement and Reporting Revisions”;
3. By mail to: Conny Mitterhofer, State Water Resources Control Board, 1001 I Street, 14th Floor, Sacramento, CA 95814; or
4. Hand-delivered to: Matthew Jay, Records Room, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the author’s name and email address or U.S. Postal Service mailing address in order for the State Water Board to provide copies of any notices of proposed changes to the regulation text on which additional comments may be solicited. To receive updated information, including future notices regarding this topic, please subscribe to the Water Measurement list via the form on either of the above linked websites or on the State Water Board’s Email Lists webpage (under Water Rights):

https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?gps=ca_swrcb.

Please note that under the California Public Records Act (Gov. Code, § 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public in response to a request.

AUTHORITY AND REFERENCE

(Gov. Code, §11345.5, subd. (a)(2); Cal. Code Regs., tit. 1, §14)

The State Water Board proposes to revise the existing regulations under the authority granted by Water Code section 183, 348, 1051, 1058, 1529, 1840, and 1841. It is implementing, interpreting, or making specific Water Code sections 13, 183, 348, 1005.1, 1005.2, 1005.3, 1005.4, 1010, 1011, 1011.5, 1051, 1055, 1122, 1123, 1226.1, 1226.2, 1228.2, 1228.3, 1228.5, 1228.6, 1250, 1252, 1395, 1396, 1397, 1530, 1840, 1841.5, 1846, 4999, 5000, 5001, 5002, 5003, 5004, 5100, 5101, 5103, 5104, 5105, and 85230.

INFORMATIVE DIGEST

(Gov. Code, §11346.5, subd. (a)(3))

Groundwater. Section 5001 of the Water Code requires those who extract in excess of 25 acre-feet of groundwater in a year to file a Notice of Extraction and Diversion of Water, and to report extractions during the period from October 1st through September 30th. However, California Code of Regulations, title 23, section 930¹ currently requires that reports include the “amount of groundwater extracted during the calendar year.” The proposed revisions would revise section 930 to match the reporting period in statute, thus aligning it with the reporting period for surface water reporting.

Email address for water rights reporting. Water Code section 348, subdivision (a) allows the Board to adopt regulations providing for the electronic submission of reports. Currently, California Code of Regulations sections 830, 831, 907, 910, 911, 915, 916, 920, 924, 925, 929, and 930 require water rights holders to submit reports and requests related to their water rights using forms available on the Board’s website. The proposed revisions would require that these reports and requests instead be submitted using the Board’s online reporting platform. The proposed revisions would also add section 913, which is proposed to specify that the online reporting platform will be identified on the Board’s website, and would require an email address to log in.

Water Measurement. Any diverter with a permit, license, or claim to divert more than 10 acre-feet of water per year is subject to measuring and reporting regulations adopted by the State Water Board pursuant to Water Code sections 1840 and 1841. Those regulations can be found at California Code of Regulations, title 23, sections 931-938.

Existing measuring and reporting regulations require these diverters to install a measuring device or implement a measurement method and to submit their measurement data to the Board in their annual reports. All measurement data must adhere to accuracy requirements and be submitted in a file readable by Microsoft Access or Excel. The frequency at which diverters must measure their diversions depends on the size of their water right or previous diversions, with those who divert more needing to measure more frequently. Additionally, diverters who divert over 10,000 acre-feet per year, divert more than 30 cubic feet per second from June to September, or divert over 20 percent of mean stream flow in select watersheds must post their measurement data to a public website each week (referred to in the existing regulations as “telemetry requirements”).

The proposed regulation would replace sections 931-938 and add a new section 939. The proposed regulation text would rephrase existing requirements in plainer language and make the following substantive changes:

¹ Unless otherwise specified, all references are to title 23 of the California Code of Regulations.

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- Require that submitted measurement data, including data submitted to satisfy weekly posting requirements for large diversions (formerly “telemetry”), conform to a standardized datafile submission format by using a template provided by the Board or by transmitting data directly to the Board’s online reporting platform.
- Require that weekly data uploads for large diversions be submitted directly to the Board’s online reporting platform instead of to an external website. Provisional data will be accepted in fulfilling this requirement if it is properly labeled as such.
- Adjust the way measuring devices and measurement data are reported by expanding what qualifies as a measuring device and removing the distinction between a measuring device and measurement method. Instead, diverters will register anything that collects data as a device and will describe how they calculated the volume and rate of water diverted under each water right in a “measurement methodology.”
- Require that diverters specify existing measurements that are rediversions where possible, and measure and submit data for their points of redirection upon request.
- Require that diverters identify the location of their measuring devices.
- Adjust the applicability of weekly submission requirements for large diversions to remove the seasonality limitation.
- Include water treatment and distribution operators and hydrographers as professionals qualified to install and calibrate measuring devices and certify the accuracy of measurement methodologies.
- Expand the eligibility criteria for alternative compliance plans to include alternate methods that are more effective and efficient at measuring water right parameters.
- Allow the Deputy Director of the Division of Water Rights to more easily adjust the measurement frequency and large diversion requirement thresholds.

Comparable Federal Statute and Regulations

(Gov. Code §11346.5, subd. (a)(3)(B))

There are no comparable federal statutes or regulations.

Policy Statement Overview

(Gov. Code, §11346.5, subd (a)(3)(C))

The proposed revisions aim to achieve the following objectives:

- **Facilitate the transition to modernized water rights reporting and data management systems.** The proposed revisions will require email addresses when diverters file reports with the Board, providing secure accounts through which diverters can easily report on all their water rights. The proposed

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revisions will also require standardized data submissions compatible with automatic data processing tools. This ensures that measurement data are accessible and usable for modeling efforts and administration of the water rights system.

- **Improve the clarity and consistency of Board regulations.** Revising the text of sections 931-938 will make the measurement and reporting regulation easier for diverters to understand by using more plain language and removing potentially misunderstood elements. Revisions to the groundwater extraction reporting period will eliminate confusion between statutory and regulatory requirements and align groundwater reporting with water rights annual reporting periods.
- **Promote adaptability in Board administration of measurement regulations.** Existing measurement regulations allow the Deputy Director to adjust the water right size at which regulations apply based on watershed-specific needs, but the size thresholds at which different measurement frequency requirements apply cannot be adjusted. By allowing the Deputy Director to adjust both applicability and measurement frequency thresholds in specific watersheds or in response to changing data needs, the proposed regulation will ensure that collected data be put to effective use and remove some burdens from smaller diverters.

Evaluation as to Whether the Proposed Regulation Is Inconsistent or Incompatible with Existing State Regulations

(Gov. Code, §11346.5, subd. (a)(3)(D))

The Board reviewed its existing general regulations and regulations specific to water right reporting to evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. It was determined that no other state regulation addressed the same subject matter and that this proposal, if adopted, would not be inconsistent or incompatible with other existing state regulations.

OTHER STATUTORY REQUIREMENTS

(Gov. Code, §11346.5, subd. (a)(4))

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that state agencies consider the potentially significant environmental impacts of their discretionary actions, which include the development of regulations. The Board has concluded that the proposed regulation is eligible for a categorical exemption under California Code of Regulations, title 14, section 15306 **Information Collection**. In addition, the following categorical exemptions appear to also apply: Sections 15301 **Existing Facilities**, 15302 **Replacement or Reconstruction**, 15303 **New Construction or Conversion of Small Structures**, and 15304, **Minor Alterations to Land**. The proposed regulation provides the Division of Water Rights oversight over any required new measuring device installation to ensure that any new installations adhere to the

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constraints of the relevant categorical exemptions. The Board will prepare and file a Notice of Exemption after adoption of the proposed regulation.

External Scientific Peer Review:

Health and Safety Code section 57004 requires external scientific peer review of the scientific foundation of a proposed environmental rule or proposed changes to existing rules. This law applies to all regulatory organizations under the California Environmental Protection Agency (CalEPA). The proposed regulation does not require a scientific peer review because there are no scientific elements underlying the proposed revisions.

Safe, Clean, Affordable Water
(Wat. Code, §106.3)

Water Code section 106.3 states that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes. The Board has determined that the proposed regulation is consistent with this statewide policy. The proposed regulation will improve the administration of the Board's water rights measurement and reporting program, providing California with better data to ensure the state is prepared for times of water shortage. Better supply and demand data means more reliable water availability for the human right to water.

Pre-Notice Meeting with Affected Parties
(Gov. Code §11346.45, subd. (a))

Government Code section 11346.45, subdivision (a) requires that prior to publication of the notice of proposed action, the agency proposing the regulation or regulations must involve parties who would be subject to the proposed regulation in public discussions, when the proposed regulation involves complex proposals or a large number of proposals that cannot be easily reviewed during the comment period. Accordingly, the Board held a public workshop on November 13, 2024, to describe the proposed regulation and to solicit oral and written comments. These comments have been taken into consideration in developing the proposed regulation.

LOCAL MANDATE

(Gov. Code, §11346.5, subd. (a)(5))

The proposed regulation will not impose a mandate on local agencies or school districts that require state reimbursement. The proposed regulation will not be a requirement unique to local government and will apply equally to public and private water diverters. Local agencies currently incur costs relating to diversion, measurement and reporting of water use. Any costs incurred by local agencies as a result of the proposed regulation are not the result of a "new program or higher level of service" within the meaning of Article XIII B, section 6 of the California Constitution because the proposed regulation applies generally to all individuals and

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entities that divert water in California and does not impose unique requirements on local governments (*County of Los Angeles vs. State of California et al*, 43 Cal App 3d 46 (1987)).

Local agencies are expected to fully make up for the costs incurred as a result of the proposed regulation, if any, by adjusting their service charges, fees, or assessments over time. Government Code section 17556, subdivision (d), identifies the types of actions that are not reimbursable state mandates: “the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. This subdivision applies regardless of whether the authority to levy charges, fees, or assessments was enacted or adopted prior to or after the date on which the statute or executive order was enacted or issued.”

FISCAL IMPACT ESTIMATE – Direct and Indirect Costs

(Gov. Code, §11346.5, subd. (a)(6))(as detailed in the Cost Estimating Methodology in the Initial Statement of Reasons)

Cost to Any Local Agency or School District which Must be Reimbursed in Accordance with Government Code sections 17500 through 17630

None. See Local Mandate statement above.

Other Non-discretionary Cost or Savings Imposed Upon Local Agencies

Approximately 12 percent, or 1,400, of the 11,500 water rights subject to the existing water right reporting regulations being revised by this rulemaking proceeding are held by local government agencies. The cost incurred by a local agency subject to the proposed regulation depends on the size and number of water rights owned by the agency, and whether the agency is currently reporting diversions or posting measurement data on a weekly basis.

- Reporting costs: When reporting, diverters will be required to (1) provide information on diversion if requested by the State Water Board, (2) provide an email address for their CalWATRS account, (3) submit their measurement data using a template provided by the Board or CalWATRS online reporting platform, (4) upload data weekly to a Board-maintained website (only those diverters subject to large diversion requirements), (5) identify their point of measurement location, and (6) file a Report of Measurement Methodology form describing how they are measuring and accounting for diversions. Combined, local government agencies will potentially experience a one-time reporting cost of approximately \$635,600 and subsequent annual reporting costs of approximately \$41,000 as a result of the proposed regulation.
- Equipment installation and maintenance costs: Some of the diverters will need certain equipment in order to be able to comply with the new large diversion and diversion measurement requirements. Combined, local government agencies will potentially experience (one-time) equipment installation costs of

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approximately \$1.8 million and subsequent annual maintenance costs of approximately \$270,000 as a result of the proposed regulation.

Estimated Fiscal Impact on State Government

Like local agencies, state government agencies may be holders of water rights subject to measurement and reporting regulations. Approximately two percent, or 200, of the 11,500 water rights subject to the existing water right reporting regulations being revised by this rulemaking proceeding are held by state government agencies. The cost incurred by a state agency subject to the proposed regulation depends on the size and number of water rights held by the agency, and whether the agency is currently reporting diversions or posting measurement data on a weekly basis.

- Reporting costs: Likely no state agency will be required to report diversions that they do not already measure such that new measuring device installation would be required. But, like local agencies, some state agencies will need to provide an email address for their CalWATRS account, submit their measurement data using a template provided by the Board or CalWATRS online reporting platform, upload data to a Board-maintained website weekly (only those diverters that are subject to large diversion requirements), identify their point of measurement location, and file a Report of Measurement Methodology form describing how they are measuring and accounting for diversions. Combined, state agencies will potentially experience a one-time reporting cost of approximately \$41,500 and subsequent annual reporting costs of approximately \$400 as a result of the proposed regulation.
- Equipment installation and maintenance costs: Combined, state agencies will potentially experience (one-time) equipment installation costs of approximately \$23,800 and subsequent annual maintenance costs of approximately \$3,600 as a result of the proposed regulation. Given that no state agency is expected to report new point of diversion information, these costs refer to the installation, operation, and maintenance of telemetry-capable recording devices

Estimated Fiscal Impact on Federal Funding of State Programs

None.

HOUSING COSTS

(Gov. Code, §11346.5, subd. (a)(12))

The Board has determined that the proposed regulation will have no impact on housing costs.

NO SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES IN CALIFORNIA , INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

(Gov. Code, §11346.5, subd. (a)(8); §11346.5, subd. (a)(10))

The proposed updates to the existing water right reporting regulations introduce some new requirements that can directly affect water right holders, including private water right holders. The proposed updates will potentially impact water right holders' reporting costs as well as expenses related to new measurement and recording equipment. Private water right holders combined will potentially experience a one-time reporting cost of approximately \$1.5 million and subsequent annual reporting costs of approximately \$56,000 as a result of the proposed regulation. Private diverters will potentially experience (one-time) equipment installation costs of approximately \$637,000 and subsequent annual maintenance costs of approximately \$96,000 as a result of the proposed regulation.

However, the impact of the proposed regulation on the state economy is projected to be negligible. More specifically:

Investment in the state: The proposed update is expected to increase capital expenditure through the purchase of new measurement and recording equipment by some of the diverters. However, this increased capital expenditure is not sufficiently large to affect production levels of existing in-state manufacturers of flow meters, gauges, telemetry-capable recording devices, and related equipment. Therefore, no significant increase in investment is expected statewide.

Creation of new businesses or elimination of existing businesses: Existing manufacturers of measurement equipment and recording devices likely would not need to expand production as a result of the proposed regulation. Similarly, businesses that provide support, maintenance, and repair of such equipment would not experience any notable expansion. Likewise, engineering consulting firms, contractors, and related businesses that assist diverters with the reporting requirements and measurement data management would not experience any notable expansion. Accordingly, it is unlikely that new businesses in these manufacturing or service sectors will be created in the state. No existing business is expected to be eliminated as a result of the proposed regulation.

Creation or elimination of jobs within the state: For the reasons explained above, it is unlikely that jobs will be created or eliminated within the state as a result of the proposed regulation.

Competitive advantages or disadvantages for businesses: The proposed regulation would not put in-state businesses at a disadvantage.

Incentives for innovation in products, materials, or processes: The existing regulations and proposed updates rely on available and well-established measurement and recording technologies. An increasing number of telemetry-capable recording device manufacturers will potentially start supporting integration with the CalWATRS platform

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in the coming years, which could be seen as an innovation. However, the overall impact of the proposed regulation on innovation in products, materials, or processes likely will be negligible.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

(Gov. Code, §11346.5, subd. (a)(10); §11346.3, subd. (b)(1))

The Board has determined that the economic impact of the proposed regulation would not exceed \$50 million in a 12-month period, and that the regulation, therefore, would not be considered a Major Regulation as defined by California Code of Regulations, title 1, section 2000, subdivision (g).

The proposed regulation introduces new requirements that can directly affect water right holders. The proposed regulation will potentially impact water right holders' reporting costs as well as expenses related to new measurement and recording equipment. The proposed regulation is estimated to have a one-time cost impact of approximately \$4.7 million, plus an annual cost impact of approximately \$470,000. About half of the one-time cost is associated with reporting requirements, and the other half with the need for new measurement and recording devices, which affects a small number of large diverters. Most of the recurring costs are associated with maintenance and operation of the new devices.

The proposed regulation is anticipated to have a negligible impact on California's economy. Although some diverters may increase capital expenditure to purchase new measurement and recording equipment, this change is not expected to significantly affect production levels or lead to increased investment across the state. Likewise, existing manufacturers and service providers for measurement and recording equipment would not require expansion, so new businesses in these sectors are unlikely to emerge, nor are existing businesses expected to close. Job creation or elimination is also not expected because of the proposed regulation. Additionally, while the updates rely on established technologies and are not expected to drive major innovation, future support for integration with the CalWATRS platform may lead to some technological developments.

As stated earlier, the transition to modern water rights reporting and data management systems will benefit the health and welfare of California residents by improving the quality and usability of measurement data. This will improve the state's environment by providing more precise and timely information about water diversions. The proposed regulations are not expected to affect worker safety.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Gov. Code, §11346.5, subd. (a)(9))

The typical private water right holder is expected to incur a one-time cost of approximately \$516 (per person or business on average), which accounts for the time needed to provide an email address for their CalWATRS account, adjust their measurement data to a standardized format using a template provided by the Board or the CalWATRS online reporting platform, identify their point of measurement

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location, and file a Report of Measurement Methodology form describing how they are measuring and accounting for diversions. The typical private water right holder likely will not be affected by the point of redirection or large diversion requirements.

BUSINESS REPORT

(Gov. Code, §11346.5, subd. (a)(11); §11346.3, subd. (d))

To the extent that the proposed regulation applies to water rights holders that may be considered businesses pursuant to Government Code section 11346.3, subdivision (b)(4)(B), the measurement of diversions by water rights holders is essential to the Board's core function of orderly and efficient administration of the state's water rights system, which directly impacts the health, safety and the welfare of the people of the state and the environment. Therefore, it is necessary that the proposed regulation apply to businesses.

EFFECT ON SMALL BUSINESSES

(Cal. Code Regs, tit. 1, §4, subd. (a) and (b))

The proposed regulation will apply to small businesses if those businesses hold water rights subject to measurement regulations. Like the typical private water right holder, the small business water right holder is expected to incur a one-time cost of approximately \$516 (see Cost Impacts on Representative Private Person or Business). Water right holders that will be required to install new measurement or recording devices are some of the largest diverters, which typically aren't small businesses. Small businesses will likely not incur costs related to new equipment.

CONSIDERATION OF ALTERNATIVES

(Gov. Code, §11346.5, subd. (a)(13))

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The alternatives considered are described in the Board's Initial Statement of Reasons (see below for more information). The Board believes that the proposed regulation is the least burdensome and the most cost-effective way to accomplish the objective of improving the reliability of critical information necessary to administer the state's water rights system. The Board invites public comments on the proposed regulation or identification of possible alternatives at the scheduled hearing or during the written comment period.

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STATE WATER BOARD CONTACT PERSON

(Gov. Code, §11346.5, subd. (a)(14))

Electronic Email: Please identify the action by using the State Water Board regulation package identifier, “Comment Letter – Water Measurement and Reporting Revisions” in any inquiries or written comments.

Requests for copies of the proposed regulation text, the Initial Statement of Reasons, subsequent modifications of the proposed regulation text, if any, or other inquiries concerning the proposed regulation may contact:

Primary Contact

Conny Mitterhofer
Supervising Engineer
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814
Electronic Email: Conny.Mitterhofer@waterboards.ca.gov

Secondary Contact

Lindsay Kammeier
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AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

(Gov. Code, §11346.5, subd. (a)(16))

The Board has prepared and made available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the proposed regulation is based, the text of the proposed regulation, and all other required forms, statements, and reports. The Records Room, Division of Water Rights, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814 will be the location for inspection and copying of public records, including reports, documentation, and other material related to the proposed regulation (rulemaking file) throughout the rulemaking process.

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AVAILABILITY OF CHANGED OR MODIFIED TEXT

(Gov. Code, §11346.5, subd. (a)(18))

After holding the hearing and considering relevant comments received in a timely manner, the State Water Board may adopt the proposed regulation as described in this notice or may consider changes to the proposed regulation prior to adoption. If the State Water Board makes modifications that are substantially related to the originally proposed text, the State Board will make the modified text available – with changes clearly indicated – at least 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. The Board will accept written comments on any modifications to the proposed regulation for at least 15 days after the date on which they are made available. Please send requests for copies of any modified regulation text to the attention of the Division of Water Rights, at the address indicated above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

(Gov. Code, §11346.5, subd. (a)(19))

The Board will prepare a Final Statement of Reasons for promulgating the proposed regulation pursuant to Government Code section 11346.9 upon final adoption of the regulation. Please send requests for a copy of the Final Statement of Reasons for the attention of the Division of Water Rights at the address indicated above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

(Gov Code, §11346.4, subd. (a)(6); §11346.5, subd. (a)(20))

Materials regarding the action described in this notice (including this public notice, the regulation text, and the Initial Statement of Reasons) are available via the Internet and may be accessed in the links within the Current Rulemaking Information and Documentation section from the Water Measurement and Reporting Regulation Rulemaking webpage:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/rulemaking.html.

Additional inquiries can be directed to DWR-Measurement@waterboards.ca.gov or (916) 323-9393.

February 28, 2025

Date



Courtney Tyler
Clerk to the Board