State Water Resources Control Board

NOTICE OF STAFF WORKSHOP AND OPPORTUNITY FOR PUBLIC INPUT ON PROPOSED CHANGES TO THE WATER MEASUREMENT AND REPORTING REGULATION

Wednesday November 13, 2024, 10:00 a.m. PST

Remote participation only via Zoom

To register to attend, use the QR code below or visit: **https://bit.ly/4h1xRUV**

NOTICE IS HEREBY GIVEN

That State Water Resources Control Board (State Water Board) staff will hold a staff-led public workshop to present information and solicit public input regarding proposed draft revisions to California Code of Regulations, title 23, chapter 2.7 (Water Diversion and Use Reports) and chapter 2.8 (Measuring and Monitoring) ("regulations," collectively). The State Water Board is also soliciting associated written public comments. The proposed revisions are available on the State Water Board's Water Measurement and Reporting Regulation rulemaking website.

The State Water Board is developing proposed revisions to these regulations, to be adopted in accordance with title 2, division 3, chapter 3.5 of the Government Code (commencing with section 13340), in order to standardize and better align measurement and reporting data with the modernization of the State Water Board's water rights reporting database. Revisions are also proposed to add clarity and ease of reference. Based on input received at the workshop and in written comments, the State Water Board will make any needed revisions to the draft regulations and will initiate the formal rulemaking process by issuing a notice of proposed rulemaking. The public will have further opportunity to comment on the proposed revised regulations and other rulemaking documents during the regulatory comment period.

The Staff Workshop will be held on **November 13, 2024, at 10:00 a.m.** PST on Zoom.

BACKGROUND OF THE WATER MEASUREMENT AND REPORTING REGULATION

California's 2012-16 drought highlighted the need for accurate and reliable water diversion data. In response, the State enacted Senate Bill 88 (2015), a budget trailer bill on water that included Water Code section 1841, authorizing the State Water Board to enact regulations requiring the measurement and reporting of diversions from water right holders that divert over 10 acre-feet per year (annum) (AFA).

The State Water Board adopted the Water Measurement Regulation (Regulation) in 2016 requiring water right holders with diversions greater than 10 AFA to install a measurement device (or implement a comparable method of measuring diversions) and begin reporting their measurement data beginning in 2018. Enacted under the expedited process authorized in section 1841, the Regulation remains in effect until revised.

Reviews of diverter records submitted in response to the Regulation from 2018-2024 reveal that the measurement data submitted have significant quality issues. These issues, along with variability in the format in which data is submitted, impede analyses. Input from the regulated community in response to staff outreach efforts suggests the need for additional clarity in the Regulation to address these issues.

As part of its Updating Water Rights Data for California (UPWARD) data modernization project, the State Water Board began development of a new water rights reporting platform, the California Water Accounting, Tracking, and Reporting System (Cal-WATRS), in 2023. The platform will make the diversion reporting process more user-friendly and will allow Board staff to more effectively administer the water rights priority system. This includes improved management of water right measurement data. Cal-WATRS will become available to diverters in 2025, and its first reporting deadline will be in February 2026. Minor changes are also needed to the Regulation to ensure a smooth transition to the new Cal-WATRS reporting platform.

PROPOSED REVISIONS TO THE REGULATIONS

Revisions are proposed to California Code of Regulations, title 23, chapter 2.7 (Water Diversion and Use) and chapter 2.8 (Measuring and Monitoring).

Revisions are focused on identifying standards and templates for data submissions, requiring diverters to provide an email address, identifying point of measurement locations, requiring that measurement data be transmitted to specific State Water Board webpages, and updating the language of the Regulation to be clearer. The changes are being proposed with the purposes of:

- Aligning water rights measurement data with the Division's modernized water rights system (Cal-WATRS) by standardizing the formatting of data submissions to improve their usability,
- Collecting contact information necessary to validate Cal-WATRS accounts, and
- Improving the clarity of the Regulation.

At the workshop, State Water Board staff will provide an overview of the proposed revisions to the regulations and receive oral public comments. The State Water Board is interested in receiving input on the content of the proposed revisions. Specifically, comments should focus on how to align measurement data and reporting with a modernized water rights database while improving clarity of the Regulation, making it easier for all diverters to understand and follow. Written comments will also be accepted but are not required. Instructions for submitting written comments can be found in the 'Written Comments' section below.

WORKSHOP PARTICIPATION INFORMATION

If you only wish to watch the workshop, a live video broadcast can be viewed at: https://video.calepa.ca.gov/ (closed captioning available).

If you would like to provide oral comments, ask clarifying questions, or give a presentation during the workshop, please fill out the Zoom registration form linked at the top of this Notice by **12:00 noon on Friday November 8 and join using the Zoom link on November 13.** Comments should address revisions to the draft proposed regulations.

Additional information regarding State Water Board meetings and workshops is available on the Board's online calendar. If you have any questions regarding how to participate in the workshop, please contact DWR-Measurement@waterboards.ca.gov or (916) 323-9393.

WRITTEN COMMENTS

Written public comments must be submitted by email to DWR-Measurement@waterboards.ca.gov **no later than 12:00 noon on Monday November 25, 2024.** The State Water Board requests but does not require that email transmission of comments, particularly those with attachments, contain the subject line: "Comment Letter – Water Measurement and Reporting Regulation" to facilitate timely identification and review of the comment.

ADDITIONAL RESOURCES

For more information on the proposed revisions, visit the Water Measurement and Reporting Regulation rulemaking website. Additional information on the regulation's requirements and compliance resources are available at the Water Measurement and Reporting website.

FUTURE NOTIFICATIONS

To receive future information about the regulation and this rulemaking process, enter your email in the 'Subscribe to Our Email List' box on either of the websites linked above. Alternatively, subscribe to the Water Measurement list (under the Water Rights group) on the State Water Board's email subscription site.

CONTACT INFORMATION

If you have any questions regarding this notice, the Water Measurement and Reporting Regulation, or require special accommodations to attend the workshop, please contact DWR-Measurement@waterboards.ca.gov or (916) 323-9393.