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State Water Resources Control Board

Executive Office

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Edmund G. Brown Jr.
Governor

NOTICE OF PUBLIC WORKSHOP

WATER DIVERSION MEASUREMENT

Thursday, July 21, 2011
9:00 a.m. to 4:30 p.m.
Cal/EPA Building – Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will hold a workshop to consider information regarding water diversion measurement under (1) California Water Code section 5103 subdivision (e)(1), which requires diverters of water who file Statements of Water Diversion and Use (Statements) to measure their monthly water diversions beginning in January 2012, and (2) Title 23 of the California Code of Regulations sections 920, 925 and 929, which requires Statement holders, water right permittees and water right licensees, respectively, to report their maximum rate of diversion achieved during each month. This informal workshop will include presentations on water diversion measurements, including practices, requirements, and trends. The workshop will also provide an opportunity for participants to provide comments on this topic.

BACKGROUND

The State Water Board is the state agency with primary responsibility for the administration and regulation of water rights in California. The State Water Board allocates water rights through a system of permits, licenses, and registrations that grant the right to directly divert water and/or divert water to storage for reasonable beneficial use. Water right permittees and licensees are required to file annual Progress Reports of Permittee and Reports of Licensee, respectively. With some exceptions, others who divert water, including diverters under claims of riparian rights and pre-1914 appropriative rights, are required to file Initial Statements and Supplemental Statements every three years thereafter.

In 2009, the California Water Code was modified to require diverters of water who file Statements to measure their monthly water diversions beginning in January 2012. Amended California Water Code section 5103 subdivision (e)(1) states the following:

"On and after January 1, 2012, monthly records of water diversions. The measurements of the diversion shall be made using best available technologies and best professional practices. Nothing in this paragraph shall be construed to require the implementation of technologies or practices by a person who provides to the [State Water Board] documentation demonstrating that the implementation of those practices is not locally cost effective."

California Environmental Protection Agency



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Water Code Section 5100 defines key terms used in section 5103 as follows:

- “(a) ‘Best available technologies’ means technologies at the highest technically practical level, using flow totaling devices and, if necessary, data loggers and telemetry.*
- (b) ‘Best professional practices’ means practices attaining and maintaining the accuracy of measurement and reporting devices and methods.*
- (c) ‘Diversion’ means taking water by gravity or pumping from a surface stream or subterranean stream flowing through a known and definite channel, or other body of surface water, into a canal, pipeline, or other conduit, and includes impoundment of water in a reservoir.*
- (d) ‘Person’ means all persons whether natural or artificial, including the United States of America, State of California, and all political subdivisions, districts, municipalities, and public agencies.”*

Water Code Section 5100 does not include a definition of “locally cost effective.” However, Water Code section 10608.12(k), which addresses agricultural water conservation, defines “locally cost effective” as follows:

“...the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.”

In 2010, Title 23 of the California Code of Regulations section 920 subdivision (c)(3), section 925 subdivision (c)(5), and section 929 subdivision (c)(5) were amended to require Supplemental Statements of Water Diversion and Use, Progress Reports of Permittee and Reports of Licensee, respectively, to include the following information:

“The maximum rate of diversion achieved at any time during each month of the year, if available.”

The State Water Board developed the Electronic Water Right Information Management System (eWRIMS) to track information on water rights and claims of water rights in California. According to eWRIMS, there are approximately 42,200-recorded water rights and Statements, and 400 pending applications for water rights in California. The Division has recorded approximately 16,500 Statements, with 6,700 of those having been submitted to the Division in 2010 and 2011. In addition, the Division has recorded approximately 1,500 permits and 10,900 licenses. The total face value of the Statements submitted through 2009 is approximately 116.4 million acre-feet (MAF). The Statements submitted in 2010 and 2011 are currently being processed and, consequently, the total face value of those Statements is unknown. The total face value of permits and licenses are approximately 215.4 MAF and 98.0 MAF, respectively. The total face value of the other 13,300 water rights is approximately 0.1 MAF.¹ In addition, the 400 pending applications are requesting water right permits for a total face value of 10.3 MAF.

Attachment 1 summarizes additional information related to water diversion measurement.

¹ The “other” water rights include Small Domestic Registrations, Livestock Stockpond Registrations, Stockpond Certificates, Groundwater Extraction Claims, Section 12 Federal Filings and 68 miscellaneous water rights.

PROCEDURAL MATTERS

This workshop will be informal. While a quorum of the State Water Board may be present, the State Water Board will not take formal action at this workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, oral comments may be time-limited. The State Water Board members may provide direction to staff, but no final action will be taken.

Comment letters can be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620 with the subject "**Comment Letter – Water Measurement.**" Written comments must be received by **12:00 noon on Friday, July 1, 2011.** Documents submitted electronically must be in Adobe Portable Document Format (PDF). Written comments may also be delivered via-mail or hand delivery to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-0100 (by mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery)

To reduce reliance on paper mailings, notices and other information distributed by the State Water Board are provided primarily by email. To receive follow-up information on this workshop, you must subscribe to the Division's "Water Measurement" email subscriptions list located on the State Water Board's website at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

PARKING AND ACCESSIBILITY

For directions to the Cal/EPA Building and public parking information, please refer to the map on the Cal/EPA's website at: <http://www.calepa.ca.gov/EPA/bldg/location.htm>. The Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to call Tanya Cole at (916) 341-5881, at least five (5) working days prior to the workshop. Persons with hearing or speech impairments can contact us by using the California Relay service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1-800-735-2922.

A broadcast and workshop agenda will be available via the internet and can be accessed at:

<http://www.calepa.ca.gov/broadcast/>.

All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving clearance.

ADDITIONAL INFORMATION

Please direct technical questions about this notice to Richard Satkowski at (916) 341-5439 or by email at: rsatkowski@waterboards.ca.gov.

June 9, 2011

Date



Jeanine Townsend
Clerk to the Board

Attachment 1

Selected Water Diversion Measurement-Related Information

2003 CALFED Agricultural Water Measurement Report

In 2003, the California Bay-Delta Authority, later known as CALFED, prepared a water measurement report titled "*Final Report of the Independent Panel on Appropriate Measurement of Agricultural Water Use.*" The report represents the consensus view of six nationally recognized experts who focused on those measurement practices panelists identified as likely to — in a cost-effective manner — support state and federal planning and water rights objectives, allow water users to undertake and demonstrate the effects of efficiency measures, and facilitate valid water transfers. Appendix C of the report summarized water diversion measurement in other states, including Arizona, Colorado, Idaho, Kansas, Oregon, and Washington. The report can be viewed at:

http://calwater.ca.gov/content/Documents/meetings/WaterUseEfficiency/FinalReport_Sept03.pdf.

2010 State Water Board Water Monitoring and Reporting for the Northern California Coastal Streams Report

In 2010, the State Water Board adopted a policy for water quality control titled "*Policy for Maintaining Instream Flows in Northern California Coastal Streams.*" The Policy, which became effective on September 28, 2010, contains principles and guidelines for maintaining instream flows for the purposes of water right administration. The geographic scope of the policy encompasses coastal streams from the Mattole River to San Francisco and coastal streams entering northern San Pablo Bay and extends to five counties: Marin, Sonoma, and portions of Napa, Mendocino, and Humboldt Counties. Sections 10.1 through 10.3 of the report discuss the requirements for monitoring and reporting of diversion and streamflow that will be included in future water rights permits issued under the Policy. The report can be viewed at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/index.shtml.

2011 California Department of Water Resources Development of Agricultural Water Measurement Regulations

The Water Conservation Act of 2009 (SBx7-7) requires agricultural water suppliers to (1) implement efficient water management practices and (2) measure the volume of water delivered to customers with sufficient accuracy. Agricultural water suppliers must report the aggregated farm-gate deliveries, which is defined as the total deliveries to individual customers, to the Department of Water Resources (Department) and to adopt a pricing structure for water customers based in part on quantity delivered. The Department is required to adopt regulations that provide for a range of options that agricultural water suppliers may use to implement or comply with these requirements. (WC section 10608.48) On May 18, 2011, the California Water Commission (Commission) met to discuss the approval of agricultural water measurement regulations developed under SBx7-7. The Commission will meet again on June 15, 2011 to consider approval of the regulations. For more information, see:

<http://www.water.ca.gov/wateruseefficiency/sb7/>.

2011 State Water Board's Office of Delta Watermaster Measurement of Water Diversions Memorandum

On May 31, 2011 the State Water Board's Office of Delta Watermaster developed an interoffice memorandum on measurement of water diversions. The memorandum (1) discusses the factors that should be taken into consideration when determining appropriate water diversion measurement devices and (2) recommends that the State Water Board do the following:

1. Develop a list of water measuring devices for both pipelines and open channels, which meet both best available technologies and best professional practices.
2. Invite vendors (of the above devices) and diverters to a workshop.
3. Develop a list of vendors and suppliers to post on the Division's website.
4. Provide an option for diverters to propose an equal device or measuring method that meets best available technologies and best professional practices.
5. Require diverters to certify that the devices were installed and maintained per manufacturer's recommendations or American Water Works Association.
6. Update the electronic Supplemental Statement of Water Diversion and Use form to include information on the measuring device, method used to estimate water diversion (if applicable) and other related information.

The memorandum can be viewed at:

http://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/docs/wtr_msrmnt_dves053111.pdf .