

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2023-0001**

TO ADOPT PROPOSED REGULATION MODIFYING WATER RIGHT
OWNERSHIP NOTICE REQUIREMENTS AND REPORTING DATES

WHEREAS:

1. On September 20, 2022, in [Resolution No. 2022-0038](#), the State Water Board adopted regulations pertaining to modifying water right ownership notice requirements and reporting dates. The regulations were subsequently submitted to the Office of Administrative Law for review and approval.
2. At the direction of and after review of the regulations, the Office of Administrative Law has recommended changes to the regulations to ensure compliance with the California Administrative Procedure Act. The vast majority of the proposed changes pertain to including requirements of three forms: Change of Ownership Form, Contact Information Update Form, and Supplemental Statement for Change Form.
3. On December 6, 2022, in compliance with Government Code section 11346.8, a notice of the changes to the proposed regulations was provided and included a 15-day public comment period. Changes to the regulations adopted by the State Water Board at its September 20, 2022, meeting are noted in single underline and single strikethrough and additional changes to the proposed regulations subject to the 15-day public comment period are noted in double strikethrough and double underline.
4. Water Code section 1058 states that the State Water Board may make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its duties under the Water Code.

5. The proposed changes to the regulations are expected to provide additional benefits from the regulations previously adopted by the State Water Board, such as further clarifying the parties responsible for timely notification of changes affecting water rights and claims.
6. On December 21, 2022, pursuant to the Notice provided on December 6, 2022, the written public comment period closed. Staff reviewed the public comments received and will complete a response to comments document and a summary and response of comments received in the Final Statement of Reasons that will be posted on the State Water Board's website and submitted to the Office of Administrative Law as part of the file of rulemaking proceeding. No changes were made to the proposed regulations as a result of public comments.
7. Adoption of these regulations is not a "project" within the meaning of the California Environmental Quality Act (CEQA) and is therefore not subject to CEQA because this action does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs, tit. 14, §15378, subd. (a).)

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. The State Water Board adopts additional revisions to California Code of Regulations, title 23, sections 831, 907, 915, 920, 924, 925, and 929.
2. State Water Board staff shall submit the final rulemaking file, including the adopted regulatory text, to the Office of Administrative Law (OAL) for approval.

3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2023.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

 for
Jeanine Townsend
Clerk to the Board

ADOPTED REGULATION TEXT

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 2. Appropriation of Water

Article 19. Changes of Ownership and of Address-Notices

Amend Section 831 to read as follows:

§ 831. Notice to Board of Changes in Ownership

(a) Within 30 days following the transfer of ~~When~~ rights under an application, permit, ~~or license~~ license, or registration are transferred, a statement to that effect, signed by the ~~previous owner~~, either the transferor (previous owner), ~~or~~ the transferee (new owner), ~~or their respective agents~~ shall be filed immediately with the board, referring to the number of the application ~~notify the B~~board by completing and electronically submitting the change of ownership form available on the board's website, and stating the name and address of the new owner. Thereafter, ~~Following electronic submission,~~ receipt of the change of ownership form, the board will send notices and correspondence concerning the application, permit, ~~or license~~ license, or registration to the transferee (new owner). ~~will be sent to the new owner designated in such statement.~~

(b) The completed change of ownership form shall include the following information:

(1) The water right identification number(s) associated with the change of ownership;

(2) The name, address, phone number, and email address of the transferee (new owner) and all other known owners of the water right;

(3) The name, address, phone number, and email address for the person to whom all correspondence pertaining to the water right should be sent, and whether that person is an owner or agent;

(4) Additional information or other instructions regarding the change of ownership, if any;

(5) The name, company (if applicable), email address, and phone number of the person submitting the change of ownership form and whether that person is the transferor (previous owner), transferee (new owner), or agent; and

(6) Signature of the person submitting the change of ownership form and date of signature.

(c) Following those 30 days, and for each day thereafter until the change of ownership form is submitted to the board, the transferee (new owner) may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

Note: Authority cited: Section 1058, Water Code. Reference: Sections 1055, 1250 and 1252 and 1846, Water Code.

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 2.7. Water Diversion and Use Reports

Article 1. Definitions

Amend section 915 to read as follows:

§ 907. Definitions.

The following definitions apply to the terms as they are used in this chapter.

(a) "Board" means the State Water Resources Control Board.

(b) "Board's website" means www.waterboards.ca.gov.

(c) "Diverter" means:

(1) Any person authorized to divert water under a permit or license; or

(2) Any person required under Water Code, Division 2, Part 5.1 to file a Statement of Water Diversions and Use; or

(3) Any person authorized to divert under a registration or certificate; or

(4) To the extent authorized by federal law, the federal government for rights claimed under permits, licenses, registrations, certificates, statements of water diversion and use, and non-reserved and reserved rights on file with the board.

(d) "Reports" refers to the following documents:

- (1) Supplemental Statement of Water Diversion and Use Forms, pursuant to Water Code section 5104.
- (2) Reports of Permittee and Licensee, pursuant to sections 925 and 929 of this title.
- (3) Reports of Registration and Certificate Holders pursuant to section 924 of this title.
- (4) Notices of Extraction and Diversion of Water, pursuant to Part 5 of Division 2 of the Water Code. Each person in the counties of Riverside, San Bernardino, Los Angeles and Ventura who, after 1959, extracts ground water in excess of 25 acre-feet in any year shall file with the board, before February 1 of the year after the twelve month reporting period ~~within six months of the succeeding calendar year~~, a "Notice of Extraction and Diversion of Water" on a form provided by the board.
- (5) Forms indicating a change of name, address or ownership.

(e) "Twelve month reporting period" means a ~~calendar~~water year beginning ~~January 1~~October 1 and ending the succeeding ~~December 31~~September 30.

Note: Authority cited: Sections 348(a), 1058, ~~1840~~ and 1841, Water Code. Reference: Sections ~~1003.5~~, 1395, 1396, 1397, 1840, 4999, 5001, and 5105 ~~and 12261~~, Water Code.

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 2.7. Water Diversion and Use Reports

Article 2. Declaration of Policy

Amend section 915 to read as follows:

§ 915. Changes in Name, Address or Ownership Contact Information of Owners, Claimants, Diverters, or Agents.

~~Pursuant to sections 691, 830, 831, and 1074 of this title, changes in name, address or ownership shall be immediately reported to the board electronically using a change of name, address or ownership form or the supplemental statement of change form available on the board's website.~~

(a) The owner of or applicant for a water right permit, license, or registration shall notify the board within 30 days of changes in contact information of the owner, or agent by completing and electronically submitting the ~~C~~contact ~~I~~information ~~U~~update ~~F~~form available on the board's website.

(b) The completed contact information update form shall include the following information:

(1) The water right identification number(s) associated with the change of contact information;

(2) Indication whether the change of contact information pertains to an owner or agent, and updated contact information for the person including name, address, phone number, and email address;

(3) The name, address, phone number, and email address for the person to whom all correspondence pertaining to the water right should be sent, and whether that person is an owner or agent; and

(4) Additional information or other instructions regarding this change, if any.

(~~c~~) Any party required to submit a Statement of Water Diversion and Use shall notify the board within 30 days of changes in contact information by completing and electronically submitting a ~~S~~supplemental ~~S~~statement ~~for~~of ~~C~~change ~~F~~form available on the board's website.

(d)The completed supplemental statement of change form shall include the following information:

(1) Indication whether the change is a change of diverter, contact information, or agent;

(2) The statement of water diversion and use number;

(3) The Assessor's Parcel Number(s) associated with the place of diversion;

(4) Indication whether the diverter or an agent is the designated person to receive all correspondence;

(5) If the party is notifying the Board of a new diverter, the new diverter's name, address, phone number, and email address;

(6) If the party is notifying the Board of a change to the existing diverter's contact information, the existing diverter's new address, phone number, or email address;

(7) If the party is notifying the Board of a new agent, the new agent's name, address, phone number, and email address;

(8) If the party is notifying the Board of a change to the existing agent's contact information, the existing agent's new address, phone number, or email address;

(9) The date upon which the change of diverter, contact information, or agent became effective;

(10) Additional information or other instructions regarding this change, if any; and

(11) Signature of the person submitting the supplemental statement of change form, printed name of the person submitting the form, and date of signature.

(ee) Following those 30 days, and for each day thereafter until the applicable change form is submitted, the owner or claimant/diverter may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

Note: Authority cited: Sections 348(a), 1058, ~~1840~~ and 1841, Water Code. Reference: Sections 348(a), 1055, 1840 and 1846, Water Code.

Amend section 920 to read as follows:

§ 920. Supplemental Statements of Water Diversion and Use.

(a) Supplemental statements of water diversion and use shall be filed ~~on forms available at online through a reports management system accessible through the board's website.~~ A supplemental statement shall be filed annually by ~~before each February~~ July 1 after the close of the prior twelve month reporting period, or promptly if there is a change in the name or address of the person diverting water, or more frequently as directed under section 917. Notice to the board of changes in name, address or ownership must also be reported electronically on the supplemental statement of change form on the board's website. Filing the supplemental statement of change form does not eliminate the requirement to file a supplemental statement of water diversion and use.

(b) After the board has received an initial statement of water diversion and use as required by Water Code section 5101, the board will provide a user name and password to the person required to file supplemental statements of water diversion and use. The electronic supplemental statement form will be pre-populated with current ownership information made available to the board. Failure to receive notice providing a user name and password does not exempt the filer from the requirement to file a supplemental statement of change. Persons required to file a supplemental statement should notify the board prior to the annual reporting date to request a user name and password if the board has not already provided such information.

(c) Within 30 days following the transfer of a right or claim which is subject to Water Code ~~S~~section 5101, either the transferor (previous holder/~~claimant/diverter~~) or the

transferee (new holder/~~claimant~~diverter) shall notify the board by completing and electronically submitting the supplemental statement ~~for~~of change form available on the board's website.

(d) Following those thirty days, and for each day thereafter until the supplemental statement ~~for~~of change form is submitted, the transferee (new holder/~~claimant~~diverter) may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

(e) Following electronic submission of the supplemental statement ~~for~~of change form, the board will send notices of correspondence to the transferee (new holder/~~claimant~~diverter). Filing the supplemental statement of change form does not eliminate the requirement to file a supplemental statement of water diversion and use.

(e)(f) The completed supplemental statement form shall include the following information:

(1) The name(s), address(es), and other ownership information for the diverter;

(2) The type of water right being claimed for the water diverted under the statement;

(3) The maximum rate of diversion achieved at any time during each month, if available;

(4) The amount of water directly diverted and collected to storage in each month and the total annual amount diverted. Each month must contain an entry. If no diversion occurred, a "0" should be entered;

(5) A description of the diversion works, including type of diversion and capacity of direct diversion and/or storage facility.

(6) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 of this title.

(7) The amount of water beneficially used in each month and the total annual amount beneficially used. Each month must contain an entry. If no beneficial use occurred in a given month, a "0" should be entered;

(8) The purpose(s) for which the water was diverted and used. Use information to be provided includes:

(A) irrigation, including crop type and acreage;

(B) frost protection, including acres covered;

(C) heat control, including acres covered;

(D) industrial, including type of activity;

(E) stock watering, including number and type of animals;

(F) municipal, including approximate population served, and seven digit public water system number or other identifier;

(G) domestic, including number of persons served, lawn or garden area, and seven digit public water system number or other identifier, if applicable;

(H) power generation, including installed capacity in kilowatts, megawatts or horsepower;

(I) recreational, including boating, fishing or other water sports;

(J) any additional uses not named above, including environmental use.

(9) Any changes in the other information contained in the preceding statement;

(10) Report of water transfers during the twelve month reporting period including transfer dates and approving agency;

(11) Report of transferred contract water including contract agency, contract number, source, amount of contract water in acre-feet and projected water use in the upcoming year.

~~(d)~~(12) Water diversion measurement, either direct diversion or diversion to storage including the type of device(s) used, additional technology used, who installed the device(s) and any alternative method(s) used in measuring the water diversion.

~~(e)~~(g) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water to be reported under a statement, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset, on a monthly basis.

~~(f)~~(h) If water conservation efforts have resulted in a cessation or reduction in use, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Note: Authority cited: Sections 348(a), 1058, ~~1840~~ and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1055, 1840, 1846, 5100, 5101, 5103 and 5104, Water Code.

Amend Section 924 to read as follows:

§ 924. Water Use Reports of Registration and Certificate Holders.

(a) Reports of registration and certificate holders shall be filed annually ~~by April 1~~ before February 1 after the close of the twelve month reporting period. Provisional streamflow data may be used in preparing the water use report if final streamflow data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. The report shall be filed electronically on a form available at the board's website. Compliance with the requirement to file a water use report is a condition of every registration or certificate. A failure to file a report under this section is a violation of registration and certificate terms, as applicable.

(b) The annual reports shall include the following information:

(1) A statement of compliance or of non-compliance with the terms and conditions of the registration or certificate;

(2) The purpose(s) for which water is diverted and used;

(3) The quantity of water diverted from each point of diversion by month (or shorter timeframe if otherwise required); and

(4) For direct diversion, the maximum rate of diversion achieved at any time during each month, if available.

(c) The first reports of registration and certificate holders shall be filed for the diversion and use of water made during calendar year 2016. The report for 2016 shall be filed prior to April 1, 2017.

(d) The requirement to file annual reports of registration and certificate holders is in addition to and does not modify the five year renewal period for registrations under section 1228.5 of the Water Code.

Note: Authority cited: Sections 348(a), 1058, 1228.6, ~~1840~~ and 1841, Water Code.
Reference: Sections 348(a), 1226.1, 1226.2, 1228.2, 1228.3, 1840 and 1846, Water Code.

Amend Section 925 to read as follows:

§ 925. Progress Reports by Permittee.

(a) As specified in section 847 of this title, water right permit holders are required to file annual progress reports. Section 846 of this title provides that permittees may also be required to submit a written statement of the quantities of water beneficially used. Annual reports required under this section are in addition to any specific reporting requirements in a water right permit.

(b) Annual progress reports by permittees shall be filed ~~by April 4~~ before February 1 after the close of the twelve month reporting period on forms available at the board's website. Provisional data and information may be used in the progress report if final data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. A failure to file a progress report is a violation of permit terms.

(c) The annual reports shall include the following information:

(1) A statement affirming compliance or non-compliance with permit terms and conditions;

(2) The construction status of the permitted project and status of current water use;

(3) The purpose(s) for which water is diverted and used. Use information to be provided includes:

(A) irrigation, including crop type and acreage;

(B) frost protection, including acres covered;

(C) heat control, including acres covered;

(D) industrial, including type of activity;

(E) stock watering, including number and type of animals;

(F) municipal, including approximate population served, and seven digit public water system number or other identifier;

(G) domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;

(H) power generation, including installed capacity in kilowatts, megawatts or horsepower;

(I) recreational, including boating, fishing or other water sports;

(J) additional uses not named above, including environmental use;

(4) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 this title.

(5) The amount of water taken from each point of diversion in each month (or shorter period if otherwise required) from the source, including amount directly diverted, the amount collected to storage, and the total amount of water diverted during the twelve month reporting period. Each month must contain an entry. If no diversion occurred in a given month, a "0" should be entered;

(6) The maximum rate of diversion achieved at any time during each month (or shorter period if otherwise required), if available;

(7) For permits, the annual report shall also include the measurement data required to be collected in section 933 of this chapter.

(d) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water that is required to be reported under this section, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset on a monthly basis.

(e) If water conservation efforts have resulted in a cessation or reduction in use, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Note: Authority cited: Sections 348(a), 1058, ~~1840~~ and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1840 and 1846, Water Code.

Amend Section 929 to read as follows:

§ 929. Reports of Licensee.

(a) As specified in section 847 of this title, water rights license holders are required to file reports when requested by the board. Annual reports required under this section are in addition to any specific reporting requirements in a water right license.

(b) Reports of licensee shall be filed annually ~~by April 1~~ before February 1 after the close of the twelve month reporting period on forms available at the board's website. Provisional data and information may be used in the report of licensee if final data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. A failure to file a licensee report is a violation of license terms.

(c) The annual reports shall include the following information:

(1) A statement affirming compliance or non-compliance with license terms and conditions;

(2) The amount of water diverted;

(3) The purpose(s) for which water is diverted and used. Use information to be provided includes:

(A) irrigation, including crop type and acreage;

(B) frost protection, including acres covered;

(C) heat control, including acres covered;

(D) industrial, including type of activity;

(E) stock watering, including number and type(s) of animals;

(F) municipal, including approximate population served, and seven digit public water system number or other identifier;

(G) domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;

(H) power generation, including installed capacity in kilowatts, megawatts or horsepower;

(I) recreational, including boating, fishing or other water sports;

(J) additional uses not named above, including environmental use.

(4) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 of this title.

(5) The amount of water taken from the source from each point of diversion in each month (or shorter period if otherwise required), including direct diversion amount, amount collected to storage, and the total amount of water diverted during the twelve month reporting period. Each month must contain an entry. If no diversion occurred in a given month, a "0" should be entered.

(6) The maximum rate of diversion achieved at any time during each month (or shorter period if otherwise required), if available;

(7) For licenses, the annual report shall also include the measurement data required to be collected pursuant to section 933 of this chapter.

(d) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water that is required to be reported under this report, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset on a monthly basis.

(e) If water conservation efforts have resulted in a cessation or reduction in use of surface water, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Note: Authority cited: Sections 348(a), ~~1011, 1058, 1840~~ and 1841, Water Code.
Reference: Sections 348(a), 1010, 1011, 1011.5, 1840 and 1846, Water Code.

Amend Section 930 to read as follows:

§ 930. Notices of Extraction and Diversion.

(a) Annual notices of groundwater extraction and diversion required pursuant to Part 5 of Division 2 of the Water Code shall be submitted to the board electronically, ~~within six months after the close of the succeeding calendar year~~ before February 1 of the year after the twelve-month reporting period, on the forms available at the board's website. A failure to file an annual notice of groundwater extraction and diversion is considered non-use of water.

(b) The report shall include the following information:

(1) Type of diversion;

(2) Amount of groundwater extracted during the calendar year;

(3) Amount of surface water diverted and used, if applicable;

(4) Method of measurement;

(5) Supplemental information, if applicable.

(c) Electronic reporting of groundwater extraction and diversion does not apply to those persons reporting to local oversight agencies pursuant to section 5009 of the Water Code.

(d) As specified in Section 1070 of this title, a filing fee is required. The fee must be submitted separately from the electronic report. Filing is not complete until the board receives the filing fee.

(e) If the use of an alternative supply of water or any water conservation efforts have resulted in a cessation or reduction in use, the report should indicate the extent and amount of the reduction in water use due to water conservation efforts.

Note: Authority cited: Sections 348(a), 1058 and 1529, Water Code. Reference: Sections 1005.1, 1005.2, 1005.3, 1005.4, 1011, 1011.5, 1530, 4999, 5000, 5001, 5002, 5003 and 5004, Water Code.