# Statements of Water Diversion & Use Water Diversion Measurement Public Workshop

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July 21, 2011

Craig Wilson
Delta Watermaster









# Statements of Water Diversion & Use Program

- History of Program
  - Started in 1966. Diverters "required" to file Statements
  - Many exceptions, including most Delta diverters
  - No legal consequence for not filing
  - About 10,000 Statements on File as of 2009; only about 250 from Delta Diverters
  - Statements are not a water right
  - Purpose: To provide a central repository for records of diversion and use.
  - Records of diversion amounts were "required", but no specific measurement requirements.





# Statements of Water Diversion & Use Program (cont'd)

- Recent changes to Program
  - Most exceptions eliminated, including those for Delta diverters
  - Requirement to file is now real; fines for not filing
  - In 2010-2011 about 6,700 new Statements were filed, including over 2,000 from the Delta
  - Specific measurement requirements were added





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### New Water Measurement Requirements

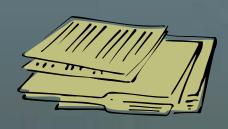
#### A. Statutory: Water Code Sec. 5103

- Apply to water diversions after January 2012
- Monthly records of water diversions
- Measurements shall be made using best available technologies and best professional practices
- These technologies and practices are not required if person demonstrates such practices are not locally cost effective (but monthly records still required)
- These requirements are distinct from the new DWR Program Agricultural Water Measurement Program which applies to certain water agricultural suppliers
- Fines for not measuring, tampering with measuring devices, or making misstatements.



# New Water Measurement Requirements (cont'd)

- B. Legislative Findings re: Purpose of New Requirements
  - "Given the well-known importance of water to the state..., water measurement and reporting are required for most diversions."
  - "Because none of these in-Delta diverters are required to measure and report their diversion and use, there is presently little data regarding the nature, extent, and location of these diversions."







# New Water Measurement Requirements (cont'd)

#### C. Definitions (Water Code Sec. 5100)

- "Best Available Technologies": Technologies at the highest technologically practical level, using flow totaling devices and, if necessary, data loggers and telemetry.
- "Best Professional Practices": Practices attaining and maintaining the accuracy of measurement and reporting devices and methods.
- No definition of "locally cost effective" in Statute. A definition is in Water Code Sec. 10608.12(k) regarding Agricultural Water Conservation.

# New Water Measurement Requirements (cont'd)

- D. State Water Board regulations (23CCR sec. 920)
  - Supplemental Statements to include the maximum rate of diversion achieved at any time during each month of the year, if available.







	Primary Owner:	VAN VLECK RANG Statement Number	CHING & RESO IT: S013874	URCES INC	
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### **Summary of New Approach**

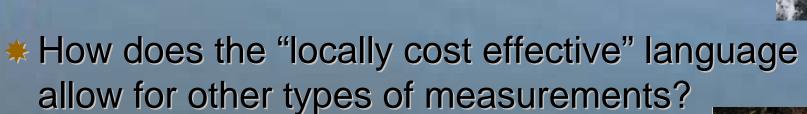
- 1) Monthly monitoring required starting 1/1/12
- 2) Use monitoring devices based on best engineering technologies and best professional practices
- 3) If diverter can demonstrate that such meters are not "locally cost effective," alternative monthly measuring may be performed





### Issues Presented by the New Requirements

What devices/methods satisfy the best available technologies/best professional practices requirement?



- \* Use of previous studies/reports?
- \* Should the State Water Board adopt regulations or provide non-binding guidance?

### Issues Presented by the New Requirements (cont'd)

- Should a list of acceptable devices/methods be prepared?
- Non-metering alternatives: Should methods other than the use of devices be allowed, such as calculations based on power consumption or use of satellite – generated remote sensing?
- \* How to best integrate the new measurement requirements with DWR's Agricultural Water Measurement Program?

### **Locally Cost Effective**

- No definition
- Different from usual cost/benefit analysis
  - Benefits of monitoring: More statewide than of benefit to individual diverters
  - Statewide vs. Regional benefits of monitoring
  - Local cost factors: size of diversion, place of diversion, purpose of diversion
- \* Small diversions can best make case
- \* Affordable but reasonable accuracy

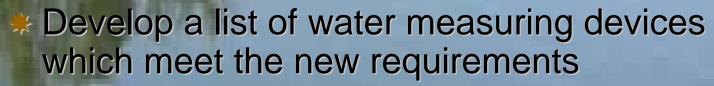








### Potential Approaches





- \* Develop a list on non-metering alternatives that are "locally cost efficient"
- Develop a list of vendors and suppliers
- Provide an option for diverters to propose an "equal" device or measuring method
- Provide for installation and maintenance certification



Updates to State Water Board Statements Forms