Proposed Changes to the Measuring and Reporting (SB 88) and Water Diversion and Use Reporting Regulations

Accurately measured water diversion data is critical for managing and making informed decisions about California’s water supply, especially during droughts. The measuring and reporting regulation (chapter 2.8 of title 23 of the California Code of Regulations, often referred to as SB 88) requires many diverters to measure and report the amount of water they divert. Although the SB 88 regulation has been in effect since March 2016, only a limited amount of useful data has been submitted so far, in part due to non-standardized formatting, inconsistent measurement values, and other quality control issues.

**Proposed Changes to the Regulations**

The State Water Resources Control Board (State Water Board) Division of Water Rights (Division) is proposing to revise the SB 88 regulation to improve the quality and usability of the data submitted under the regulation, as well as to improve the overall clarity of the text. The proposed revisions are based on feedback from existing diverters and reporters, after substantial outreach and engagement over the previous two years. The Division is also proposing minor revisions to the “Appropriation of Water” and the “Water Diversion and Use Reports” regulations (chapters 2 and 2.7 of title 23 of the California Code of Regulations). The proposed changes include:

1. **Restructuring the SB 88 regulation:** At first glance, the draft proposed text of the revised SB 88 regulation looks substantially different from the existing regulation. Sections have been split, combined, renamed, and moved. The Division recognizes that the existing regulation is complex and can be confusing, so the draft revised text uses plain language where possible. Additionally, the proposed revision attempts to restructure the regulation to have a more logical flow that clearly describes what is required.

*This change affects sections 932 through 938 of the existing chapter 2.8 and sections 932 through 939 of the revised chapter 2.8.*

1. **Simplifying requirements:** Wherever possible, the Division has tried to simplify the requirements of the SB 88 regulation. This includes proposing to relax some of the measurement frequency and accuracy requirements and remove some of the previously required components of a measurement methodology or alternative compliance plan. The Division has also proposed additional exception criteria, allowing flexibility and relief from requirements in certain circumstances.

*This change affects sections 933, 934, and 935 of the existing chapter 2.8 and sections 933, 934, 936, and 937 of the revised chapter 2.8.*

1. **Specifying datafile format and submission:** Under the existing SB 88 regulation, there is no specified format for how datafiles containing measured diversion data should be structured. Without a standardized datafile format with consistent column headers, data cannot be systematically analyzed and instead must be individually reviewed. The proposed revision includes language that requires a standardized datafile format, to be provided by the State Water Board. By providing acceptable templates, data received through the regulation will be significantly more usable and better enable the Division to manage California’s surface water resources. This change would also provide consistent and clear direction to diverters, who often are unsure of how to comply with the current regulation. While more prescriptive, the proposed change should ultimately result in more efficient, cost effective, and easier data submittals.

*This change affects sections 933(b)(2) and 934(d)(2) of the existing chapter 2.8 and section 935 of the revised chapter 2.8.*

1. **Redefining key terms:** Existing definitions were condensed and rewritten to avoid confusion. Specific examples include the definitions for “measuring device” and “measurement method” (which has been re-termed “measurement methodology”).  
   *This change affects section 931 of the existing and revised chapter 2.8.*
2. **Clarifying points of rediversion:** The existing SB 88 regulation does not make any explicit distinction between points of initial diversion and points of rediversion of previously diverted water. As a result, many diverters are measuring and reporting their rediversions while others are not. The draft revised regulation clarifies that rediversions should be clearly labeled to prevent double counting and also includes a provision allowing the deputy director to ask diverters to measure their rediversions if the data is necessary to better understand water availability.

*This change affects section 933(a)(4) of the revised chapter 2.8.*

1. **Identifying location of measurement:** The existing SB 88 regulation does not explicitly require diverters to identify the location of the measuring device. This information is necessary to determine where measured diversions occur, especially for diverters who have multiple points of diversion. Revisions proposed as part of this update would require each measuring device to be linked to a physical location, to the extent possible.

*This change affects sections 934 and 936(d) of the revised chapter 2.8.*

1. **Updating telemetry requirements:** The existing SB 88 regulation makes complex distinctions between which diverters are subject to telemetry and their reporting requirements. The draft revised regulation proposes to remove the streamflow percentage-based applicability criteria and the “June through September” qualifier for diverters with water rights to divert more than 30 cubic feet per second (cfs). Instead, water rights to divert 30 cfs at any time of the year would be subject to the draft revised regulation. This change would affect approximately 150 additional water rights, about 0.3% of all water rights in California, compared to the existing regulation. Additionally, the revision proposes to relax telemetry requirements so that provisional data can be more easily submitted.

*This change affects section 933(b)(4) of the existing chapter 2.8 and sections 932(b) and 935(f) of the revised chapter 2.8.*

1. **Expanding alternative compliance plan eligibility:** The existing SB 88 regulation has a set list of criteria that allow a diverter to submit and implement an alternative compliance plan (ACP). The draft revised regulation would expand the eligibility criteria for ACPs to allow additional flexibility for some diverters who otherwise would not be eligible.

*This change affects section 935(a) of the existing chapter 2.8 and section 936(a) of the revised chapter 2.8.*

1. **Expanding threshold adjustments:** Measurement frequency thresholds govern how often diverters need to collect data. The proposed revisions would allow the State Water Board to adjust thresholds for measurement frequency and telemetry after reviewing key information related to costs and need. The State Water Board could also raise the frequency thresholds above their current values to reduce the frequency at which some diverters need to measure. Under the existing SB 88 regulation, the Deputy Director can adjust telemetry thresholds but only through a complicated process of setting a streamflow percentage at which diverters need to telemeter. The draft revised regulation would instead allow the Deputy Director to directly adjust the volumetric or flow thresholds to remove confusion about which diverters are subject to telemetry.

*This change affects section 933(b)(4) of the existing chapter 2.8 and section 937 of the revised chapter 2.8.*

1. **Requiring an Email Address (Chapters 2 and 2.7):** Under the draft revised regulation, all water rights holders will be required to have an email address on file to access the State Water Board’s new online data reporting platform. This change will align regulatory text with new procedures for submitting reports on the platform.

*This change affects sections 830, 831 of chapter 2 and sections, 907, 910, 911, 913, 915, 916, 920, 924, 925, 929, and 930 of chapter 2.7.*

1. **Aligning Requirements with the Water Year (Chapter 2.7):** The draft regulation aligns the groundwater extraction and diversion measurement requirement with the water year, rather than with the calendar year, to match other water rights reporting schedules.

*This change affects section 930(b) of chapter 2.7.*

**Public Comments and Workshop**

The Division is seeking public comments on the draft proposed revised regulation. The Division will hold a public workshop at **10:00 a.m. on Wednesday November 13, 2024**, to discuss the regulation, answer questions, and receive oral comments. The deadline for written comments is **12:00 noon on Monday ~~November 25~~ December 2, 2024**. Please see the Notice of Staff Workshop on the [Water Measurement and Reporting Regulation Rulemaking website](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/rulemaking.html) for instructions to attend the workshop or submit comments. There will be additional future opportunities for the public to review and provide comment on the proposed regulation during the formal rulemaking process.

**Rulemaking Process**

The Division plans to submit a Notice of Proposed Rulemaking and associated documents to the California Office of Administrative Law (OAL) in late 2024 or early 2025, which will start the formal rulemaking process. After OAL publishes the Notice of Proposed Rulemaking in the [California Regulatory Notice Register](https://oal.ca.gov/california_regulatory_notice_online/), the public will have 45 days to review the regulation text and associated documents and submit written comments. The Division will also hold a public hearing as part of the rulemaking process. The Division will review all received comments and update the regulation text as appropriate. Once the regulation text is final, the State Water Board will consider adopting the regulation at a Board meeting. Once adopted, the regulation will go to OAL for review and approval. This process typically takes about 30 days, after which it will be filed with the California Secretary of State and become effective.

**Resources and More Information**

For additional information on the existing measuring and reporting regulation, visit the State Water Board’s [Water Measurement and Reporting Regulation website](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html). For more information on the rulemaking process, visit the [Regulation’s Rulemaking website](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/rulemaking.html). If you have any questions, please contact [DWR-Measurement@waterboards.ca.gov](mailto:DWR-Measurement@waterboards.ca.gov) or (916) 323-9393.

# Draft Proposed Regulation Text

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# Title 23. Waters

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

Amend Chapter 2.8, Sections 931 through 938 and add Section 939 to read as follows:

**Ch. 2.8 Measuring and Reporting**

1. **Definitions.**

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

* 1. “Annual report” refers to any of the following documents:
     1. Report of permittee or licensee, pursuant to sections 925 and 929 of this title, respectively;
     2. Report of registration and certificate holder, pursuant to section 924 of this title; or
     3. Supplemental statement of water diversion and use, pursuant to section 5104 of the Water Code.
  2. “Board” means the State Water Resources Control Board.
  3. “Claimed water right” means the legal entitlement or claim to divert a reasonable amount of water from a specified source for a beneficial, non-wasteful use. Such entitlement may be granted under a board-issued permit, license, registration, or stockpond certificate, or through a riparian or pre-1914 appropriative right claimed in a Statement of Water Diversions and Use that may or may not have been confirmed or adjudicated.
  4. “Data standard” means a set of rules that define how data are described, formatted, recorded, and shared.
  5. “Datafile” means an electronic and machine-readable file that contains the measurement data described in this chapter.
  6. “Delta” means the Sacramento-San Joaquin Delta as defined in section 12220 of the Water Code and the Suisun Marsh as defined in section 29101 of the Public Resources Code.
  7. “Deputy director” means the Deputy Director for the Division of Water Rights.
  8. “Diversion” has the same meaning as in section 5100 of the Water Code and includes direct diversion, diversion to storage, and rediversion of previously diverted water.
  9. “Diverter” means any of the following:
     1. Any person authorized to divert water under a permit, license, registration, or stockpond certificate;
     2. Any person required under Division 2, Part 5.1 of the Water Code to file a Statement of Water Diversions and Use; or
     3. To the extent authorized by federal law, the federal government for claimed water rights under permits, licenses, registrations, Statements of Water Diversions and Use, or non-reserved or reserved claimed water rights on file with the board.
  10. “Division” means the board’s Division of Water Rights.
  11. “Identification number” of a claimed water right means the unique alphanumeric value that starts with a letter followed by a minimum of six numeric characters and that identifies any of the following:
      1. Application number for a water right license, permit, or registration;
      2. Certificate number for a stockpond certificate; or
      3. Statement number for a claimed riparian or pre-1914 appropriative right submitted in a Statement of Water Diversions and Use.
  12. “Maximum allowable diversion amount” means any of the following:
      1. The maximum volume or flow rate of water that is authorized to be diverted in a twelve month reporting period under a permit, license, registration, or stockpond certificate;
      2. The initial or maximum volume or flow rate of water diverted in a twelve month reporting period under a pre-1914 claimed water right filed in a Statement of Water Diversions and Use; or
      3. The maximum historical or maximum anticipated volume or flow rate of water diverted in any twelve month reporting period for a claimed riparian right filed in a Statement of Water Diversions and Use.
  13. “Measure” or “measuring” means measuring and recording the measured value.
  14. “Measurement methodology” means the combination of all measuring devices and any accompanying methodology, including calculations, conversions, formulas, and quality assurance protocols, through which a diverter accounts for the volume and flow rate of water diverted under each claimed water right.
  15. “Measuring device” means a device or other means of measuring that either directly measures volume or flow rate or measures a different parameter that can be used to calculate volume and flow rate, such as velocity, water elevation, volume of water in storage, or electricity consumption or generation.
  16. “Online reporting platform” means a secure, internet-based software application designed to facilitate the submission, processing, management, and storage of reports, data, documents, or other information.
  17. “Point of diversion” means the location where water is diverted from its source. Points of diversion include points of direct diversion, points of diversion to storage, and points of rediversion of previously diverted water.
  18. “Point of rediversion of previously diverted water” or “point of rediversion” means the location where water that has previously been diverted is rediverted from a storage facility, natural stream, or from a water course where water is comingled with other claimed water rights.
  19. “Provisional data” means measurement data in a datafile that may not yet be fully processed or quality assured to meet the accuracy requirements of this chapter or to fully apportion measurement data to each claimed water right, and is therefore subject to change.
  20. “Qualified individual” means a person capable of installing and maintaining measuring devices or of implementing and verifying the accuracy of measurement methodologies and who meets the criteria described in subdivision (e) of section 934 of this title.
  21. “Quality assurance protocol” means any procedure or process used to ensure the quality of measurement data, including correcting for any known or suspected errors in the raw measurement data.
  22. “Rate” or “flow rate” means the volumetric flow rate, expressed in units of volume per unit of time, at which a volume of water passes a designated and calibrated observation point during a specific time period.
  23. “Raw measurement data” means the unaltered, numeric output from a measuring device, before any calculations, conversions, formulas, or quality assurance protocols have been applied.
  24. “Storage facility” means a pond, recreational pond, reservoir, aquifer or other underground storage site, stockpond, tank, or other facility used for storing water.
  25. “Threatened, endangered, or fully protected aquatic species” means a species that lives in water for at least one stage of its life and is a species listed as threatened or endangered pursuant to the Endangered Species Act, (16 U.S.C. §§ 1531-1544), or the California Endangered Species Act, (Fish and Game Code, §§ 2050-2097) or listed as fully protected pursuant to section 5515 of the Fish and Game Code.
  26. “Twelve month reporting period” means a water year beginning October 1 and ending the following September 30, consistent with subdivision (e) of section 907 of this title.

Authority cited: Sections 1058, 1840, and 1841, Water Code.

Reference: Sections 1841.5, and 5103, Water Code.

**931.5** **Authority of the Delta Watermaster.**

The Delta Watermaster may exercise all powers assigned to the deputy director under this chapter for any point of diversion located within the Delta. The deputy director may exercise these powers within the Delta during a vacancy in the position of Delta Watermaster or as authorized by the Delta Watermaster.

Authority cited: Sections 1058, 1840, and 1841, Water Code.

Reference: Section 85230, Water Code.

1. **Applicability.**
   1. General Applicability. This chapter applies to any diverter who meets any of the following criteria:
      1. Diverts water under a claimed water right that has a maximum allowable diversion amount greater than 10 acre-feet per year; or
      2. Diverts water under multiple claimed water rights that either divert from a shared point of diversion or to a shared storage facility, or that serve the same place of use, if the sum of the maximum allowable diversion amounts under such claimed water rights held by the same diverter is greater than 10 acre-feet per year.
   2. Telemetry Applicability. The telemetry requirements described in subdivision (f) of section 935 of this title apply to any diverter who meets any of the following criteria:
      1. Diverts water under a claimed water right that has a maximum allowable diversion amount greater than:
         1. 10,000 acre-feet per year; or
         2. 30 cubic feet per second at any time;
      2. Diverts water under multiple claimed water rights that divert from a shared point of diversion if the sum of the maximum allowable diversion amounts under such claimed water rights held by the same diverter is greater than either of the values described in subparagraphs (b)(1)(A) and (b)(1)(B) of this section; or
      3. Owns or operates a storage facility with a storage capacity greater than 10,000 acre-feet.

Authority cited: Sections 1058, 1840, and 1841, Water Code.

Reference: Section 13, 1846, and 5103, Water Code.

1. **Measuring and Accounting.**
   1. Measurement Parameters. For each claimed water right, diverters must measure the following:
      1. The date and time of measurement;
      2. The volume and rate of each of the following, as applicable:
         1. Water directly diverted;
         2. Water diverted to or collected to storage; and
         3. Water released or withdrawn from storage;
      3. Volume measurements described in this subdivision shall reflect the discrete volumes diverted in each measurement time interval and not the cumulative total volume; and
      4. Rediversions of Previously Diverted Water. If not already being measured pursuant to paragraph (a)(2) of this section, the deputy director may require a diverter to measure rediversions of previously diverted water if necessary to understand water supply, demand, or availability.
   2. Diverters may use any measuring device or combination of measuring devices along with an accompanying methodology to account for the parameters described in subdivision (a) of this section.
   3. Diverters may cooperate on a local or regional basis to collectively measure and account for the parameters described in subdivision (a) of this section, including diverters that collectively measure at a shared point of diversion and diverters that collectively measure at a location upstream of their respective delivery points. A diverter or group of diverters who collectively measures diversions under multiple claimed water rights shall account for the parameters described in subdivision (a) of this section for each separate claimed water right.
   4. Measurement Location. No delivery of water, use of water, or significant loss of water due to percolation and evaporation shall occur between the point of diversion and the measurement location unless such deliveries, uses, or losses are otherwise measured and/or accounted for.
   5. Measurement Frequency. Diverters must measure at the following frequencies:
      1. For a claimed water right with a maximum allowable diversion amount greater than 1,000 acre-feet per year, the diverter must measure on an hourly or more frequent basis.
      2. For a claimed water right with a maximum allowable diversion amount greater than 200 acre-feet per year, the diverter must measure on a daily or more frequent basis.
      3. For a claimed water right with a maximum allowable diversion amount greater than 50 acre-feet per year, the diverter must measure on a weekly or more frequent basis.
      4. For a claimed water right with a maximum allowable diversion amount greater than 10 acre-feet per year, the diverter must measure on a monthly or more frequent basis.
      5. For a single diverter with multiple claimed water rights to divert from a shared point of diversion or to a shared storage facility, or that serve the same place of use, the measurement frequencies described in this subdivision apply to the sum of the maximum allowable diversion amounts under the multiple claimed water rights.
      6. For a group of diverters that share a measurement methodology and have different measurement frequency requirements under this subdivision, the more stringent requirement shall control for all claimed water rights covered by the measurement methodology.
   6. Diverters must measure at the required measurement frequency for the entirety of the season of diversion or any period when diversions are occurring.
   7. Diverters must telemeter measurement data for each claimed water right that meets the telemetry applicability criteria described in subdivision (b) of section 932 of this title.
   8. Measurement Accuracy. For the purpose of this chapter, “accuracy” means the measured volume compared with the actual volume, expressed as a percentage. The percentage shall be calculated as 100 percent x (measured value of volume – actual value of volume) ÷ actual value of volume, where the actual value is determined through laboratory, design, or field-testing protocols and the measured value is the value determined by the measurement methodology.
      1. Diverters are responsible for ensuring that the measurement methodology is implemented, operated, and maintained to meet the accuracy standards of this subdivision:
         1. For measuring devices installed before January 1, 2016, measured values must be accurate to within ±15 percent.
         2. For measuring devices installed after January 1, 2016:
            1. For diverters who are required to measure their diversions on a daily or hourly basis as described in subdivision (e) of this section, measured values must be accurate to within ±10 percent.
            2. For diverters who are required to measure their diversions on a weekly or monthly basis as described in subdivision (e) of this section, measured values must be accurate to within ±15 percent.
            3. For claimed water rights that share a measurement methodology and have different accuracy requirements under this section, the more stringent requirement shall control for all claimed water rights covered by the measurement methodology.
      2. Diverters shall notify the board in writing within 30 days of detecting that the measurement methodology does not meet the accuracy requirements of this section. The notification shall include the diverter’s plan to take appropriate and timely corrective action to meet the accuracy requirements of this subdivision.
      3. If a measurement methodology fails to meet the accuracy requirements of this section, the diverter shall repair or replace any measuring device as necessary or otherwise correct the measurement methodology at the diverter’s own expense to meet such requirements.

Authority cited: Sections 1051, 1058, 1840, and 1841, Water Code.

Reference: Section 13, 1846, and 5103, Water Code.

1. **Measurement Methodology.**
   1. All submissions under this chapter shall be electronically submitted by the diverter or the diverter’s agent through an online reporting platform identified on the board’s website.
   2. Report of Measurement Methodology Content. Each diverter shall submit a report of measurement methodology containing the following information as applicable:
      1. Name and contact information, including email address, for:
         1. All participants in the measurement methodology;
         2. The primary contact person to represent all diverters covered by the measurement methodology in measurement matters; and
         3. The qualified individual who verified the accuracy of the measurement methodology;
      2. Identification number of each claimed water right covered by the measurement methodology;
      3. Description of the measurement methodology and how it is implemented to derive the data submitted under section 935 of this title from the raw measurement data, including:
         1. Identification of each measurement location, if applicable;
         2. An explanation of any quality assurance protocol used to ensure the quality of the measurement data;
         3. The conversion method or formula used to convert the measurement data to the volume and rate parameters described in subdivision (b) of section 935 of this title, including:
            1. For a measuring device that measures flow rate only, the conversion method shall describe the protocol used to record the duration of operation where volume is derived by the following formula: volume = (flow rate) x (duration);
            2. For a measuring device that measures volume only, the conversion method shall describe the protocol used to determine the duration of operation, where flow rate is derived by the following formula: flow rate = (volume) ÷ (duration);
            3. For a measuring device that measures water velocity only, the conversion method shall describe the protocol used to determine the cross-sectional area of flow and the duration of operation, where volume and flow rate are derived by the following formulas: volume = (velocity) x (cross-sectional flow area) x (duration) and flow rate = (velocity) x (cross‑sectional flow area); and
            4. For a measuring device that measures water elevation at the point of measurement, electricity consumption, electricity generation, or any other parameter, the conversion method shall describe the methodology or formula used to determine the flow rate at the point of measurement and the volume of water diverted;
         4. A description of the methodology used to distinguish and apportion diversion measurements to each claimed water right covered by the measurement methodology;
            1. For a group of diverters covered by the same measurement methodology, the methodology for apportioning diversion measurements to each claimed water right may include calculations based on the approximate percentage of water diverted under each claimed water right;
            2. For a diverter with multiple claimed water rights covered by the same measurement methodology, the methodology for apportioning diversion measurements to each claimed water right may include calculations to allocate diversion amounts according to the priority date of each claimed water right;
            3. For a diversion that the diverter attributes to multiple claimed water rights and/or a combination of contract deliveries and claimed water rights, the methodology shall identify these and apportion diversion measurements between them if possible. In these instances, the total diversion amount shall meet the accuracy requirements of subdivision (h) of section 933 of this title, but any individual apportionment may be an approximation; and
         5. A description of the methodology used to distinguish measurements for different types of diversion, if not measured individually, including direct diversion, diversion to or collection to storage, withdrawal or release from storage, and rediversion of previously diverted water, as applicable. The methodology for apportioning diversion measurements according to type of diversion may include calculations based on the approximate percentage of water directly diverted, diverted to or collected to storage, withdrawn or released from storage, or rediverted;
      4. A certification by a qualified individual that the measurement methodology meets the requirements of this chapter.
   3. Diverters shall submit a report of measurement methodology to the board before February 1, 2026.
   4. Diverters shall submit a revised report of measurement methodology to the board within 30 days of implementing any changes to a previously submitted report of measurement methodology or within 30 days of a request by the division.
   5. Qualified Individual. For the purposes of this chapter, “qualified individual” means:
      1. For a claimed water right to divert more than 200 acre-feet per year, any of the following:
         1. A California-registered Professional Engineer or a person under the supervision of a California-registered Professional Engineer who is employed to install, operate, and maintain measuring devices or implement and verify the accuracy of measurement methodologies;
         2. A California-licensed contractor authorized by the State License Board for C-57 well drilling or C-61 Limited Specialty/D-21 Machinery and Pumps;
         3. In the case of a claimed water right owned by an agency of the federal government, a hydrologist or professional engineer experienced and trained in water measurement who is employed by the federal agency in that capacity; or
         4. A diverter, or employee or agent of a diverter, who has completed an instructional course described in section 1841.5 of the Water Code and who is installing and maintaining measuring devices or implementing measurement methodologies for the diverter’s own diversion.
      2. For a claimed water right to divert 200 acre-feet per year or less, a person trained and experienced in water measurement and reporting. This may include the diverter, the diverter’s employee or agent, or a person who meets any of the criteria described in paragraph (e)(1) of this subdivision.
   6. Diverters must register their measuring device within 30 days of installing or replacing a measuring device, or within 30 days of a request by the division. Diverters must update their measuring device registration within 30 days of recalibrating or changing the location of the measuring device. Diverters shall register each measuring device included in the measurement methodology by submitting the following information, as applicable:
      1. Make, model number, and location of the measuring device;
      2. Type of measuring device, such as inline flow meters, submerged orifice gates, rectangular weirs, v-notch weirs, broad crested weirs, or other class of device designed to perform a similar function;
      3. Make, model number, and type of the recording device, if different from the measuring device;
      4. Units of measurement;
      5. Certification of accuracy;
      6. Dates of installation and most recent calibration;
      7. Contact information for the qualified individual who installed and calibrated the measuring device; and
      8. Identification number of each claimed water right that uses the measuring device or recording device.
   7. Implementation. Each measurement methodology submitted in accordance with this section shall be timely implemented and meet the following requirements:
      1. Measuring devices may only be installed and calibrated by a qualified individual meeting the requirements of subdivision (e) of this section.
      2. All new measuring devices and measurement infrastructure shall be installed in a manner and location that does not result in a serious or major disturbance to an environmental or public trust resource and avoids exception criteria listed in title 14, section 15300.2 of the California Code of Regulations.
   8. Evidence of Proper Functioning. Diverters shall submit evidence or other documentation to the board verifying that each measuring device included in the measurement methodology is functioning properly and that the measurement methodology meets the accuracy requirements described in subdivision (h) of section 933 of this title. Such evidence may include, but is not limited to, calibration reports, laboratory certification documentation, field-test reports, or an affidavit or declaration of a qualified individual documenting the accuracy and proper functioning of the measurement methodology.
      1. Evidence or other documentation of proper functioning shall be submitted upon installation of a measuring device and at least once every five years thereafter, and upon request by the division.
      2. A qualified individual shall certify that all evidence or other documentation of proper functioning submitted in accordance with this section is accurate to the best of their knowledge.
   9. Review and Verification. The division may review any measurement methodology and request additional information to support a measurement methodology.
      1. The division may conduct a field inspection or request additional information from the diverter to determine if all measuring devices have been properly installed and if the measurement methodology has been properly implemented to meet the requirements of this chapter.
      2. The diverter shall make all measuring devices reasonably available and accessible for inspection upon request. Failure to provide such reasonable access is a violation of this regulation.
      3. The division may require changes or modifications to a measurement methodology to meet the requirements of this chapter or to correct a deficiency and may reject any measurement methodology that fails to meet the requirements of this chapter.
      4. For a measurement methodology that does not include installation of a measuring device at each point of diversion, the division may require the diverter to install a measuring device at each point of diversion within 90 days if identified deficiencies in the measurement methodology are not timely corrected, or if the measurement methodology is rejected.
      5. The division shall notify the diverter in writing if the measurement methodology has been rejected. Any measurement methodology submitted in accordance with this section shall be considered provisionally accepted unless the division has rejected the measurement methodology.
      6. The measurement methodology shall be rejected if it violates any requirement of any contract, policy, order, decision, judgement, determination, or other regulatory requirement of the board, a Regional Water Quality Control Board, other state or federal agency, or a court.
      7. Incomplete measurement methodology documentation or documentation that does not meet the minimum standards of this section shall not relieve the diverter of fully meeting the requirements of this chapter.

Authority cited: Sections 1058 and 1841, Water Code.

Reference: Section 13, 183, 1051, 1840, 1841.5, 1846, and 5103, Water Code.

1. **Submitting Measurement Data.**
   1. Diverters must submit measurement data to the board. Measurement data shall be submitted in a datafile, as described in subdivision (b) of this section, and shall be accompanied by any supplementary materials described in subdivision (d) of this section.
   2. Datafile Contents. Datafiles submitted under this section shall include diversion measurement data as follows:
      1. Datafiles must include the required measurement data described in subdivision (a) of section 933 of this title and recorded at the required frequency and accuracy described in subdivisions (e) and (h), respectively, of section 933 of this title.
      2. The values included in each datafile shall reflect data measured at each point of diversion. For a claimed water right with multiple points of diversion, a separate datafile shall be submitted for each point of diversion.
      3. The values included in each datafile shall reflect data for the claimed water right being reported. For a diverter or group of diverters that collectively measures diversions under multiple claimed water rights, a separate datafile shall be submitted for each claimed water right.
      4. The datafile shall distinguish values corresponding to rediversions of previously diverted water.
   3. Datafile Submission Process. Diverters must submit datafiles by either of the following processes:
      1. Submitting a machine-readable datafile using a template provided by the board; or
      2. Transmitting measurement data directly to the board’s online reporting platform using the data standard provided by the board.
   4. Submission of Supplementary Materials. For any methodology component, such as a calculation, conversion method, formula, or quality assurance protocol, that is used to derive the data included in each datafile under subdivision (b) of this section and that is not already described in the report of measurement methodology submitted to the board, diverters shall submit an explanation of the methodology component as a supplement to their datafile.
   5. Data Submission Schedule. Diverters must submit datafiles and required supplementary materials to the board as follows:
      1. Annually, as specified in chapter 2.7 of division 3 of this title; and
      2. Within 30 days of any request by the division.
   6. Telemetry Requirements. For each claimed water right that meets the telemetry applicability criteria described in subdivision (b) of section 932 of this title, diverters must submit telemetered measurement data to the board as follows:
      1. Telemetered measurement data must include the same information described in subdivision (b) of this section.
      2. Telemetry Submission Process. Diverters must submit telemetered measurement data using either of the processes described in subdivision (c) of this section.
      3. Telemetry Submission Schedule. Diverters must submit telemetered measurement data on a weekly basis, at minimum.
      4. Provisional data may be submitted for the purpose of meeting the telemetry requirements described in this subdivision, so long as the provisional data are clearly labeled.
      5. Telemetry requirements described in this subdivision are in addition to the datafiles and supplementary materials that must be submitted in accordance with this section.
   7. Data Retention. Diverters must maintain records of the following, as applicable, for a period of not less than 10 years:
      1. Datafiles and supplementary materials submitted under this section; and
      2. Raw measurement data from each measuring device.

Authority cited: Sections 1051, 1058, 1840, and 1841, Water Code.

Reference: Section 13, 1846, and 5103, Water Code.

1. **Alternative Compliance with Measuring and Reporting Requirements.**
   1. Eligibility. Diverters may submit an alternative compliance plan to measure and account for the parameters described in subdivision (a) of section 933 of this title, in circumstances where strict compliance with the requirements of this title is not feasible, would be unreasonably expensive, would unreasonably affect public trust uses, would result in the waste or unreasonable use of water, is met by another person, agency, or organization, or is not appropriate.
   2. An alternative compliance plan may cover a single diverter or a group of diverters.
   3. An alternative compliance plan may cover a claimed water right that is used only for power generation or other non-consumptive beneficial use such as fish and wildlife preservation and enhancement or recreation.
   4. Alternative Compliance Plan Content. Each alternative compliance plan shall be submitted through the board’s online reporting platform and contain the following information, at a minimum:
      1. The name and contact information, including email address, for:
         1. All participants covered by the alternative compliance plan;
         2. The primary contact person to represent all diverters covered by the alternative compliance plan in measurement matters; and
         3. The qualified individual who certified that the alternative compliance plan meets the requirements of this chapter;
      2. Identification number of each claimed water right covered by the alternative compliance plan;
      3. Detailed description of the area covered by the alternative compliance plan, including all of the following:
         1. All points of diversion and how water is diverted at those points and conveyed to the place of use;
         2. Total acreage included in the alternative compliance plan, if applicable;
         3. Assessor’s parcel number and ownership within the area covered by the alternative compliance plan; and
         4. A map or aerial photograph that clearly shows the area covered by the alternative compliance plan. Each place of use, point of diversion, and measurement location for each claimed water right covered by the alternative compliance plan must be clearly labeled;
      4. Description of how the proposed alternative methodology generally complies with the requirements of the chapter, including:
         1. An explanation of how an alternative compliance approach is more efficient or effective than strict compliance with the measuring, reporting, and any applicable telemetry requirements of sections 933 through 935 of this title;
         2. Identification of the proposed measurement frequency and accuracy;
         3. A description of the proposed measurement methodology, including any measuring devices or alternative means of accounting for the required measurement parameters, measurement location, and calculations, conversion methods, formulas, and quality assurance protocols that are used to derive the data submitted to the board from the raw measurement data;
         4. A description of the proposed methodology to distinguish and apportion diversion measurements to each claimed water right covered by the alternative compliance plan;
         5. If applicable, including for measurements using remote sensing, a description of the methodology used to account for any water losses between the point of diversion and the measurement location, including water losses due to percolation or evaporation; and
         6. A description of implementation and implementation schedule with date-specific, objective milestones from the date of filing the alternative compliance plan through final implementation;
      5. An affirmation, signed by all diverters covered by the alternative compliance plan, that the alternative compliance plan will be implemented in accordance with the schedule contained therein; and
      6. A certification by a qualified individual that the alternative compliance plan meets the requirements of this chapter to the best of their knowledge.
   5. Any measuring devices included in the alternative compliance plan shall be registered with the board in accordance with subdivision (f) of section 934 of this title. For alternative compliance plans that do not use any measuring devices, diverters shall indicate when submitting measurement data that no measuring devices were used.
   6. Alternative compliance plans shall be submitted to the board before February 1, 2026.
   7. Alternative compliance plans received pursuant to this section will be posted on the board’s website with the opportunity for comment by any interested party.
   8. Implementation. An alternative compliance plan submitted in accordance with this section shall be implemented according to the schedule described in the alternative compliance plan, unless otherwise directed by the division.
   9. Any alternative compliance plan submitted to the board in accordance with this section shall be considered provisionally accepted unless the division has rejected the alternative compliance plan. The division shall notify the diverter in writing if the alternative compliance plan has been rejected.
   10. Data Submission. Diverters shall submit measurement data in a datafile in accordance with section 935 of this title or in accordance with an alternative submission process described in the alternative compliance plan. For any methodology component such as a calculation, conversion method, formula, or quality assurance protocol, that is used to derive the data included in each datafile and that is not already described in the alternative compliance plan, diverters shall also submit an explanation of the methodology component as a supplement to their datafile. For each claimed water right that meets the telemetry applicability criteria described in subdivision (b) of section 932 of this title, diverters must submit telemetered measurement data to the board in accordance with subdivision (f) of section 935 of this title or in accordance with an alternative submission process described in the alternative compliance plan.
   11. Submission Schedule. Diverters must submit the data and any supplementary materials described in subdivision (j) of this section in accordance with the data and telemetry submission schedules described in section 935 of this title or in accordance with an alternative submission schedule described in the alternative compliance plan.
   12. Review. The division may review any alternative compliance plan and request additional information to support the alternative compliance plan.
       1. The division may require the diverter to submit evidence that an alternative compliance plan has been implemented in accordance with the proposed schedule.
       2. The division may require changes or modifications to any alternative compliance plan to meet the requirements of this chapter or to correct a deficiency and may reject any alternative compliance plan that fails to meet the requirements of this chapter.
       3. The division may conduct a field inspection or request additional information from the diverter to determine if any alternative compliance plan has been properly implemented and meets the requirements of this section.
       4. A decision or order issued under this section is subject to reconsideration under article 2 (beginning with section 1122) of chapter 4 of part 1 of division 2 of the Water Code, and all applicable sections of this title.
       5. Incomplete alternative compliance plans and alternative compliance plans that do not meet the minimum requirements of this section shall not relieve the diverter of the requirement to fully comply with this chapter.
   13. Diverters shall submit a revised alternative compliance plan to the board within 30 days of implementing any changes or modifications to the methodology, area, or participants included in a previously submitted alternative compliance plan.
   14. The alternative compliance plan may remain in effect until cancelled, updated, or otherwise modified by the diverter, or rejected by the division. Diverters must review their alternative compliance plan every five years and confirm that there are no proposed changes with the alternative compliance plan as submitted.
   15. The alternative compliance plan will become ineffective if the division has notified the diverter in writing that the alternative compliance plan has been rejected.
   16. The division may reject an alternative compliance plan for failure of the diverter to implement a previous alternative compliance plan according to its schedule, or for failure of a previous alternative compliance plan to achieve the required accuracy.

Authority cited: Sections 183, 1051, 1058, 1840, and 1841, Water Code.

Reference: Sections 13, 1122, 1123, 1841.5, 1846, and 5103, Water Code.

1. **Temporary Exemption from Measurement.**
   1. Diverters must complete and submit annual reports in accordance with chapter 2.7 of this title, regardless of whether they are subject to or exempted from any of the requirements under this chapter.
   2. No Diversion During the Twelve Month Reporting Period. The diverter is not required to submit a datafile or any of the supplementary materials described in subdivisions (b) and (d), respectively, of section 935 of this title if no diversions are made under their claimed water right during the entirety of the twelve month reporting period.
      1. Diverters pursuing a temporary exemption under this subdivision must indicate in the associated annual report for the claimed water right that no diversion was made.
      2. The submission requirements described in section 935 of this title shall be reinstated for a claimed water right for any twelve month reporting period during which a diversion occurs.
   3. Destruction of Diversion Infrastructure. If a natural disaster, emergency, or other unforeseen circumstance destroys the diversion infrastructure or diversion equipment, or otherwise prevents any diversion under the claimed water right, the diverter is not required to submit a datafile or any supplementary materials described in subdivisions (b) and (d) of section 935 of this title for the portion of the twelve month reporting period in which the diversion was inoperable.
      1. The diverter must indicate in the associated annual report for the affected claimed water right when the diversion was inoperable.
      2. All requirements of this chapter shall be reinstated upon resumption of diversion.
   4. Destruction of Measuring Device or Measurement Infrastructure. If a natural disaster or other catastrophic event results in the destruction of measuring devices or measurement infrastructure, or otherwise prevents measurement of the diversion under the claimed water right, the diverter may request a temporary exemption from the measuring and telemetry requirements of sections 933 and subdivision (f) of section 935 of this title, respectively.
      1. Any temporary exemption requested under this subdivision must be submitted in writing to the board within 30 days of the measurement infrastructure or measuring device becoming inoperable and must describe the reason for the request and a timeline in which the measurement infrastructure or measuring device will be repaired or replaced and become operational.
      2. The division may approve or reject any temporary exemption request on a case-by-case basis. If the division does not issue a written notice of approval or rejection within 30 days of receipt of the temporary exemption request, the temporary exemption request shall be presumed to be provisionally approved until such time when a written notice of approval or rejection is issued, up to a maximum of 180 days from the date the temporary exemption request was submitted.
      3. Upon approval of a temporary exemption request, the diverter is not required to meet the measuring requirements described in section 933 of this title or the telemetry requirements described in subdivision (f) of section 935 of this title for up to 180 days after the measurement infrastructure or measuring device became inoperable.
      4. The diverter must indicate in the associated annual report for the affected claimed water right when the measurement infrastructure or measuring device was inoperable and provide estimates of the values described in subdivision (b) of section 935 of this title for diversions that occurred during the period of inoperability.
      5. The diverter may submit a written request to extend the temporary exemption for up to an additional 180 days. Any such request must include an explanation for the time extension and a timeline in which the measurement infrastructure or measuring device will be operational. The division may approve or reject any time extension requests for temporary exemptions on a case-by-case basis.
      6. All requirements of this chapter shall be reinstated 180 days after the measurement infrastructure or measuring device became inoperable, or after any time extension approved in accordance with paragraph (d)(5) of this section.
      7. The diverter is required to meet all requirements of this chapter if the temporary exemption request is denied.

Authority cited: Sections 1058, 1840, and 1841, Water Code.

Reference: Section 13, 1846, and 5103, Water Code.

1. **Threshold and Submission Schedule Adjustment.**
   1. For the purpose of this chapter, “threshold” means the numeric value above which a particular requirement of this chapter applies and at or below which it does not apply. Thresholds may refer to the general applicability threshold or telemetry thresholds described in section 932 of this title, or the measurement frequency thresholds described in subdivision (e) of section 933 of this title.
   2. For the purpose of this chapter, “submission schedule” means the submission frequency and associated dates by which datafiles, supplementary materials, or telemetry data must be submitted. Submission schedules may refer to the data submission schedule described in subdivision (e) of section 935 of this title or the telemetry submission schedule described in paragraph (f)(3) of section 935 of this title.
   3. The deputy director may issue orders to adjust the general applicability, telemetry, or frequency thresholds, or the data or telemetry submission schedules within a watershed or subwatershed.
   4. The deputy director may raise the general applicability threshold consistent with paragraph (b)(2) of section 1840 of the Water Code but shall not lower the general applicability threshold in a watershed or subwatershed to be any value below 10 acre-feet per year.
   5. For diverters not subject to telemetry requirements, the deputy director shall not lower the frequency thresholds in a watershed or subwatershed below the following:
      1. 1,000 acre-feet per year for hourly measurements;
      2. 100 acre-feet per year for daily measurements; or
      3. 10 acre-feet per year for weekly measurements.
   6. The deputy director shall provide notice and opportunity for comment before adjusting the telemetry or frequency thresholds or the submission schedules in a watershed or subwatershed.
   7. The deputy director may adjust a threshold or submission schedule after considering:
      1. The total volume of water diverted per month in relation to the total volume of water available per month within the watershed or subwatershed;
      2. The requirements of any policy, decision, or order of the board or a court;
      3. The need for diversion measurement information in evaluating how the diversions impact public trust resources or water availability. The deputy director may require submission of documentation on the nature and scope of diversions in the watershed before issuing the order;
      4. Any relevant information submitted by affected diverters, federal, state, local, or tribal governments, or other interested parties regarding a proposed adjustment;
      5. The cost of meeting the requirements of this chapter in relation to the benefits of the additional diversion measurement information at a specific threshold or submission schedule; and
      6. Whether a proposed adjustment will unreasonably injure public trust resources or threatened, endangered, or fully protected aquatic species.
   8. The deputy director has the discretion to allow diverters to submit provisional data for submission schedules that have been adjusted to require more frequent data submission than the data submission schedule described in subdivision (e) of section 935 of this title. Provisional data must be clearly labeled. For datafiles that are submitted with an annual report, the measurement data shall not be provisional.
   9. Any order to adjust a threshold or submission schedule shall remain in effect for a period not to exceed five years, after which the order may be renewed. If changing conditions warrant, the deputy director may modify or cancel the adjustment.
   10. The deputy director shall maintain and post on the board’s website a list of thresholds and submission schedules for watersheds or subwatersheds where the threshold or submission schedule is different from the default value established in this chapter.
   11. A decision or order issued under this section by the deputy director is subject to reconsideration under article 2 (beginning with section 1122) of chapter 4 of part 1 of division 2 of the Water Code, and all applicable sections of this title.

Authority cited: Sections 1051, 1058, 1840, and 1841, Water Code.

Reference: Section 13, 1122, 1123, 1846, and 5103, Water Code.

1. **Compliance.**
   1. Failure to timely repair, replace, or otherwise correct deficiencies of a measurement methodology or alternative compliance plan that does not meet the requirements of this chapter is a violation of this regulation.
   2. Failure to timely implement, maintain, or verify the accuracy of a measurement methodology or alternative compliance plan, or otherwise meet the requirements of this chapter is a violation subject to civil liability up to the maximum per day penalty pursuant to section 1846 of the Water Code.
   3. Conflicting Requirements. Any person with a permit, license, registration, stockpond certificate, or claimed water right identified in or subject to a legal action or requirement, including but not limited to a statute, order, policy, regulation, decision, judgement or probationary designation of the board, a Regional Water Quality Control Board, or a court, must meet the terms and conditions of the permit, license, registration, stockpond certificate, or legal action or requirement in addition to the requirements of this chapter. If there is any conflict or inconsistency between any legal requirement and the requirements of this chapter, then the more stringent requirement shall control in each instance.
   4. Nothing in this chapter shall be construed to limit or modify the board’s authority to obtain information under any other lawful authority.

Authority cited: Sections 1058, 1840, and 1841, Water Code.

Reference: Sections 13 and 1846, Water Code.

# 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 Address-Notices

Amend Section 830 to read as follows:

**§ 830. Procedure on Change of Address.**

Parties interested in applications, permits, and licenses shall promptly advise the board of changes of address. Whenever a notice is required by law or these regulations to be sent to a party, such notice will be mailed or emailed to the party at the most recent address supplied to the board by or on behalf of such party unless a different procedure is expressly required by law.

Authority cited: Section 1058, Water Code. Reference: Sections 1250, 1302, 1303, 1304, 1320, 1321 and 1322, Water Code.

# 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 Address-Notices

Amend Section 831 to read as follows:

**§ 831. Notice to Board of Changes in Ownership.**

* 1. Within 30 days following the transfer of rights under an application, permit, license, or registration, either the transferor (previous owner), the transferee (new owner), or their respective agents shall notify the board by electronically submitting change of ownership information on the board's online reporting platform. Following receipt of the change of ownership information, the board will send notices and correspondence concerning the application, permit, license, or registration to the transferee (new owner).
  2. Change of ownership information shall include the following:
     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 information 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 information and date of signature.
  3. Following those 30 days, and for each day thereafter until the change of ownership information 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.

Authority cited: Sections 348(a) and 1058, Water Code. Reference: Sections 1055, 1228.5, 1228.6, 1250, 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 907 to read as follows:

**§ 907. Definitions.**

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

* 1. “Board” means the State Water Resources Control Board.
  2. “Board's website” means [www.waterboards.ca.gov](http://www.waterboards.ca.gov).
  3. “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.
  4. “Online reporting platform” means a secure, internet-based software application designed to facilitate the submission, processing, management, and storage of reports, data, documents, or other information.
  5. “Reports” refers to the following documents:
     1. Supplemental Statements of Water Diversion and Use, 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, a “Notice of Extraction and Diversion of Water” on the board’s online reporting platform.
  6. “Twelve month reporting period” means a water year beginning October 1 and ending the succeeding September 30.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 1228.6, 1395, 1396, 1397, 1840, 4999, 5001 and 5105, 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 910 to read as follows:

**§ 910. Purpose.**

The regulations contained in this chapter are adopted for the purpose of implementing and carrying out provisions of Chapter 2.7 of Division 1 of the Water Code and Parts 2, 5, 5.1 and 5.2 of Division 2 of the Water Code. The regulations identify requirements for the mandatory electronic filing of reports on the board's website. Reports subject to mandatory electronic filing include: supplemental statements of water diversion and use, Water Right Progress Reports by Permittees, Reports of Licensees, Reports of Registration and Certificate Holders, Notices of Groundwater Extraction and Diversion, Reports of Groundwater Extraction, and reports filed by watermasters pursuant to Water Code section 5101, subdivisions (d) and (e).

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 1840, 5101, 5103 and 5104, 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 911 to read as follows:

**§ 911. Construction.**

* 1. To the extent authorized by federal or tribal law, this chapter applies to an Indian tribe or the federal government and any reports filed by the Indian tribe or federal government for rights claimed under permits, licenses, registrations, statements of water diversion and use, stockpond certificates, and non-reserved and reserved rights on file with the board.
  2. Nothing in this chapter shall be construed to limit or modify the board's authority to obtain information under any other lawful authority.

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a), 1840, 1846, 5101, 5103 and 5104, 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

Add Section 913 to read as follows:

**§ 913. Electronic Submission of Reports.**

* 1. Reports shall be electronically submitted through an online reporting platform identified on the board’s website, except as permitted under subdivision (c) of this section.
  2. An email address is required to login to the online reporting platform in order to submit reports.
  3. If the online reporting platform does not allow submitting a report, the report may instead be electronically submitted on forms available on the board's website.

Authority cited: Sections 348(a) and 1058, Water Code. Reference: Sections 1055, 1228.5, 1228.6, 1250, 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 2. Declaration of Policy

Amend Section 915 to read as follows:

**§ 915. Changes in Contact Information of Owners, Diverters, or Agents.**

* 1. 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 electronically submitting the contact information update on the board's online reporting platform.
  2. The contact information update 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.
  3. 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 supplemental statement of change information on the board's online reporting platform.
  4. The supplemental statement of change information shall include the following:
     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.
  5. Following those 30 days, and for each day thereafter until the applicable change information is submitted, the owner or diverter may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1228.6, 1055, 1840 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 2. Declaration of Policy

Amend Section 916 to read as follows:

**§ 916. Request for Additional Time.**

A diverter may submit a request for additional time to comply with the provisions of this chapter on the board's online reporting platform. The Deputy Director for the Division of Water Rights may grant such requests upon a showing of good cause.

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a) and 1840 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 920 to read as follows:

**§ 920. Supplemental Statements of Water Diversion and Use.**

* 1. Supplemental statements of water diversion and use shall be submitted online through online reporting platform accessible through the board's website before each February 1 after the close of the prior twelve month reporting period, or more frequently as directed under section 917.
  2. Within 30 days following the transfer of a right or claim which is subject to Water Code section 5101, either the transferor (previous holder/diverter) or the transferee (new holder/diverter) shall notify the board by electronically submitting the supplemental statement of change information on the board’s online reporting platform.
  3. Following those thirty days, and for each day thereafter until the supplemental statement of change information is submitted, the transferee (new holder/diverter) may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.
  4. Following electronic submission of the supplemental statement of change information, the board will send notices of correspondence to the transferee (new holder/diverter). Submitting the supplemental statement of change information does not eliminate the requirement to submit supplemental statement of water diversion and use information.
  5. The supplemental statement information shall include the following:
     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:
        1. irrigation, including crop type and acreage;
        2. frost protection, including acres covered;
        3. heat control, including acres covered;
        4. industrial, including type of activity;
        5. stock watering, including number and type of animals;
        6. municipal, including approximate population served, and seven digit public water system number or other identifier;
        7. domestic, including number of persons served, lawn or garden area, and seven digit public water system number or other identifier, if applicable;
        8. power generation, including installed capacity in kilowatts, megawatts or horsepower;
        9. recreational, including boating, fishing or other water sports;
        10. 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.
     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.
  6. 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.
  7. 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.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1055, 1840, 1846, 5100, 5101, 5103 and 5104, 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 924 to read as follows:

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

* 1. Reports of registration and certificate holders shall be filed annually 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 the board's online reporting platform. 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.
  2. 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.
  3. 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.
  4. Compliance with the applicable reporting requirements of this chapter and Section 831 during the five-year renewal period satisfies the reporting requirement for renewal of registrations pursuant to subdivision (b) of section 1228.5 of the Water Code.

# Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a), 1226.1, 1226.2, 1228.2, 1228.3, 1228.5, 1228.6, 1840 and 1846, Water Code.

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Amend Section 925 to read as follows:

**§ 925. Progress Reports by Permittee.**

* 1. 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.
  2. Annual progress reports by permittees shall be filed before February 1 after the close of the twelve month reporting period on the board’s online reporting platform. 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.
  3. 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:
        1. irrigation, including crop type and acreage;
        2. frost protection, including acres covered;
        3. heat control, including acres covered;
        4. industrial, including type of activity;
        5. stock watering, including number and type of animals;
        6. municipal, including approximate population served, and seven digit public water system number or other identifier;
        7. domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;
        8. power generation, including installed capacity in kilowatts, megawatts or horsepower;
        9. recreational, including boating, fishing or other water sports;
        10. 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.
  4. 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.
  5. 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.

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

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# Article 2. Declaration of Policy

Amend Section 929 to read as follows:

**§ 929. Reports of Licensee.**

* 1. 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.
  2. Reports of licensee shall be filed annually before February 1 after the close of the twelve month reporting period on the board’s online reporting platform. 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.
  3. 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:
        1. irrigation, including crop type and acreage;
        2. frost protection, including acres covered;
        3. heat control, including acres covered;
        4. industrial, including type of activity;
        5. stock watering, including number and type(s) of animals;
        6. municipal, including approximate population served, and seven digit public water system number or other identifier;
        7. domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;
        8. power generation, including installed capacity in kilowatts, megawatts or horsepower;
        9. recreational, including boating, fishing or other water sports;
        10. 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.
  4. 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.
  5. 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.

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

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Amend Section 930 to read as follows:

**§ 930. Notices of Extraction and Diversion.**

* 1. 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 before February 1 of the year after the twelve month reporting period, on the board’s online reporting platform. A failure to file an annual notice of groundwater extraction and diversion is considered non-use of water.
  2. The report shall include the following information:
     1. Type of diversion;
     2. Amount of groundwater extracted during the twelve month reporting period;
     3. Amount of surface water diverted and used, if applicable;
     4. Method of measurement;
     5. Supplemental information, if applicable.
  3. 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.
  4. 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.
  5. 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.

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.