

# **Initial Statement of Reasons - Addendum**

## **DIVISION 3, CHAPTERS 2, 2.7, AND 2.8**

### **Title 23, California Code of Regulations**

May 2025

## **Purpose and Necessity of Proposed Changes**

The State Water Resources Control Board (State Water Board or Board) made changes to the regulation text in response to comments received during the public hearing and public comment period.

### **Chapter 2: Appropriation of Water**

There were no subsequent changes to this chapter.

### **Chapter 2.7: Water Diversion and Use Reports**

**907(d)** The definition of “online reporting platform” was revised to be consistent with chapter 2.8.

**913(a)** An erroneous reference to subdivision (c) was removed.

**925(c)** Changed reference from section 933 to chapter 2.8 to be consistent with other proposed regulation text updates.

**929(c)** Changed reference from section 933 to chapter 2.8 to be consistent with other proposed regulation text updates.

### **Chapter 2.8: Measuring and Reporting**

**Title:** The title was changed from “Ch. 2.8 Measuring and Reporting” to “Ch. 2.8 Water Measurement” in order to avoid confusion with the annual water rights reporting requirements. This is a change without regulatory impact.

#### **Various Sections and Subdivisions:**

Changes that occur throughout chapter 2.8 and affect more than a single section are described here in lieu of repeated explanation in each subdivision of the regulation.

- Section, subdivision, and paragraph numbering may have been changed to account for sections, subdivisions, and paragraphs that were moved, deleted, or added. Such changes may also affect internal cross references. Such formatting changes are generally not described below, as they are not substantive changes.
- The word “shall” was replaced with “must” or “will”, as appropriate, to clarify requirements.
- Various terms were refined and updated throughout the regulation for clarity and consistency. Examples include:
  - “Raw measurement data” was re-termed as “raw device output”

- “Datafile” was re-termed as “general measurement datafile” to unambiguously distinguish these submissions from “large diversion submissions”
- Diverters are currently collecting measurement data in accordance with the existing regulation. The proposed amendments will likely become effective before the submission deadline for data collected during water year 2025, which may cause confusion for diverters about what data they should submit since the existing regulation text would have been replaced with the proposed amendments. The State Water Board updated the proposed revisions to clarify that data collected in accordance with the existing regulations should be submitted in accordance with the existing regulations. The existing regulations’ data submission requirements are reproduced in sections 939.1 through 939.6 with minor revisions for clarity. Various sections and subdivisions refer to section 939.1 through 939.6 to clarify requirements for water year 2025.

### Section 931: Definitions

The parenthetical “(chapter 2.8)” was added for clarity.

Water Code section 5104 was added as a reference for this section.

**931(d) (*deleted*)** The definition of “data standard” and all references to the term were deleted from the proposed regulation text because the proposed definition did not improve clarity and was not necessary for understanding requirements under the regulation.

**931(f)** Recognizing that agents often submit reports and measurement data on behalf of diverters, the definition of “diverter” was updated to include employees or agents for the purpose of submitting documents to the Board.

**931(h)** The definition of “identification number” was amended to include “identifying number for a federal non-reserved or reserved right on file with the board” for consistency with other definitions which include reference to such claimed water rights.

**931(i)** The definition of “maximum allowable diversion amount” was amended in response to confusion from commenters regarding how the term applies to water rights claimed under Statements of Water Diversion and Use. The language has been updated to clarify that the term applies to the larger of the values described. Additionally, the text has been updated to include federal non-reserved or reserved rights on file with the Board, for consistency with other definitions which include reference to such claimed water rights.

**931(j)** The term “measurement data” was added to ensure consistent interpretation of the term and to draw a contrast from measurement data (which is submitted to the Board) and raw device output (which is not submitted to the Board). Additionally, the term includes clarifications of the various types of measurement data, including general measurement data, large diversion measurement data, and provisional measurement data. “Provisional measurement data” was moved from subdivision (p) to a paragraph within subdivision (j), with minor edits for clarity.

**931(m)** The definition of “measuring device” was modified to clarify that a measuring device may be any piece of equipment that provides a numerical output.

**931(n)** The definition of “online reporting platform” was simplified for clarity.

**931(o)** The definition of “point of diversion” was simplified to only include the different types of points of diversion. The additional detail that multiple types of diversion may occur at the same point of diversion was unnecessary and could be removed.

**931(p) (moved)** The definition of “provisional data” was modified and moved to a paragraph within subdivision (j).

**931(p)** The definition of “qualified individual” was updated to allow diverters to become a qualified individual by completing any instructional course approved by the deputy director, in addition to the course offered by the University of California Cooperative Extension described in Water Code section 1841.5.

**931(q)** The definition of “quality assurance protocol” was updated to clarify that the purpose of quality assurance is to ensure that submitted measurement data meets the accuracy requirements of the chapter.

**931(s)** The term “raw measurement data” was changed to “raw device output” to clarify raw data are the numeric values output by a device and to differentiate between the definition of “measurement data” which is submitted to the Board.

**931(t)** The definition of “rediversion” was moved from section 933 for clarity. The definition was updated for clarity and to specify that rediversions are diversions of controlled water, consistent with definitions available on the Board’s website.

**931(u)** The term “release” was added to clarify the distinction between releases and withdrawals from reservoirs.

**931(x)** The term “withdrawal” was added to clarify the distinction between withdrawals and releases from reservoirs.

#### Section 931.5: Authority of the Delta Watermaster

There were no subsequent changes to this section.

#### Section 932: Applicability

**932(a)** For clarity, general applicability of this chapter was updated to be stated in terms of diverters rather than in terms of claimed water rights. Additionally, the subdivision was modified to remove applicability based on shared place of use. In general, the location where water is beneficially used has less impact on the availability of water under other claimed water rights compared to the location where water is diverted or stored. Therefore, the criterion identifying place of use as a consideration of applicability was unnecessary and could be removed.

**932(b)** For clarity, large diversion applicability of this chapter was updated to be stated in terms of diverters rather than in terms of claimed water rights or points of diversion. Additionally, in response to updated language used in section 933 to describe large diversion parameters, a subparagraph was added to clarify that for applicability based on a single claimed water right (as opposed to applicability based on multiple claimed water rights sharing a point of diversion),

rediversions are not intended to be subject to large diversion requirements by default, though they may still be subject pursuant to subdivision (c) of section 933. This change does not modify any requirements from the previous text but was necessary to explain those requirements in light of the updated language which may otherwise be understood to require measurement of rediversions in all instances of large diversions.

For clarity and brevity, the paragraph describing the appropriateness of alternative compliance plans for small points of diversion was relocated as a subparagraph to the large diversion applicability paragraph.

The paragraph describing delayed effective dates was modified to extend the effective date from June 2026 to October 2026 to allow additional time for diverters who are not subject to telemetry requirements under the existing regulation but will be subject to the large diversion requirements under the proposed update. Based on this change, language within the paragraph was modified to more precisely describe this subset of diverters.

#### Section 933: Collecting Measurement Data

**Title:** The title of section 933 was renamed from “Measuring and Accounting” to “Collecting Measurement Data” to better reflect the contents of the section. This is a non-substantive change without regulatory effect.

**933(a)** The general measurement requirement to measure withdrawals and releases from qualifying reservoirs was split into two separate paragraphs. This change reflects the newly defined terms of “withdrawals” and “releases” and clarifies requirements for annual general measurement datafiles. Measurements of water released from qualifying reservoirs reflect all downstream outflow from the reservoir, whereas withdrawals from storage (excluding direct diversions of unstored water) reflect how much stored water was withdrawn from qualifying reservoirs for beneficial use.

**933(b)** In response to public comments, the large diversion parameters were revised for clarity. For the purpose of large diversion requirements, diverters do not need to distinguish between direct diversions, diversions to storage, rediversions, withdrawals, or releases. Instead, they only need to measure what is leaving the stream and what is leaving any qualifying reservoir. There is no need to determine whether water was stored, or to apportion water to individual water rights.

**933(c)** As discussed for section 931, the definition of “rediversion” has been moved from subdivision (c) of section 933 to section 931. This subdivision has also been reworded to clarify that the deputy director must make a determination that rediversion data are necessary for understanding the supply, demand, or availability of water before requiring any diverter to measure and report rediverted water.

**933(h)** The measurement frequency requirements were revised to simplify requirements where possible. As previously written, if a diverter has multiple claimed water rights that share a point of diversion, unless all of those water rights only authorize diversion to storage, measurement frequency requirements for all points of diversion for all water rights would be based on the

combined maximum allowable diversion amount of all of the water rights. For example, where there are multiple claimed water rights, each with multiple points of diversion, under this framework even if only one point of diversion is shared all points of diversion are held to more frequent measurement requirements. The intent of frequency requirements based on shared points of diversion is to ensure higher resolution data at key locations where a substantial amount of water is diverted. Therefore, the language has been revised to clarify that if multiple claimed water rights share a point of diversion, only the shared point of diversion is held to the higher measurement requirements; requirements for non-shared points of diversion are based on the maximum allowable diversion amount for the specific water right only.

Other minor changes to this subdivision include correcting typos and revising language for consistency and clarity. Additionally, a subparagraph was added to explain measurement frequency requirements for claimed water rights that divert less than 10 acre-feet per year. In general, this will only impact diverters with multiple claimed water rights, each with multiple points of diversion, that share some (but not all) points of diversion with another claimed water right.

**933(i)** The accuracy requirements were revised to clarify how accuracy is calculated. Previously, accuracy was defined only in terms of volume and requirements were determined by water right. Since flow rate is another required parameter and many measuring devices measure flow rate directly, diverters have the option to calculate accuracy based on either volume or flow rate, rather than only flow rate. Additionally, based on the updates to subdivision (h), a single claimed water right may be held to multiple measurement frequency requirements depending on whether a point of diversion is shared with other claimed water rights. Therefore, accuracy requirements have been rephrased to be described in terms of “measurements” instead of claimed water rights.

Additionally, while accuracy is defined based on individual reported values, the accuracy requirements apply to the overall measurement data that is submitted to the Board. Since general measurement datafiles are only submitted to the Board on an annual basis, the language in this subdivision was revised to say that diverters must notify the Board if the measurement data is unlikely to meet accuracy requirements, and include a plan for corrective action.

#### Section 934: Measurement Methodology

**934(a) (deleted)** This subdivision, as previously written, was removed in its entirety. Instead, to clarify how various submissions under this chapter must be submitted, the operative requirements that submissions be “electronically submitted” to the Board’s “online reporting platform” have been restated in each instance.

**934(a)** For clarity and consistency, the term “report of measurement methodology” was replaced with “measurement methodology” throughout the section. Additionally, this subdivision was updated to allow diverters to submit multiple measurement methodologies for each claimed water right, if diverters use different measurement methodologies to measure their various points of diversion under a single claimed water right. Based on this change, the measurement

methodology submittal requirement was updated to require identification of each point of diversion covered by the measurement methodology.

The submittal requirement was also updated for consistency to require the name and contact information for the qualified individual who certified that the methodology meets the requirements of chapter 2.8, rather than who verified the accuracy of the methodology, since the measurement methodology must be so certified by a qualified individual.

The paragraph requiring a description of how the measurement methodology is implemented to derive the data submitted under section 935 was relocated from being a heading within the measurement methodology submittal requirement to being a separate line item. This change was necessary to allow diverters to be able to include additional descriptions that did not easily fit within the sub-requirements. The paragraph requiring an explanation of quality assurance protocols was revised for consistency with the regulation's definition of "quality assurance protocol". The paragraph requiring an explanation of conversion methods or formulas was updated to be less prescriptive; the State Water Board recognizes that although diverters will generally use the provided formulas, there may be other acceptable means of determining the required measurement parameters.

For the requirement to explain how measurement data is apportioned, the language has been updated to clarify that such apportionment is only required for general measurement datafiles. Large diversion data do not need to be apportioned by claimed water right. Additionally, the requirement to allocate diversion amounts attributed to multiple claimed water rights according to the priority date has been removed. While this is generally standard practice, the Board agrees with comments indicating that the language as previously written was not necessary for addressing the intended purpose of preventing diverters from reporting measurements of the same water multiple times under different claimed water rights.

**934(b)** This subdivision was separated into multiple paragraphs for clarity. In response to comments, the requirement to register measuring devices within 30 days of installation or replacement was updated to instead require registry on or before the submission deadline for the associated annual report, or within 30 days of a request by the deputy director. This change was similarly made for required updates to a previously registered measuring device, for example if the location was changed. For currently installed measuring devices, the language clarifies that devices must be registered no later than January 31, 2026, unless otherwise requested.

The content of the measuring device registry has been updated to require identification of the measured parameter output by the device. This change is necessary for the Board to interpret data that is directly transmitted to the online reporting platform. Additional changes to the measuring device registry include removing the requirement to provide the date of the most recent calibration and replacing the requirement to include a certification of accuracy with a requirement to include the accuracy of the measurement data. Quantitative information relating to device accuracy improves the Board's ability to assess compliance with this chapter, whereas information about calibration dates and device certifications are less useful and can therefore be removed.

**934(c)** Portions of subdivisions (c), (d), (f), (h), and (i) of the previous draft of the text were combined and condensed within this subdivision to describe all requirements relating to measurement methodology submission and implementation within a single subdivision.

The deadline to submit measurement methodologies under the new requirements was updated based on public comment. The new deadline is January 31, 2027. This change gives diverters additional time to become accustomed to the reporting platform used to submit measurement methodologies. Measurement methodology submission requirements were updated to remove the requirement that methodologies be resubmitted within 30 days of a request by the deputy director. Instead, this requirement is incorporated in the review and verification section, discussed below.

The previous language that measurement methodologies are “provisionally accepted” upon submission has been updated to remove the word “provisional”. This change clarifies that submitted measurement methodologies are accepted and can be implemented immediately without waiting for review by the division.

**934(d)** Requirements regarding evidence of proper measuring device functioning were updated to extend the initial submission timeline of such evidence so that it must be submitted no later than the deadline of the first annual report after the device was installed. Other minor edits to this section include updating language for consistency with the accuracy requirements under the chapter.

**934(e)** Previously included in subdivision (h), new language was added clarifying the division’s role in reviewing measurement methodologies. By reformatting the paragraphs in the previous version, the updated language outlines the review process which begins with review of the measurement methodology form submitted to the Board, then includes the Board’s ability to conduct audits of the methodology’s implementation, as appropriate, before allowing the Board to meet informally with participants or sponsors of a measurement methodology to suggest modifications. The final stages of review allow the Board to formally require changes, approve the methodology, or reject the methodology. Added language also clarifies that diverters will have reasonable time to correct deficiencies and that the rejection of a measurement methodology will not retroactively affect compliance prior to the review of the methodology.

**934(f)** The language in this subdivision was updated for clarity.

#### Section 935: Submitting Measurement Data

**935(a) (deleted)** Subdivision (a), as previously written, was removed in its entirety and the subsequent subdivisions were renumbered. The purpose of the former subdivision (a) was to outline which materials must be submitted under section 935. Instead, these requirements have been described in their respective subdivisions and therefore a separate, additional subdivision summarizing requirements was no longer needed.

**935(a)** As previously written, general measurement datafile contents, submission processes, and submission schedules were separated into different subdivisions. In this update, they have been combined and included as separate paragraphs all under subdivision (a). In terms of

general measurement datafile contents, the provision has been updated to clarify that the general measurement data in each datafile must distinguish between data related to direct diversions, diversions to storage, rediversions, and withdrawals and releases from qualifying reservoirs. This was implied in the previous text, but has been explicitly stated for clarity.

Previous text required separate datafiles for each measurement location. This text was updated to allow separate datafiles for each measurement location, point of diversion, or point of storage, as applicable. Additionally, the revised text requires diverters to include units in their datafiles, which is necessary for correct interpretation of measurement data. Other subparagraphs related to datafile contents were revised to use consistent language or reordered for clarity.

The paragraphs describing submission processes and schedules for general measurement datafiles were previously included in subdivisions (e) and (f), which discussed the submission processes and schedules, respectively, for all types of data submissions. In this update, submission processes and schedules for each type of data submission are included in the subdivision dedicated to the respective type of data submission. In the discussion of submission schedules for general measurement datafiles, the proposed update includes a requirement that raw device output be made available upon request. Commenters noted confusion about whether datafiles were supposed to include raw device output or not. This update provides the context that raw device output may be requested by the Board, but otherwise does not need to be submitted.

**935(b) (deleted)** As previously written, diverters who used a measurement methodology that was different than what they had previously submitted would need to submit supplementary materials with their general measurement datafiles explaining the measurement methodology used. This requirement has been removed in the proposed update. Instead of needing to submit supplementary materials, diverters must update the measurement methodology on file to reflect the measurement methodology used. This change simplifies submission requirements for the diverter by reducing the number of documents that must be submitted to the Board.

**935(b)** Recognizing that the amendments to chapter 2.8 may not become effective at the start of the 2026 water year and that large diversion submissions must be submitted more frequently than at the end of the water year, the text was updated to clarify that diverters must continue measuring and reporting under the existing requirements before the amended regulation goes into effect.

The required contents of large diversion submissions did not change under this update. However, the language has been updated to clarify that large diversion submissions must include appropriate units and that large diversion measurement data do not need to be parsed into the various types of diversion. Commenters expressed concern that as previously written, large diversion submissions required extensive post-processing to parse data to each diversion type, apportion data to each claimed water right, and quality control the data to meet accuracy requirements. The revised language clarifies that such post-processing is not required for large diversion submissions.



Compared to the previous proposed text, the updated language provides a yearlong grace period before the full submission requirements for large diversions go into effect. Under the existing regulation, telemetry data must be posted to a public website each week. Beginning October 1, 2026, large diversion measurement data must be either transmitted directly to the Board's online reporting platform (or other approved website) or uploaded using the Board's provided data templates. Between the effective date of the amended regulation and October 1, 2026, large diversion submissions may still be posted to individual websites, provided that diverters provide the exact website address of the data. Alternatively, diverters may opt to directly transmit data directly to the online reporting platform. Beginning October 1, 2026, diverters must fully transition to posting data to the Board's online reporting platform or other approved website. Requiring the deputy director to maintain a list of other approved websites is necessary to ensure diverters are adequately informed about where they must post their large diversion data.

In response to comments, language has also been updated to clarify the submission schedule for large diversion submissions. While the intent of large diversion measurement data is to provide the Board with near-real-time diversion data, the Board recognizes that some post-processing of data may be required to convert the measurement data into the required format and parameters. Therefore, the updated text allows diverters to submit large diversion data with up to a 7-day lag, such that the most recent measurement is no more than 7 days old before being submitted.

**935(c)** The data retention requirements have been updated to reflect the removal of the supplementary materials requirements and to remove the requirement for diverters to maintain records of general measurement datafiles. Since these are already submitted to and maintained by the Board's online reporting platform, there is no need for diverters to separately maintain these datafiles. Rather, diverters must maintain records of the raw device output which, as previously discussed, may be requested by the Board.

#### Section 936: Alternative Compliance with Water Measurement Requirements

**Title:** The title was updated to reflect the change to the chapter name.

**936(a)** Language was added explaining that alternative compliance plans must fulfill the requirements of the chapter to the extent practicable and provide measurement data to the Board. This addition is necessary to ensure alternative compliance plans do not fall short of the regulatory goal of collecting accurate, informative diversion data.

**936(c)** Minor wording changes were made for consistency. Mention of aerial photographs and area covered were removed from the requirement to provide a labeled map. As new digital mapping technology has emerged, it will be easier for diverters to accurately identify the locations of their points of diversion, measuring devices, and places of use; the updated language is more streamlined to align with this development.

A requirement was added to provide the proposed submission frequency for points of diversion that meet large diversion applicability – this allows diverters to propose a reasonable alternative to weekly submission, if that is a requirement for which they are seeking alternative compliance.

**936(d)** Minor wording changes were made for clarity.

**936(e)** This subdivision was updated to remove the ability for diverters to submit general measurement datafiles through an alternative submission process or schedule. In order for the State Water Board to effectively use the measurement data included in the general measurement datafiles, measurements collected via an alternative compliance plan must be submitted in a consistent format and on a consistent schedule like measurements collected under a non-alternative measurement methodology. However, the Board understands that it may not be feasible for all subject diverters to strictly adhere to large diversion requirements and to provide data on a weekly basis, therefore, in accordance with updates to subdivision (c) of this section, diverters may propose and submit large diversion measurement data according to an alternative schedule.

**936(f)** Portions of subdivisions (g), (h), (i), (k), and (j) of the previous version of the text were combined and condensed within this subdivision to describe all requirements relating to alternative compliance plan submission and implementation within a single subdivision, mirroring the structure of subdivisions used in section 934.

The deadline to submit alternative compliance plans under new requirements was updated based on public comment. The new deadline is January 31, 2027. This change gives diverters additional time to become accustomed to the reporting platform used to submit alternative compliance plans. Since required components of alternative compliance plans are proposed to change compared to the existing regulation, diverters will need to complete an updated alternative compliance plan form that reflects the updated requirements rather than reviewing a form that reflected the previous requirements.

Alternative compliance plan submission requirements were updated to remove the requirement that alternative compliance plans be resubmitted within 30 days of a request by the deputy director. Instead, this requirement is incorporated in subdivision (g), discussed below.

The previous language that alternative compliance plans are “provisionally accepted” upon submission has been updated to remove the word “provisional”. This change clarifies that submitted alternative compliance plans are accepted and can be implemented immediately without waiting for review by the division.

**936(g)** Previously included in subdivision (j), new language was added clarifying the division’s role in reviewing alternative compliance plans. By reordering and reformatting the paragraphs in the previous version, the updated language outlines the review process which begins with review of the alternative compliance plan form submitted to the Board, including the ability to make findings regarding the plan’s appropriateness, then includes the Board’s ability to conduct audits of the plan’s implementation, as appropriate, before allowing the Board to meet informally with plan participants or sponsors to suggest modifications. The final stages of alternative compliance plan review allow the Board to formally require changes, approve the plan, or reject the plan. Because of the inherent flexibility of alternative compliance plans as a pathway for meeting the requirements of chapter 2.8, it may be necessary for the division to impose conditions on plan approval, for example in the event that hydrologic conditions affect the ability of the plan to provide sufficiently accurate and timely diversion measurement data. Added

language also clarifies that diverters will have reasonable time to correct deficiencies and that the rejection of an alternative compliance plan will not retroactively affect compliance prior to the review of the plan.

Previous language also allowed the deputy director to reject an alternative compliance plan for failure to implement a previous plan. This language also appears in the existing regulation in the context of rejecting alternative compliance plan renewals. Since the updated regulation no longer requires alternative compliance plans to be renewed, this provision is unnecessary and can be removed.

Additionally, the paragraph from the previous draft subdivision (j) regarding the reconsideration of orders and decisions was moved to section 939 so that it applies to all decisions or orders under the regulation.

**936(h)** Previously, this subdivision was included as a paragraph within the review and verification subdivision. It has been separated into its own subdivision for clarity.

#### Section 937: Temporary Exemption from Measurement Requirements

**Title** The section title was changed from “Temporary Exemption from Measurement” to “Temporary Exemption from Measurement Requirements” to better reflect purpose and intent.

The rest of this section remains unchanged except for minor wording changes consistent with other sections.

#### Section 938: Threshold and Submission Schedule Adjustments

**938(b)** Consistent with the removal of the requirement to submit supplementary materials under section 935, supplementary materials were removed from the definition of submission schedule. Paragraph references were updated based on formatting changes in section 935.

**938(c)** The extent to which a threshold adjustment would apply has been changed from within a “watershed or subwatershed” to within a “watershed or portion thereof.” The term “subwatershed” was not well defined and could be open to interpretation. The updated language is more inclusive of any areas that share hydrologic conditions and would therefore be appropriate to base a threshold adjustment upon. This change is also reflected in subsequent subdivisions.

**938(d), 938(e), 938(f)** The language was updated to remove reference to “watershed or subwatershed” as such qualification is sufficiently implied within the context of this section and it is therefore unnecessary.

**938(g)** The paragraph allowing the deputy director to require the submission of documentation on the scope of diversions, withdrawals, and releases was removed based on public comment. Commenters indicated that they were uncertain about what documentation they may be required to submit and they interpreted this as being an additional regulatory burden and outside the scope of the statute. The intent of the paragraph is to ensure that the deputy director adjusts thresholds and submission schedules only after careful consideration; it is not intended to add regulatory burden to diverters. Therefore, the language was removed for clarity.

**938(k) (deleted)** This subdivision of the previous version was deleted and text regarding the reconsideration of orders and decisions was moved to section 939 (along with the statute referenced) so that it applies to all decisions or orders under the regulation.

#### Section 939: Compliance

**939(a)** A subdivision was added stating that decisions or orders in the chapter are subject to the reconsideration process; other sections were renumbered accordingly. This provision was previously listed separately in several other sections; its inclusion here is more appropriate and covers all decisions or orders made by the deputy director under this chapter.

#### Section 939.1 through Section 939.6

Existing regulation text was added back in, with minor edits for clarity, to clarify measuring and reporting requirements in place for diversions that took place for water year 2025 (October 1, 2024 through September 30, 2025) and will be reported by January 31, 2026. Adding back in existing measuring and reporting requirements will clarify requirements for diverters when they file reports after the new proposed regulations go into effect.

## Changes to the Economic Impact Assessment

#### Footnote 2 (pg. 1)

Two sentences were added to Footnote 2 to describe the effective date of the proposed update to the regulation and the dates that measurement and reporting requirements will begin. This implementation schedule occurs farther into the future than was originally proposed in the draft revision.

#### Footnote 3 (pg. 2)

Footnote 3 was added to explain that the applicability criteria based on shared places of use was removed from the revised regulation. It was not possible to estimate the number of water rights that were subject to the regulation solely as a result of that criterion, but it is possible that water rights formerly subject to the regulation will not be under this change to applicability. Thus, as the footnote describes, potential cost savings as a result of the update are likely to be underestimated.

#### Footnote 4 (pg. 3) and References (pg. 17)

Footnote 4 was added to explain that the proposed update to the regulation will reduce the measurement requirements for reservoirs with storage capacities of 5,000 acre-feet or less, which will potentially exclude up to 1,100 reservoirs from requirements to measure and report reservoir withdrawals and releases. Due to data limitations, it is not possible to exclude these reservoirs from the economic impact assessment, so potential costs are likely overestimated.

In addition, a citation for the National Inventory of Dams was added to the references to support the estimate of number of reservoirs that could be excluded from those requirements:

U.S. Army Corps of Engineers, 2020. National Inventory of Dams. Retrieved from:  
<https://nid.sec.usace.army.mil/>. Accessed 16 May 2025.

Measuring Devices (pgs. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16)

The word “measuring” replaced “measurement” in reference to devices used for measuring water diversions. This was done to ensure consistency with language used in the regulation.

Measurement Methodology (pgs. 5, 6, 8, 9, 10, 12, and 14)

The term “measurement methodology” or “measurement methodology form” were used to replaced “Report of Measurement Methodology” or “Report of Measurement Methodology form” for consistency with the language used in the regulation.