

State Water Resources Control Board

NOTICE OF PUBLICLY AVAILABLE CHANGES TO THE PROPOSED WATER MEASUREMENT AND REPORTING REVISIONS

Title 23. Waters

State Water Resources Control Board

Changes to CA Code of Regulations, Title 23, Chapters 2 (Appropriation of Water), 2.7 (Water Diversion and Use), and 2.8 (Measuring and Monitoring)

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) has updated the text of the proposed revisions to California Code of Regulations, title 23, chapters 2 (Appropriation of Water), 2.7 (Water Diversion and Use Reports), and 2.8 (Measuring and Monitoring) based on comments from the public. The updated regulation text is available for written public comments on the changes to the proposed regulation text released for public comment on February 28, 2025, prior to the Board's consideration of regulation adoption.

The following is a link to the rulemaking file for this regulation:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/rulemaking.html.

The updated regulation text is labelled "Updated Proposed Text for Chapters 2 and 2.7" and "Updated Proposed Text for Chapter 2.8." The proposed changes from the version of the proposed regulation text released for public comment on February 28, 2025 are reflected with a single underline for additions and strikethrough for deletions.

REVISIONS TO PROPOSED REGULATION TEXT

The proposed revisions are necessary to:

- Clarify regulation text
- Further refine Definitions section 931
- Extend the deadline to submit measurement methodologies and new alternative compliance plans to January 31, 2027, and extend the deadline to begin submitting large diversion data weekly to October 1, 2026
- Clarify review processes for measurement methodologies and alternative compliance plans
- Revise Alternative Compliance with Measurement Requirements section 936
- Remove reference to reporting in water right priority

NEW MATERIALS ADDED TO RULEMAKING FILE

(Gov. Code, §11347.1)

- An addendum to the Initial Statement of Reasons (ISOR)

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

(Gov. Code, §§ 11346.5(a)(15), 11347.1)

Any interested person, or their representative, may submit written comments on the revisions to the proposed regulatory text. Any written comments on the revisions to the proposed regulatory text, regardless of the method of transmittal, must be received by the State Water Board by **5:00 p.m. PDT, on June 6, 2025**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to: DWR-Measurement@Waterboards.ca.gov. The State Water Board requests but does not require that email transmission of comments, particularly those with attachments, contain the regulation package identifier “Comment Letter – Updated Water Measurement and Reporting Revisions” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 341-5620. The State Water Board requests but does not require that faxed comments contain the subject line “Comment Letter – Updated Water Measurement and Reporting Revisions”;
3. By mail to: Conny Mitterhofer, State Water Resources Control Board, 1001 I Street, 14th Floor, Sacramento, CA 95814; or
4. Hand-delivered to: Matthew Jay, Records Room, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the author’s name and email address or U.S. Postal Service mailing address in order for the State Water Board to provide notice of any additional proposed changes to the regulation text on which additional comments may be solicited. To receive updated information regarding this topic, please subscribe to the Water Measurement list via the form on either of the above linked websites or on the State Water Board’s Email Lists webpage (under Water Rights):

https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=ca_swr cb.

Please note that under the California Public Records Act (Gov. Code, § 7920.000 et seq.), your written comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public in response to a request. Written comments to the State Water Board should avoid including personal identifiable information (e.g., social security number, etc.) other than the minimum amount necessary to receive updates and notice of any

additional proposed changes to the regulation text on which additional comments may be solicited.

After the close of the comment period, the State Water Board may adopt the proposed regulation. If additional substantive changes are made to the proposed regulation text, the modified full text will be made available for comment for at least 15 days prior to adoption.

After the 15-day public comment period, the State Water Board will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how the State Water Board addresses comments, and includes other materials.

STATE WATER BOARD CONTACT PERSON

(Gov. Code, §11346.5, subd. (a)(14))

Electronic Email: Please identify the action by using the State Water Board regulation package identifier, “Comment Letter – Updated Water Measurement and Reporting Revisions” in any inquiries or written comments.

Requests for copies of the proposed modified regulation text or other inquiries concerning the proposed modified regulation text may contact:

Primary Contact

Conny Mitterhofer
Supervising Engineer
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814
Electronic Email: Conny.Mitterhofer@waterboards.ca.gov

Secondary Contact

Lindsay Kammeier
Senior Engineer
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814
Electronic Email: Lindsay.Kammeier@waterboards.ca.gov

AVAILABILITY OF DOCUMENTS ADDED TO THE RULEMAKING FILE

(Gov. Code, §11346.5, subd. (a)(16))

The Records Room, Division of Water Rights, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814 will be the location for inspection and

copying of public records, including reports, documentation, and other material related to the proposed regulation (rulemaking file) throughout the remainder of the rulemaking process.

Reasonable Accommodation or Language Requests

To request special accommodation or language needs, please contact the Office of Public Engagement, Equity, and Tribal Affairs at (916) 341-5254 as soon as possible.

Para solicitar adaptaciones especiales o necesidades de idioma, comuníquese con la Oficina de Participación Pública, Equidad, y Asuntos Tribales al (916) 341-5254 lo antes posible.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

(Gov Code, §11346.4, subd. (a)(6); §11346.5, subd. (a)(20))

Materials regarding the action described in this notice (including this public notice, the updated regulation text, new materials/documents added and previous rulemaking documents) are available via the internet and may be accessed in the links within the Current Rulemaking Information and Documentation section from the Water Measurement and Reporting Regulation Rulemaking webpage:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/rulemaking.html.

Additional inquiries can be directed to DWR-Measurement@waterboards.ca.gov or (916) 323-9393.

May 22, 2025
Date


Courtney Tyler
Clerk to the Board