
State Water Resources Control Board

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

Changes to California Code of Regulations, Title 23

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) has further 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 that will be considered prior to the Board's consideration of the proposed regulation. The State Water Board is accepting comments on the proposed changes only, which constitute minor clarifications to the proposed regulation based on public comments to the proposed regulation.

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 labeled "Updated Proposed Text for Chapters 2 and 2.7 - Corrected Formatting" and "Updated Proposed Text for Chapter 2.8 v3." The proposed changes for chapter 2.8 are reflected with a single underline for additions and strikethrough for deletions when compared to the previous version released on May 22, 2025. The changes to chapter 2 and 2.7 only affected formatting, so there are no text changes reflected in underline or strikethrough.

REVISIONS TO PROPOSED REGULATION TEXT

The proposed revisions in chapter 2.8 are necessary to:

- Correct an error in the previous version, clarifying that diverters of less than or equal to 10 acre-feet per year do not need to measure their diversions
- Fix typos
- Provide minor clarifications in response to comments

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 latest changes to the proposed regulatory text. Please note that at this time the State Water Board will only accept written comments on the latest revisions to the proposed regulatory text. The State Water Board will not be accepting additional comments on the revisions previously released. 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 July 1, 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_swrcb.

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 final 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, 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/rule_making.html.

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

June 16, 2025
Date



Courtney Tyler
Clerk to the Board