

**Response to Comments on Proposed Regulation  
Modifying Water Right Ownership  
Notice Requirements and Reporting Dates**

This document provides responses to written comments received on the proposed regulations. A summary of these comments will also be provided in the Final Statement of Reasons.

I. Written Public Comments on the Proposed Regulation Modifying Water Right Ownership Reporting Requirements and Reporting Dates

Written comments on the proposed regulations were provided by the following entities or organizations:

<b>Name</b>	<b>Entity or Organization</b>
John Andersen	Humboldt and Mendocino Redwood Companies
Janet Anderson	General Public
Jan Brisco	Tahoe Lakefront Owners' Association
Kevin Deierling	General Public
Peter Hopkinson	East Bay Regional Park District
Alex Lemieux	Aleshire & Wynder, LLP on behalf of Palm Ranch Irrigation District
Mike Matlock	General Public
Dudley McFadden	General Public
Lindsay McLaggan	California Cattlemen's Foundation
Don Meamber and Sheila Meamber	Meamber Ranch
Laura Menke	General Public
Dante Nomellini, Jr.	Central Delta Water Agency
Jennifer Spaletta	Spaletta Law LLC
Tracy	General Public
Michael Vergara	Somach Simmons and Dunn on behalf of various water service purveyors
Nadia Wahhab	General Public
Mary Wood	General Public

II. General Comment and Master Response to General Comment

A. General Comment No. 1

A number of commenters expressed concerns about the requirement for a transferor or transferee of a water right to file a change of ownership form within 30 days of the

transfer and the related concern that the transferee could be penalized for each day this notification is delinquent. Although some commenters noted the requirement as draconian, illegal, or problematic,<sup>1</sup> many of these commenters acknowledge the accuracy of water right information is important to the State Water Resources Control Board (Board's) administration of the water right system.<sup>2</sup>

B. Master Response No. 1

Under the current regulation, water right holders are required to “immediately” or “promptly” notify the Board of changes in ownership. Pursuant to Water Code section 1846, a person or entity may be liable for a violation of a regulation or order adopted by the Board in an amount not to exceed five hundred dollars (\$500) for each day in which the violation occurs.

The proposed regulatory change does not impose new liability on those that fail to timely notify the Board of change of ownership. Water Code section 1846 already creates that potential liability. The proposed regulation, to the contrary, defers commencement of that liability only after a 30-day “grace period.” As a result, this proposed regulation provides additional time for water right holders to comply with this notification requirement.

There is no evidence that lengthening the grace period would induce greater compliance. In fact, the likelihood of “forgetting” to comply with the notification requirement is equally likely to increase with the lapse of time since the triggering event. Importantly, providing the notice is neither complicated nor time consuming. It merely requires electronically filing a form accessible on the Board's website, specifically at <https://www.waterboards.ca.gov/changerequest/>. For questions about filling out the change of ownership form, please call (916) 341-5300 or send an email to [changerequest@waterboards.ca.gov](mailto:changerequest@waterboards.ca.gov). Additional information about the form may be found at [Water Rights Ownership and Contact Information | California State Water Resources Control Board](#). For questions about filling out the Supplemental Statement of

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<sup>1</sup> See e.g., Comment Letter of Mr. Nomellini: “The 30 Day Deadline is Far Too Short”; Comment Letter of Ms. Spaletta: “The 30-day time period is far too short to be practical . 90-days is a minimum reasonable time”; and Comment Letter of Mr. Vergara: “The Proposed 30-day Deadline for a Notice of Change or Transfer of Water Right is Unnecessary and Too Prescriptive.”

<sup>2</sup> See, e.g., Comment Letter of Ms. Spaletta: “This office supports the concept of clearer regulations regarding change of ownership for water right reporting....”; Comment Letter of Mr. Vergara: “Our clients appreciate the State Water Resources Control Board's (State Water Board) need to adopt the Proposed Regulation to ensure timely notification of changes affecting water rights and claims.” Comment of Mr. Nomellini: “I fully understand the SWRCB's need for updated info....”

Change form, please see [Statement of Water Diversion and Use Program | California State Water Resources Control Board](#).

The Board's goal is more complete, accurate and timely reporting to ensure better administration of the water rights system on behalf of the People of the State of California. Whether the Board seeks administrative civil liability for notification delinquency is a matter of enforcement discretion. Typically, if a violation of a regulation is discovered, staff will reach out to the late filer through phone or email to remind them of the reporting requirement. If multiple attempts are unsuccessful, a notice of violation may be issued and then a subsequent administrative civil liability complaint may be issued if the notification form has still not been received.

### III. Written Comments and Responses to Written Comments

#### A. John Andersen

Comment No. 1: While we understand the need to address deficiencies in the current regulation, we do have concerns regarding the short window to report to the State Water Quality Control Board any changes in ownership.

Humboldt and Mendocino Redwood Companies collectively own 440,000 acres of forestland in California with associated water rights. We actively pursue purchases of additional forestland that would fit within our business and occasionally sell forestland that, for various reasons, no longer makes sense to own. The 30 day grace period before civil penalties are imposed is a very short window given the significant amount of paperwork involved in property transactions. Requiring a short window for compliance will result in excessive penalties to landowners as many of them will not be aware of this requirement should the proposed regulation become approved.

It needs to be noted that many water rights on forestland and ranches are used sporadically. In our case, we use water mainly to water actively used roads by log trucks and other heavy equipment when we have timber operations in close proximity to the water right. It is typical that a water right is not exercised for several years as timber operations are occurring in other portions of our ownership. We understand the desire to submit records in a timely manner for the volume of water used at water right locations. However, notification of a change in ownership needs to have a larger grace period to reduce financial impacts to property owners.

For all of the above reasons, please consider a grace period of at least 90 days before civil penalties are imposed. We look forward to working with the SWQCB on this issue and are happy to discuss further with you.

Response to Comment No. 1: Please see Master Response No. 1.

B. Janet Anderson

Comment No. 1: I have been reporting for my now 91 year old mother for more than a dozen years as she is computer illiterate and would have never started reporting. Neighbors all around us don't as their wells are out of where a creek once flowed but their drop pipes go down to the same basin. When my mother dies the property will be sold and the reporting requirements disclosed to the new owner, then up to the new owner to report not the deceased's family, who no longer reside there. Your overreach is too far at that point.

Response to Comment No. 1: It is unclear which part of the proposed regulation the commenter feels is overreaching. The proposed regulation allows the transferor, the transferee, or an agent to submit the required notification; however, the proposed regulation makes clear the potential fines can only be imposed upon the new owner, the party that benefits from the ongoing exercise of the water right.

Comment No. 2: Also there are cost impacts on a representative private person when selling their property as it is a deterrent to most buyers due to burdensome reporting with a threatening civil liability of \$500.00 a day for each day of non compliance for failure to file the required notifications and aligning reporting deadlines and reporting periods. Most property sellers needing to lower their price to pass these horrible rules on to the new owner.

Response to Comment No. 2: Please see Master Response No. 1. Water Code Section 1846 sets the maximum penalty for violation of a Board regulation at \$500 per day. This is the maximum penalty authorized by statute, not a minimum or set amount. The proposed regulation does not create a new penalty for failure to file the required notification of changes nor for meeting the proposed reporting due dates.

Comment No. 3: Alternatives to water useage reporting or in addition, Ground Penetrating Radar (GPR) surveys with drone to map areas and their basin depths. Desal plants like the Poseidon in Carlsbad, California. Pipeline from the Mississippi to California. Redistributing what doesn't disappear, WATER, that merely changes from one form to another.

Response to Comment No. 3: The proposed suggestions are outside the scope of the proposed rulemaking, and the State Water Board will not be incorporating the recommended topics into this rulemaking.

C. Jan Brisco

Comment No. 1: We need a better way to find files on the Water Boards website. We enter our number and cannot pull up any information on the website. The staff has told us they consider this to be low-level and not worth their time. We cannot find any help in the office to pull up information to see if a property has filed Annual Statements, Initial Statements, or whether or not they have ever filed with the Water Boards.

Response to Comment No. 1: This comment does not fall within the scope of the proposed rulemaking. If Board staff have not done so already, they will reach out to Ms. Brisco and respond to her questions.

Comment No. 2: Outreach to the Real Estate community is suggested. Escrows and professionals and property owners are clueless as to what is needed. There haven't been adequate outreach to the Lake Tahoe lakefront community and most people don't even know what is required. The lack of awareness will make the implementation of new regulations nearly impossible.

Response to Comment No. 2: Although this comment is outside the scope of the proposed rulemaking, the Office of the Delta Watermaster (ODWM) and the Division of Water Rights (Division) staff recognize the need for additional outreach to better educate the general public about reporting requirements. If the proposed regulations are adopted by the Board and approved by the Office of Administrative Law, ODWM and Division staff will conduct an outreach concerning a water right holder's reporting requirements.

Comment No. 3: More time for the transition between property owners is needed. When we can't even talk to anyone in the Water Boards office (I left messages for months with no response) it will make this transition impossible. We need at least 60 days to communicate the requirements to the new owner and get the necessary paperwork completed.

Response to Comment No. 3: See Master Response No. 1.

Comment No. 4: Perhaps a real estate disclosure form is an appropriate way to inform property owners, buyers and sellers.

Response to Comment No. 4: This comment is outside the scope of the proposed rulemaking and generally pertains to disclosures and responsibilities as part of real estate transactions.

Comment No. 5: The California State Lands Commission requires anyone with a water intake line prove they've filed with the Water Boards. Again, how can we find out if a property has filed? We have to have a vibrant assistance line with the Water Boards for this to work. We've entered S-numbers in the system and nothing shows up. Is there a difference between an annual statement and a water right? This is impossible without proper support staff and more importantly RESPONSIVENESS for something that is now going to be a requirement.

Response to Comment No. 5: The comment appears associated with the State Board's general administration of ongoing reporting requirements by water right holders and not to changes in the proposed regulations. There has always been a requirement to file a change of ownership form. For additional information concerning a water right holder's responsibility to file a change of ownership form, please see Master Response No. 1.

For additional information concerning the filing of an annual statement, please go to [Statement of Water Diversion and Use Program | California State Water Resources Control Board](#) You may also call (916) 341-5431 or send an email to [RMS@waterboards.ca.gov](mailto:RMS@waterboards.ca.gov).

For general information about tracking information on water rights in California, please go to [eWRIMS – Electronic Water Rights Information Management System | California State Water Resources Control Board](#). You can also call (916) 341-5431 or send an email to [ewrims@waterboards.ca.gov](mailto:ewrims@waterboards.ca.gov).

D. Kevin Deierling

Comment No. 1: Any changes to the water right reporting regulations should include a de minimis threshold below which reporting is not required.

I have two tiny "ponds" on my land. In a good year these ponds retain 2 or 3 thousand cubic feet of water during the rainy season.

As we all know, the problem is we don't have good (i.e. rainy) years any more, and together my ponds retain less than 1000 cubic feet of water. And this water is all gone by April or May.

I'm happy that the ponds provide habitat for frogs, deer, foxes, birds, and other flora and fauna. But the regulatory requirements blunt this happiness.

It is obviously not worth it to construct infrastructure for irrigation or fire suppression for a thousand cubic feet of water that isn't actually there in the summer and fall when it would be needed.

Nonetheless I pay \$100's in fees and am required to submit a report every year!?!

Why? Is this fee an important way to augment state revenues in order to pay for the water resources board employees that track water rights?

If so, this is precisely the type of government for the sake of government circular logic that drives tax (in this case fee) payers bonkers.

I understand that water rights and usage measured in acre feet (40,000+ cubic feet) need to be monitored. But the fees, monitoring, and reporting requirements simply don't make sense for ponds that are 500 square feet and barely accumulate a foot of water.

The board should establish a de minimis retention threshold (e.g. 1/4 of an acre foot) below which water rights holders are not required to pay fees, monitor, or file reports.

Government regulations are important to benefit society as a whole, however inflict real burdens on the citizens being regulated. These burdens should only be inflicted if there is real value for society.

So the creation of all regulatory frameworks should be considered with the philosophy of: "as much as necessary, as little as possible."

Reporting requirements for 1000 cubic feet of water retained in a seasonal pond doesn't meet this threshold.

Response to Comment No. 1: The proposed suggestions are outside the scope of the proposed rulemaking. Consequently, the Board will not be incorporating the suggestions into this rulemaking.

E. Peter Hopkinson

Comment No. 1: I would like to request that the Water Board consider a longer grace period during which new owners of water rights can notify the Water Board of changes in ownership – perhaps a 60 day grace period. As I stated at the workshop, I work for the East Bay Regional Park District, and, as in any large agency, responsibilities are split between multiple departments. I am responsible for managing the Park District water rights; the land acquisition department is a separate department from my home department. A longer grace period would allow for interdepartmental communication in larger bureaucratic water rights owners.

Response to Comment No. 1: See Master Response No. 1.

F. Alex Lemieux

Comment No. 1: Could you explain whether this proposal will effect Palm Ranch Irrigation District's (or similar situated water/irrigation districts) reporting requirements in situations where the District itself is not transferring rights? In other words, if a customer of the District transfers rights, does Palm Ranch have any reporting responsibilities?

Response to Comment No. 1: The required notification in both the existing regulation and this proposed regulation relates to changes affecting the underlying water right/claim. The notification-of-change does not impact the purchase/sale of water when ownership of the underlying water right is not changed.

G. Mike Matlock

Comment No. 1: The State Water Resources Control Board in making proposed revised regulations need to be able regulate whatever rules they create. When there are circumstances that are happening, the SWRCB needs to be able to remedy the situation swiftly and impose appropriate fines. The next to last "Ensure compliance....." is critical. From recent and current personal experience this is not happening. I hope the SWRCB establishes a process that is more efficient and provides a reasonable method to deal with water compliance issues.

Response to Comment No. 1: This comment is outside the scope of the proposed rulemaking but please see Master Response No. 1.

Comment No. 2: THE COMPLAINT I FILED LAST YEAR HAS LASTED OVER A YEAR WITH LITTLE ACTION AND WITH NO RESOLVEMENT...

Response to Comment No. 2: This comment is outside the scope of the proposed rulemaking. For questions about water rights enforcement complaints, please call (916) 341-5300 or to obtain more information, please access the State Water Board's website at [Water Rights Enforcement Complaints | California State Water Resources Control Board](#).

H. Dudley McFadden

Comment No. 1: I would suggest that these forms present a challenge for institutions which own water rights, and which are concerned about receiving information from the Water Board in a timely manner. For large organizations, people come and go, and mail is processed by people in one office, directed to the proper recipient in another office. The forms have no space for a position title, mail stop number, office location, or any other such designation. Mail addressed simply to the owner of record can be misdirected when the owner of record is an organization with thousands of employees. I wish it were otherwise, but not everyone remembers who is responsible for what function and not every new incumbent stays current on water board regulations. Managers may, or may not, know that they are responsible for water right compliance on day one of assuming their management role. Mailroom clerks may, or may not, know where in a large organization to direct correspondence from the Water Board or CDTFA, when the correspondence is addressed to a person no longer employed by the company. Large organizations have diverse people with varying understanding of the importance of official government correspondence and experienced employees cannot be expected to train newer employees on every nuance of incoming mail right away. The result is that important mailings languish in someone's desktop inbox possibly for weeks at time. Clearly, this is not the fault of any California government agency, yet the Water Board's form layout could assist. If a second address line field, or organization name field, or position title field, or other similar accommodation were provided, water right holders would be empowered to provide specific address information. I suggest that forms provided for water right ownership and contact information collect contact details which would help people direct incoming mail properly and timely. This might include organization name, position title, or a second address line.

Response to Comment No. 1: Although the proposed suggestions are outside the scope of the proposed rulemaking, ODWM and Division staff will take your suggestions under consideration as part of future updates to one or more forms.

I. Lindsay McLaggan

Comment No. 1: The proposed amendment to require a transferor or transferee of a water right to file a change of ownership form within 30 days of the transfer is of specific



concern. Under this 30-day deadline, ranchers and other water rights holders would be penalized for each day this paperwork is not submitted.

Response No. 1: See Master Response No. 1.

Comment No. 2: In CCF's experience, water rights holders are often unaware of the requirement to file a change of ownership form until attempting to comply with other regulatory reporting requirements. For instance, when preparing to file annual reports of water diversion and use, diverters often first become aware that their water right is not yet in their name, and only then realize a change of ownership form must be filed before completing their annual reports of water diversion and use.

Response to Comment No. 2: The Board understands that water right holders/claimants may be unaware of the existing requirement to file a change of ownership form. The proposed regulations provide additional clarity and allow additional time to comply with the requirement to provide notification of a water right change. Moreover, the extensive outreach prior to, associated with and subsequent to adoption and approval of the proposed regulation brings significant attention to the requirement. As a result, ODWM and Division staff believe the proposed regulation will both alert and help to incentivize water right holders to comply with the notification responsibilities associated with their right/claim to divert and use water for their beneficial uses.

Comment No. 3: Implementing a 30-day timeline for reporting will be problematic, given many water rights holders are unaware of the requirement to file a change of ownership form.

Response to Comment No. 3: ODWM and Division staff understand that some water rights holders/claimants are unaware of their notification responsibilities. Further, planned additional outreach, as resources may allow, could help to address this general concern. However, lack of awareness is not an excuse for failure to comply with Board regulations that accompany the private right to use a public resource. As noted in Master Response No. 1, ODWM and Division staff believe that the proposed regulations will help to incentivize water rights holders to timely file a change of ownership form by bringing this responsibility increased attention and by providing a 30-day grace period to comply with this existing requirement.

Comment No. 4: CCF suggests the SWRCB amend the regulation to require change of ownership to be reported by February 1 of the subsequent calendar year after the transfer. Aligning the change of ownership reporting requirement with the annual diversion reporting deadline will ensure the SWRCB receives the information needed in a streamlined manner. We believe this will result in greater compliance, reduce the administrative burden of SWRCB and prevent water rights holders from unknowingly incurring excessive fines.

Response to Comment No. 4: Allowing deferral of notification of a water right change for up to a year after the change takes place, particularly when this regulation will have effect throughout the State, would unduly hamper administration of the water rights system because it would hamper timely communication with the person or entity exercising the water right in that extended interim period.

In light of ongoing drought conditions, climate change and other factors, it is becoming increasingly important that both the Board and the public have access to accurate information about water rights/claims in the the State Water Board's Electronic Water Rights Information Management System (eWRIMS) database. The importance of accurate, credible and timely data is further highlighted in the Board's ongoing project, Updating Water Rights Data for California (UPWARD). UPWARD will improve the way the Board collects, manages and makes available water rights data and information. These data include information on water use, demand, and when and how water is diverted from water courses throughout the State. This type of information is critical for data-driven water management decisions, regulatory responses, and public insight, particularly when hydrology affects supply, such as during drought. The Board's current water rights data system is outdated and lacks features that would make water rights reporting simpler and public access to information easier. UPWARD California will create a 21st century, modern platform that is crucial for California's long-term water resilience in the face of ongoing climate change. For more information, see [Updating Water Rights Data for California \(UPWARD California\) | California State Water Resources Control Board](#).

In short, diversion of water to serve public and private purposes depends on the transparent administration of a complex water rights system. ODWM and Division staff believe that improving the timeliness and accuracy of water data systems, while allowing a 30-day grace period strikes an appropriate balance between the Board's data management objectives and the water right holder/claimant's responsibility.

J. Don Meamber and Sheila Meamber

Comment No. 1: The 30 day recommendation for transfer is not realistic. A 90 day notice is more feasible as was suggested during the recent public comment period 8/23/2022.

Response to Comment No. 1: Please see Master Response No. 1.

Comment No. 2: For small operations such as ours, we don't have the additional personnel to comply in a timely fashion with the new requirements being proposed.

Response to Comment No. 2: Please see Master Response No. 1. The existing regulation requires compliance "immediately" or "promptly." The proposed change to the regulation allows for a 30-day grace period. For questions about filling out the change of ownership form, please call (916) 341-5300 or send an email to

changerequest@waterboards.ca.gov. Additional information about the form may be found at [Water Rights Ownership and Contact Information | California State Water Resources Control Board](#).

Comment No. 3: By requiring changes of ownership to be submitted only electronically places an additional burden on those that may not be computer literate or have access to a computer, thereby incurring an additional expense to outsource this task, therefore the justification for at least a 90 day reporting period would be warranted.

Response to Comment No. 3: Please see Master Response No. 1. The proposed regulation does not change the format in which changes of ownership are to be submitted. Please also see Response No. 2.

Comment No. 4: Regarding an overlap of responsibility between transferor (previous owner) and transferee (new owner) for completing the documentation: There may be a succession of previous owners in which water rights have not been transferred and/or no documentation on file as some water rights are very old and may require a water rights search. In this case a 30 day reporting period would not be sufficient time to complete such a transfer.

Response to Comment No. 4: Please see Master Response No. 1.

Comment No. 5: Why the change in reporting dates? Did not hear reason given on public comment period 8/23/2022.

Response to Comment No. 5: Aligning water use reporting due dates will contribute to the welfare of California residents by improving the State Water Board's ability to more effectively (1) administer the complex water rights system; (2) provide for the reasonable protection of the beneficial uses of waters of the State; and (3) prevent the waste and unreasonable use of water pursuant to Article X, section 2 of the California Constitution. Moreover, aligning the due dates for all reports should reduce the burden and confusion for reporters associated with different dates for different types of water rights, as in the current schedules.

Comment No. 6: Suggest a 90 day notice more practicable as suggested previously subject to extenuating circumstances.

Response to Comment No. 6: Please see Master Response No. 1.

Comment No. 7: User name and Password – It should be noted that user names and passwords as provided by the Water Board may be incorrect or in error as it was in my case. After several unsuccessful attempts, I contacted the Water Board and received a new one and was told the one I was attempting to use was wrong....it was frustrating as I was trying to meet the deadline for filing or face a fine!

Response to Comment No. 7: Addressing such errors is beyond the scope of the proposed rulemaking. Please see Master Response No. 1 concerning additional information and resources to assist in filling out a particular form. Please also see Master Response No. 1 in response to concerns about trying to meet the deadline for filing or face a fine.

Comment No. 8: Need to point out that these forms/statements are time consuming to fill out and are not user friendly if you don't have the computer skills.

Response to Comment No. 8: This comment is outside the scope of the proposed rulemaking. Please see Master Response No. 1 concerning additional information and resources to assist in filling out a particular form.

Comment No. 9: (c) (d): As stated previously a 30 day period to file is not practicable and failure to do so, the "owner" or "claimant" would be subject to a "civil liability" of up to \$500.00/day

Response to Comment No. 9: Please see Master Response No. 1.

Comment No. 10: (f): Supplemental Statement Form Having filed out reports in the past, the information required is pretty onerous for small operations that don't have the ability or personnel to comply with all these requirements. Whereas, Adjudicated Rights are filled out and filed by the water master.

Response to Comment No. 10: Addressing this comment is outside the scope of the proposed regulation. Please see Master Response No. 1 for additional information and resources to assist in filling out forms.

Comment No. 11: Refer to Section 920. (f) Supplemental Statement Form (Referenced above) . Unless the SWRCB makes an effort to simply [sic] the reporting process, it is my opinion that there will be very little effort made by many to file annual reports.

Response to Comment No. 11: Please see Master Response No. 1. Please also see Response to Comment No. 5.

Comment No. 12: As has been witnessed lately, the SWRCB has over stepped its authority by jeopardizing the lives and livelihood of ranchers and farmers in pursuing their objectives to the determinant of the safety and welfare of animals. No one seems to be exercising any common sense. In addition, even though there have been many complaints submitted to the SWRCB regarding the illegal cannabis growers in our area and the illegal taking of the Shasta River groundwater for such illegal crops thereby creating a shortage in the River and shorting the flow for the legal ranchers water rights and for the fish, the SWRCB has been "slow walking" taking punitive action against these illegal activities.

Response to Comment No. 12: These comments are outside the scope of the proposed regulation. The comments concern the Board’s general authority, complaints about illegal cannabis growers, and the Water Board’s general enforcement efforts. WaterCode section 1058 authorizes the Board to adopt regulations, stating that “The board may make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its powers under this code.”

K. Laura Menke

Comment No. 1: I am a cabin owner that was very lucky to not lose my structure (46 milestone tract) to the Caldor Fire, but I did lose my water system. I have not opened the cabin due to this loss, and am waiting for large equipment to finish removing trees, etc. . Where the pipes will eventually be replaced.

Is there a way to either get financial help with replacing the water system, or delay payment for the year or possibly years when water is not being used?

Response to Comment No. 1: Board staff send condolences concerning the loss of your water facilities, but this comment is outside the scope of the proposed regulations. However, Board staff will reach out to Ms. Menke to respond to her questions.

L. Dante Nomellini, Jr.

Comment No. 1: “Awareness of the Regulation is the Primary Problem, Not Compliance with the Regulation.”<sup>3</sup>

Response to Comment No. 1: Staff concurs that, once acquainted with the requirement to update critical information related to a water right/claim, most holders/claimants readily comply. In order to increase awareness of the notification requirement, staff conducted extensive outreach to acquaint practitioners with the frequent failure to comply with the notice-of-change requirement and the substantial expenditure of staff time to “track down” new owners after a change becomes apparent only when required annual reports are not filed at the next water use report due date. Staff sought and received suggestions about how to improve compliance, primarily by clarifying the existing regulation. Staff also described—and provided drafts of—potential revised regulations to address the problem.

Once a refined draft of the proposed regulations had been developed, staff submitted the Notice of Proposed Rulemaking for publication in the California Regulatory Notice

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<sup>3</sup> See also Comment Letter of Mr. Vergara: “By the State Water Board staff’s own admission in Attachment A to the Initial Statement of Reasons (ISOR Attachment A), most delinquent reports are filed shortly after follow-up communication with the water right holder”; Comment Letter of Ms. Spaletta: “I work with many people who are frankly unaware of the SWRCB requirements for reporting until I explain the requirements.”

Register, which starts the formal notification process required by the Administrative Procedure Act.<sup>4</sup> In addition to calling attention to the proposed regulations in various water user forums,<sup>5</sup> staff gave notice of the proposed regulations and the virtual public workshop by email to its pertinent subscription lists.<sup>6</sup>

Additional notifications of the proposed regulations include the agenda for the Board's meeting to consider adoption on September 20. If the proposed regulation is adopted by the State Water Board and approved by the Office of Administrative Law, the regulation will be published in the Code of California Regulations. News of the regulatory clarification—if adopted, approved, and published—will be prominently displayed in appropriate places on the Board's website. Finally, staff intends to conduct additional outreach (emails, presentations, etc.) in conjunction with reminders of the new water use report due date on February 1, 2023.

Staff is open to additional suggestions for outreach to acquaint the water user community with the clarification of the notice-of-change regulation. However, it would be imprudent to create a precedent, as suggested by some comments,<sup>7</sup> that it is unfair to enforce Board regulations without first providing notice of a regulation to each water right holder. Notice of the proposed rulemaking was provided via email to all known water right holders under three separate email subscription lists and published in the California Regulatory Notice Register.

Comment No. 2: "From a review of the proposed regulations [it] does not appear that the loss of the right to exercise the water rights is a penalty for noncompliance. Instead, the "only" penalty appears to be MASSIVE fines. But at the August 23, 2022 workshop

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<sup>4</sup> The Notice of Proposed Rulemaking was published in the California Regulatory Notice Register on July 15, 2022.

<sup>5</sup> For instance, the Delta Watermaster discussed the proposed regulations at public meetings of the North, Central and South Delta Water Agencies as well as at several reclamation district meetings.

<sup>6</sup> On August 4, 2022, the Notice of Staff Workshop and Opportunity for Public Input on Proposed Regulations was sent to subscribers to the following subscription lists: (1) Regulations—General, (2) Delta Water Rights, and (3) Water Rights Reporting (Notification).

<sup>7</sup> See e.g., Comment Letter of Mr. Nomellini: "Perhaps an alternative to consider would be for the SWRCB to send notices to all current owners of record"; Comment Letter of Ms. Spaletta: "Penalties should only accrue after a new owner has notice of this requirement and has received a request to update information and failed to comply"; Comment Letter of Mr. Vergara: "Additionally, we suggest State Water Board staff engage in additional outreach to water right holders to ensure they understand what is required of them when they sell or transfer their property and/or water right."

on these regulations the Delta Watermaster stated several times that the consequences for not meeting the 30-day deadline meant the current diverter “[c]annot continue to exercise water right while notice is delinquent.”<sup>8</sup>

Response to Comment No. 2: Staff concurs with this comment to the extent that the proposed regulation is enforceable through imposition of administrative civil liability (see, e.g., Water Code sections 1055 and 1846.) Staff also appreciates that the comment points out an error in the staff presentation at the August 23 workshop on the proposed regulation.

During the staff presentation, the Delta Watermaster referred to a PowerPoint slide (slide 14) and erroneously stated that a water right could not be exercised if the required notice of change were delinquent. In fact, there is no such provision in the proposed regulation. Such a provision was included in an earlier draft of a possible of regulation, but this provision was removed precisely because some stakeholders thought it would be an overreach. Unfortunately, the Delta Watermaster neglected to delete the reference in the staff workshop PowerPoint presentation and compounded his error by orally describing the consequence which had been stricken from the proposed regulation prior to the Notice of Proposed Rulemaking.

Staff is grateful for the comments which point out the error and allows this opportunity for correction. The Delta Watermaster regrets his error and the confusion it caused.

Comment No. 3: “When a transfer is effective to trigger the 30 day deadline (and its associated draconian penalties) is, of course, highly vague and unspecific. I’m not sure off hand how this can be more specific to address the entire universe of situation where ownership is transferred, but it is indeed highly vague and unspecific.”

Response to Comment No. 3: As this comment correctly points out, there are many circumstances where ownership is transferred. Generally, the parties to the transfer know when the transfer takes place, because they were participants in the process. Without the required notification, however, the Board has no way of knowing when the change occurred.

For the very reason cited by the comment, the proposed regulation avoids the quixotic effort to determine for all such circumstances precisely when the transfer must be deemed to have occurred. Rather, the proposed regulation defers the establishment of the date of transfer to the unusual circumstance when there is ambiguity that needs to be resolved. For example, if the Board were to pursue enforcement via administrative

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<sup>8</sup> See also Comment Letter of Ms. Spaletta: “The Water Board does not have the legal authority to take away a right to divert as a civil penalty for failure to timely file paperwork to update ownership information, let alone a practical means to enforce this part of the proposed regulation.”

civil liability pursuant to Water Code section 1846, the actual date of the transfer would be established in the course of the proceedings therein required.

Comment No. 4: “The MASSIVE \$500.00 a day fines are...grossly out of proportion to the harm [of failure to file the required notice-of-change].”

Response to Comment No. 4: In this context, Water Code section 1846 sets the upper limit of administrative civil liability (“in an amount not to exceed \$500 per day) for violating a regulation adopted by the Board. The Board may impose such liability pursuant to the procedural safeguards in Water Code section 1055, including, among others, (1) notice, including allegation of the facts supporting the proposed fine, and (2) opportunity for a hearing.

In addition, modification of these statutory provisions is beyond the authority of the Board and well beyond the scope of the proposed regulation.

Moreover, staff, under management oversight, attempts to induce compliance with regulations through progressive means. If, after outreach concerning the missing report or form, staff proposes administrative civil liability out of proportion to the violation, as suggested by the comment, the statutory safeguards are adequate to prevent such abuse of statutory authority. See also Master Response No. 1.

Comment No. 5: “The regulations need to address co-ownership.”

Response to Comment No. 5: Although there may be reason to address co-ownership, this suggested change is outside the scope of the proposed regulation. At some future date, the Board may decide to address these issues through a separate rulemaking proceeding.

Comment No. 6: “Notification of Ownership Updates Must be Sent to Current Owners of Record.”

Response to Comment No. 6: This suggested change is outside the scope of the proposed regulation. At some future date, the Board may decide to address issues raised in this comment through a separate rulemaking proceeding.

Comment No. 7: “The Delta Watermaster has indeed consulted with the CDWA regarding the deadline for water reporting; however, I’m aware of no consultation regarding the ownership update component of the regulation.”

Response to Comment No. 7: See Response to Comment No. 1 above.

M. Jennifer Spaletta

Comment No. 1: “The 30-day time period is far too short to be practical. 90-days is a minimum reasonable time.”



Response to Comment No. 1: The notice requirement in existing regulations currently requires a form or statement to be filed “immediately” or “promptly” and, unlike the proposed regulation, lacks any “grace period”. Further, the change which gives rise to the notification requirement is initiated by or confers benefit on the parties to the transfer; these parties (or their agents) have actual knowledge of the transfer, while the Board does not. Nonetheless, this comment and similar comments suggest that the proposed 30-day period following a change in a water right (new owner, contact information, agent) should be extended. See Master Response No. 1.

The authors of those comments acknowledge that accuracy of water right information is important to the Board’s administration of the water right system. However, these comments generally suggest, without evidence, that allowing a longer time to file the required notice would improve compliance with the notice requirement.

To the contrary, there is no evidence that lengthening the grace period would induce greater compliance. In fact, the likelihood of “forgetting” to comply with the notification requirement is equally likely to increase with the lapse of time since the triggering event. Importantly, providing the notice is neither complicated nor time consuming. It merely requires electronically filing a form accessible on the Board’s website.

On the other hand, extending the period from when there is a change to when notice is filed would extend the period when the Board lacks the ability to communicate effectively with the water right holder/claimant. Timely communication can be critical during drought and other emergencies. Extending the grace period between a change and the required notification to 90 days, as an example, could impede communication for an entire irrigation season. In balancing the interest of water rights holders/claimants to defer notice of changes that they initiate or that benefits them against the public interest in timely updates to eWRIMS and the future UPWARD project. ODWM and Division staff believe that the balance is properly set at the proposed 30-day grace period. See also Master Response No. 1.

Comment No. 2: “Penalties should only accrue after a new owner has notice of this requirement and has received a request to update information and failed to comply.... I work with many people who are frankly unaware of the SWRCB requirements for reporting until I explain the requirements. New regulations are not going to increase that awareness. Setting up a mechanism for the SWRCB to receive notice of changes of ownership from each County recorder on a regular basis, and then use that information to contact parties to these transactions about reporting rules, would be much more effective.”

Response to Comment No. 2: Staff agrees that lack of awareness of the requirement for reporting changes is likely a more consequential reason for non-compliance than the

length of the grace period.<sup>9</sup> However, this comment, among others, turns the notice requirement on its head. It would transfer to the Board the task of ferreting out changes in water rights, identifying and then contacting the very parties who initiate or benefit from the change but who have not notified the Board of the change, as required under existing regulation.

Several comments suggest that the Board should set up a system for monitoring real estate transactions<sup>10</sup> to identify water right changes. These comments ignore the fact that property sales with water rights attached represent a small subset of overall real estate transfers, and staff is unaware of any method for culling them from county property transfer information. Changes in ownership also occur when water rights are transferred under terms of a family trust, testamentary provision, or other non-real estate transaction. Changes in contact information such as when the water right owner or designated agent moves are unrelated to the transfer of the associated property.

The right to put water (a public resource) for a reasonable beneficial use is a valuable usufructuary right granted by the State Water Resources Control Board, subject to conditions imposed by Article X, section 2 of the California Constitution, the Water Code, regulations, and by the terms of licenses and other explicit grants. One who exercises the private right (or claim) to use water is not in a position to evade responsibilities reasonably associated with protection of the public resource, including the existing responsibility to notify the Board of the owner's identity and contact information.

In any complex statutory setting, including California's system of water rights administered through the Water Code and its implementing regulations, exercising a right to the use of water reasonably presumes that those exercising that right have knowledge of their corresponding legal duties. *Ignorantia legis neminem excusat* ("Ignorance of the law excuses no one") is a familiar principle of the common law. Exercising a water right in California necessarily includes the accompanying responsibility to observe the law and regulations associated with that right. Put simply and by analogy, if I obtain a license to drive a car, that right comes with a corresponding obligation to comply with laws associated with that car's operation, such as complying with the speed limit and stopping at a red light. In short, the Board should not assume the burden of discovering changes initiated by water rights holders/claimants as this comment suggests.

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<sup>9</sup> In addition to extensive outreach already undertaken during the process of developing the proposed regulations, staff intends to carry out an outreach and awareness campaign to publicize it, if it is adopted and approved by the Office of Administrative Law. See also the more extensive Response No.1 to Nomellini Comment No. 1 herein.

<sup>10</sup> See also comment of Mr. Vergara: "...the California Association of Realtors, can be an effective partner in such outreach."

N. Tracy

Comment No. 1: I do not agree with moving the due dates for reporting up to Feb 1<sup>st</sup>. Although it's fine for me, those who do not have computers or have no access to the internet will be burdened heavily. Many participating in water board activities are rural and low income. They lack the resources that enable them gain access to computers. I strongly believe they should be given no less than 60 days to make arrangements to find and access a computer to report.

Response to Comment No. 1: It is unclear whether the reference to 60 days pertains to the February 1 report due date or the 30-day grace period proposed for notification of a water right change. If the former, ODWM and Division staff understand that many residents are rural and low income, but the February 1 reporting date will align all reporting deadlines to better administer the water rights system and avoid "apples to oranges" data comparison. In addition, because this report is tied to the previous water year that ends on September 30, the filer has four months to prepare and file the required report. See also Master Response No. 1 concerning enforcement.

O. Michael Vergara

Comment No. 1: "The Language of section 831 of the Proposed Regulation Remains Confusing and Further Clarification is Needed to Avoid the Errors the Revision Seeks to Address."

Response to Comment No. 1: As this comment properly recognizes, the proposed regulation allows the notice-of-change to be filed by the transferor, transferee, or an agent; however, potential liability for delinquency accrues only to the new owner. This approach was developed in response to feedback received during the outreach leading to development of the proposed regulation. The highlighted provision reflects the apparent consensus of the practitioners with whom staff conducted the preliminary outreach that filing the notice-of-change with the Board on a timely basis is more critical than prescriptively assigning the responsibility to any specific person or entity with knowledge of the transaction creating the change. Nonetheless, the regulation reflects that the transferee (the new owner) is the beneficiary of the transfer. The former owner retains no interest in the valuable water right transferred or conveyed through the change of ownership.

Comment No.2: "Under this proposed regulation, if the transferor and transferee (collectively, 'parties') agree that the transferor will file the change form, yet fails to do so, the transferee is liable. The resulting risk of liability is unjust."

Response to Comment No. 2: ODWM and Division staff disagree. In the event that the transferor fails to meet its obligation under the agreement between the parties, the transferee could enforce the agreement or seek to collect damages for a breach of the agreement. Moreover, the transferee in this hypothetical circumstance has a vested interest to ensure that the notice-of-change has been filed as agreed (so as to avoid

precisely the liability that the agreement sought to transfer). This hypothetical circumstance highlights that the parties to the transaction causing the change have unique access to the information of which the Board, has no knowledge. In the hypothetical circumstance the Board would have no knowledge—or right of enforcement—of the agreement between the parties.

ODWM and State Board staff recommend adoption of the proposed order without the modification suggested by the comment.

P. Nadia Wahhab

Comment No. 1: We hope that the measuring method required for water diversions under 50 feet would be changed back to visual measurement instead of the complicated and expensive methods that you are requiring, as it is imposing a burden and a major expense for water right holders like us who have under 27 acre feet. It seems that visual reporting should be sufficient for such a small body of water.

Response to Comment No. 1: This comment is outside the scope of the proposed regulation. As part of another possible future rulemaking, the Board may review the measuring method.

Comment No. 2: If you have any suggestions for us or you can help us with our reporting or combining the 2 licenses, would be greatly appreciated.

Response to Comment No. 2: This comment is outside the scope of the proposed regulation. In response to the request for reporting assistance or combining the two licenses, Division staff will reach out to the commenter and see what assistance they may be able to provide.

Q. Mary Wood

Comment No. 1: It is my understanding that State Water Resource Control Board (SWRCB) recommends the transferor, transferee, agent, or even a real estate agent could submit these changes to ensure the 30-day time deadline is met. Does the Board of Real Estate give courses regarding water rights, reporting data and issues with small water systems or water right issues to their agents? Are water rights mentioned in the disclosure paperwork or contracts for these properties? Does the Board of Real Estate give permission for agents to discuss and explain water rights?

Response to Comment No. 1: This comment is outside the scope of the proposed regulation. However, Division staff will reach out to Ms. Wood and attempt to answer her questions to the extent that they are able but Board staff do not have general real estate expertise. The commenter is also encouraged to reach out to the Board of Real Estate at [www.dre.ca.gov](http://www.dre.ca.gov) to address her questions.

Comment 2: Does the SWRCB think that water rights should be disclosed in real estate sale agreements? Has the SWRCB discussed with the Board of Real Estate to include responsibilities regarding water rights, water quality, water reporting duties, or small water system regulations on sales contracts?

Response to Comment No. 2: This comment is outside the scope of the proposed regulation. Please also see Response No. 1.

Comment No. 3: How does a potential buyer find out that the property that they may be purchasing has a water right attached to it? How would a potential buyer know whether the water right associated with the property is for personal water use, agricultural, business, stock ponds, or is attached to a small water system? How does an owner become an educated water right holder? Does the SWRCB take any responsibility for informing the Board of Real Estate?

Response to Comment No. 3: This comment is outside the scope of the proposed regulation. However, eWRIMS provides information about water rights throughout California. You can search for water rights by several criteria, including the water right owner's name, watershed, stream system, and county. In addition, the eWRIMS Web Mapping Application provides the spatial location of water right points of diversion throughout California. Using a Geographic Information System (GIS), you can search for the location of water rights by visually displaying the location of point(s) of diversion on a map or aerial photograph. Finally, the eWRIMS Report Management System (RMS) is used by water right holders to submit the reports required as a result of their diversion and use of water. Six types of water use reports are supported by the system:

1. Annual Notice of Groundwater Extraction and Diversion
2. Progress Report by Permittee
3. Report of Licensee
4. Report of Registrant
5. Report of Stockpond
6. Supplemental Statement of Water Diversion and Use

Please also see Master Response No. 1 and Brisco, Response to Comment No. 5, for additional information about eWRIMS and assistance with filling out a particular form.

For questions about eWRIMS, please contact the Division of Water Rights at (916) 341-5431 or [ewrims@waterboards.ca.gov](mailto:ewrims@waterboards.ca.gov)

Comment No. 4: The SWRCB urges that buyers should reach out to the seller of a property as they would be the best person to discuss water rights and reporting dates. However, if the seller is either ill-educated about their responsibilities, the property is sold "as is" or the seller fails to disclose, are there any safeguards in place by the SWRCB to guarantee each water right owner is educated to accept these very important responsibilities?

Response to Comment No. 4: This comment is outside the scope of the proposed regulation. Buyers and sellers and water right owners are responsible for ensuring that they comply with all applicable laws and regulations. For more information concerning water rights ownership and contact reporting requirements, for example, please call (916) 341-5300 or via email at [changerequest@waterboards.ca.gov](mailto:changerequest@waterboards.ca.gov). Please also see Master Response No. 1 and Response No. 3.

Comment No. 5: The board urges new buyers to reach out for assistance of a water attorney to better acquaint themselves of their water responsibilities. According to STD 399 - there is no financial impact, yet SWRCB is suggesting a buyer retain a water attorney, with the average hourly rate ranging from \$200 to \$500 per hour, how is there not a financial impact for the buyer? Could SWRCB partner with Rural Community Assistance (RCAC) to formulate a beginner training program regarding water rights and reporting duties?

Response to Comment No. 5: This comment is outside the scope of the proposed regulation. Whether a buyer retains a water attorney is subject to the discretion of the buyer. Please see Response to Comment No. 3 in order to obtain additional information about water rights. For additional information about specific reporting requirements, please also see Response to Comment No. 3.

Comment No. 6: Does the SWRCB see the importance of training and notification of the Local Primacy Agencies (LPA)? Will the SWRCB train the LPAs on water rights and have more open communication with the drinking water program? Will the SWRCB notify LPAs regarding transfer of water rights that affect small water systems?

Response to Comment No. 6: This comment is outside the scope of the proposed regulation. For more information about LPAs, as well as their relationship to the State Water Board, please see [faqs.pdf \(ca.gov\)](#).

Comment No. 7: While I believe technology and electronic communication is timely and efficient, the anonymity and lack of cross referencing amongst owners is of grave concern amongst public trust. In my opinion instead of “either” party submitting changes to a water right, it should be a two-part system requiring both transferor and transferee to notify SWRCB of a change in ownership (especially when dealing with crosslisted/co-owner rights).

Response to Comment No. 7: Under the proposed rulemaking, California Code of Regulations, title 23, section 831 states that there is a joint obligation to submit the change of ownership form but potential liability for the failure to timely submit the form attaches to the transferee, the owner or entity that will have obtained the water right from a transferor.

Comment No. 8: There should be some form of verification (some type of notary) before changes are made. To safeguard the integrity of the water right ownership process,

there needs to be penalties for falsely submitting a change of ownership and the SWRCB needs to take perjury incidents more seriously.

Response to Comment No. 8: The proposed change is outside the scope of the proposed regulation. However, falsely submitting a change of ownership form may be subject to administrative civil liability pursuant to Water Code section 1846, subdivision (b) as well as Water Code section 5107.

Comment No. 9: Changes in the Water Diversion and Use Reports will suffer from the same problems as the change of ownership because this responsibility comes with little to no training on how to complete the report correctly. I requested information from a fellow water right owner who had been reporting for 20 years and was advised to report the maximum amount of water allowed per month so the SWRCB will not reduce the allocation of the water right diversion. How can any person or especially a small water system report water usage without a fully functional flowmeter? Once a flowmeter is installed, why is it not enforced that these small systems to continue to use it and keep the equipment in good repair?

Response to Comment No. 9: This comment is outside the scope of the proposed regulation. For questions or additional information about how to correctly fill out a form, please see Master Response No. 1 and Brisco, Response to Comment No. 5.

Comment No. 10: California Public Utilities Commission (CPUC) empowers California through access to safe, clean, and affordable utility services and infrastructure. Is there a complaint resolution agency where a consumer could file a complaint regarding safety issues, billing issues, reporting issues, fair rate structure, or problems of transfers of water rights when a consumer is dealing with a small water system? Does the SWRCB in collaboration with the drinking water program, county (LPA) and any other necessary agencies have a complaint resolution process regarding water rights, water diversion reports or water quality/availability issues?

Response to Comment No. 10: This comment is outside the scope of the proposed regulation. See also Response to Comment No. 6.

Comment No. 11: The data collection date changes are good in theory; however, the data collected is only as good as the reporters. The state and county oversee approximately 11,000 small water systems where the water usage would be significant. Who looks at the reporting statistics and fact checks against diversion allocation? If it does not compute who researches the problems? Is there an agency responsible for receiving complaints and will actually investigate diversion and reporting issues?

Response to Comment No. 11: This comment is outside the scope of the proposed regulation. The State Water Board investigates claims pertaining to the alleged illegal diversion or reporting issues. Please see [Water Rights Enforcement Complaints | California State Water Resources Control Board](#) to submit a water rights complaint.

Comment No. 12: Referring to the economic impact statement, to me this determination is incomplete and contradictory. The State Water Board states the proposed regulation would not impose any costs to the private sector, yet the SWRCB suggested consulting with an attorney which could cost \$200 to \$500 per hour. Why hasn't the state implemented a statewide training for all levels of government agencies and consumers?

Response to Comment No. 12: The proposed regulation imposes no additional economic impact on the private sector. One may want to consult an attorney or consultant to ensure compliance with a water user's reporting responsibilities. ODWM and Division staff are committed to additional outreach with the water user community concerning the proposed regulation if adopted by the State Water Board and approved by the Office of Administrative Law.

Comment No. 13: Referring to the economic impact statement on businesses, this determination is incomplete and contradictory. The State Water Board states it has no way of estimating the total number of businesses contained within the water right or how to track them; yet, it boldly states it has no economic impact.

Response to Comment No. 13: Please see Response to Comment No. 12.

Comment to Comment No. 14: SWRCB is effectively giving a license to anyone who applies with the only worry being a 30-day reporting timeline. Personally, I have found this type of policy to have significant impacts on my own commercial property and cabin. The County and State has provided limited transparency, enforcement, and oversight which has created huge legal and financial issues for myself with my only purpose being to ensure my property receives safe and affordable water.

Response to Comment No. 14: This comment is outside the scope of the proposed rulemaking. The Board is not "effectively giving a license to anyone" through either the existing regulations or the proposed regulation. See Master Response No. 1. The proposed 30-day grace period balances the Board's need for receive timely notice of water right changes while giving the water right holder/claimant a reasonable period to comply with the existing notification requirement.

Comment No. 15: As a primary water right owner, whose co-owners have submitted changes to SWRCB numerous times without my knowledge or consent I find these proposed changes to be reckless if not dangerous. For example, SWRCB determined in 2017 that, "when a contest develops as to the ownership, the State Water Boards will not ordinarily change its record until the matter is either determined in court or adjusted to the mutual satisfaction of the parties..."; yet, during the last 5 years the association which is not a legal entity has attempted to change the water right out my name several times. The legal action has been slow going and we are currently we are in the process of the demand for arbitration. Meanwhile, while I am waiting for a legal conclusion to this real estate/water right nightmare, I cannot use, sell or enjoy my property. How is the SWRCB protecting my water right ownership if I must check every week to make sure it



is still in my name? Are in fact these proposed regulation changes created for the ease of the SWRCB administration or the integrity of water right ownership?

Response to Comment No. 15: The purpose of the proposed regulations is in part to receive the timely receipt of change of ownership information associated with a water right so that the State Board can better administer the water rights system. There are existing statutory and regulatory restraints on making false reports. See also Master Response No. 1.

Comment No. 16: Although many of my interactions with the CA state and El Dorado county have been unfruitful, I send huge thanks to Jeffery Parks, Eloise Berryman and Denise Wilson of the SWRCB. I believe that my water right was maintained in my name because of their due diligence. I fear for the future if these proposed changes are approved.

Response to Comment No. 16: Thank you for recognizing the efforts of Jeffrey Parks, Eloise Berryman, and Denise Wilson. The “fear for the future” is not specifically related to the proposed regulation. As previously noted, many of Ms. Wood’s comments are outside the scope of the proposed regulation. Where possible, however, previous responses provide additional information in an effort to address her concerns.