

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
NOVEMBER 2, 2010**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING EMERGENCY REGULATIONS ADDING MANDATORY ELECTRONIC REPORTING TO TITLE 23, DIVISION 3, OF THE CALIFORNIA CODE OF REGULATIONS.

DISCUSSION

Water Code section 348 allows the State Water Resources Control Board (State Water Board) to adopt emergency regulations providing for the electronic filing of reports of water diversion or use required to be filed with the State Water Board including but not limited to any report required to be filed under part 5.1 (commencing with section 5100) of Division 2 and any report required to be filed by a water right permittee or licensee.

Proposed Changes for FY 2010-11

The State Water Board proposes to add chapter 2.7 to the California Code of Regulations (CCR) providing for electronic filing of reports of water diversion or use required to be filed with the State Water Board. The regulations would provide for electronic forms to report: (1) Changes in Name, Address or Ownership, (2) Supplemental Statements of Water Diversion and Use, (3) Progress Reports by Permittee, (4) Reports of Licensee and (5) Notices of Groundwater Extraction and Diversion. The chapter would also require watermasters, who choose to file annual reports with the State Water Board, to file such reports on electronic spreadsheets acceptable to the State Water Board.

POLICY ISSUE

Should the State Water Board approve a resolution to adopt emergency regulations to add chapter 2.7 to the CCR as proposed by staff?

FISCAL IMPACT

- 1) **Reduce the Costs of Mailing and Processing Forms:** Currently, the Division of Water Rights mails approximately ten thousand paper report forms annually to water diverters required to file such reports with the State Water Board. Electronic filing of the required report forms will:
 - Reduce the administrative costs of mailing the report forms to diverters by over \$7,000.
 - Reduce staff time required to review the paper forms by 60%
 - Reduce the mailing costs to diverters by eliminating paper.

2) **Reduce Staff Time in Reviewing and Posting Forms**: Currently, the paper reports of water right permittees, licensees, supplemental statements and groundwater extraction reports are received by the Division, reviewed by program staff and then posted to the Board website after the forms are individually scanned to PDF files by the file room staff. Electronic filing would reduce staff effort by:

- Providing a common location for staff to retrieve, review and if necessary approve the reports.
- Eliminating the need to scan and post the individual paper filings for public viewing. This will also free file room staff to provide better service to the public and staff.
- Providing a record of filers that did not comply with the reporting requirements.

REGIONAL BOARD IMPACT

No.

STAFF RECOMMENDATION

That the State Water Board approves the resolution to adopt [emergency regulations](#) to add chapter 2.7 to the CCR as proposed by staff.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Water Boards' Strategic Plan: to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION 2010-

ADOPTING EMERGENCY REGULATIONS ADDING MANDATORY ELECTRONIC REPORTING TO TITLE 23, DIVISION 3, OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code;
2. Water Code section 348 allows the State Water Board to adopt emergency regulations providing for the electronic filing of reports of water diversion or use required to be filed with the State Water Board, including, but not limited to, any report required to be filed under part 5.1 (commencing with section 5100) of division 2 and any report required to be filed by a water right permittee or licensee;
3. State Water Board staff prepared recommended revisions to the State Water Board's water right regulations to implement the requirements of the Water Code;
4. The electronic reporting requirements will be contained in Division 3 of title 23 of the California Code of Regulations;
5. The State Water Board provided an opportunity for public comment on the proposed regulations and considered the regulations at a public meeting conducted on November 2, 2010; and
6. These emergency regulations will take effect upon filing with the Secretary of State.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts [emergency regulations](#) revising Division 3 of title 23 of the California Code of Regulations as recommended by staff.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 2, 2010.

Jeanine Townsend
Clerk to the Board