

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
DECEMBER 2, 2025**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING REVISIONS TO WATER MEASUREMENT REGULATION.

DISCUSSION

The purpose of this item is to consider further proposed revisions to recently-adopted regulation updates to California Code of Regulations, title 23, division 3, chapter 2.8. The proposed changes (1) improve clarity by translating the existing regulations into plain language; (2) improve the quality and usability of measurement data by standardizing data formats; (3) simplify requirements where possible while still ensuring high-quality data; and (4) align requirements with the modernized California Water Accounting, Tracking, and Reporting System (CalWATRS) Water Rights online reporting system.

Water Code sections 1840, 1841, and 1841.5 require the State Water Resources Control Board (State Water Board or Board) to develop and adopt regulations requiring diverters to accurately measure and report their diversions. Regulations were adopted at California Code of Regulations, title 23, division 3, chapter 2.8 and became effective in 2016. However, these regulations have not resulted in sufficiently high-quality diversion data that are usable for mass analysis of water demand and use. The Board relies on diversion data for forecasting and planning for limited water supplies, administering the water rights system, protecting senior water rights holders, and facilitating collaborative solutions among the Board and local water managers.

Over the last several years, the Board's Division of Water Rights (Division) has conducted extensive outreach to better understand compliance hurdles for diverters and has issued guidance to address low rates of data submission and poor usability of submitted data. This effort has included one-on-one meetings with diverters, hosting workshops and listening sessions, and publishing guidance materials. However, despite years of extensive outreach and compliance assistance efforts, data quality and datafile submission rates have not substantially improved, indicating that regulatory changes are needed to successfully implement the original goals of the statute.

As part of the Updating Water Rights Data for California data modernization project, the Division began developing the CalWATRS online reporting platform in 2023. The new platform will improve the management of water rights data by standardizing how data

are formatted and submitted, thereby enabling staff to better review and analyze water demand and availability. CalWATRS became available to diverters in late October 2025. The first reporting deadline under this new system is expected to be in January 2027.

The Board has concluded that the proposed revisions meet the criteria for one or more categorical exemptions under the California Environmental Quality Act (CEQA), specifically California Code of Regulations, title 14, sections 15301, 15302, 15303, 15304, and 15306. The Board will submit a Notice of Exemption with the State Clearinghouse upon adoption of the proposed regulations.

On February 28, 2025, the Board initiated the Administrative Procedure Act (APA) rulemaking process by issuing a Notice of Proposed Rulemaking (Notice) and releasing the proposed regulation text and supporting documents for public review and comment. The publication of the Notice in the California Regulatory Notice Register on February 28, 2025 initiated a 54-day public comment period which closed on April 23, 2025. The Board held a public APA hearing on April 16, 2025 to explain the proposed revisions and solicit oral comments. Staff reviewed all comments received and made additional revisions to the proposed regulation text based on those comments.

On May 22, 2025, Board staff released a second version of the proposed regulation text, which initiated a 15-day comment period ending on June 6, 2025. On June 16, 2025, Board staff released a third version of the proposed regulation text in response to comments received, which initiated a second 15-day comment period ending on July 1, 2025. After the close of the second 15-day public comment period, staff compiled and reviewed the comments received and concluded that no additional substantive revisions to the proposed regulation were necessary.

On August 5, 2025, the State Water Board adopted [Resolution No. 2025-0021](#) which amended, modified, or added regulatory text for chapters 2, 2.7 and 2.8 in Title 23 of the California Code of Regulations. Additionally, the State Water Board found in Resolution No. 2025-0021 that alternative compliance plans that provide a more effective or efficient way of measuring, while still ensuring accurate data on water diversion and use, meet the criteria of Water Code section 1840, subdivision (b)(1).

On August 14, 2025, the Board staff submitted the rulemaking package to the Office of Administrative Law (OAL) to modify chapters 2, 2.7, and 2.8. Modifications to chapters 2 and 2.7 were approved by OAL, filed with the Secretary of State, and became effective on September 26, 2025. On September 26, 2025, the State Water Board withdrew proposed modifications to chapter 2.8 from the rulemaking package to make additional changes for clarity and consistency.

On October 30, 2025, additional proposed changes to chapter 2.8 were released as a fourth version of proposed regulation text with a notice soliciting written comments on the proposed revisions to previously-adopted text of chapter 2.8. Distribution of the notice initiated a third 15-day comment period which closed on November 14, 2025.

After the close of the third 15-day public comment period, staff compiled and reviewed the comments received and concluded that no additional substantive revisions to proposed chapter 2.8 were necessary.

Board staff will address each comment received in the Final Statement of Reasons and will present a brief summary of comments, responses, and revisions to the proposed regulation at the State Water Board adoption meeting. If the State Water Board approves a resolution adopting the proposed regulation revisions, an updated rulemaking package containing the regulation text and other required documents will be submitted to the OAL for its review and approval. Once OAL approves the regulation, it will be filed with the Secretary of State and take effect when published in the California Code of Regulations.

Regulatory documents are available at:

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

POLICY ISSUE

Should the State Water Board adopt the proposed resolution (1) making the CEQA finding of categorical exemptions and (2) approving revisions to the water measurement regulation?

FISCAL IMPACT

To be funded within existing resources.

Information regarding underlying assumptions and other potentially, nonquantifiable impacts is provided in the Economic Impact Analysis, located within the Final Statement of Reasons and available at

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

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommend that the Board adopt the proposed Resolution.