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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2025-

ADOPTING REVISIONS TO WATER MEASUREMENT AND REPORTING REGULATIONS

WHEREAS:

1. Water Code sections 1840, 1841, and 1841.5 authorize the State Water Resources Control Board (State Water Board or Board) to develop and adopt regulations requiring California's water diverters to accurately measure and report their water diversions. On January 19, 2016, the State Water Board adopted regulations at California Code of Regulations, title 23, division 3, chapter 2.8 (Chapter 2.8), to implement these provisions.
2. The adopted regulations apply to all diverters authorized to divert more than 10 acre-feet of water per year under a permit, license, registration, certificate for stockpond use, or any combination thereof that shares a point of diversion or place of use. The regulations affect approximately 12,000 claimed water rights, held or claimed by approximately 7,000 diverters.
3. The State Water Board relies on diversion data for forecasting and planning for limited water supplies, administering the water rights system, protecting senior water rights holders and the environment, and facilitating collaborative solutions among the Board and local water managers. Better diversion data quantifying the size and timing of diversions is essential to effectively manage California's water rights system in the 21st century.
4. Measurement data received since 2018 has not been of sufficiently high quality for use in analyzing water diversions or informing water management decisions. Since 2018, measurement data submission rates for water rights subject to Chapter 2.8 have remained below 25 percent, and only approximately seven percent of reporters that submitted measurement data clearly labeled columns for date, time, and water volume.
5. Between 2023 and 2025, Board staff conducted public listening sessions, hosted workshops, and offered one-on-one meetings with diverters to address low data submission rates, improve data quality, and understand compliance hurdles. Board staff provided optional standardized datafile templates and published various guidance materials and tutorials to improve compliance and data usability under the existing diversion measurement requirements of Chapter 2.8. This extensive outreach and guidance

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dissemination has not meaningfully increased rates of datafile submission or improved data usability.

6. In 2023, the State Water Board began developing the California Water Accounting, Tracking, and Reporting System (CalWATRS) online reporting platform for Water Rights as part of the Updating Water Rights Data for California data modernization project. CalWATRS is expected to be accessible by diverters in late 2025. The first reporting deadline under this new system is expected to be in January 2026.
7. Standard practices for modern data systems require CalWATRS users to provide a valid email for secure authentication and provide data in standardized and machine-readable formats.
8. Water Code section 5001 requires reports of the amount of groundwater extracted during each water year (October 1 through September 30 of the following year), rather than during each calendar year, and reports are due before the ensuing February 1. Existing State Water Board regulations set the reporting period for notices of groundwater extraction and diversion as the calendar year (January 1 through December 31) and reports are due before the ensuing February 1. This reporting period conflicts with Water Code section 5001 and therefore needs to be updated.
9. Water Code section 1058 states that the State Water Board may make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its duties under the Water Code.
10. The proposed revisions to California Code of Regulations, title 23, division 3, chapters 2, 2.7, and 2.8 (the regulations) are expected to provide the following benefits: (1) improve clarity by using plainer 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; (4) align requirements with the CalWATRS online reporting system; and (5) align reporting dates for groundwater extractions and diversions with the water year.
11. The proposed revisions to the regulations eliminate all measurement requirements under Chapter 2.8 for registrations for small domestic use, registrations for livestock stockponds, registrations for small irrigation use for cannabis, and stockpond certificates. These small diverters are required to report their diversions annually to the Board and may be required to measure pursuant to other regulations or requirements.

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12. The proposed revisions to the regulations better reflect the diversity in water diversion practices throughout the State, and expand alternative compliance options to diverters who have more effective or efficient means of measuring diversions while still providing sufficiently high-quality measurement data to the Board.
13. The proposed revisions to the regulations reflect that, under certain circumstances, it may be appropriate for the Board to allow temporary exemptions from diversion measurement requirements or for the Board to adjust measurement thresholds and submission schedules to balance the costs and benefits of collecting and reporting measurement data.
14. On February 28, 2025, a Notice of Proposed Action (Notice) describing the proposed rulemaking to revise Chapters 2, 2.7 and 2.8 was published in the California Regulatory Notice Register in accordance with the Administrative Procedure Act (APA) (Gov. Code, §§ 11340-11361). Associated rulemaking documents, including an Initial Statement of Reasons and the proposed regulatory text were also posted on the State Water Board's website.
15. On April 16, 2025, pursuant to the Notice, the Board conducted a virtual public APA hearing, via Zoom, to explain the proposed revisions to the regulations and to solicit public comments.
16. On April 23, 2025, pursuant to the Notice, the written public comment period concerning the proposed revisions to the regulations closed. Staff reviewed the public comments received and determined that substantive revisions should be made to the regulatory text.
17. On May 22, 2025, in response to comments received, Board staff released a second version of the proposed regulation text and an additional notice soliciting written comments on the revisions to the proposed regulations. Distribution of the additional notice initiated a 15-day comment period which closed on June 6, 2025. Staff reviewed the public comments received and determined that minor substantive revisions should be made to the regulatory text.
18. On June 16, 2025, in response to comments received, Board staff released a third version of the proposed regulation text and a notice soliciting written comments on the revisions to the proposed regulations. Distribution of the notice initiated a second 15-day comment period which closed on July 1, 2025. No additional substantive changes were made to the proposed

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regulations as a result of comments received during the second 15-day comment period.

19. Responses to all comments on the proposed regulation revisions that were timely received during public comment periods and presented orally at the virtual public hearing will be included in the Final Statement of Reasons that will be posted on the State Water Board's website and submitted to the Office of Administrative Law (OAL) as part of the rulemaking record.
20. As lead agency, the State Water Board has determined that adoption of these revisions to the regulations fall within several categorical exemptions determined to not have a significant effect on the environment under the California Environmental Quality Act (CEQA), including Information Collection, Existing Facilities, Replacement or Reconstruction, New Construction or Conversion of Small Structures, and Minor Alterations to Land. (Cal. Code Regs, tit. 14, §§ 15301 through 15304, and §15306.) Revisions to the regulations generally do not impose new requirements that would result in new installation of measuring equipment; however, there may be some instances that require new installations such as a request to measure redirection not already being measured, or to bolster the effectiveness of an alternative compliance plan. The revisions provide the Division oversight over any required new measuring device installation to ensure they adhere to the constraints of these categorical exemptions. Adoption of these revisions to the regulations is therefore exempt from the provisions of CEQA. State Water Board staff will submit a Notice of Exemption and this resolution to the State Clearinghouse.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board amends, modifies, or adds California Code of Regulations, title 23, sections 831, 907, 910, 911, 913, 915, 916, 920, 924, 925, 929, 930, 931, 931.5, 932, 933, 934, 935, 936, 937, 938, 939, 939.1, 939.2, 939.3, 939.4, 939.5, and 939.6 as appended to this resolution.
2. 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).
3. State Water Board staff shall submit the final rulemaking file, including the adopted regulatory text, to the Office of Administrative Law (OAL) for approval.

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4. The State Water Board directs staff to request from OAL that the regulation take effect upon filing with the Secretary of State or October 1, 2025, whichever is sooner.
5. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director, Deputy Director for the Division of Water Rights, or designee may make such changes.

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 August 5, 2025.

Courtney Tyler
Clerk to the Board