

# Summary of Proposed Changes to the “Measuring and Reporting” (SB 88), “Appropriation of Water,” and “Water Diversion and Use Reports” Regulations

Accurately measured water diversion data are critical for managing and making informed decisions about California’s water supply, especially during droughts. The “Measuring and Reporting” regulations (chapter 2.8 of title 23 of the California Code of Regulations, often referred to as “SB 88”) require diverters who divert more than 10 acre-feet of water per year to measure and report the water they divert. Although the regulations have been in effect since March 2016, much of the data submitted to the State Water Resources Control Board (State Water Board or Board) have been of limited usefulness, in part due to non-standardized formatting and inconsistent measurement parameters.

## Proposed Changes to the Regulations

The State Water Board is proposing to revise the existing chapter 2.8 regulations to improve the quality and usability of submitted data, as well as to improve the overall clarity of the text. The proposed revisions are based on feedback from diverters provided during the Board’s substantial outreach and public engagement efforts since 2022. The Board is also proposing minor revisions to the “Appropriation of Water” and “Water Diversion and Use Reports” regulations (chapters 2 and 2.7 of title 23 of the California Code of Regulations, respectively). The proposed changes to chapters 2, 2.7, and 2.8 include:

1. **Restructuring the regulations:** At first glance, the text of the proposed revisions looks substantially different from the existing regulations. The existing regulation text was entirely struck out and replaced with plainer language for improved clarity. Although the language and organization have been updated, the overall intent of the regulations — to measure diversions and submit measurement data — generally remains unchanged.
2. **Redefining key terms:** Existing definitions were condensed and refined for clarity. For example, the proposed text removes the distinction between “measuring devices” and “measurement methods” in favor of the single term “measuring device” to describe anything that is used to measure or collect data. Updated definitions also distinguish between various types of measurement data, different types of points of diversion, and between “withdrawals” versus “releases” from reservoirs.
3. **Clarifying measurement standards:** The proposed text describes which parameters must be measured and with what frequency and accuracy, based on reservoir capacity and the volume and flowrate of diverted water. This includes updates to diversion parameters to ensure consistency among diverters and to balance the Board’s need for highly accurate diversion measurement data with what is feasible for diverters to measure.
4. **Specifying datafile format and submission:** The existing regulations do not specify a datafile format for reporting measured diversion data. The Board cannot systematically analyze measurement data that are not in a standardized format. The proposed revisions require diverters to use a standardized datafile format provided by the State Water Board. This ensures submitted data are usable and enables the Board to better understand and manage California’s surface water resources. This change will also provide consistent and clear direction to diverters, who have expressed confusion about how to comply with

existing requirements. While more prescriptive, the proposed change will ultimately result in more efficient, cost-effective, and usable datafile submittals.

5. **Preparing measurement methodologies and alternative compliance plans:**

The proposed updates specify the required information diverters must electronically submit to the Board documenting their methodology of collecting, measuring, interpreting, and processing raw data to fulfill measurement requirements. Diverters must provide this information to the Board by January 31, 2027.

The existing regulations allow eligible diverters to pursue alternative compliance with the regulations. The proposed revisions expand the eligibility criteria for alternative compliance to allow additional flexibility for diverters. The proposed changes also emphasize that alternative compliance plans must meet the requirements as much as possible, and provide accurate and timely measurement data to the Board.

6. **Reviewing submissions:** Consistent with the existing regulations, measurement methodologies and alternate compliance plans may be implemented immediately after their submission to the Board. For clarity, the proposed revisions explicitly state that these submissions will be considered accepted by the Board upon submission and will remain in effect until cancelled, updated, or otherwise modified by the diverter, or rejected by the Board. The proposed revisions further clarify that the Board may review any measurement methodology or alternative compliance plan to evaluate whether it meets the requirements of the regulations, and subsequently approve, reject, or require modifications based on this review. The rejection of a measurement methodology or alternative compliance plan will not retroactively affect its compliance status.
7. **Simplifying requirements:** The proposed revisions modify applicability criteria to exempt small diverters including stockpond certificates and registrations for small domestic use, livestock stockponds, and cannabis cultivation. The proposed revisions also simplify measurement requirements for reservoirs with a capacity of 5,000 acre-feet or less, relax some of the measurement frequency and accuracy requirements, and remove some of the previously required components for measurement methodologies or alternative compliance plans. It also expands eligibility criteria for qualified individuals. Additionally, the proposed revisions allow temporary exemptions from measuring and submitting measurement data under extenuating circumstances.
8. **Clarifying points of redirection:** The existing regulations do not explicitly distinguish between points of initial diversion and points of redirection of previously diverted or previously stored water. As a result, many diverters are measuring and reporting their redirections, while others are not. The proposed revisions clarify that diverters who currently measure their redirections should continue to do so. The Board may require diverters to measure redirections that are currently unmeasured upon determining that such data are necessary to understand water availability.
9. **Identifying measurement location:** The existing regulations do not require diverters to identify the location of measuring devices. To fully understand when, where, and how much water is diverted, the proposed revisions require each measuring device to be linked to a physical location, to the extent possible.

10. **Updating large diversion requirements:** Under the existing regulations, the largest diverters are subject to “telemetry requirements” to post measurement data to a public website on a weekly basis. However, the existing regulations misuse the word “telemetry,” so the proposed revisions re-term these requirements as “large diversion requirements,” to reduce confusion with the common definition of “telemetry.” The proposed revisions simplify the currently complex distinctions between which diverters are subject to these requirements by removing the streamflow percentage-based applicability criteria and the “June through September” diversion qualifier for applicability. Instead, water rights that are authorized to divert more than 10,000 acre-feet per year or more than 30 cubic feet per second at any time will be subject to the large diversion requirements. This change affects fewer than 200 water rights, about 0.3% of all water rights in California. Additionally, the proposed revisions clarify which parameters must be measured to satisfy the large diversion requirements and how the data must be submitted. To provide diverters greater flexibility in meeting the large diversion requirements, the proposed regulations allow diverters to submit provisional data to satisfy their weekly reporting requirements.
11. **Promoting adaptability to changing water data needs:** The proposed revisions allow the State Water Board to more easily tailor requirements to the needs and conditions of individual watersheds. This enables the Board to better balance the costs and benefits of collecting and submitting measurement data throughout the state without relying on a one-size-fits-all approach for all of California.
12. **Requiring an Email Address:** The proposed revisions require all water rights holders to have an email address to access the Board’s new online reporting platform.
13. **Aligning Requirements with the Water Year:** To match the reporting schedules of other types of water rights, the proposed revisions align reporting requirements for groundwater extractions and diversions with the water year, rather than the calendar year.

## Rulemaking Process

In accordance with the Administrative Procedures Act, the State Water Board held three public comment periods (February 28 through April 23, May 22 through June 6, and June 16 through July 1) and hosted a virtual public hearing on April 16, 2025 to solicit public input on the proposed regulation revisions.

## Adoption and Approval

The proposed regulation text has been finalized and will be taken to the August 5, 2025 Board Meeting for consideration and adoption. Once adopted, the proposed regulations will be submitted to the Office of Administrative Law for final review and approval before being filed with the California Secretary of State to become effective. The proposed regulation revisions are expected to be effective October 2025.

## Resources and More Information

For additional information on the existing Measuring and Reporting regulations, visit the State Water Board’s [Water Measurement and Reporting Regulation website](#). For more information on the rulemaking process, visit the [Regulation’s Rulemaking website](#). If you have any questions, please contact Board staff at [DWR-Measurement@Waterboards.ca.gov](mailto:DWR-Measurement@Waterboards.ca.gov) or (916) 323-9393.