

REQUEST FOR EARLY EFFECTIVE DATE

WATER MEASUREMENT AND REPORTING REGULATIONS

Pursuant to Government Code section 11343.4, subdivision (b)(3), the State Water Resources Control Board (State Water Board) requests an early effective date for the revisions to California Code of Regulations, title 23, chapters 2 (Appropriation of Water), 2.7 (Water Diversion and Use Reports), and 2.8 (Measuring and Monitoring) (regulation revisions). The State Water Board requests that the Office of Administrative Law (OAL) approve these revisions to become effective on filing with the Secretary of State.

Background

On February 18, 2025, the State Water Board's Division of Water Rights submitted the initial rulemaking package for proposed revisions to the Measurement and Reporting Regulations to OAL and the Notice of Proposed Action was published in the California Regulatory Notice Register on February 28, 2025, which initiated the rulemaking process. Following a 54-day comment period, a public hearing on April 16, 2025, and 15-day comment periods on additional changes to the proposed regulation text, the regulation revisions were approved for adoption by the State Water Board on August 5, 2025. The regulation revisions clarify requirements, align data reporting requirements with the State Water Board's water rights data modernization efforts, and improve measurement data quality and usability.

The following three reasons demonstrate good cause for OAL to allow the early effective date.

Demonstration of Good Cause

Alignment with Modernized Reporting Platform Release Date and Login Requirements

The annual water rights reporting period begins every October 1 and reports must be submitted before February 1 of the following year. An effective date before October 1, 2025, would align with the State Water Board's release of the modernized electronic water rights reporting platform (CalWATRS). CalWATRS accounts must have an email address to be created, and diverters must submit their annual reports through a CalWATRS account. Requiring that water right holders have an email address on file improves the cyber security of water rights reporting. Because the proposed regulation adds the requirement that reporting be associated with an email address, it is important that the requirement be in place to ensure effective and secure use of CalWATRS.

Standardization of Datafile Formatting Requirements Within the Reporting Period

Datafile submissions to the State Water Board under the existing regulation are not required to follow a standardized format, which has led to poor quality data that the State Water Board is unable to review, analyze, and use. The revised regulations address poor data quality by clearly

identifying standards for data submission and requiring measurement data be transmitted to the State Water Board in a specific manner and format. A standardized datafile format also provides clarity to diverters about their reporting requirements. The early effective date requested would ensure that the data submitted to the State Water Board has consistent formatting requirements for the upcoming reporting period. If the regulation takes effect after October 1, the issue of data being submitted in multiple formats and being more difficult for the State Water Board, diverters, and the public to effectively analyze will persist for another year.

Correction to Groundwater Recordation Reporting Date

The revised regulations align the groundwater recordation reporting period to that currently in place for surface water diversions. An early effective date of this alignment would provide clarity to those reporting multiple types of water diversion and use data and ensure that intended improvements in overall water data begin promptly.

For these reasons, good cause exists for OAL to grant the State Water Board an early effective date for the revised regulations to become effective on filing with the Secretary of State. Thank you for your consideration of this request.