

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 2. Appropriation of Water

Article 19. Changes of Ownership and of Address-Notices

Amend Section 831 to read as follows:

§ 831. Notice to Board of Changes in Ownership.

- (a) Within 30 days following the transfer of rights under an application, permit, license, or registration, either the transferor (previous owner), the transferee (new owner), or their respective agents shall notify the board by electronically submitting change of ownership information on the board's online reporting platform. Following receipt of the change of ownership information, the board will send notices and correspondence concerning the application, permit, license, or registration to the transferee (new owner).
- (b) Change of ownership information shall include the following:
 - (1) The water right identification number(s) associated with the change of ownership;
 - (2) The name, address, phone number, and email address of the transferee (new owner) and all other known owners of the water right;
 - (3) The name, address, phone number, and email address for the person to whom all correspondence pertaining to the water right should be sent, and whether that person is an owner or agent;
 - (4) Additional information or other instructions regarding the change of ownership, if any;
 - (5) The name, company (if applicable), email address, and phone number of the person submitting the change of ownership information and whether that person is the transferor (previous owner), transferee (new owner), or agent; and
 - (6) Signature of the person submitting the change of ownership information and date of signature.
- (c) Following those 30 days, and for each day thereafter until the change of ownership information is submitted to the board, the transferee (new owner) may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

Authority cited: Sections 348(a) and 1058, Water Code. Reference: Sections 1055, 1228.5, 1228.6, 1250, 1252 and 1846, Water Code.

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Chapter 2.7. Water Diversion and Use Reports

Article 1. Definitions

Amend Section 907 to read as follows:

§ 907. Definitions.

The following definitions apply to the terms as they are used in this chapter.

- (a) "Board" means the State Water Resources Control Board.
- (b) "Board's website" means www.waterboards.ca.gov.
- (c) "Diverter" means:
 - (1) Any person authorized to divert water under a permit or license; or
 - (2) Any person required under Water Code, Division 2, Part 5.1 to file a Statement of Water Diversions and Use; or
 - (3) Any person authorized to divert under a registration or certificate; or
 - (4) To the extent authorized by federal law, the federal government for rights claimed under permits, licenses, registrations, certificates, statements of water diversion and use, and non-reserved and reserved rights on file with the board.
- (d) "Online reporting platform" means an internet-based software application available on the board's website, through which reports, forms, data, documents, or other information are submitted.
- (e) "Reports" refers to the following documents:
 - (1) Supplemental Statements of Water Diversion and Use, pursuant to Water Code section 5104.
 - (2) Reports of Permittee and Licensee, pursuant to sections 925 and 929 of this title.
 - (3) Reports of Registration and Certificate Holders pursuant to section 924 of this title.
 - (4) Notices of Extraction and Diversion of Water, pursuant to Part 5 of Division 2 of the Water Code. Each person in the counties of Riverside, San Bernardino, Los Angeles and Ventura who, after 1959, extracts ground water in excess of 25 acre-feet in any year shall file with the board, before February 1 of the year after the twelve month reporting period, a "Notice of Extraction and Diversion of Water" on the board's online reporting platform.

(f) “Twelve month reporting period” means a water year beginning October 1 and ending the succeeding September 30.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 1228.6, 1395, 1396, 1397, 1840, 4999, 5001 and 5105, Water Code.

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Article 2. Declaration of Policy

Amend Section 910 to read as follows:

§ 910. Purpose.

The regulations contained in this chapter are adopted for the purpose of implementing and carrying out provisions of Chapter 2.7 of Division 1 of the Water Code and Parts 2, 5, 5.1 and 5.2 of Division 2 of the Water Code. The regulations identify requirements for the mandatory electronic filing of reports on the board’s website. Reports subject to mandatory electronic filing include: supplemental statements of water diversion and use, Water Right Progress Reports by Permittees, Reports of Licensees, Reports of Registration and Certificate Holders, Notices of Groundwater Extraction and Diversion, Reports of Groundwater Extraction and reports filed by watermasters pursuant to Water Code section 5101, subdivisions (d) and (e).

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 1840, 5101, 5103 and 5104, Water Code.

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Amend Section 911 to read as follows:

§ 911. Construction.

(a) To the extent authorized by federal or tribal law, this chapter applies to an Indian tribe or the federal government and any reports filed by the Indian tribe or federal government for rights claimed under permits, licenses, registrations, statements of

water diversion and use, stockpond certificates, and non-reserved and reserved rights on file with the board.

(b) Nothing in this chapter shall be construed to limit or modify the board's authority to obtain information under any other lawful authority.

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a), 1840, 1846, 5101, 5103 and 5104, Water Code.

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Add Section 913 to read as follows:

§ 913. Electronic Submission of Reports.

(a) Reports shall be electronically submitted through an online reporting platform identified on the board's website.

(b) An email address is required to log in to the online reporting platform in order to submit reports.

Authority cited: Sections 348(a) and 1058, Water Code. Reference: Sections 1055, 1228.5, 1228.6, 1250, 1252 and 1846, Water Code.

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Amend Section 915 to read as follows:

§ 915. Changes in Contact Information of Owners, Diverters, or Agents.

(a) The owner of or applicant for a water right permit, license, or registration shall notify the board within 30 days of changes in contact information of the owner or agent by electronically submitting the contact information update on the board's online reporting platform.

(b) The contact information update shall include the following information:

- (1) The water right identification number(s) associated with the change of contact information;
- (2) Indication whether the change of contact information pertains to an owner or agent, and updated contact information for the person including name, address, phone number, and email address;
- (3) The name, address, phone number, and email address for the person to whom all correspondence pertaining to the water right should be sent, and whether that person is an owner or agent; and
- (4) Additional information or other instructions regarding this change, if any.

(c) Any party required to submit a Statement of Water Diversion and Use shall notify the board within 30 days of changes in contact information by completing and electronically submitting supplemental statement of change information on the board's online reporting platform.

(d) The supplemental statement of change information shall include the following:

- (1) Indication whether the change is a change of diverter, contact information, or agent;
- (2) The statement of water diversion and use number;
- (3) The Assessor's Parcel Number(s) associated with the place of diversion;
- (4) Indication whether the diverter or an agent is the designated person to receive all correspondence;
- (5) If the party is notifying the Board of a new diverter, the new diverter's name, address, phone number, and email address;
- (6) If the party is notifying the Board of a change to the existing diverter's contact information, the existing diverter's new address, phone number, or email address;
- (7) If the party is notifying the Board of a new agent, the new agent's name, address, phone number, and email address;
- (8) If the party is notifying the Board of a change to the existing agent's contact information, the existing agent's new address, phone number, or email address;
- (9) The date upon which the change of diverter, contact information, or agent became effective;
- (10) Additional information or other instructions regarding this change, if any; and

(11) Signature of the person submitting the supplemental statement of change form, printed name of the person submitting the form, and date of signature.

(e) Following those 30 days, and for each day thereafter until the applicable change information is submitted, the owner or diverter may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1055, 1228.6, 1840 and 1846, Water Code.

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Amend Section 916 to read as follows:

§ 916. Request for Additional Time.

A diverter may submit a request for additional time to comply with the provisions of this chapter on the board's online reporting platform. The Deputy Director for the Division of Water Rights may grant such requests upon a showing of good cause.

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a) and 1840, Water Code.

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Article 2. Declaration of Policy

Amend Section 920 to read as follows:

§ 920. Supplemental Statements of Water Diversion and Use.

(a) Supplemental statements of water diversion and use shall be submitted online through an online reporting platform accessible through the board's website before each February 1 after the close of the prior twelve month reporting period, or more frequently as directed under section 917.

(b) Within 30 days following the transfer of a right or claim which is subject to Water Code section 5101, either the transferor (previous holder/diverter) or the transferee

(new holder/diverter) shall notify the board by electronically submitting the supplemental statement of change information on the board's online reporting platform.

- (c) Following those thirty days, and for each day thereafter until the supplemental statement of change information is submitted, the transferee (new holder/diverter) may be subject to civil liability up to the maximum allowed pursuant to Water Code section 1846.
- (d) Following electronic submission of the supplemental statement of change information, the board will send notices of correspondence to the transferee (new holder/diverter). Submitting the supplemental statement of change information does not eliminate the requirement to submit supplemental statement of water diversion and use information.
- (e) The supplemental statement information shall include the following:
 - (1) The name(s), address(es), and other ownership information for the diverter;
 - (2) The type of water right being claimed for the water diverted under the statement;
 - (3) The maximum rate of diversion achieved at any time during each month, if available;
 - (4) The amount of water directly diverted and collected to storage in each month and the total annual amount diverted. Each month must contain an entry. If no diversion occurred, a "0" should be entered;
 - (5) A description of the diversion works, including type of diversion and capacity of direct diversion and/or storage facility.
 - (6) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 of this title.
 - (7) The amount of water beneficially used in each month and the total annual amount beneficially used. Each month must contain an entry. If no beneficial use occurred in a given month, a "0" should be entered;
 - (8) The purpose(s) for which the water was diverted and used. Use information to be provided includes:
 - (A) irrigation, including crop type and acreage;
 - (B) frost protection, including acres covered;
 - (C) heat control, including acres covered;
 - (D) industrial, including type of activity;
 - (E) stock watering, including number and type of animals;

- (F) municipal, including approximate population served, and seven digit public water system number or other identifier;
- (G) domestic, including number of persons served, lawn or garden area, and seven digit public water system number or other identifier, if applicable;
- (H) power generation, including installed capacity in kilowatts, megawatts or horsepower;
- (I) recreational, including boating, fishing or other water sports;
- (J) any additional uses not named above, including environmental use.

(9) Any changes in the other information contained in the preceding statement;

(10) Report of water transfers during the twelve month reporting period including transfer dates and approving agency;

(11) Report of transferred contract water including contract agency, contract number, source, amount of contract water in acre-feet and projected water use in the upcoming year.

(12) Water diversion measurement, either direct diversion or diversion to storage including the type of device(s) used, additional technology used, who installed the device(s) and any alternative method(s) used in measuring the water diversion.

(f) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water to be reported under a statement, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset, on a monthly basis.

(g) If water conservation efforts have resulted in a cessation or reduction in use, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1055, 1840, 1846, 5100, 5101, 5103 and 5104, Water Code.

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Article 2. Declaration of Policy

Amend Section 924 to read as follows:

§ 924. Water Use Reports of Registration and Certificate Holders.

- (a) Reports of registration and certificate holders shall be filed annually before February 1 after the close of the twelve month reporting period. Provisional streamflow data may be used in preparing the water use report if final streamflow data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. The report shall be filed electronically on the board's online reporting platform. Compliance with the requirement to file a water use report is a condition of every registration or certificate. A failure to file a report under this section is a violation of registration and certificate terms, as applicable.
- (b) The annual reports shall include the following information:
 - (1) A statement of compliance or of non-compliance with the terms and conditions of the registration or certificate;
 - (2) The purpose(s) for which water is diverted and used;
 - (3) The quantity of water diverted from each point of diversion by month (or shorter timeframe if otherwise required); and
 - (4) For direct diversion, the maximum rate of diversion achieved at any time during each month, if available.
- (c) The first reports of registration and certificate holders shall be filed for the diversion and use of water made during calendar year 2016. The report for 2016 shall be filed prior to April 1, 2017.
- (d) Compliance with the applicable reporting requirements of this chapter and section 831 during the five-year renewal period satisfies the reporting requirement for renewal of registrations pursuant to subdivision (b) of section 1228.5 of the Water Code.

Authority cited: Sections 348(a), 1058, and 1841, Water Code. Reference: Sections 348(a), 1226.1, 1226.2, 1228.2, 1228.3, 1228.5, 1228.6, 1840 and 1846, Water Code.

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Article 2. Declaration of Policy

Amend Section 925 to read as follows:

§ 925. Progress Reports by Permittee.

- (a) As specified in section 847 of this title, water right permit holders are required to file annual progress reports. Section 846 of this title provides that permittees may also be required to submit a written statement of the quantities of water beneficially used. Annual reports required under this section are in addition to any specific reporting requirements in a water right permit.
- (b) Annual progress reports by permittees shall be filed before February 1 after the close of the twelve month reporting period on the board's online reporting platform. Provisional data and information may be used in the progress report if final data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. A failure to file a progress report is a violation of permit terms.
- (c) The annual reports shall include the following information:
 - (1) A statement affirming compliance or non-compliance with permit terms and conditions;
 - (2) The construction status of the permitted project and status of current water use;
 - (3) The purpose(s) for which water is diverted and used. Use information to be provided includes:
 - (A) irrigation, including crop type and acreage;
 - (B) frost protection, including acres covered;
 - (C) heat control, including acres covered;
 - (D) industrial, including type of activity;
 - (E) stock watering, including number and type of animals;
 - (F) municipal, including approximate population served, and seven digit public water system number or other identifier;

- (G) domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;
- (H) power generation, including installed capacity in kilowatts, megawatts or horsepower;
- (I) recreational, including boating, fishing or other water sports;
- (J) additional uses not named above, including environmental use;

(4) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 this title.

(5) The amount of water taken from each point of diversion in each month (or shorter period if otherwise required) from the source, including amount directly diverted, the amount collected to storage, and the total amount of water diverted during the twelve month reporting period. Each month must contain an entry. If no diversion occurred in a given month, a "0" should be entered;

(6) The maximum rate of diversion achieved at any time during each month (or shorter period if otherwise required), if available;

(7) For permits, the annual report shall also include the measurement data required to be collected in chapter 2.8 of this division.

(d) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water that is required to be reported under this section, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset on a monthly basis.

(e) If water conservation efforts have resulted in a cessation or reduction in use, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1840 and 1846, Water Code.

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Amend Section 929 to read as follows:

§ 929. Reports of Licensee.

- (a) As specified in section 847 of this title, water rights license holders are required to file reports when requested by the board. Annual reports required under this section are in addition to any specific reporting requirements in a water right license.
- (b) Reports of licensee shall be filed annually before February 1 after the close of the twelve month reporting period on the board's online reporting platform. Provisional data and information may be used in the report of licensee if final data are not available by the reporting deadline. If provisional streamflow data are used in the water use report, an amended report based on final streamflow data shall be filed within one month of the date the final streamflow data are available. The board may rely upon any report, including a report based on provisional data, until and unless a revised report is filed. A failure to file a licensee report is a violation of license terms.
- (c) The annual reports shall include the following information:
 - (1) A statement affirming compliance or non-compliance with license terms and conditions;
 - (2) The amount of water diverted;
 - (3) The purpose(s) for which water is diverted and used. Use information to be provided includes:
 - (A) irrigation, including crop type and acreage;
 - (B) frost protection, including acres covered;
 - (C) heat control, including acres covered;
 - (D) industrial, including type of activity;
 - (E) stock watering, including number and type(s) of animals;
 - (F) municipal, including approximate population served, and seven digit public water system number or other identifier;
 - (G) domestic, including number of persons served, lawn or garden area, etc., and seven digit public water system number or other identifier, if applicable;

- (H) power generation, including installed capacity in kilowatts, megawatts or horsepower;
- (I) recreational, including boating, fishing or other water sports;
- (J) additional uses not named above, including environmental use.

(4) Information on the device or method used to calculate the amount of water diverted, as required by chapter 2.8 of division 3 of this title.

(5) The amount of water taken from the source from each point of diversion in each month (or shorter period if otherwise required), including direct diversion amount, amount collected to storage, and the total amount of water diverted during the twelve month reporting period. Each month must contain an entry. If no diversion occurred in a given month, a "0" should be entered.

(6) The maximum rate of diversion achieved at any time during each month (or shorter period if otherwise required), if available;

(7) For licenses, the annual report shall also include the measurement data required to be collected pursuant to chapter 2.8 of this division.

(d) If a substitute or alternative water supply, such as groundwater, contract water, or recycled water, is being used in lieu of surface water that is required to be reported under this report, the report should indicate the source and amount of substitute or alternative water used and the amount of surface water offset on a monthly basis.

(e) If water conservation efforts have resulted in a cessation or reduction in use of surface water, the report should include a description of the conservation efforts employed and indicate the extent and monthly amount of the reduction in water use due to these water conservation efforts.

Authority cited: Sections 348(a), 1058 and 1841, Water Code. Reference: Sections 348(a), 1010, 1011, 1011.5, 1840 and 1846, Water Code.

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Article 2. Declaration of Policy

Amend Section 930 to read as follows:

§ 930. Notices of Extraction and Diversion.

(a) Annual notices of groundwater extraction and diversion required pursuant to Part 5 of Division 2 of the Water Code shall be submitted to the board electronically before

February 1 of the year after the twelve month reporting period, on the board's online reporting platform. A failure to file an annual notice of groundwater extraction and diversion is considered non-use of water.

(b) The report shall include the following information:

- (1) Type of diversion;
- (2) Amount of groundwater extracted during the twelve month reporting period;
- (3) Amount of surface water diverted and used, if applicable;
- (4) Method of measurement;
- (5) Supplemental information, if applicable.

(c) Electronic reporting of groundwater extraction and diversion does not apply to those persons reporting to local oversight agencies pursuant to section 5009 of the Water Code.

(d) As specified in Section 1070 of this title, a filing fee is required. The fee must be submitted separately from the electronic report. Filing is not complete until the board receives the filing fee.

(e) If the use of an alternative supply of water or any water conservation efforts have resulted in a cessation or reduction in use, the report should indicate the extent and amount of the reduction in water use due to water conservation efforts.

Authority cited: Sections 348(a), 1058 and 1529, Water Code. Reference: Sections 1005.1, 1005.2, 1005.3, 1005.4, 1011, 1011.5, 1530, 4999, 5000, 5001, 5002, 5003 and 5004, Water Code.