

UPDATED INFORMATIVE DIGEST

Gov. Code, § 11346.9(b)

On February 28, 2025, the State Water Resources Control Board (Board) released the text of the proposed revisions to the California Code of Regulations, title 23, chapters 2, 2.7, and 2.8 along with the Notice of Proposed Action (NOPA). The release of the NOPA initiated a public comment period that lasted 54 days, and through which the Board received oral and written comments on the proposed regulation.

Comments received during the initial comment period led to modifications to the proposed regulation, including the following: (1) reorganizing subdivisions and paragraphs to improve clarity; (2) refining and adding definitions for clarity and consistency; (3) defining applicability in terms of diverters of a claimed water right instead of the claimed water rights themselves; (4) clarifying measurements of releases versus withdrawals from qualifying reservoirs; (5) updating large diversion measurement parameters to be more feasible for weekly reporting; (6) clarifying measurement frequency requirements; (7) removing requirements to submit “supplementary materials”; (8) specifying a review process for measurement methodologies and alternative compliance plans; (9) expressly allowing reconsideration of any decision or order issued under chapter 2.8; and (10) describing how to report measurement data for the first reporting period after the proposed regulation becomes effective.

On May 22, 2025, the Board released the updated regulation text and an addendum to the Initial Statement of Reasons, which also included an added reference to the Economic Impact Assessment, for a 15-day comment period, which closed on June 6, 2025.

Comments received during the 15-day comment period led to the following additional modifications to the proposed regulation: (1) clarifying effective dates for diverters who will be subject to large diversion requirements under the proposed regulation but who are not subject to telemetry requirements under the existing regulations; (2) specifying that claimed water rights with maximum allowable diversion amounts of 10 acre-feet per year or less do not require measurement; (3) requiring identification of measuring devices in measurement methodologies; and (4) clarifying measurement datafile requirements.

On June 16, 2025, the Board released the updated regulation text for a second 15-day comment period, which closed on July 1, 2025. On August 5, 2025, the Board adopted the proposed regulation without any changes. The Office of Administrative Law approved the proposed changes to chapters 2 and 2.7, and these chapters became effective on September 26, 2025.

Further revisions to the proposed text of chapter 2.8 were necessary for clarity and consistency. This led to the following additional modifications to the proposed regulation: (1) specifying criteria for Deputy Director approval of alternative websites for large diversion submissions; (2) clarifying how diverters submit large diversion measurement data; (3) clarifying how the Deputy Director may adjust thresholds or data submission schedules; and (4) revising effective dates of requirements.

On October 30, 2025, the Board released the updated regulation text for a third 15-day comment period, which closed on November 14, 2025. On December 2, 2025, the Board adopted the proposed chapter 2.8 regulation text without any changes.

Except as set forth above, there have been no other changes in applicable laws or regulations to the effect of the proposed regulation from those described in the Informative Digest contained in the NOPA (published in the California Regulatory Notice Register on February 28, 2025, No. 9-Z).