

Welcome – the Public Hearing will start at 10:00 AM

- If you do not intend to provide oral comments, please watch via the webcast at the following address:

<https://video.calepa.ca.gov>

- To provide oral comments during the hearing, please register at the following link and join via Zoom or telephone:

<https://bit.ly/WaterMeasurementHearing>

- To ask questions privately or submit written comments:

DWR-Measurement@waterboards.ca.gov



Proposed Changes to the Water Measurement and Reporting Regulation

APA Public Hearing
April 16, 2025



Drought Planning Unit, Division of Water Rights

Welcome to the Public Hearing

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A close-up, vertical photograph of a waterfall, showing the cascading water and the spray at the bottom. The image is in shades of blue and white, with a soft, slightly blurred effect.

Hearing Agenda

- Staff Presentation
 - Existing Regulation
 - Proposed Regulation Changes
- Break
- Public Comment



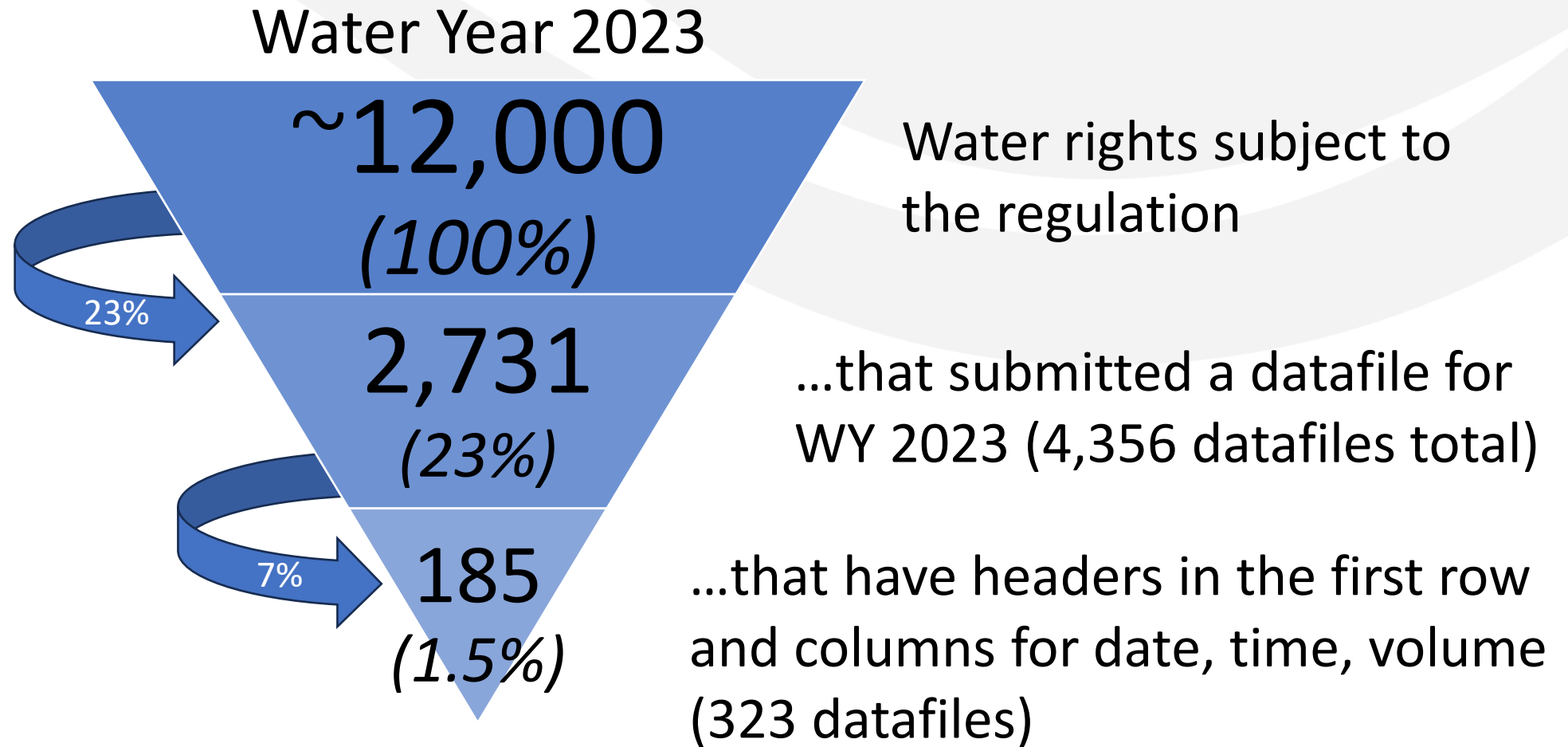
Overview of the Existing Measurement and Reporting Regulation

Existing Regulations: Requirements & Who Is Subject

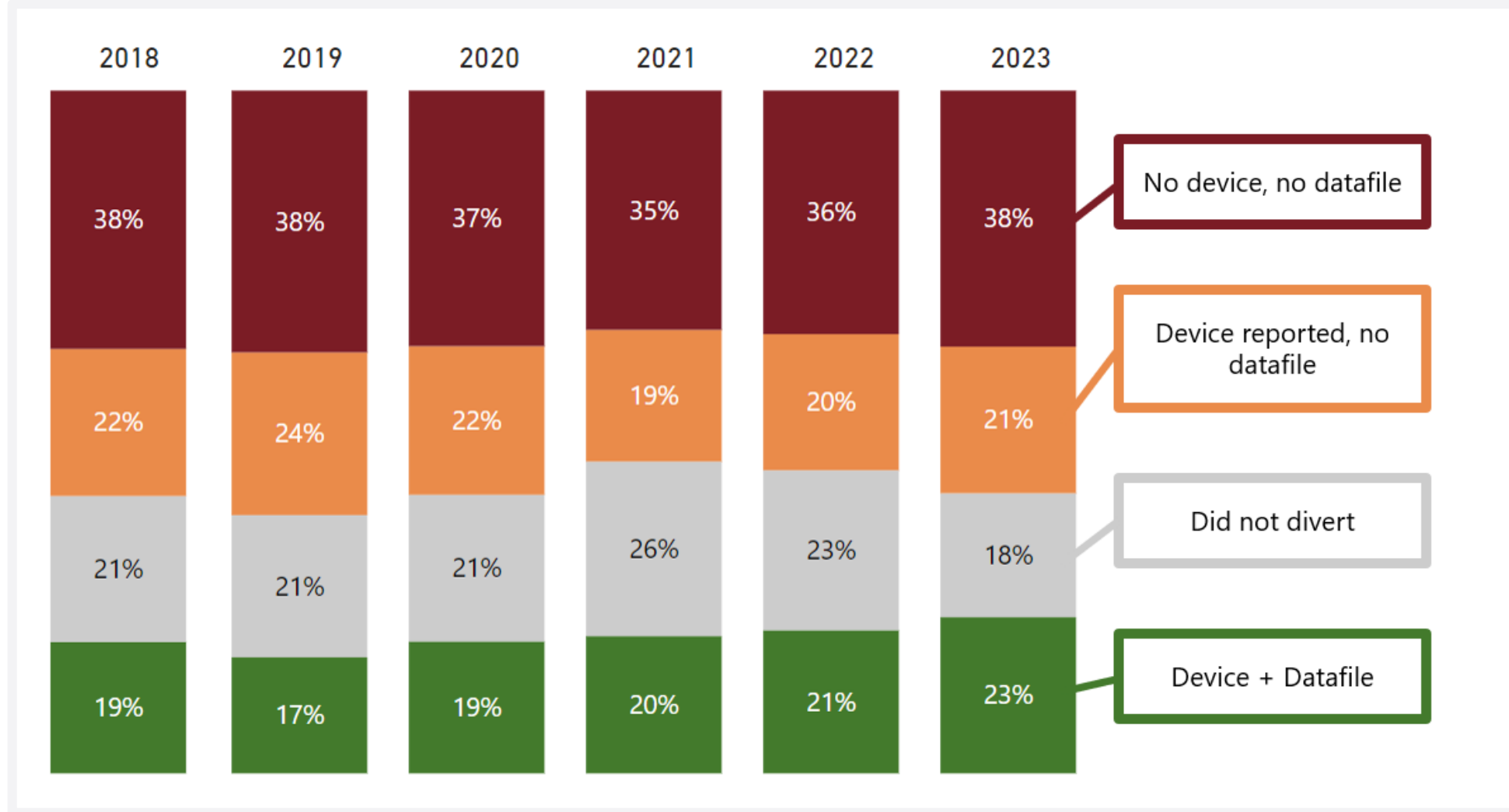
Threshold	Applicability
<ul style="list-style-type: none">Authorized diversion \leq 10 AF	Not subject to measurement regulations
<ul style="list-style-type: none">Authorized diversion > 10 AFStorage capacity > 10 AF (Registrations only)	Measure diversions and submit data with Annual Reports
<ul style="list-style-type: none">Authorized diversion > 10,000 AF;Authorized direct diversion > 30 CFS (June-September); orAuthorized diversion > 20% streamflow in select watersheds	Must also post their data to a public website, updated at least weekly (Currently referred to as "Telemetry")

Note: Thresholds also apply to combinations of water rights at the same point of diversion, diverting to the same reservoir, or serving the same place of use

Data Usability



Regulation Implementation



* Not including the Legal Delta

Need for Regulation Change

- In 2025, the Board will move its water rights management and reporting processes to a new platform: CalWATRS
- Will require email addresses to establish accounts, and standardized measurement data files that can be interpreted upon submission
 - Opening the regs for revision offers an opportunity to improve the clarity and consistency and address any existing confusion

Goals of Revisions: Align measurement and reporting regulations with new reporting platform, standardize and improve the quality of measurement data, and make regulations easier to follow for diverters

Proposed Regulation Changes

To view the Proposed Regulation Package and supporting materials, visit the Rulemaking website:

<https://bit.ly/MeasurementRulemaking>



Available materials include:

- Proposed Regulation Text
- Summary of Proposed Changes
- Notice of Proposed Action (NOPA) with Informative Digest
- Initial Statement of Reasons (ISOR)
- Economic/Fiscal Impact Assessment (within ISOR)

Summary of Proposed Changes

1. Restructuring the SB 88 regulation
2. Refining key terms
3. Revising and simplifying requirements
4. Identifying measurement location
5. Specifying datafile format and submission
6. Clarifying points of rediversion
7. Updating telemetry requirements
8. Expanding ACP eligibility
9. Threshold adjustments
10. Requiring an email address
11. Aligning reporting with the water year

Restructured SB 88 Regulation

931	Definitions	Key Terms
931.5	Authority of the Delta Watermaster	Legal Delta
932	Applicability	Who needs to measure
933	Measuring and Accounting	What to measure
934	Measurement Methodology	How to measure
935	Submitting Measurement Data	What to submit
936	Alternative Compliance	Flexibility in requirements
937	Temporary Exemptions	Relief from requirements
938	Threshold and Schedule Adjustment	Adjustments to measurement
939	Compliance	What if you don't measure

931. Definitions: Refining Key Terms

- Measuring requirements are based on the “Maximum Allowable Diversion Amount (or Rate)”
- Expanded eligibility for “Qualified Individuals” to also include Board-certified water treatment and distribution operators; hydrographers; water measurement technicians; diverters who have completed the AB 589 water measurement course

931. Definitions: Refining Key Terms (*cont.*)

- Measuring Device: Anything that measures
 - Flow meter, staff gauge, electrical meter, totalizer, weir, etc.
 - Does not need to directly measure the required parameters
 - Previously: Only equipment that measures flow rate, velocity, or volume
- ~~Measurement Method~~
- Measurement Methodology: How you use the raw data to account for your diversions
 - QAQC, calculations, apportionment, etc.
 - Umbrella term for how you collect raw data and convert it into a finalized datafile

932. Applicability: General

NOTE: Applicability described in Section 932 is **ONLY** for Chapter 2.8 Measuring and Reporting.

All water rights and claims must still adhere to other applicable requirements described in other regulations (including Annual Reporting under Chapter 2.7, permit/license conditions, etc.)

	Start of ID Number (e.g.,	Amount
Permits		
Registration		
Pre-1914		
Riparian		> 10 AF
Combination		Division
Small Irrigation		
Sharing		
Stockpond Certificate	C	EXEMPT
Registration (Domestic Use)	D	EXEMPT
Registration (Small Irrigation – Cannabis Only)	H (Cannabis Only)	EXEMPT (Subject to Cannabis policy)
Registration (Livestock Stockponds)	L	EXEMPT

932. Applicability: General

Water Right Type	Start of ID Number (e.g., X009876)	Maximum Allowable Diversion Amount
Permits/License	A	Face Value > 10 AF
Registration (Small Irrigation – NOT Cannabis)	H	Face Value > 10 AF
Pre-1914 Statement	S	Initial/maximum > 10 AF
Riparian Statement	S	Maximum past/anticipated diversion > 10 AF
Combination of Permits/Licenses/Statements/ Small Irrigation Registrations (NOT Cannabis) Sharing a POD, POU, or Reservoir	A, S, H (NOT Cannabis)	Combined Maximum Allowable Diversion Amount
Stockpond Certificate	C	EXEMPT
Registration (Domestic Use)	D	EXEMPT
Registration (Small Irrigation – Cannabis Only)	H (Cannabis Only)	EXEMPT (Subject to Cannabis policy)
Registration (Livestock Stockponds)	L	EXEMPT

* POD = Point of Diversion; POU = Place of Use

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932. Applicability: Qualifying Reservoirs

- Reservoirs with $> 5,000$ AF capacity must also measure reservoir withdrawals/ releases
- Simplifies requirements for small reservoirs



933. Measuring and Accounting: Parameters

- Date/time of measurement
- Volume and rate of:
 - Direct diversion
 - Collection to storage
 - Withdrawal/release from *Qualifying Reservoirs*
 - “Volume” = non-cumulative, discrete values
- Rediversions:
 - Account for rediversions already being measured
 - Deputy Director may ask diverters to measure rediversions IF not already measured AND IF data is necessary to understand water availability

933. Measuring and Accounting: Measurement Location

- Measurement close to the point of diversion to minimize losses from evaporation or seepage
- Identify the location in your methodology
- Without measurement location, cannot interpret data to know which device corresponds to which POD



933. Measuring and Accounting: Frequency and Accuracy

No longer need to recalibrate every 5 years

Maximum Allowable Diversion Amount OR Storage Capacity	Required Frequency	Accuracy*, (Percent Error)
> 1,000 AF	Hourly	90%, ($\pm 10\%$)
200-1,000 AF	Daily	90%, ($\pm 10\%$)
50-200 AF	Weekly	85%, ($\pm 15\%$)
10-50 AF	Monthly	85%, ($\pm 15\%$)

* Devices installed before 1/1/16: 85% accuracy ($\pm 15\%$)

934. Measurement Methodology

Register Each Device

- Make/model
- Location
- Units
- Must be installed by a Qualified Individual
- Removed prescriptive requirements for testing and recalibration

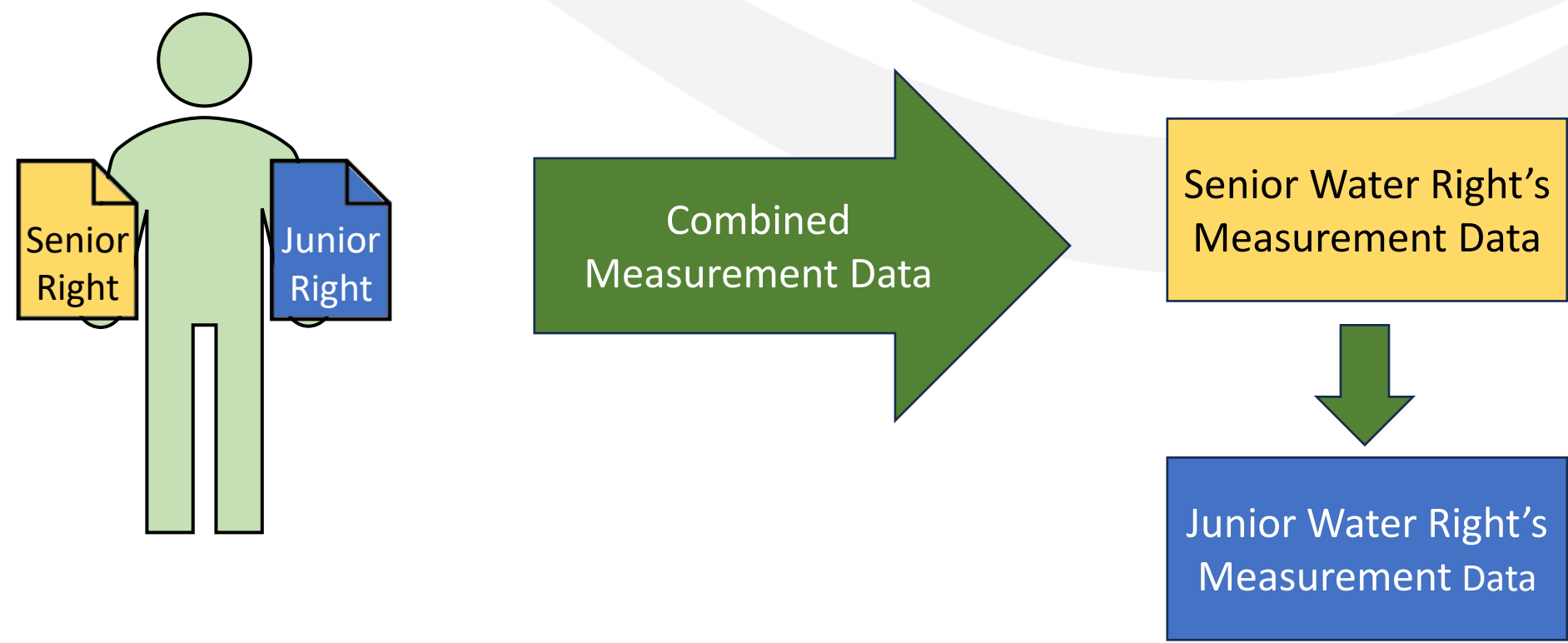
Report of Measurement Methodology

- QA/QC protocols
- Calculations, conversions, formulas
- Apportion per water right
- Removed additional requirements for:
 - Storage
 - Groups of diverters measuring together

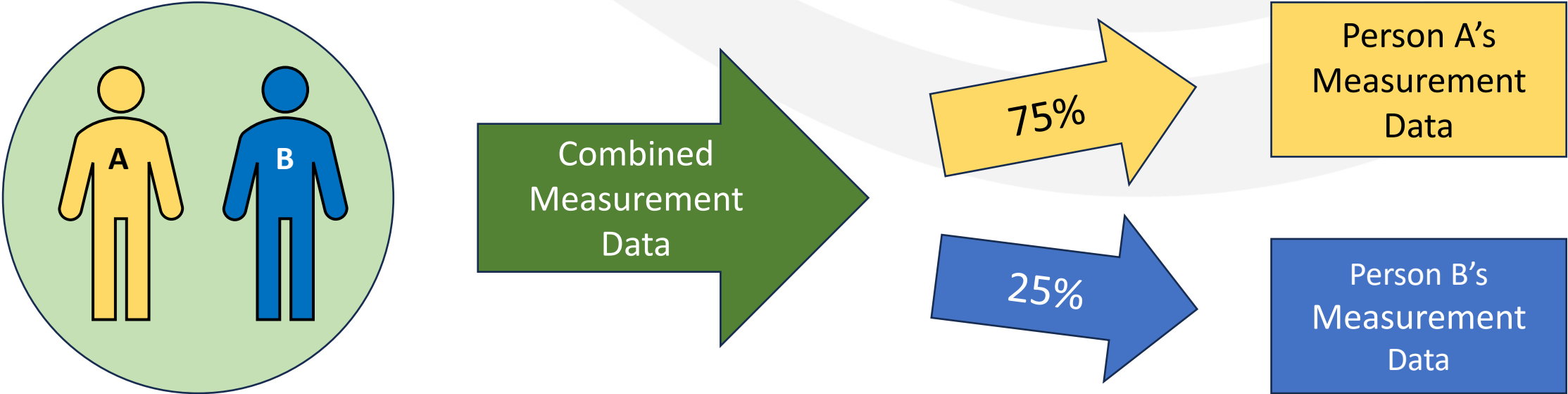
Implementation

- Presumed approved unless rejected
- Does not expire
- Device installation and location must not severely impact the environment
- Provide proof of functioning every 5 years
 - Do not necessarily need to recalibrate

Example: Apportioning Per Water Right (Individual Diverter)

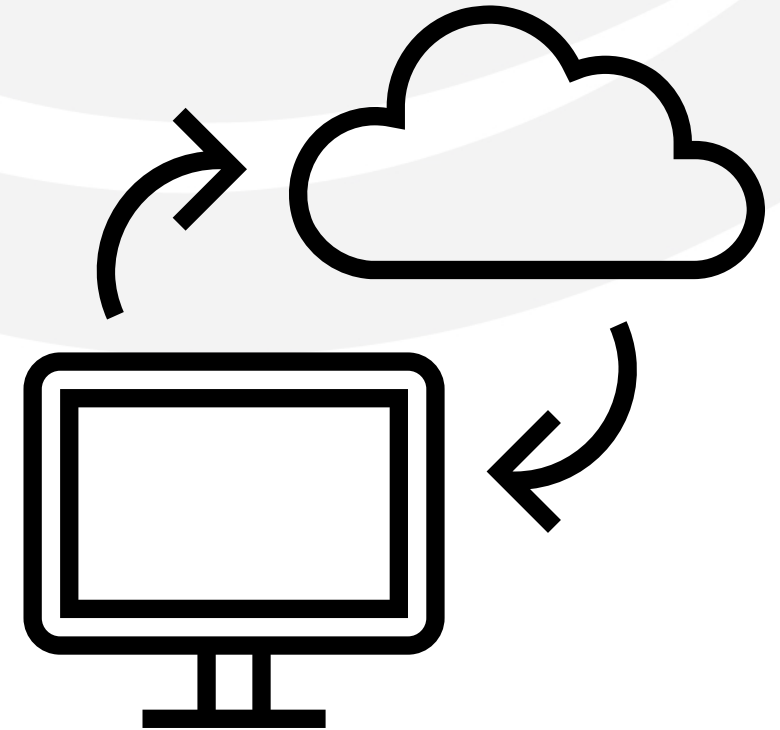


Example: Apportioning Per Water Right (Group of Diversifiers)



935. Submissions: General

- Datafiles:
 - Use provided template
 - Volume and rate data
 - Apportion to each claimed water right
 - Can aggregate into daily values
- Supplementary materials:
 - Explain any changes from your typical methodology
 - If no changes, then no supplementary materials needed



932. Applicability: Large Diversions

- Formerly known as “Telemetry Requirement”
- Applies to:
 - Claimed water rights with Max. Allowable Diversion Amount > 10,000 AFY
 - Claimed water rights with Max. Allowable Direct Diversion Rate > 30 CFS (**at any time***)
 - POD with combined Max. Allowable Diversion Amount or Direct Diversion Rate > 10,000 AFY or 30 CFS, respectively

933. Measuring and Accounting: Large Diversions

In addition to the general measuring requirements:

- Date/time of measurement
- Volume and rate of diversion
 - Don't need to distinguish direct diversion vs. collection to storage
- *For Qualifying Reservoirs:*
 - Total volume in the reservoir and volume and rate of withdrawals/releases

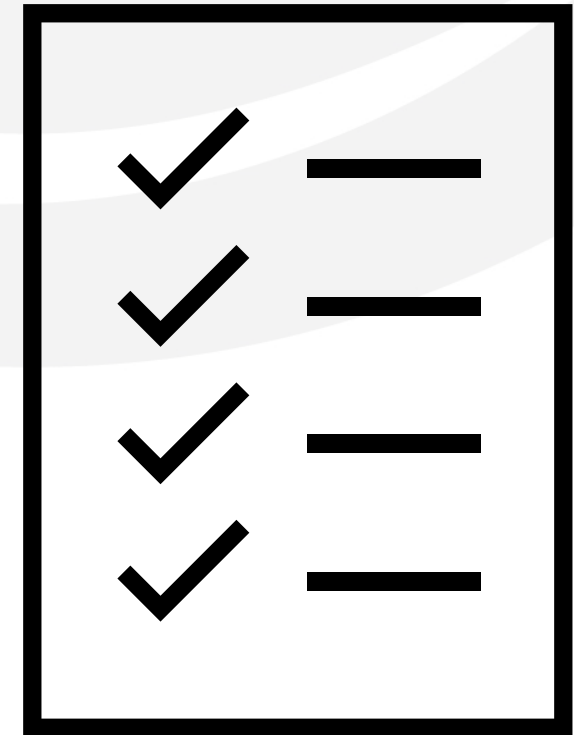
935. Submissions: Large Diversions

In addition to the general submission requirements:

- Post to reporting platform (or another approved website)
- Use template or transmit directly
- Provisional data is acceptable
 - End of the year datafile must not include provisional data
- Do not need to apportion provisional data to individual water rights
 - Identify all applicable water rights included in provisional data
 - End of the year datafile must apportion to individual water rights

936: Alternative Compliance

- Expand eligibility to allow additional flexibility
 - An approach that more effectively or efficiently measures diversions
- Alternative Compliance Plan (ACP)
 - Describe proposed methodology and explain how it is more effective or efficient
 - File your ACP before implementing
 - Presumed approved unless rejected
 - Review every 5 years (but ACPs won't expire)
- Must still submit datafiles



937: Temporary Exemptions

Diverters must still adhere to other requirements (annual reporting, permit/license conditions, etc.)

- Request for Additional Time
- No Diversions or Withdrawals/Releases for the Entire Water Year
 - No need to submit a datafile with all zeros
 - Large Diversions: No diversions or withdrawals/releases for the applicable week
- Destruction of Diversion Infrastructure
- Destruction of Measurement Equipment
 - Request temporary exemption from measuring for 180 days

938: Threshold Adjustments

Process to adjust established thresholds based on watershed-specific needs and conditions



Chapter 2 and 2.7: Email Address

- *Regulatory change separate from the SB 88 regulation*
- All water rights holders will need a valid email address on file with the Board
- Requirement for data security on the new online reporting platform



Chapter 2.7, Section 930: Aligning Reporting with the Water Year

- *Regulatory change separate from the SB 88 regulation*
- 2023 regulation made all annual reports align with the water year (Oct 1-Sep 30) except Groundwater Notices of Extraction and Diversion
- Change to align Groundwater Notices reporting to match other schedules



Implementation (*Tentative*)

October 2025 (Start of WY26)

- Measure according to updated requirements
- Begin submitting large diversion data according to updated requirements (*if previously subject to Telemetry*)

January 2026

- Report WY25 data according to existing requirements
- Register Devices
- Email Requirements
- Groundwater Recordation update

June 2026

- Begin submitting large diversion data according to updated requirements (*if NOT previously subject to Telemetry*)

January 2027

- Report WY26 data according to updated requirements
- Report of Measurement Methodology*
- ACP*

2025

2026

2027

Water Year 2025

Water Year 2026

Water Year 2027

* This is a proposed change from the draft regulation text

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15 Minute Break

Please return at **11:06 a.m.**

If you'd like to join the Zoom meeting to make a public comment, register here:



For issues joining the meeting, contact:

DWR-Measurement@Waterboards.ca.gov

Public Comments

Logistics

- Staff will call on commenters to speak in the order they registered (listed on next slide)
- Please listen for your name and you will be invited to unmute
- Please say your name clearly
- All comments are being recorded
- After all speakers have been called upon, remaining attendees may use the "Raise hand" feature to speak
- Please limit comments to five minutes
- Short break after 45 minutes

Oral Comment Order

- | | | |
|-----------------------|---|----------------------------|
| 1. Drew Buechley | 14. Michael Walters | 26. Patrick Neu |
| 2. Laura Bradford | 15. Timothy Louie | 27. Jean-Paul Mugrditchian |
| 3. Steven Haugen | 16. Mike Matlock | 28. David Webb |
| 4. Bruce Russell | 17. Stephanie Rodden | 29. Megan Murphy |
| 5. Coale Johnson | 18. Stephen Pang | 30. Dan Nomellini Jr. |
| 6. Scott Newman | 19. Joseph Gallegos | 31. Austin Verissimo |
| 7. Patricia Chelseth | 20. Matt Nunes | 32. Ryan Bezerra |
| 8. Cathy Monroe | 21. Kyle Knutson, Anne Williams, Darren Cordova and David Guy | |
| 9. Chris Cahn | 22. Nicholas Bonsignore | |
| 10. Noah Lopez | 23. Aimee Raymond | |
| 11. Timothy Wasiewski | 24. Roger Haring | |
| 12. Lee Hodge | 25. Manny Bahia | |
| 13. Kent Morgan | | |

Additional Public Comments

- Remaining attendees may comment using the "Raise hand" feature
- You will be called in order and allowed to unmute



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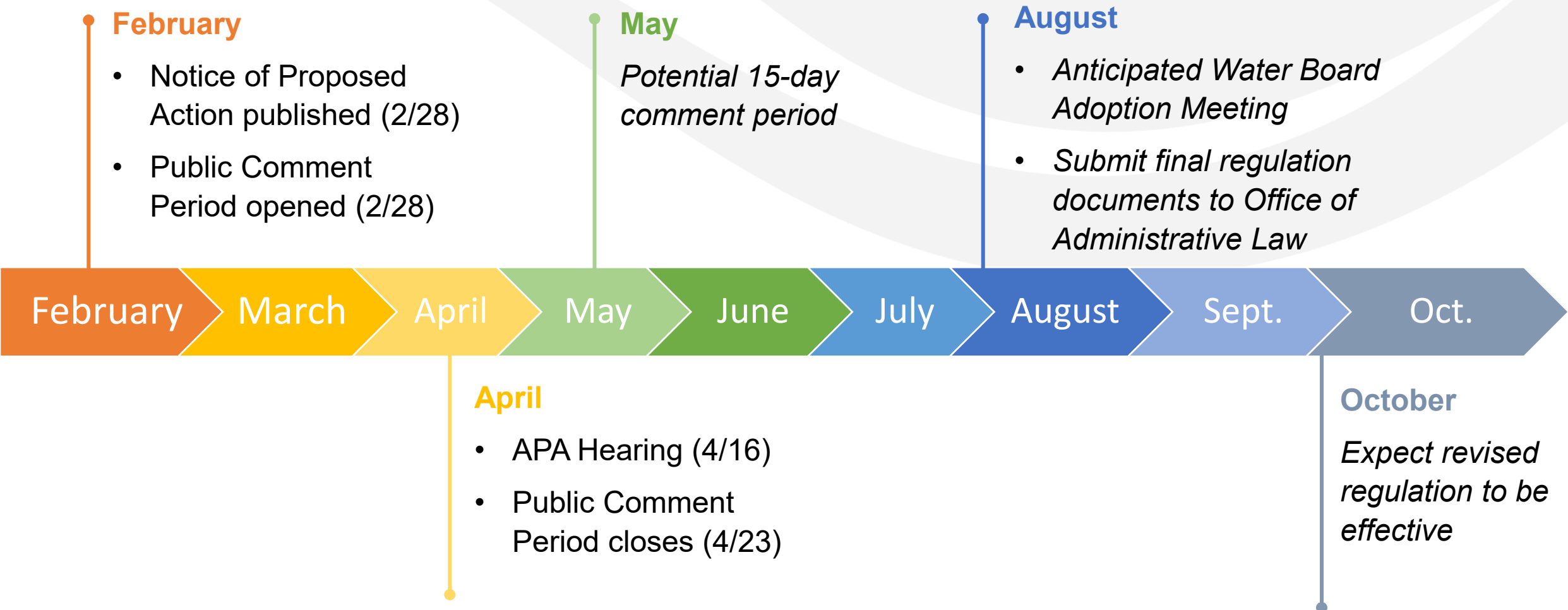
Written Comments

Must be submitted one of the following ways:

1. **Email** to: DWR-Measurement@Waterboards.ca.gov. Please include the subject line “*Comment Letter – Water Measurement and Reporting Revisions*”;
2. **Fax** transmission to: (916) 341-5620. Please include the subject line “*Comment Letter – Water Measurement and Reporting Revisions*”;
3. **Mail** to: Conny Mitterhofer, State Water Resources Control Board, 1001 I Street, 14th Floor, Sacramento, CA 95814; or
4. **Hand-deliver** to: Matthew Jay, Records Room, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814

**Comments must be received by 5:00 PM on Wednesday,
April 23, 2025**

Tentative Regulatory Milestones



Thank you
for
Attending!

**Water Measurement
and Reporting Regulation
Rulemaking Webpage**

<https://bit.ly/MeasurementRulemaking>



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and Reporting Regulation
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Contact Us:

DWR-Measurement@Waterboards.ca.gov

(916) 323-9393

Written Comments due by **5:00 p.m.** on
Wednesday, April 23, 2025

