

REQUEST FOR EARLY EFFECTIVE DATE: WATER MEASUREMENT REGULATION

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, chapter 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 February 1, 2026.

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 three 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 December 2, 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.

Demonstration of Good Cause

In late October 2025, the State Water Board released its modernized electronic water rights reporting platform (CalWATRS). Under the existing regulations, diverters submit measurement method forms and alternative compliance plans through a portal that is external to CalWATRS and that is planned to be decommissioned. Forms for measuring device registries, measurement methodologies, alternative compliance plans, and temporary exemption requests under the proposed regulation will be available in CalWATRS after the January 31, 2026 close of the reporting period for water year 2025. An effective date of February 1, 2026 would align with the end of the current reporting period, and ensure no overlap between existing and proposed requirements for water year 2025. An effective date of February 1, 2026 also ensures that diverters no longer submit forms not supported by CalWATRS and instead allows diverters to submit updated forms to meet the new regulatory requirements. Notably, none of these forms are due until January 31, 2027, but making them available sooner allows diverters ample time to review and submit the updated forms.

As demonstrated, good cause exists for OAL to grant the State Water Board an early effective date of February 1, 2026. Thank you for your consideration of this request.