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## State Water Resources Control Board

June 24, 2016

The Honorable Brian Dahle  
State Assembly, District 1  
State Capitol, Suite 2158  
Sacramento, CA 94249-0001

Dear Assemblymember Dahle:

As a follow up to our conversation regarding AB 2357, I would like to clarify the State Water Resources Control Board's (State Water Board) measurement and reporting regulation that was developed in accordance with Chapter 27, Statutes of 2015 (SB 88) as they apply to livestock stockponds registrations and certificates (collectively, stockponds).

Stockpond registration and certificates provide the right to divert up to 10 acre-feet of water per year to storage. Under the regulation, stockpond registrants and certificate holders are required to annually report specific information to the State Water Board, including the quantity of water diverted from each point of diversion by month (or shorter timeframe if otherwise required). However, they generally are not required to *measure* the amount diverted. The regulation requires measurement when the sum of multiple water rights serving the same place of use is more than 10 acre-feet; however, the regulation defines the place of use for stockponds as the pond itself.<sup>1</sup> For this reason, the regulation's measurement requirements would not apply to a stockpond unless the same pond is also used to divert and store water under another water right and the sum of all rights served by the pond exceeds 10 acre-feet.

Where measurement is not required, a stockpond holder may estimate the monthly quantity of water diverted from each point of diversion using their knowledge of the stockpond, weather conditions, ranching practices, and other relevant information. For example, a rancher may know that his eight acre-foot pond typically fills during the first big winter storm. If this storm occurs in December, the rancher may report that he diverted eight acre-feet in December that water year. If a rancher knows that their nine acre-foot pond fills steadily between January and March of a typical water year, they may report diversions of three acre-feet in January, February, and March of that year. Ranchers may inspect their ponds and visually estimate the change in storage by month. Although a stockpond registrant or certificate holder certainly can use a measurement device, measurement devices are not required under the regulations.

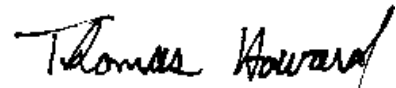
I hope that this information is helpful to you and your constituents. Please do not hesitate to contact me or my staff if you have further questions or if the State Water Board can be of further assistance. I have designated John O'Hagan as the Board's point-person to assist you in this

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<sup>1</sup> For ponds that store water for livestock under other kinds of water rights, the Deputy Director for the Division of Water Rights may designate the pond as the place of use. (Cal. Code Regs., tit. 23, § 931, subd. (j)(3).)

matter. John is available by email at [John.O'Hagan@waterboards.ca.gov](mailto:John.O'Hagan@waterboards.ca.gov), and by telephone at (916) 341-5368.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive, slightly slanted style.

Tom Howard  
Executive Director  
State Water Board

cc: Ms. Camille Wagner  
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