**STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW**

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

For use by Office of Administrative Law (OAL) only

**STATE WATER RESOURCES CONTROL BOARD**

**AGENCY WITH RULEMAKING AUTHORITY**

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE

<table>
<thead>
<tr>
<th>TITLE(S)</th>
<th>FIRST SECTION AFFECTED</th>
<th>2. REQUESTED PUBLICATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. NOTICE TYPE

<table>
<thead>
<tr>
<th>regulated action</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Action</td>
<td></td>
</tr>
</tbody>
</table>

3. AGENCY CONTACT PERSON

<table>
<thead>
<tr>
<th>TELEPHONE NUMBER</th>
<th>FAX NUMBER (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. OAL USE ONLY

<table>
<thead>
<tr>
<th>ACTION ON PROPOSED NOTICE</th>
<th>NOTICE REGISTER NUMBER</th>
<th>PUBLICATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved as Submitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved as Modified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disapproved/Withdrawn</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

Informational Orders authority during drought

2b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2014-0708-02E, 2015-0320-07 EE, 2015-1211-01 EE

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<table>
<thead>
<tr>
<th>SECTION(S) AFFECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>individually. Attach additional sheet if needed.</td>
</tr>
</tbody>
</table>

3. OAL USE ONLY

<table>
<thead>
<tr>
<th>ACTION ON PROPOSED NOTICE</th>
<th>NOTICE REGISTER NUMBER</th>
<th>PUBLICATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved as Submitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved as Modified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disapproved/Withdrawn</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADOPT**

| 879, subdivision (c) [readopt without changes] |

**REPEAL**

| 23 |

3. TYPE OF FILING

- [ ] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- [ ] Emergency (Gov. Code, §11346.1(b))
- [ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- [ ] Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1(b))
- [ ] Emergency Readopt (Gov. Code, §11346.10(h))
- [ ] Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- [x] File & Print
- [x] Print Only
- [x] Other (Specify): Emerg. Readopt Wat. Code § 1058.5(c)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §954 and Gov. Code §11347.1)

- [ ] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- [ ] Effective on filing with Secretary of State
- [x] 5100 Changes Without Regulatory Effect
- [x] Effective other (Specify)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.10(d); Cal. Code Regs., title 1, §100)

- [ ] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- [x] Effective on filing with Secretary of State
- [ ] 5100 Changes Without Regulatory Effect
- [ ] Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- [ ] Department of Finance (Form STD. 399) (SAM 96660)
- [x] Fair Political Practices Commission
- [ ] State Fire Marshal
- [ ] Other (Specify)

7. CONTACT PERSON

<table>
<thead>
<tr>
<th>Andrew Taurina</th>
<th>TELEPHONE NUMBER</th>
<th>FAX NUMBER (Optional)</th>
<th>E-MAIL ADDRESS (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Taurina</td>
<td>916-341-5445</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>AGENCY HEAD OR DESIGNEE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Howard, Executive Director</td>
<td>10/6/16</td>
<td></td>
</tr>
</tbody>
</table>
## NOTICE PUBLICATION/REGULATIONS SUBMISSION

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

<table>
<thead>
<tr>
<th>SUBJECT OF NOTICE</th>
<th>TITLE(S)</th>
<th>FIRST SECTION AFFECTED</th>
<th>2. REQUESTED PUBLICATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3. NOTICE TYPE

- [ ] Regulatory Action
- [ ] Other

### 4. AGENCY CONTACT PERSON

- TELEPHONE NUMBER
- FAX NUMBER (Optional)

### OAL USE ONLY

- [ ] Approved as Submitted
- [ ] Approved as Modified
- [ ] Disapproved
- [ ] Withdrawn

- NOTICE REGISTER NUMBER
- PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

- Informational Orders authority during drought

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

- 2014-0708-02E, 2015-0320-07 EE, 2015-1211-01 EE

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

<table>
<thead>
<tr>
<th>SECTION(S) AFFECTED</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt 879, subdivision (c) [readopt without changes]</td>
<td></td>
</tr>
<tr>
<td>Amend 23</td>
<td></td>
</tr>
<tr>
<td>Repeal</td>
<td></td>
</tr>
</tbody>
</table>

### 3. TYPE OF FILING

- [ ] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- [ ] Emergency (Gov. Code, §11346.1(b))

- Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.

- Emergency Readopt (Gov. Code, §11346.1(h))
- [ ] File & Print
- [ ] Other (Specify): Emerg. Readopt Wat. Code § 1058.5(c)

- Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- [ ] Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(b); Cal. Code Regs., title 1, §100)

- [ ] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- [ ] Effective on filing with Secretary of State
- [ ] 5100 Changes Without Regulatory Effect
- Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- [ ] Department of Finance (Form STD. 399) (SAM §6660)
- [ ] Fair Political Practices Commission
- [ ] State Fire Marshal

7. CONTACT PERSON

- TELEPHONE NUMBER: 916-341-5445
- FAX NUMBER: Optional
- E-MAIL ADDRESS: Optional

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>AGENCY HEAD OR DESIGNEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Howard, Executive Director</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE NAME AND TITLE OF SIGNATORY</th>
</tr>
</thead>
</table>

For use by Secretary of State only

For use by Office of Administrative Law (OAL) only
Title 23, Division 3, Chapter 2, Article 24, re-adopt Section 879, subdivision (c) to read:

§ 879. Reporting

(c)(1) The Deputy Director may issue an informational order, as provided in paragraph (2), in any of the following circumstances:

(A) Upon receipt of a complaint that staff determines to merit investigation alleging interference with a water right by a water right holder, diverter or user;

(B) Where a water right holder, diverter or user asserts a right to divert under a pre-1914 or riparian right in response to an investigation, curtailment order or any notice of curtailment, and no Statement of Water Diversion and Use for such right was on file with the Board as of January 17, 2014;

(C) Where a water right holder, diverter or user fails to respond to an investigation, curtailment order or any notice of curtailment, or responds by asserting a right to divert under a contract or water transfer for which the Board has not approved a change petition and for which no record has been filed with the Board; or

(D) Upon receipt of information that indicates actual or threatened waste, unreasonable use, unreasonable method of diversion, or unlawful diversions of water by any water right holder, diverter or user.

(2) The Deputy Director may issue an order under this article requiring a water right holder, diverter or user to provide additional information related to a diversion or use described in (c)(1), including the claim of right, property patent date, the date of initial appropriation; diversions made or anticipated during the current drought year; basis or right and amount of water transfer not subject to approval of the Board or Department of Water Resources; or any other information relevant to authenticating the right or forecasting use and supplies in the current drought year.

(3) Any party receiving an order under this subdivision shall provide the requested information within thirty (30) days. The Deputy Director may grant additional time for submission of information supporting the claim of right upon substantial compliance with the 30-day deadline and a showing of good cause.

(4) The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to $500 per day for each day the violation continues pursuant to Water Code section 1846.

(5) Orders issued under previous versions of this subdivision shall remain in effect and shall be enforceable as if adopted under this version. The provisions of Article 12 of this Chapter (commencing with section 768) shall govern petitions for reconsideration of orders issued under this subdivision.
(6) The Deputy Director may delegate the authorities under this subdivision to an Assistant Deputy Director for the Division of Water Rights.

Authority: Sections 1058 and 1058.5, Water Code.
Reference: Sections 100, 183, 186, 187, 275, 348, 1050, 1051, 1058.5 and 1846 Water Code.