

Staff Workshop on Proposed Regulations Modifying Water Right Ownership Notice Requirements and Reporting Dates

August 23, 2022, 10:00 am
Virtual participation only



Division of Water Rights

Workshop Agenda

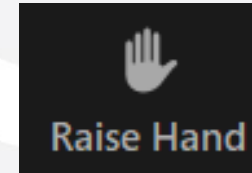
- Workshop Logistics
- Presentation: Overview of proposed regulations
- Public comment and questions
- Adjourn by 5pm, or when speaker's list is exhausted

Meeting Logistics

- This workshop is being livestreamed on video.calepa.ca.gov
- To provide comment, please join the Zoom meeting: bit.ly/wr-regs
- Recording will be posted online
- Chat to host for technical issues only

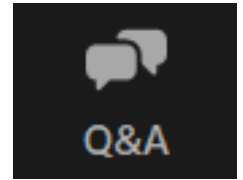
Public Comment Logistics

- To provide comment, use the “Raise Hand” feature or fill out the speaker card form: bit.ly/speaker-card



- 3-minute speaking time, **relevant content only**

- Questions can be asked verbally or using the Q&A feature



- Email additional comments to commentletters@waterboards.ca.gov

Background

- Available Documents
 - Notice of Proposed Rulemaking
 - Summary of Proposed Regulations
 - Text of Regulations

https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/ownership/

The Problems

- Failure to Update Ownership and Contact Information
 - Current regulations require notice upon transfer or change in contact
 - Not clear who has responsibility
 - No consequences for failure
 - Results: outdated records, missing reports, risk of forfeiture
- Proposal provides clarity of responsibility, timing and consequence

The Problems (Cont.)

- Inconsistent Periods and Due Dates for Water Use Reports
 - Water Code updated in 2021 to consolidate reporting period and due date for many types of rights/claims
 - Licenses, permits, registrations, and certificates have different reporting periods and due dates
 - Results: noncomparable reporting periods and outdated data
- Proposal conforms and aligns regulatory reporting dates

Summary of Proposed Changes

- Clarify requirements for changes of ownership and contact information, and clarify authority to enforce timely notice
- Update regulatory report due dates for notices of extraction and diversion and supplemental statements of water diversion and use to reflect recently updated statutory deadlines
- Align reporting periods and report due dates for registration and certificate holders, permittees, and licensees with those for statements of water diversion and use and notices of extraction and diversion

Notice of Change of Ownership: Responsibility, Grace Period and Enforcement Authority

- Notice of Changes in Ownership
California Code of Regulations, title 23, section 831
- Changes in Name, Address, or Ownership
California Code of Regulations, title 23, section 915

Aligning Reporting Deadlines

- Supplemental Statements of Water Diversion and Use (California Code of Regulations, title 23, section 920)
- Water Use Reports of Registration and Certificate Holders (California Code of Regulations, title 23, section 924)
- Progress Reports by Permittee (California Code of Regulations, title 23, section 925)
- Reports of Licensee (California Code of Regulations, title 23, section 929)
- Notices of Extraction and Diversion (California Code of Regulations, title 23, section 930)

Report Due Dates

- Previous due dates:
 - March 1: Notices of Extraction & Diversion
 - April 1: Reports for Permits, Licenses, Registrations, Certificates
 - July 1: Statements of Water Diversion & Use; Supplemental Statements of Water Diversion & Use
- SB 155:
 - February 1: Statements of Water Diversion & Use; Supplemental Statements of Water Diversion & Use; Notices of Extraction & Diversion
- Proposed Regulations:
 - February 1: All of the above

Aligning Reporting Periods

- Definitions

California Code of Regulations, title 23, section 907

Reporting Periods

- Current Regulation [23 CCR § 907]:
 - Calendar Year: “Twelve month reporting period” means a calendar year beginning January 1 and ending the succeeding December 31”
- SB 155 [2021 trailer bill]:
 - Water Year: Statements of Water Diversion & Use; Supplemental Statements of Water Diversion & Use; Notices of Extraction & Diversion
- Proposed Regulations
 - Water Year: For all types of rights/claims/filers

Pursuant to the Proposed Changes

- Who Provides Notice? Transferor, transferee or agent
- When? Within 30-days following the change
- Consequences? Cannot continue to exercise water right while notice is delinquent
- Enforcement? Fines for each day notice is delinquent
- Alignment? Reports for use during water year are due by the following February 1

Written Public Comment

Deadline is 5:00 p.m. on August 31, 2022

Written Comments May Be Sent via:

- **Email:** Email: commentletters@waterboards.ca.gov
- **Fax:** (916) 341-5621
- **Mail:** Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, P.O. Box 997377, MS 7400, Sacramento, CA 95899-7377
- **Hand-delivery:** Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814

Refer to the Notice of Proposed Rulemaking for Additional Information

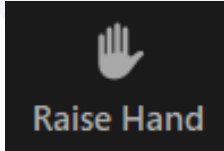
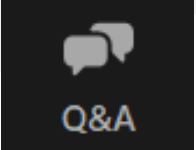
Available Documents

https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/ownership/

Current Schedule and Next Steps

- Staff Will Prepare Response to Comments and May Offer Accommodating Revisions to the Proposed Regulations
- The Water Board Will Consider Adoption at the Regular Board Meeting on **September 20, 2022**
- If Approved, the Regulations Will Be Submitted to the Office of Administrative Law
- If Approved by OAL, the Regulations Will Be Effective on **January 1, 2023**

Public Comment Period

- Join Zoom webinar to participate: bit.ly/wr-regs
- To provide comment, use the “Raise Hand” feature or fill out the speaker card form: bit.ly/speaker-card 
- Questions can be asked verbally or using the Q&A feature 
- 3-minute speaking time
- Email additional comments to commentletters@waterboards.ca.gov
- **Please keep all comments/questions succinct and relevant**