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State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND  
PUBLIC WORKSHOP**

**SENATE BILL 88 AND DRAFT EMERGENCY REGULATION FOR MEASURING AND  
REPORTING ON THE DIVERSION OF WATER**

**NOTICE IS HEREBY GIVEN** that the State Water Board will hold a public Board Workshop to hear public comments on a Draft Emergency Regulation for Measuring and Reporting the Diversion and Use of Water. Details of the State Water Board Workshop are provided below.

**Thursday, December 17, 2015 – 9:00 a.m.**  
Joe Serna Jr. - CalEPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**BACKGROUND**

Senate Bill 88 was signed by Governor Edmund G. Brown Jr. on June 24, 2015. Sections 15 through 18 of SB 88 add measurement and reporting requirements for a substantial number of diverters. The measurement requirements authorized under SB 88 could go into effect as early as January 1, 2016. The State Water Board is adopting a regulation to implement these new provisions.

The legislation authorizes the State Water Board to adopt a regulation requiring measurement for water right holders and claimants who divert 10 acre-feet of water or more per year. The measurement requirement would apply to approximately 12,000 water right holders and claimants. The legislation also requires annual reporting from statement holders and persons authorized to appropriate under a permit, license, registration (small domestic, small irrigation, or livestock stockpond), or certificate for livestock stockpond use.

The legislation authorizes the State Water Board to adopt an initial regulation as an emergency regulation that shall remain in effect until revised by the State Water Board. The adoption of the initial regulation is exempt from the California Environmental Quality Act (CEQA).

On October 6, 2015, the State Water Board held an initial stakeholder meeting. The meeting brought together a small group of over 20 experts in water rights and water resources management to discuss key concepts that should be considered in the emergency regulation. On October 8, 2015, the State Water Board held a stakeholder meeting in Stockton to discuss how Delta specific issues may be affected by additional measurement and reporting requirements. On October 16, 2015, the State Water Board held a technical workshop with technical experts primarily from federal and state agencies to discuss issues related to regulating, installing, operating, and maintaining water measurement devices or methods. Five additional stakeholder outreach meetings were conducted throughout California during the first two weeks of November. The Draft Emergency Regulation reflects the stakeholder input.

## **DOCUMENT AVAILABILITY**

Information on Senate Bill 88, the Draft Emergency Regulation, and all related documents are available for review online at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/measurement\\_regulation/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/).

You may request a paper copy of the Draft Emergency Regulation by e-mailing the Division of Water Rights at: [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov).

Additional information on Board Workshops and Board Meetings can be found on the State Water Board web site at: [http://www.waterboards.ca.gov/board\\_info/calendar/](http://www.waterboards.ca.gov/board_info/calendar/).

## **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept written comments on the Draft Emergency Regulation. Written comments must be received by **12:00 noon on Monday, December 14, 2015** and be addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Comment letters may be submitted electronically in PDF text format (less than 15 megabytes in total size), to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate on the transmittal subject line: **“Comment Letter – Emergency Regulation for Measuring and Reporting the Diversion of Water.”**

Couriers delivering comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

## **PROCEDURAL MATTERS**

At the December 17, 2015 State Water Board Workshop, a quorum of the State Water Board may be present; however, no Board action will be taken at the workshop.

To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations at the Board Workshop may be time-limited. For other presentation recommendations, please go to the State Water Board’s web site at: [http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

## **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board web site at:

<http://www.calepa.ca.gov/EPABldg/location.htm>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the meeting will be available via the Internet and can be accessed at:

<http://www.calepa.ca.gov/broadcast>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

**FUTURE NOTICES**

The State Water Board will hold the Board Workshop at the time and place noted above. The State Water Board is also tentatively scheduled to consider adoption of the Emergency Regulation at its January 19, 2016 Board Meeting. Any updates or changes in the date, time, and place of the Board Workshop or the Board Meeting will be provided on the State Water Board electronic mailing list. Any persons desiring to receive future notices concerning the Draft Emergency Regulation must subscribe to the State Water Board’s email distribution list. The subscription form is located at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

To subscribe, select the “Water Rights” category, then check the box for either “Water Measurement” or “Water Rights Regulations,” and provide the required information.

**CONTACT INFORMATION**

Please direct all questions regarding the Draft Emergency Regulation to Mr. Paul Wells at (916) 323-5195 or [paul.wells@waterboards.ca.gov](mailto:paul.wells@waterboards.ca.gov).

December 1, 2015  
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Date

  
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Jeanine Townsend  
Clerk to the Board