

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JANUARY 19, 2016**

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING AN EMERGENCY REGULATION FOR MEASURING AND REPORTING THE DIVERSION OF WATER

DISCUSSION

The Governor signed [Senate Bill No. 88](#) on June 24, 2015. Section 15 of Senate Bill 88 establishes measurement, monitoring, and reporting requirements for a substantial number of diverters. The measurement requirements authorized under Senate Bill 88 go into effect as soon as January 1, 2016.

The legislation authorizes the State Water Board to adopt regulations requiring measurement for people who divert 10 acre-feet of water per year or more. The measurement requirement would apply to approximately 12,000 water right holders and claimants. The legislation also requires annual reporting for 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 initial regulations as emergency regulations 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.

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 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 regulation reflects the stakeholder input. The proposed regulation was considered during a Board workshop on December 17, 2015. Input from stakeholders and the Board were considered in preparing the draft regulation.

POLICY ISSUE

Should the State Water Board adopt the draft regulation and, if so, should it be with amendment or without amendment?

FISCAL IMPACT

This activity is budgeted within existing resources, and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the regulation.

State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 6 of the Strategic Plan Update: 2008-2012. Goal 3 is to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat. Goal 6 is to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies and procedures.