

A photograph of a concrete weir structure in a stream. A measuring staff is placed vertically against the weir to measure water level. A metal box is mounted on top of the weir. The background shows dry grass and some green vegetation.

SB88 AND DRAFT EMERGENCY REGULATION FOR MEASURING AND REPORTING



KATHY MROWKA
DIVISION OF WATER RIGHTS
STATE WATER RESOURCES CONTROL BOARD
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Measurement Requirements

- For permit and license holders for diversions (including combined diversions) greater than 10 acre-feet, unless there are more stringent requirements in the permit or license.
- For Statements of Water Diversion and Use for diversions (including combined diversions) greater than 10 acre-feet. Can no longer claim “not locally cost effective” as a basis for not measuring diversion.

The Current Problem

- Current requirements do not capture timely, accurate data on water diversion and use which is needed in order to evaluate water supply conditions in each watershed.
 - Need to determine how far water supplies can be expected to stretch.
 - Need to determine whether there is water available for diversions.
 - Need to support the priority system.

The Current Problem

- Need current and accurate information on how much water is being diverted.
- Rainfall and snow accumulation patterns vary widely across the State. Water supply may be adequate in one region while a critical water shortage can occur in another region.

What's New

- The Governor signed into law SB 88 which improves and extends measurement regimes to water diversions of 10 acre-feet or more per year.
- The law requires that water diverters begin measuring as soon as January 1, 2016, although the effective date is extended and phased by the proposed regulation.

Benefits

- Increase understanding of water use through more accurate measurement
- Improve water rights administration and transparency of records
- Provide more accurate data on available water supplies

Benefits, Continued

- Assure compliance with the quantity and season limitations of existing water rights
- Protect senior rights in accordance with priorities
- Provide for efficient management and use of water during times of shortage
- Improve forecasting of water demand

Primary Components of the New Law

- Reporting
- Measurement

4. AMOUNT OF WATER DIVERTED AND USED

Note: Please report only the amounts diverted and used under this supplemental statement only. Do not report water diverted under other water rights, groundwater, or water supplied or purchased from others.

4a. Choose the unit:
 Gallons Acre-feet (AF) ²

4b. Check this box if the amount of water used is the same as the amount directly diverted. Do not check this box if your use of water is non-consumptive or if you have no use of water. If no use, enter 0 (zero) ²

4c. Enter numerals only (no commas or letters). If no water was diverted as used, enter 0 (zero).

	Amount directly diverted	Amount diverted or collected to storage	Amount used ²
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
Total	0	0	0

4d. If the total water diverted or used above is 0, please provide an explanation. Pre-1914 claim holders may lose their rights for



Early Input for Developing Regulation

- October 6 – Initial stakeholder meeting
- October 8 – Delta interest stakeholder meeting
- October 16 – Technical workshop
- November – Public outreach meetings in Los Angeles, Redding, Stockton, Sacramento, and Santa Rosa.

Reporting Requirements

- Annual water use reports required for all water right holders.
- During times of water shortage in a watershed or sub-watershed, monthly or more frequent reporting may be required.

Measurement Requirements

Type of Diversion	Installation Deadline	Required Accuracy	Required Monitoring	Installation And Certification
Direct Diversion \geq 1000 afa	July 1, 2016	10%	Hourly	Engineer/Contractor/ Professional
Direct Diversion \geq 100 afa / Storage \geq 200 af	January 1, 2017	10%	Daily	Engineer/Contractor/ Professional
Direct Diversion $>$ 10 afa / Storage \geq 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage $>$ 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

Diversions by Category

WATER RIGHTS IN CALIFORNIA		
CATEGORY (ACRE-FEET PER YEAR)	NUMBER OF PERMITS, LICENSES, AND STATEMENTS	MEASUREMENT REQUIREMENT
≥ 100,000	296	Telemeter Measure Hourly
≥ 10,000 and < 100,000	520	Telemeter Measure Hourly
≥ 1000 and < 10,000	1,598	Measure Hourly
≥ 100 and < 1000	4,162	Measure Daily
> 10 and < 100	4,987	Measure Weekly
Reservoirs ≥ 50	Included in the 4,987	Measure Weekly
Reservoirs > 10 and < 50	Included in the 4,987	Measure Monthly
≤ 10	16,584	Not in new regulation

Measurement Method

- A method capable of measuring direct diversion and storage, at accuracy standards comparable to those of individual measuring devices.
- Multiple water right holders on a single surface supply can propose a collaborative measurement approach.
- A single water right holder with multiple points of diversion can propose a measurement method.

Alternative Compliance

- A water right holder may request an alternative compliance approach when either a device or method is not feasible, would be unreasonably expensive, would unreasonably affect public trust resources, or would result in the waste or unreasonable use of water.
- A water user requesting an alternative approach should submit a reasonable plan for attaining compliance.

Existing Measurement Programs

- Water Board staff is reviewing state and federal agency water measurement programs to determine which agencies' measurement standards are comparable to the new regulation.
- Compliance with comparable measurement programs will be “grandfathered” as meeting the new regulatory standard.

Diversion Size

- The regulation grants authority to the Executive Director to identify areas in the State where measurement is not required at the > 10 acre-feet size, but at a larger size.
- The regulation describes the factors to be considered.

Device Certification

- Initial certification of compliance is due with the first water use report filed after the device has been installed and every five years thereafter.
- The regulation allows qualified individuals to install and maintain water measurement devices that have been lab certified.

Special Requirements for Largest Diverters

- Real-time telemetered diversion requirements:
 - Required by January 1, 2020 for a water right holder who:
 - diverts more than 10,000 acre-feet annually; or
 - diverts more than 50 percent of the monthly median flow of the watershed (Hydrologic Unit Code 10 or 12) where the diversion is located.
 - Shall provide real-time telemetered diversion data via a public website that displays the data on at least a daily basis, that is updated weekly, at a minimum.

Input is Requested on the Following Topics:

- Who should be allowed to certify the adequacy of the alternatives to the measurement and monitoring requirements?
- What specific factors should the Executive Director consider when considering whether to raise the diversion threshold for measurement?
- Should recertification of a measurement device be required every five years?
- Should real-time telemetered monitoring be required? If so, under what circumstances?

Next Steps

- The draft regulation will be refined based on comments received.
- The State Water Board is currently scheduled to consider adoption of the Emergency Regulation at its January 19, 2016 Board Meeting.

Additional Information

- Emergency regulation website
 - http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/
- Phone Number: **(916) 341-5300**
- Email Address: **dwr-measurement@waterboards.ca.gov**