

Sent via ELECTRONIC MAIL to DWR-Measurement@waterboards.ca.gov

June 6, 2025

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

RE: ACWA Comment Letter regarding Updated Water Measurement and Reporting Revisions

Dear Ms. Tyler,

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the updated revisions to the Water Measurement and Reporting Regulations (updated Regulations). ACWA represents approximately 470 local public water agencies that supply water for domestic, agricultural, and industrial uses to over 90 percent of California's population.

ACWA submitted written comments to the State Water Board on April 23, 2025, providing input on the revised Regulations. We appreciate the State Water Board incorporating many of the suggestions that were provided in that comment letter. Specific to the updated Regulations, ACWA offers the following input.

1. Incorporate new language into section 932 to clarify reporting requirements for transfer water.

ACWA recognizes the State Water Board's effort to revise the "point of diversion" definition and to relocate the "rediversion" definition into section 931; nonetheless, these changes do not resolve the fundamental challenge facing transferors. The updated Regulations make it virtually impossible for a transferor to measure and report diversions once water has left their control, especially when rediversions occur downstream or involve other parties. This level of reporting often requires data from other users and complex, real-time processing, which is impractical for the original water right holder. ACWA recommends adding a subdivision (d) to section 932 which states that *"the transferee shall be responsible for measuring and reporting the physical diversion of transfer water at the transferor's point of rediversion through which the transfer is authorized"*. This would ensure reporting responsibilities are placed on the party with actual control of the diversion or rediversion.

2. Amend section 933, subdivision (a) to align requirements with existing regulations.

The State Water Board's revision to section 933, subdivision (b)(2) resolves prior concerns related to the weekly reporting of diversions to storage. However, section 933, subdivisions (a)(3) and (a)(4) would require diverters to measure the "[v]olume and rate of water diverted to or collected to storage" and "[v]olume and rate of water withdrawn from storage in any

qualifying reservoir.” Under sections 657 and 658 of the State Water Board’s regulations, water is not considered stored until it has remained in a reservoir for at least 30 days, which precludes measurement at intervals shorter than that. As a result, storage is a calculated value and not directly measurable. ACWA suggests modifying the language in subdivisions (a)(3) and (a)(4) to require diverters to measure the “[v]olume and rate of water diverted to or collected ~~to storage at a storage facility~~” and “[v]olume and rate of water withdrawn from ~~storage in any a~~ qualifying reservoir”.

3. Require a finding, per Water Code section 1840, subdivision (b), before approving alternative compliance plans (ACPs).

Water Code section 1840, subdivision (b) authorizes the State Water Board to “modify” the measurement requirements in Water Code section 1840, subdivision (a) only after it has made at least one of two “findings” listed in subdivision (b). Because an ACP is a proposed modification, the State Water Board must make one of the required findings before it can approve an ACP. Neither the current Regulations nor section 936 of the updated Regulations requires the State Water Board to make a finding before one or more diverters may begin using an ACP. Thus, both the existing Regulations and updated section 936 exceed the State Water Board’s delegated authority. ACWA recommends that the State Water Board amend the updated Regulations to explicitly require that a finding be made prior to the approval or use of an ACP, in accordance with Water Code section 1840, subdivision (b).

4. Clarify ACP standards in section 936.

Currently, section 936 is vague and would benefit from additional clarity. For example, in section 936, subdivision (a), the updated Regulations state that “[a]lternative compliance plans must fulfill the requirements of this chapter to the extent practicable and provide sufficiently accurate and timely measurement data to the board.” However, the term “sufficiently accurate and timely” is unclear and open to interpretation. ACWA recommends the following clarification to provide an objective standard for compliance and, if needed, State Water Board enforcement: “Alternative compliance plans must fulfill the requirements of this chapter to the extent practicable and provide ~~sufficiently~~ accurate and timely *diversion* measurement data to the board *sufficient to enable it to monitor and enforce water rights*.”

5. Provide a clearer timeline for the implementation of the Regulations and CalWATRS.

ACWA and its members remain unclear about the implementation timeline for the California Water Accounting, Tracking, and Reporting System (CalWATRS) and which requirements diverters are expected to comply with based on the water year being reported. While section 939.1 appears to address the interim implementation of the Regulations for data collected and reported for Water Year 2025, any proposed changes to the existing Regulations or implementation of the amended Regulations prior to the schedule previously proposed by State Water Board staff is not advised. ACWA recommends including a clearer timeline, providing greater transparency for water right holders preparing to comply, that conforms with the following:

- Oct 1, 2024–Sept 30, 2025: measure diversions using existing Regulations

- Oct 1, 2025: updated Regulations become effective, water rights holders measure diversions using updated Regulations
- January 31, 2026: report data using existing Regulations (since measurements for Water Year 2025 have been collected under the existing Regulations)
- January 31, 2027: report data using updated Regulations

6. Release CalWATRS and reporting forms as soon as possible to allow sufficient time for public review and feedback.

It is difficult to assess the feasibility of the updated Regulations without first understanding how the collected data will be reported. Key details—such as the format of required reports (e.g., Supplemental Statements of Water Diversion and Use, Reports of Licensee, or Progress Reports by Permittee), data submittal templates, data submittal platforms for large diverters, quality assurance protocols—remain unclear. While this comment does not specifically address the additional changes to the proposed Regulations, ACWA urges the State Water Board to release CalWATRS for public testing and to share examples of reporting formats as soon as possible to ensure the regulated community has sufficient time to provide feedback before the Regulations take effect.

We appreciate the State Water Board's consideration of these comments. If you have any questions regarding these comments, please contact us at StephenP@acwa.com.

Sincerely,



Stephen Pang
State Relations Advocate
Association of California Water Agencies

cc: The Honorable Joaquin Esquivel, Chair, State Water Resources Control Board
The Honorable Dorene D'Adamo, Vice Chair, State Water Resources Control Board
The Honorable Laurel Firestone, State Water Resources Control Board
The Honorable Sean Maguire, State Water Resources Control Board
The Honorable Nichole Morgan, State Water Resources Control Board
Mr. Eric Oppenheimer, Executive Director, State Water Resources Control Board
Mr. Erik Ekdahl, Deputy Director, Division of Water Rights
Mr. Marwan Khalifa, Interim Executive Director, Association of California Water Agencies
Ms. Cindy Tuck, Deputy Executive Director, Association of California Water Agencies