

Upcoming State Water Diversion Measurement and Reporting Deadlines

Californians diverting water should take notice of new measurement and reporting requirements with quickly approaching deadlines. Water right holders diverting between 10 and 100 acre-feet per year have until January 1, 2018 to either (1) install and maintain a measurement device, (2) employ a measurement method capable of measuring the rate of diversion, or (3) submit an alternative compliance plan. The measurement device or method shall be capable of recording on a weekly basis the total volume of water diverted, flow rate, water velocity, or water elevation.

In addition, these small-time diverters must include a measurement report with its next water use report, the deadline of which is either April 1, 2018 (for persons diverting under a permit, license, or registration) or July 1, 2018 (for water diversion and use statements). The report shall include measurement device information, when and who installed the device, when it was most recently calibrated, and its maintenance schedule. The report shall also include a Certificate of Accuracy, whereby “a person trained and experienced in water measurement and reporting” attests or declares to the accuracy of this install and testing information. For those diverting less than 100 acre-feet per year, “a person trained and experienced in water measurement and reporting” may include the diverter or the diverter’s agent so long as they have the proper training and experience with the measurement device.

These measurement and reporting requirements are the final phase of the State Water Board’s rollout of Senate Bill (S.B.) 88. Signed by Governor Jerry Brown on June 24, 2015, S.B. 88 authorized the State Water Board to adopt regulations aimed at more accurately assessing water demand and preventing waste and unreasonable use of California’s water resources. New measurement requirements already took effect for diverters of more than 1,000 acre-feet per year (January 1, 2017) and between 100 and 1,000 acre-feet per year (July 1, 2017). Unlike the small-time diverter requirements discussed above, larger diverter measurement devices must be capable of more frequent recording (i.e., hourly if diverting more than 1,000 acre-feet per year, or daily if diverting between 100 and 1,000 acre-feet per year). Also, larger diverters’ Certificates of Accuracy must be signed by either a professional engineer, certain licensed



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contractors, or someone acting under the supervision of a professional engineer.

Additional information regarding diverting measurement and reporting requirements [may be found at the State Water Board's website](#). Please contact Hanson Bridgett if you believe you are subject to these measurement requirements and need assistance with compliance.

For more information, please contact:

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