Norcal Water Insight



NEW REPORT AVAILABLE: REPORTING, MEASURING, and PLANNING REQUIREMENTS for WATER USERS

A new report prepared by MBK Engineers for the Northern California Water Association (NCWA) will help guide water right and contract holders with various reporting, measurement and planning requirements. The report was developed in coordination with water resources managers throughout the Sacramento Valley who are all working through these new requirements in different ways. A workshop was held on May 29, 2018 for water resources managers to discuss the report and the various requirements it describes, as well as share their experiences in addressing these requirements and the importance of compliance as part of our ongoing effort to protect water rights and contracts in the Sacramento Valley for regional sustainability. The report and summaries are available below.

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As background, individual water right holders and agricultural and urban water suppliers have a multitude of water monitoring, measuring, reporting, and planning requirements with which they must comply. Although compliance has become more time consuming and costly, particularly after the last drought, the process has also become more important. As the pressure increases on water supplies in a growing state, particularly during dry years, these processes (if completed in an accurate and diligent manner) will help ensure that water right holders have the ability to divert and store water for <u>multiple benefits</u> in accordance with their water rights and contracts.

These requirements are mainly the result of state and federal legislative actions and are implemented by the State Water Resources Control Board (SWRCB), Department of Water Resources (DWR), and U.S. Bureau of Reclamation (USBR). During the recent dry years, additional reporting and measurement requirements were added to the large number of

requirements already in place for irrigators and municipalities. Many of these requirements are dependent on the size of the water supplier, or volume under the water right/contract. The complex layers of requirements have resulted in many water right holders relying on experts, such as MBK, to assist with the protection of their water rights and contracts.

The purpose of this report is to summarize and describe the reporting and measurement requirements that districts, companies, and individual landowners in Northern California must comply, and to provide them assistance with compliance. This report builds upon the earlier report, *Efficient Water Management for Regional Sustainability in the Sacramento Valley*, by providing guidance for water right and contract holders to comply with these various requirements as part of the ongoing efforts for regional sustainability in the Sacramento Valley, and to help ensure that water will be available to serve <u>multiple benefits</u> both now and in the future. The report covers surface water, groundwater, and other regional actions.

In addition to guiding water users, we will also use the report to show various policy and opinion makers the numerous and sometime overlapping requirements that face water users. We have also heard that some of these requirements are particularly onerous for water right holders and do not add value to improved water management. If you have specific examples, please share your experiences with us in this regard, so we can work with regulators or perhaps the Legislature to make these requirements more practical and effective in the future.

If you have any questions or need additional information on the report, please call NCWA at 916.442.8333 or Angela Bezzone with MBK Engineers at 916.456.4400.

Reporting, Measuring, and Planning Requirements for Water Users

California Water Rights

(Water Commission Act, 1913; SB X7-8, 2009; SB 88, 2016)

- Any individual or entity who takes water from a lake, river, stream, or creek for a beneficial use requires a water right to do so.
- California's water right system is a priority system based on the understanding that water may not be available to all water right holders during dry periods.

Water Right Reporting

(Water Commission Act, 1913; SB X7-8, 2009; SB 88, 2016)

- Annual water right reports must be submitted electronically by all water right holders to the SWRCB by April 1 or July 1 of each year.
- The annual reports are to include monthly diversion and use quantities.
- The Division may require more frequent reporting requirements during times of water shortage.

Direct Diversion	Storage	Deadline for Measurement Compliance	Required Accuracy of Device	Required Monitoring Frequency	Telemetry
≥ 1,000 AF/year	≥1,000 AF	January 1, 2017	Installed before 1/1/16: 15%	Hourly	Diverter who diverts: → > 10,000 AF
≥100 AF/year	≥ 200 AF	July 1, 2017	Installed after 1/1/16: 10%	Daily	annually \rightarrow > 30 cfs by DD
	≥ 100 AF			During Jun. thro Sep. 30	During Jun. through Sep. 30
> 10 AF/year	≥ 50 AF		150/		 → > 10,000 AF capacity of pond/reservoir → in certain areas (see Measurement Regulations).
	> 10 AF	January 1, 2018	15%	Monthly	

Table 1. Measurement Thresholds and Requirements

Measurement of Diversion and Use (SB 88, 2016)

- Water right holders who divert or are authorized to divert more than 10 AF per year are required to measure their surface water diversions.
- The measurement equipment must meet certain accuracy standards and data must be recorded at a specified frequency (see Table 1).
- The installation and accuracy of the measurement device must be documented by a Qualified Individual.

Drinking Water Annual Report (SB 1360, 1996)

Public water systems are required to submit an annual report to the SWRCB, Division of Drinking Water by June 1 of each year.

CASGEM Monitoring and Reporting (SB X7-6, 2009)

Designated CASGEM Monitoring Entities collect groundwater elevation measurements and report the data online on a semi-annual basis.



Reporting, Measuring, and Planning Requirements for Water Users

Federal Water Management Plans (PL 102-575, 1992)

- Water supply contract holders must prepare and submit a WMP pursuant to CVPIA requirements – those who receive less than 2,000 AF per year for agricultural or urban purposes or irrigate less than 2,000 acres of land are exempt.
- The CVPIA criteria requires implementation of five "non-exemptible" Best Management Practices.
- WMPs are to be updated every five years and submitted to USBR.

Agricultural Aggregated Farm-Gate Delivery Report (AB 1404, 2007)

- Agricultural water suppliers delivering 2,000 AF per year or serving 2,000 or more acres must submit an Agricultural Aggregated Farm-Gate Delivery Report.
- As of 2019, the reports are due by April 1 each year and are to include monthly or bimonthly aggregated farm-gate delivery quantities, organized by groundwater basin within the service area.
- > AB 1668 results in changes to these Reports.

Sustainable Groundwater Management Act (AB 1739, SB 1168, and SB 1319, 2014)

- Locally formed Groundwater Sustainability Agencies are required to prepare and adopt a Groundwater Sustainability Plan by January 1, 2022.
- Measuring, monitoring, and management actions will be undertaken thereafter with a report due each year, and plan updates every five years.

For Questions Please Contact: MBK Engineers, *Water Rights Division* Phone: 916.456.4400; Email: <u>contact@mbkengineers.com</u>

State Water Management Plans

(SB X7-7, 2009)

- Agricultural water suppliers providing water to more than 25,000 acres must prepare and submit an AWMP.
- The criteria require implementation of turnout level measurement and volumetric pricing of water deliveries.
- Urban water suppliers who provide over 3,000 AF per year or serve more than 3,000 urban connections must prepare and submit an Urban WMP.
- Agencies are required to establish water use targets for 2015 and 2020 that would result in statewide savings of 20 percent by 2020.
- WMPs are to be updated every five years and submitted to DWR.

Irrigated Lands Regulatory Program (AB 390, 1999)

- Property owners of irrigated agricultural lands must comply with Waste Discharge Requirements as an individual or through participation in a group.
- The Sacramento Valley Water Quality Coalition and California Rice Commission Coalition assist growers in the Sacramento through surface water and groundwater quality monitoring.

Making Conservation a California Way of Life (AB 1668, 2018)

- AWMPs must include an annual water budget based on all inflow and outflow components of the service area, an identification of water management objectives based on the budget, and quantification of water use efficiency within the service area.
- AWMPs must include a drought plan that describes the actions of the water supplier related to drought preparedness and management of water supplies and allocations during drought conditions.

Reporting, Measuring, and Planning Requirements for Agricultural Water Users

Water Right Reporting

(Water Commission Act, 1913; SB X7-8, 2009; SB 88, 2016) (

- Annual water right reports must be submitted electronically by all water right holders to the SWRCB by April 1 or July 1 of each year.
- The annual reports are to include monthly diversion and use quantities.
- The Division may require more frequent reporting requirements during times of water shortage.

Measurement of Diversion and Use

(SB 88, 2016)

- Water right holders who divert or are authorized to divert more than 10 AF per year are required to measure their surface water diversions.
- The measurement equipment must meet certain accuracy standards and data must be recorded at a specified frequency (see Table 1).
- The installation and accuracy of the measurement device must be documented by a Qualified Individual.

Direct Diversion	Storage	Deadline for Measurement Compliance	Required Accuracy of Device	Required Monitoring Frequency	Telemetry
≥ 1,000 AF/year	≥1,000 AF	January 1, 2017	Installed before 1/1/16: 15%	Hourly	Diverter who diverts: → > 10,000 AF
≥100 AF/year	≥ 200 AF	July 1, 2017	Installed after 1/1/16: 10%	Daily	annually \rightarrow > 30 cfs by DD During Jun. through Sep. 30 \rightarrow > 10,000 AF capacity of pond/reservoir \rightarrow in certain areas (see Measurement Regulations)
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> 10 AF/year	≥ 50 AF		1 = 2 (Weekiy	
	> 10 AF	January 1, 2018	15%	Monthly	

Table 1. Measurement Thresholds and Requirements

State Water Management Plans

(SB X7-7, 2009)

- Agricultural water suppliers providing water to more than 25,000 acres must prepare and submit an AWMP pursuant to SB X7-7.
- The criteria require implementation of turnout level measurement and volumetric pricing of water deliveries.
- AWMPs are to be updated every five years and submitted to DWR.
- AB 1668 implements new requirements for these AWMPs.

Federal Water Management Plans (PL 102-575, 1992)

- Water supply contract holders must prepare and submit a WMP pursuant to CVPIA requirements – those who receive less than 2,000 AF per year or irrigate less than 2,000 acres of land are exempt.
- The CVPIA criteria requires implementation of five "non-exemptible" Best Management Practices.
- WMPs are to be updated every five years and submitted to USBR.



Reporting, Measuring, and Planning Requirements for Agricultural Water Users

Agricultural Aggregated Farm-Gate Delivery Report

(AB 1404, 2007)

- Agricultural water suppliers delivering 2,000 AF per year or serving 2,000 or more acres must submit an Agricultural Aggregated Farm-Gate Delivery Report.
- The reports are due by July 31 each year and are to include monthly or bimonthly aggregated farmgate delivery quantities.
- > AB 1668 results in changes to these Reports.

CASGEM Monitoring and Reporting

(SB X7-6, 2009)

Designated CASGEM Monitoring Entities collect groundwater elevation measurements and report the data online on a semi-annual basis.

Sustainable Groundwater Management Act

(AB 1739, SB 1168, and SB 1319, 2014)

- Locally formed Groundwater Sustainability Agencies are required to prepare and adopt a Groundwater Sustainability Plan by January 1, 2022.
- Measuring, monitoring, and management actions will be undertaken thereafter with a report due each year, and plan updates every five years.

Irrigated Lands Regulatory Program

(AB 390, 1999)

- Property owners of irrigated agricultural lands must comply with Waste Discharge Requirements as an individual or through participation in a group.
- The Sacramento Valley Water Quality Coalition and California Rice Commission Coalition assist growers in the Sacramento through surface water and groundwater quality monitoring.

Making Conservation a California Way of Life

(AB 1668, 2018)

- Agricultural Aggregated Farm-Gate Delivery Reports are to be filed electronically by April 1 of each year and organized by groundwater basin within the service area.
- AWMPs must include an annual water budget based on a quantification of all inflow and outflow components of a suppliers' service area, as well as an identification of water management objectives based on the budget and a quantification of water use efficiency within the service area based on one of four approved methods.
- AWMPs must include a drought plan that describes the actions of the water supplier related to drought preparedness and management of water supplies and allocations during drought conditions.

For Questions Please Contact: MBK Engineers, Water Rights Division Phone: 916.456.4400; Email: contact@mbkengineers.com

AUGUST 2018

REPORTING, MEASURING, and PLANNING REQUIREMENTS for WATER USERS



Prepared for the Northern California Water Association by:



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Reporting, Measuring, and Planning Requirements for Water Users

Prepared for the Northern California Water Association by:



August 2018

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Author's Note:

The electronic version of this Report includes hyperlinks to additional sources. If you would like to receive an electronic version of *Reporting, Measuring, and Planning Requirements for Water Users,* please contact NCWA at 916-442-8333.

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Introduction

Water supplies are the lifeblood of the Sacramento Valley. Throughout the region, water supports both the economy and the environment and is essential to maintaining the Sacramento Valley way of life. Water supplies in the region are dependent upon water rights and contracts, and the ability to both store and access water at the time it is needed for farms, cities, rural communities, wildlife refuges, recreation, and fisheries.

Since the mid-1800s, water has been diverted for many uses in accordance with water rights. Lands within the Sacramento Valley have been irrigated for farming and wildlife refuges, and municipal and domestic supplies have been provided to the Valley's people. Individual land owners and agricultural water suppliers secured some of the oldest water rights in the Sacramento Valley watershed. As the population of the state continued to grow, water leaders throughout the Sacramento Valley continued to secure and protect a variety of water rights and contracts so that water supplies were available for use in Northern California. These water rights and supplies are the socio-economic foundation for Northern California and serve the various environmental values in the region. Today, water leaders in the region continue to take action to protect their water rights and their ability to divert water for <u>multiple benefits</u>. This process has become more and more time consuming, complex, and costly, due to increased laws and regulations.

Individual water right holders and agricultural and urban water suppliers have a multitude of water monitoring, measuring, reporting, and planning requirements with which they must comply. Although compliance has become more time consuming and costly, the process has also become more important. As the pressure increases on water supplies in a growing state, particularly during dry years, these processes (if completed in an accurate and diligent manner) will help ensure that water right holders have the ability to divert water for <u>multiple benefits</u> in accordance with their water rights and contracts.

These requirements are mainly the result of state and federal legislative actions and are implemented by the State Water Resources Control Board (SWRCB), Department of Water Resources (DWR), and U.S. Bureau of Reclamation (USBR). During the recent dry years, additional reporting and measurement requirements were added to the large number of requirements already in place for irrigators and municipalities. Many of these requirements are dependent on the size of the water supplier, or volume under the water right/contract. The complex layers of requirements have resulted in many water right holders relying on experts to assist with the protection of their water rights. The purpose of this report is to summarize and describe the reporting and measurement requirements with which districts, companies, and individual landowners in Northern California must comply, and to provide assistance with compliance. This report builds upon the earlier report, Efficient Water Management for Regional *Sustainability in the Sacramento Valley*, by providing guidance for water right and contract holders to comply with these various requirements as part of the ongoing efforts for regional sustainability in the Sacramento Valley, and to help ensure that water will be available to serve multiple benefits, both now and in the future. This report is comprised of three parts which describe efforts pertaining to surface water, groundwater, and regional actions.

Surface Water

The Water Commission Act of 1913 took effect on December 19, 1914, establishing the state's water rights system. Today, the SWRCB and its Division of Water Rights (Division) is responsible for administering water rights law in California. DWR and USBR coordinate with the Division and other agencies in order to help manage and protect water resources; they are also water right holders under the jurisdiction of the SWRCB.

California Water Rights

- Any individual or entity who takes water from a lake, river, stream, or creek for a beneficial use requires a water right to do so.
- California's water right system is a priority system based on the understanding that water may not be available to all water right holders during dry periods.

California water rights law requires that any diversion from a watercourse for a beneficial use be documented with the SWRCB. There are many types of water rights in the state; however, the two most common types are riparian and appropriative.

Water rights are based on a priority system (i.e., "first in time, first in right"), and the SWRCB relies upon documented information to administer the priority system, particularly in times of water shortages. The Division maintains the <u>Electronic Water Rights Information Management</u> <u>System</u> (eWRIMS), which is a public database used to track information on water rights.

Often, riparian water rights are the most senior water right. Riparian land is land located adjacent to a water source, and the owner of that land can divert a portion of the natural flow for reasonable beneficial use on the riparian land. Riparian landowners are required to document their claim through the filing of a <u>Statement of Water Diversion and Use</u> (Statement) and report their annual water use, as described in more detail in the following section. Water users who appropriated water before the Water Commission Act took effect have what is called a pre-1914 appropriative water right. Pre-1914 claims are also documented by filing a Statement with the SWRCB. The SWRCB records claims without verifying the water right. The SWRCB has limited authority in regard to riparian water rights and pre-1914 appropriative claims; therefore, disputes involving these water rights have to be decided in court. Failure to file a Statement may result in civil liabilities that carry a fine of up to \$1,000, plus \$500 per day the violation continues after the owner has been notified of the violation.

All post-1914 appropriative water users must apply for and receive a <u>water right permit</u> from the SWRCB. The process to receive a water right permit includes compliance with the California Environmental Quality Act and a public notice period. In addition, a water availability analysis must be performed to determine if water will be available to supply the proposed diversion. The analysis must consider senior water right holders and public trust or environmental needs. A water right permit will include terms defining the amount of water that may be diverted and during which season the diversion may occur along with the purpose of use and place of use associated with the authorized diversion. A diversion without a water right may result in a fine of up to \$500 per day of diversion and use.

Water right <u>registrations</u> are also available for expedited acquisition of appropriative water rights for certain small projects – small domestic use, small irrigation use, and livestock stockpond. Generally, a small project is defined as a maximum of 4,500 gallons per day or diversion to storage, not to exceed 10 acre-feet (AF) per year. Following receipt of a registration, the SWRCB reviews the information and consults with the California Department of Fish and Wildlife. The SWRCB then issues a certificate of registration. Registrations are subject to renewal every five years and may be revoked if required fees and annual reporting has not been completed.

California's appropriative water system and the priority system are built on the understanding that water may not be available to all water right holders in all years. The Division has the authority to curtail diversions under water rights based on availability of water. The Division relies upon reported water use, described in more detail below, to make decisions regarding curtailments. If a curtailment notice is issued, a compliance certification is required in order to document receipt of the notice and confirm cessation of diversion. Riparian right holders on a stream are considered to have the same priority. If there is not enough natural flow to meet their combined demands, then they must share the available supply. Violations may result in fines of \$1,000 per day, and \$2,500 per AF diverted or used in excess of a valid water right.

Water Right Reporting

- Annual water right reports, which are to include monthly diversion and use quantities, are due to the SWRCB by April 1 or July 1 of each year.
- The Division may require more frequent reporting requirements during times of water shortage.

Post-1914 appropriative water right holders have been subject to reporting requirements since the Water Commission was established. Pursuant to 2009 legislation, the SWRCB began to require online annual reporting of water diversion and use by individual water right. Online water right reports are to be submitted through the SWRCB's eWRIMS <u>Report Management System</u>. Also as a result of the 2009 legislation, riparian and pre-1914 water right claimants were required to submit water diversion and use reports online, which were due every three years. During the recent dry years of 2013 – 2015, two important SWRCB actions occurred: the SWRCB issued an Order for Additional Information and the legislature passed Senate Bill (SB) 88, which resulted in the development of new reporting and measurement requirements, both of which are described in more detail below.

During 2014, the SWRCB adopted an emergency regulation for Curtailment of Water Diversions to Protect Senior Water Rights, which included a provision authorizing the Division to issue Orders requiring riparian and pre-1914 water right claimants to provide additional information documenting their claims. Pursuant to this emergency regulation, the Division issued an Order for Additional Information (known as the Informational Order) to 450 riparian and pre-1914 claimants in the Sacramento and San Joaquin Watershed and Delta. The Informational Order required the recipients to submit information supporting their claim, provide actual 2014 monthly diversion quantities, provide an estimate of monthly diversions for 2015, and report

actual 2015 diversions on a monthly basis thereafter. The Division readopted the Order and the claimants were required to continue to submit monthly reports of actual diversions on a periodic basis, through October 2016. This monthly reporting of diversions was in addition to the annual water right reports.

Shortly after the issuance of the Informational Order, SB 88 was signed in to law by Governor Brown on June 24, 2015. SB 88 required the SWRCB to develop regulations to implement the requirements of the bill. The <u>Reporting and Measurement Regulation</u> (Measurement Regulation) was adopted by the SWRCB on January 19, 2016. The Measurement Regulation changed the reporting frequency for riparian and pre-1914 claimants from tri-annually to annually, beginning with 2016 diversions. The Measurement Regulation also requires that <u>annual reporting</u> for diversion and use under small domestic registrations and stock pond certificates, which were not previously required. The failure to electronically submit diversion reports requested in accordance with the applicable schedule, even when no diversions are made, is a violation subject to civil liability of up to \$500 per day.

The Measurement Regulation authorizes the Division to require reporting of diversions monthly, or more frequently, when flows or projected available supplies in a watershed or subwatershed are sufficient to support some, but not all, of the projected diversion demand. This requirement essentially provides authorization for the Division to require reporting, similar to that of the Informational Order, without needing to adopt emergency regulations to do so.

Measurement of Diversion and Use under Water Rights

- All water right holders who divert or are authorized to divert more than 10 AF per year are required to measure their surface water diversions.
- The measurement equipment must meet certain accuracy standards and data must be recorded at a specified frequency.
- The installation and accuracy of the measurement device must be documented by a Qualified Individual.

The Measurement Regulation was prepared by the Division pursuant to SB 88. All water right holders who have previously diverted or intend to divert more than 10 AF per year (riparian and pre-1914 claims), or are authorized to divert more than 10 AF per year under a permit, license, or registration, are required to measure the water they divert as described in Table 1.

Compliance with the Measurement Regulation can be achieved by measuring diversions with a measurement device, utilizing a Measurement Method, or implementing an Alternative Compliance Plan (ACP) where strict compliance is not possible. The accuracy of the measurement needs to be certified by a designated *Qualified Individual*. For diversions or water rights with a face-value greater than 100 AF per year, a Qualified Individual may be a California-Registered Professional Engineer; a California-Licensed Contractor, authorized by the State License Board for C-57 well drilling or C-61 Limited Specialty/D-21 Machinery and Pumps; or a person under the supervision of a California-Registered Professional Engineer who is employed to install, operate, and maintain water measurement and reporting devices or methods. For diversions or water rights with a face-value less than 100 AF, a person familiar

with water measurement, including the water right holder, may be the Qualified Individual. Failure to maintain a measuring device, employ a measurement method, or implement an alternative compliance plan in accordance with the Measurement Regulation is a violation subject to civil liability of up to \$500 per day.

Direct Diversion	Storage	Deadline for Measurement Compliance	Required Accuracy of Device	Required Monitoring Frequency	Telemetry
≥ 1,000 AF/year	≥ 1,000 AF	January 1, 2017 July 1, 2017	Installed before 1/1/16: 15% Installed after 1/1/16: 10%	Hourly	Diverter who diverts: $\rightarrow > 10,000 \text{ AF}$ annually $\rightarrow > 30 \text{ cfs by DD}$ during Jun. through Sept. 30
≥ 100 AF/year	≥200 AF			Daily	
	≥ 100 AF				
> 10 AF/year	≥ 50 AF		15%	Weekly	\rightarrow > 10,000 AF capacity of pond/reservoir
	> 10 AF	January 1, 2018		Monthly	→ in certain areas (see Measurement Regulation).

Many water right holders did not have enough time to fully comply with the measurement accuracy and/or frequency requirements by the deadlines identified in Table 1. This resulted in an intermediate effort of submitting Requests for Additional Time to the Division. A water right holder may submit an ACP when strict compliance with the requirements identified in Table 1 is not feasible, would be unreasonably expensive, would unreasonably affect public trust resources, or would result in the waste or unreasonable use of water. After the ACP has been submitted to the Division, it will be posted to a website with an opportunity for public comment. The deputy director of water rights may review, audit, require additional information, and/or reject an ACP. There is no set timeline during which any of these activities must occur. An ACP may remain in effect for up to five years and may be renewed by resubmittal.

On January 1, 2018, Assembly Bill (AB) 589 passed, which allows any diverter who has completed a <u>course</u> on measurement devices and methods administered by the University of California Cooperative Extension (UCCE), including passage of a proficiency test, to be considered a Qualified Individual that may install and maintain measuring devices or implement Measurement Methods for diversions under his/her water rights. Pursuant to AB 589, the Qualified Individual certification provided by this class may need to be renewed after January 1, 2023.

It is important to note that diversions under Sacramento River Settlement Contracts (Settlement Contracts) have been measured for years; however, in many instances, the measurement equipment did not or does not meet the stricter requirements of the Measurement Regulation. For

example, USBR monitors its measurement devices on a monthly basis in accordance with the Settlement Contracts, but data is not necessarily recorded on an hourly or daily basis. In order to avoid duplicative efforts and the installation of additional measurement devices by the water right holders, USBR has agreed to upgrade its equipment and install data loggers to assist in compliance with the recording frequency requirements and to certify the equipment as the Qualified Individual. USBR staff are currently working through the requisition process to obtain equipment.

Water Management Planning

The state government, through DWR, and the federal government, through USBR, both impose planning, measurement, and reporting requirements on water users. In some instances, the different planning activities have conflicting or competing requirements/goals. There are different planning criteria and practices for agricultural water suppliers and urban water suppliers.

State Agricultural Water Management Plans

- Agricultural water suppliers providing water to more than 25,000 acres must prepare and submit an Agricultural Water Management Plan (AWMP), pursuant to SB X7-7.
- The SB X7-7 AWMP criteria require implementation of turnout level measurement and volumetric pricing of water deliveries.
- SB X7-7 Plans are to be updated every five years and submitted to DWR.

The Water Conservation Act of 2009, or SB X7-7, required agricultural water suppliers with greater than 25,000 irrigated acres to adopt and submit <u>Agricultural Water Management Plans</u> (SB X7-7 AWMP) to DWR. The largest component of these SB X7-7 AWMPs is the implementation of Efficient Water Management Practices (EWMPs), including the measurement and volumetric pricing of water deliveries referred to as "Critical" EWMPs. SB X7-7 also permits water management plans that are part of a regional plan to be submitted, provided those plans meet the requirements of SB X7-7. The initial SB X7-7 AWMPs were due July 31, 2012, and were required to be updated in 2015 and every five years thereafter. Under SB X7-7, agricultural water suppliers that provide water to 10,000 to 25,000 irrigated acres are not required to prepare and submit plans unless state funds are available to support the effort.

The 2013 – 2015 dry period resulted in increased public interest in AWMPs and water use efficiency. In response, Governor Brown issued <u>Executive Order B-29-15</u> on April 1, 2015. B-29-15 directed those agricultural water suppliers with greater than 25,000 irrigated acres to include a detailed drought management plan and water budgets for 2013, 2014, and 2015 in their required 2015 SB X7-7 AWMP Update. B-29-15 also directed agricultural water suppliers that provide water to 10,000 to 25,000 irrigated acres to prepare and submit initial SB X7-7 AWMPs by July 1, 2016. State funds were made available to complete this effort; however, these smaller water suppliers are not required to implement the EWMPs.

The development of an SB X7-7 AWMP requires significant effort by the water supplier. The two Critical EWMPs – turnout level measurement and volumetric pricing – must be

implemented. Due to the nature of irrigation in the Sacramento Valley, water managers have struggled to implement turnout level measurement due to low maintenance flows, minimal head, debris, and silt. Water suppliers are required to update their SB X7-7 AWMP every five years, including any progress made towards EWMP implementation and a plan to fully implement the Critical EWMPs by the next five-year update.

SB X7-7 also allows for groups to prepare and submit a Regional Water Management Plan if each of the participants meet the requirements of SB X7-7. Several groups within the Sacramento Valley have moved forward with regional plans. Water users who divert from the Feather River have coordinated to develop a Feather River Regional Agricultural Water Management Plan, which consists of regional components and individual water supplier components. The Yuba Water Agency coordinated with its member units to prepare a single plan which could be considered a regional AWMP. A group of Sacramento River Settlement Contractors (SRSCs) coordinated with DWR and USBR in order to meet the requirements of both state and federal planning criteria. Their Sacramento Valley Regional Water Management Plan (SVRWMP) is described in Federal Agricultural Water Management Plans, below.

State Urban Water Management Plans

- Urban water suppliers providing over 3,000 AF of water annually or serving more than 3,000 urban connections must prepare and submit an Urban Water Management Plan pursuant to SB X7-7.
- SB X7-7 required agencies to establish water use targets for 2015 and 2020 that would result in statewide savings of 20 percent by 2020.
- SB X7-7 Plans are to be updated every five years and submitted to DWR.

The Urban Water Management Planning Act was adopted in 1983. Since that time, modifications have been incorporated over the years with a significant amendment being made in 2009 as a result of the Water Conservation Act, or SB X7-7. Urban water suppliers that annually deliver over 3,000 acre-feet of water for municipal purposes, or which serve more than 3,000 connections, are required to prepare and submit an <u>Urban Water Management Plan</u> (SB X7-7 UWMP) to DWR every five years. UWMPs are intended to ensure that water suppliers are prepared to provide an appropriate level of reliability in their service, sufficient to meet the needs of their customers during normal, dry, and multiple dry water years, as well as ensuring that water suppliers actively pursue the efficient use of supplies.

A key component of the SB X7-7 UWMPs is for the agencies to establish water use targets for 2015 and 2020, as a result of Governor Schwarzenegger's call for a statewide 20 percent reduction in urban water use by the year 2020. Urban water supplies are required in order to assess the reliability of water sources over a 20-year planning time frame, describe management measures and water shortage contingency plans, and discuss the use and planned use of recycled water.

On May 9, 2016, the Governor issued Executive Order B-37-16 establishing the "Making Conservation a California Way of Life" framework, which included water conservation and drought planning. Legislation resulting from this framework, and the proposed changes to SB

X7-7 AWMP and UWMP requirements (including potential enforcement measures for noncompliance), are summarized later in this document in the section, *Making Conservation a California Way of Life*.

Federal Agricultural Water Management Plans

- Water supply contract holders must prepare and submit an Agricultural Water Management Plan, pursuant to CVPIA requirements – those who receive less than 2,000 AF of water per year for irrigation or irrigate less than 2,000 acres of land are exempt.
- The criteria require implementation of five "non-exemptible" Best Management Practices.
- Water Management Plans are to be updated every five years and submitted to USBR.

Entities which hold a contract for irrigation water supply with USBR must prepare and submit an <u>Agricultural Water Management Plan</u> (USBR AWMP) to USBR, as required by the Reclamation Reform Act of 1982 (RRA) and the Central Valley Project Improvement Act of 1992. Those who receive less than 2,000 AF per year of USBR project water supplies or receive water for irrigation of less than 2,000 acres of land are exempt from preparing a USBR AWMP. Updated AWMPs are to be submitted every five years, and Best Management Practices (BMP) updates are to be submitted annually. Continued project water delivery is dependent on the water supply contractor implementing, or working diligently to implement, the measures described in an approved USBR AWMP.

The USBR AWMP requires implementation of BMPs. There are five Critical BMPs which are designated as *non-exemptible*: turnout water measurement, designation of a Water Conservation Coordinator, providing/supporting the availability of water management services to water users, adoption of a volumetric pricing structure, and evaluation/improvement of district pump efficiencies. If a water supplier is subject to both DWR and USBR sets of requirements, at a minimum, they must implement the critical EWMPs associated with the DWR plans and the critical BMPs associated with the USBR plans. Although USBR and DWR will accept a plan approved by the other agency, ensuring that criteria required by both agencies is incorporated into the plan adds an additional burden. For example, a SRSC may submit its USBR AWMP to DWR to meet the state requirements, but the plan must also meet requirements set forth by the state, including those in Executive Order B-29-15.

Currently, nine SRSCs participate in the SVRWMP, which was prepared in cooperation with USBR in 2006. Since SB X7-7 was passed, the SRSCs have coordinated with DWR in order to ensure that the SVRWMP would be accepted under both criteria. Each SRSC participating in the SVRWMP submits separate information to comply with the turnout measurement, volumetric pricing, drought management plan, and water budget requirements. Amongst the benefits of the SVRWMP is the showing of water use efficiency on a district, basin, and regional basis.

Federal Urban Water Management Plans

- Water supply contract holders who receive more than 2,000 AF per year of municipal and industrial (urban) water from a Reclamation project must prepare and submit an Urban Water Management Plan pursuant to CVPIA requirements.
- The criteria requires implementation of five "non-exemptible" Best Management Practices.
- Water Management Plans are to be updated every five years and submitted to USBR.

Water supply contractors who receive more than 2,000 AF per year of urban water from USBR must prepare and submit an <u>Urban Water Management Plan</u> (USBR UWMP) pursuant to the requirements of RRA and CVPIA. USBR Water Management Planner applies to both urban and agricultural water supply contractors. The USBR UWMP requires implementation of urban BMPs which are currently developed by the California Urban Water Conversation Council (CUWCC). Foundational BMPs include good operations practices, water loss control, and education programs. Programmatic BMPs include conservation methods to be implemented by the water supplier and methods that can be undertaken with residents; with commercial, institutional, and industrial users; and for landscape irrigation. The CVPIA UWMP are to be updated and resubmitted every five years. In addition, USBR requires annual updates, which are completed on the <u>CUWCC website</u>.

Continued project water delivery is dependent on the water supply contractor implementing, or working diligently to implement, the measures described in an approved USBR UWMP.

Farm-Gate Delivery Report

- Agricultural water suppliers delivering 2,000 AF per year or serving 2,000 or more acres must submit an Agricultural Aggregated Farm-Gate Delivery Report.
- The reports are due by July 31 each year and are to include monthly or bimonthly aggregated farm-gate delivery quantities.
- Beginning in 2019, the reports will be due by April 1 of each year and are to be submitted electronically.

In 2007, AB 1404 amended sections of the Water Code to require submittal of aggregated farmgate delivery data to DWR. The <u>farm-gate delivery reporting</u> requirements apply to agricultural water suppliers delivering 2,000 AF or more of surface water annually for agricultural purposes or serving 2,000 or more acres of agricultural land. The agricultural water supplier must submit a form with monthly or bimonthly aggregated farm-gate deliveries on an annual basis, along with information about their measurement program or practices, in order to document that the supplier is using "best professional practices" or information documenting that implementation of such program or practices to measure is not locally cost effective. Although the farm-gate delivery reporting is not a requirement specifically associated with the SB X7-7 AWMPs, agricultural water suppliers subject to SB X7-7 must provide this information in accordance with the turnout measurement requirements of SB X7-7. Currently, the Agricultural Aggregated-Farm-Gate Delivery Report must be submitted annually to DWR by July 31 of each year. However, due to recent legislative changes, beginning in 2019 the report must be submitted electronically by April 1 of each year.

Drinking Water Annual Report

• Public water systems are required to submit an annual report to the Division of Drinking Water by June 1 each year.

Public water systems that provide drinking water, are required to submit an <u>annual technical</u> <u>report</u> to the SWRCB Division of Drinking Water. This report may be required to include, but is not limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system, and financial assurance information. The annual report must be submitted electronically and is typically due by June 1 of each year.

SRSC Diversion Estimates

• SRSCs are required to submit an estimated schedule of monthly diversions to USBR by April 1 of each year.

Pursuant to Article 3c of their Settlement Contracts, SRSCs need to submit a written schedule of their monthly diversions under the Settlement Contracts for the upcoming contract season to USBR. This schedule is due by April 1 of each year. In addition, SRSCs need to provide any revisions to this schedule by the first day of each month during the remainder of the irrigation season. In past years, USBR has specifically requested this information within its notification letters identifying Shasta Critical/Non-Shasta Critical Years. These schedules and revisions are typically provided to USBR's Mid-Pacific Region, Northern California Area Office.

Groundwater

Land owners overlying a groundwater basin may extract that groundwater for beneficial use on their land without approval from the SWRCB. In several basins, groundwater use is subject to regulation, in accordance with court decrees adjudicating the groundwater rights within the basins; however, none of these basins are located in the Sacramento Valley. In the Sacramento Valley, many individuals and water suppliers rely on the conjunctive use of surface water and groundwater, while some entities rely solely on groundwater. On September 16, 2014, Governor Brown signed into law a three-bill legislative package, composed of AB 1739, SB 1168, and SB 1319, collectively known as the <u>Sustainable Groundwater Management Act</u> (SGMA), which provides a framework for sustainable groundwater management

CASGEM Monitoring and Reporting

• Designated CASGEM Monitoring Entities collect groundwater elevation measurements and report the data online on a semi-annual basis.

Prior to SGMA, in 2009, SB X7-6 established collaboration between local monitoring parties and DWR in order to develop a state-wide groundwater monitoring network for groundwater elevations. In response, DWR developed the <u>California Statewide Groundwater Elevation</u> <u>Monitoring</u> (CASGEM) Program to track seasonal and long-term groundwater elevation trends. Through this process, local parties have been established as CASGEM Monitoring Entities who collect groundwater elevation measurements and report the data through the CASGEM online data submittal and reporting system. CASGEM Program requirements have become more prevalent recently. In 2015, Executive Order B-29-15 required high- and medium-priority groundwater basins that were not being monitored under the CASGEM Program to be referred to the SWRCB for possible enforcement action. DWR notified the SWRCB that seven groundwater basins, all located in Southern California, were not being monitored in accordance with CASGEM Program guidelines. Entities who fail to comply with CASGEM monitoring requirements are not eligible to receive state funding for groundwater projects; therefore, Proposition 1 funding for SGMA activities is contingent upon CASGEM Program compliance.

The groundwater elevation data, which have been collected through the CASGEM Program, are anticipated to provide key information for groundwater management decisions. It is anticipated that CASGEM monitoring will be coordinated by the local agencies implementing SGMA, and the CASGEM Monitoring Entities may transition as SGMA moves forward. DWR hopes to improve the online system in order to make it a more functional resource.

Sustainable Groundwater Management Act

- Locally formed Groundwater Sustainability Agencies are required to prepare and adopt a Groundwater Sustainability Plan by January 1, 2022.
- GSAs must establish a sustainability goal for the groundwater subbasin which, in part, means avoiding the six "undesirable results."
- Measuring, monitoring, and management actions will be undertaken thereafter with a report due each year and plan updates every five years.

In the middle of the 2013 – 2015 dry years, SGMA was signed into law by Governor Brown. SGMA gives local agencies the authorities necessary to create Groundwater Sustainability Agencies (GSA) and establishes a framework to develop <u>Groundwater Sustainability Plans</u> (GSP) in order to implement strategies to sustainably manage groundwater resources. The complexity of complying with SGMA is anticipated to result in a significant expense and effort.

Entities in Northern California coordinated to have the entire <u>Sacramento Valley covered</u> by a GSA by the deadline of July 1, 2017. These GSAs are now continuing their coordination efforts to begin the planning process and develop GSPs to keep the region's water resources sustainable, which means avoiding the following "undesirable results" described in SGMA:

- Chronic lowering of groundwater levels
- Reduction of groundwater storage
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Depletions of interconnected surface water

SGMA requires the GSAs to consider water quantity and water quality. This will include the development of detailed water budgets, which consider surface water and groundwater relationships. These water budgets have different requirements, as compared to the water budgets

needed for the SB X7-7 WMPs and USBR WMPs, and has led to conversations about the need for consistency amongst planning requirements.

Proposition 1 grant funds are being made available to GSAs to assist with the preparation of GSPs and others activities which support sustainable groundwater management. A review of the grant applications submitted by GSAs within the Sacramento Valley indicates that local entities estimate compliance with SGMA will cost approximately \$14.7 million (including local and grant funding sources) to result in acceptable GSPs by January 1, 2022. After initial submittal of the GSPs, the GSAs will be required to implement monitoring/measuring practices described in the GSP, submit annual reports, and review/update the plan every five years.

DWR is responsible for <u>implementing SGMA</u> and is providing support to local agencies through <u>guidance</u> and <u>facilitation and technical services</u>. In addition, DWR is responsible for reviewing submitted GSPs and to determine if the GSP is adequate. If local agencies do not meet deadlines or are not managing groundwater sustainably, the SWRCB may intervene and initiate the "<u>State</u> <u>Backstop</u>" process.

Regional Efforts

In addition to the aforementioned overarching requirements, water right holders and water suppliers must comply with regional requirements that involve coordination and submittal to other agencies.

Integrated Regional Water Management

• Regional water management efforts can be supported by state funds through the Integrated Regional Water Management Program.

In 2002, the Regional Water Management Planning Act (SB 1672) was passed by the Legislature. Integrated Regional Water Management (IRWM) enables self-identified regions to integrate and implement water management solutions for their region, which is a foundation of Action 2: "Increase regional self-reliance and integrated water management across all levels of government," in the California Water Plan. Bond funds have supported IRWM development throughout California. IRWM is a collaborative effort to identify and implement water management solutions on a regional scale that increase regional self-reliance, reduce conflict, and manage water in order to concurrently achieve social, environmental, and economic objectives. This approach delivers higher value for investments by considering all interests, providing <u>multiple benefits</u>, and working across jurisdictional boundaries. Examples of <u>multiple benefits</u> include improved water quality, better flood management, restored and enhanced ecosystems, and more reliable surface and groundwater supplies.

Northern California water suppliers (in partnership with local governments, environmental representatives, and state and federal agencies) adopted an "Integrated Regional Water Management Plan (IRWMP) for the Sacramento Valley", on December 12, 2006. The Sacramento Valley-wide IRWMP focused on regional sustainability, and "...contains a strategic framework to meet the various water supply needs in the region both now and into the future..." and will "...guide the development of water resources policies, programs, and projects". Since

2006, IRWM planning in the Sacramento Valley has evolved and entities are currently pursuing more specific regional planning efforts in order to advance regional sustainability, to provide a forum for improved coordination of water resources management, and to implement various projects that will improve regional sustainability in the Sacramento Valley. There are now four processes in the Sacramento Valley, including the Northern Sacramento Valley IRWMP, American River Basin IRWMP, Westside Sacramento IRWMP, and Yuba County IRWMP.

Irrigated Lands Regulatory Program

- Property owners of irrigated agricultural lands must comply with Waste Discharge Requirements as an individual or through participation in a group.
- The Sacramento Valley Water Quality Coalition and California Rice Commission Coalition assist growers in the Sacramento through surface water and groundwater quality monitoring.

The Irrigated Lands Regulatory Program (ILRP) was created by the Central Valley Regional Water Quality Control Board (CVRWQCB) in response to SB 390. In 2003, a specific program was developed to address discharge of "waste" (e.g., pesticides, herbicides, nutrients) from agricultural lands. According to regulations imposed by Legislature and the Central Valley Regional Water Quality Control Board (CVRWQCB), property owners of irrigated agricultural lands must decide whether to participate as a group or individual. In the Sacramento Valley, two coalitions have formed to support landowners with the Waste Discharge Requirements (WDR): the California Rice Commission Coalition (CRCC) and the Sacramento Valley Water Quality Coalition (SVWQC). Through the coalitions' efforts, individuals are not required to participate on their own, but instead pay a fee to the coalition for coverage and submit information as requested.

The California Rice Commission (CRC) took on a proactive role in the ILRP as a commodity specific coalition that covers rice growers in the Sacramento Valley who farm approximately 500,000 acres of rice annually. All conventional and organic rice growers in the Sacramento River Basin receive automatic inclusion in the CRCC. Also located in the Sacramento Valley, the Northern California Water Association (NCWA) partnered with over 200 agricultural representatives, natural resource professionals, wetlands managers, and local governments throughout the region in order to improve water quality for Northern California farms, cities, and the environment by forming the SVWQC. The mission of the SVWQC is to enhance and improve water quality in the Sacramento River Basin, while sustaining the economic viability of agriculture, functional values of managed wetlands, and sources of safe drinking water. The SVWQC is composed of more than 8,600 farmers and wetlands managers encompassing more than 1.1 million irrigated acres. The SVWQC signed a Memorandum of Agreement with the CRC to coordinate the respective programs in the Sacramento River Basin.

As part of the ILRP, both the SVWQC and CRCC coordinate surface water and groundwater quality monitoring to be reported annually to the CVRWQCB. WDR compliance is achieved through the SVWQC's and CRCC's development and implementation of Monitoring and Reporting Program Plans. Both entities require members to submit Farm Evaluations which are compiled to facilitate compliance.

Looking Ahead

Due to the many moving parts, individual water right holders and agricultural water suppliers must constantly be aware of actions that may challenge their water supply. While not all of the items discussed below are a reporting, measurement, and/or planning requirement, each necessitates the attention, investment, and involvement of Sacramento Valley water users.

Making Conservation a California Way of Life

Governor Brown's Executive Order B-37-16 builds on long-term water conservation measures. B-37-16 directed five state agencies (DWR, SWRCB, California Department of Food and Agriculture, California Public Utilities Commission, and the California Energy Commission), collectively referred to as the EO Agencies, to seek input from stakeholders and develop a report based on the objectives contained in the Executive Order. On January 20, 2017, the EO Agencies submitted their final report, *Making Water Conservation a California Way of Life: Implementing Executive Order B-37-16*, to the Governor's office for possible 2017 legislative consideration. MBK participated in the public meetings and workshops as a member of the Agriculture Advisory Group (AAG) and submitted comments to the EO Agencies relative to the report.

On May 31, 2018, Governor Brown signed AB 1668 and SB 606 into law. The two-bill legislative package will go into effect on January 1, 2019, and is based on the Brown Administration's "Making Conservation a California Way of Life" framework. It is intended to establish statewide water efficiency standards in order to better the state for droughts and climate change.

For agricultural water suppliers, the bills:

- Require the Agricultural Aggregated Farm-Gate Delivery Reports to be filed by April 1 of each year and to be organized by groundwater basin within the service area.
- Enact new submittal requirements and DWR review authorities for the AWMPs developed by water suppliers every five years.
- Require AWMPs to include an annual water budget, based on a quantification of all inflow and outflow components of a suppliers' service area, as well as an identification of water management objectives based on the budget and a quantification of water use efficiency within the service area based on one of four approved methods.
- Require AWMPs to include a drought plan that describes the actions of the water supplier related to drought preparedness and management of water supplies and allocations during drought conditions.

For urban water suppliers, the bills:

- Require UWMPs to include a new "water shortage contingency plan".
- Require urban water suppliers to conduct an annual water supply and demand assessment and submit an annual water shortage assessment to DWR consistent with the water shortage contingency plan.

- Require urban water suppliers to calculate and report to DWR their actual water use and an "urban water use objective" on an annual basis, based on applicable standards intended to reflect efficient use of water in urban environments.
- Authorize the SWRCB to take enforcement action against an urban water supplier that does not meet its urban water use objective, including issuance of informational orders, written notices, and conservation orders.

Sacramento-San Joaquin River Delta and San Francisco Bay

The Sacramento-San Joaquin Rivers Delta and the San Francisco Bay (Bay-Delta) are an important economic and environmental resource benefiting all of California and the nation. Much is at stake with the implementation of numerous ecosystem restoration and water management actions under consideration. The various Bay-Delta processes continue with the SWRCB moving forward with the Water Quality Control Plan (WQCP) update; the state administration is advancing Cal WaterFix (tunnels); and the federal agencies are consulting on new biological opinions for the operation of the Central Valley Project and the State Water Project. These processes are all exploring ways to redirect water from the Sacramento River Basin in order to serve various water needs in the Bay-Delta. For context, these processes appear to be looking to redirect up to 2,000,000 AF away from the region.

The NCWA Bay-Delta Task Force continues to meet monthly in order to coordinate all the various efforts in the Sacramento River Basin surrounding the Bay-Delta, and to bring our team of directors, water resources managers, attorneys, biologists, and engineers together to strategize and take action to protect Northern California water rights and supplies and to help manage the water resources in our region for multiple beneficial uses. NCWA's Bay-Delta Water Briefing provides a detailed summary of the ongoing Bay-Delta processes.

Open and Transparent Water Data Act

On September 23, 2016, the <u>Open and Transparent Water Data Act (AB 1755)</u>, was approved by Governor Brown. AB 1755 requires DWR, in consultation with the California Water Quality Monitoring Council, SWRCB, and the California Department of Fish and Wildlife to develop an online platform in order to integrate existing water and ecological data information from multiple federal, state, and local databases (e.g., reservoir operations, groundwater data, land use, water rights, surface water diversions, water quality, fish abundance, etc.) and provide data on completed water transfers and exchanges. DWR and partner agencies released a progress report on implementation which included an initial draft strategic plan and preliminary protocols. The state agencies are collaborating with, and learning from, other state and federal agencies, data experts, and AB 1755 stakeholders (which includes data providers and consumers) to chart a successful path forward. By September 2019, an operational integrated water data platform will be available with additional data added thereafter. AB 1755 also creates a Water Data Administration Fund for the purposes of implementation and management of the water data, which will be funded through appropriations or voluntary donations.

Summary and Conclusions

Although water users may struggle with the time and financial burden of various and sometimes overlapping requirements, these efforts will continue to protect their water rights and the ability to access water supplies. While complying with new legislation and regulations, water resource managers throughout the Sacramento Valley continue to manage precious water supplies to support the culture, economy, and environment of the region. Sacramento Valley water suppliers and users are continually implementing new practices and infrastructure to increase efficient water management at the field, city, district, and regional levels. The challenge in the Sacramento Valley will be to implement new water management and both farming and municipal practices in a way that ensures efficiency at the local level, while not jeopardizing regional efficiency and the benefits and values the water use provides to the environment or to other downstream water users. This report should help guide water users to comply with these various requirements as part of the ongoing efforts for regional sustainability in the Sacramento Valley, and to help ensure that water will be available to serve <u>multiple benefits</u>, both now and into the future.