

A GUIDE TO

California Water Right Appropriations



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Division of Water Rights
State Water Resources Control Board
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

If you are planning a project which involves use of water in California, you may need a water right permit from the State Water Resources Control Board. This booklet is your guide to California's water right permit process.

A new, shortened procedure for filing to appropriate water with the State Water Resources Control Board (SWRCB), called registration, was incorporated into law effective January 1, 1989. The registration procedure is limited to appropriations for small domestic use (not to exceed 4,500 gallons per day by direct diversion or 10 acre-feet per annum by storage). Information about registration is available in SWRCB publication "How to File an Application/Registration to Appropriate Water in California".

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California Water Rights

California's extensive water system has played a key role in shaping the quality of California life. Its many uses include irrigation of the state's fertile agricultural lands, generation of energy from renewable sources, preservation of wildlife habitats, and development of diverse recreational and scenic areas. In addition, 25 million Californians depend on the state's water to meet their daily needs.



The California Constitution says the state's water resources belong to all Californians. Any citizen may use water for beneficial purposes by possessing a water right. Some rights come with ownership of land adjacent to streams, lakes, or ponds. Similarly, right to use water which percolates beneath the ground may be claimed by overlying landowners.

Another kind of water right - *an appropriative water right* - may be established by obtaining a permit, or in the case of a small domestic use, a certificate of registration, which spells out the terms and conditions for taking and using water in California. Anyone who intends to establish an appropriative water right should contact the State Water Resources Control Board, Division of Water Rights.



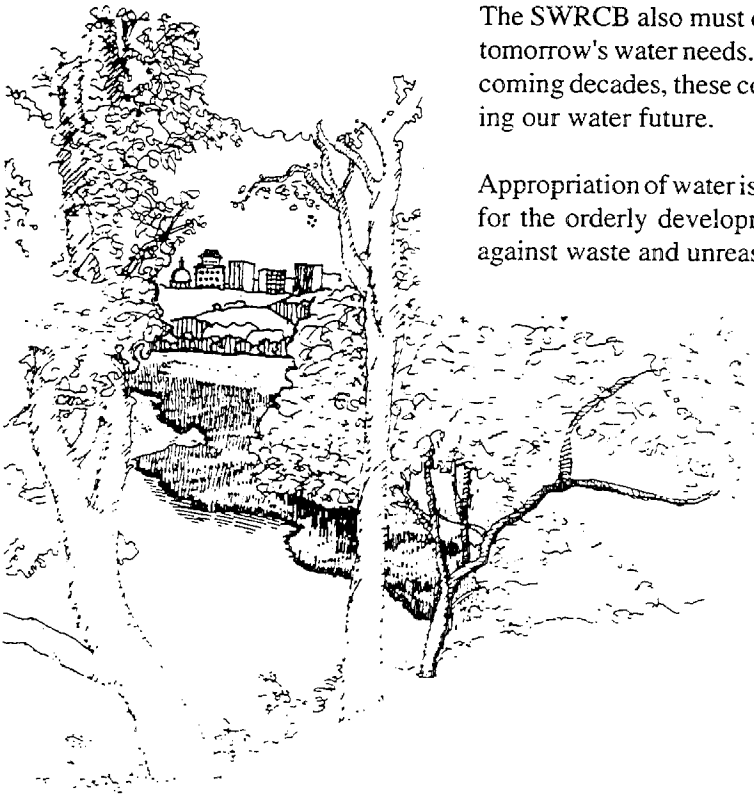
State Water Resources Control Board

The State Water Resources Control Board (SWRCB) was established by the 1967 California Legislature to administer the state's water quality and water rights functions. In addition to administering water rights programs, the SWRCB, together with nine regional boards throughout the state, enforces pollution control standards to protect California's 103 rivers, 5,000 lakes, 461 ground water basins, and 1,840 miles of shoreline.

In granting water right permits, the SWRCB must determine under what conditions California water may be taken and used. A permit is issued when the SWRCB has determined that the proposed appropriation will best serve the public interest. In deciding whether to issue permits, the SWRCB considers the features and needs of the proposed project, existing uses of water within the area, and protection of the environment. Water right permits specify completion schedules for project construction and water development, as well as when, where, and how water will be taken and used.

The SWRCB also must determine how today's water developments might affect tomorrow's water needs. As California's population continues to grow during the coming decades, these considerations will play an ever-important role in protecting our water future.

Appropriation of water is governed by laws and procedures which, together, allow for the orderly development of the state's water resources while safeguarding against waste and unreasonable use.



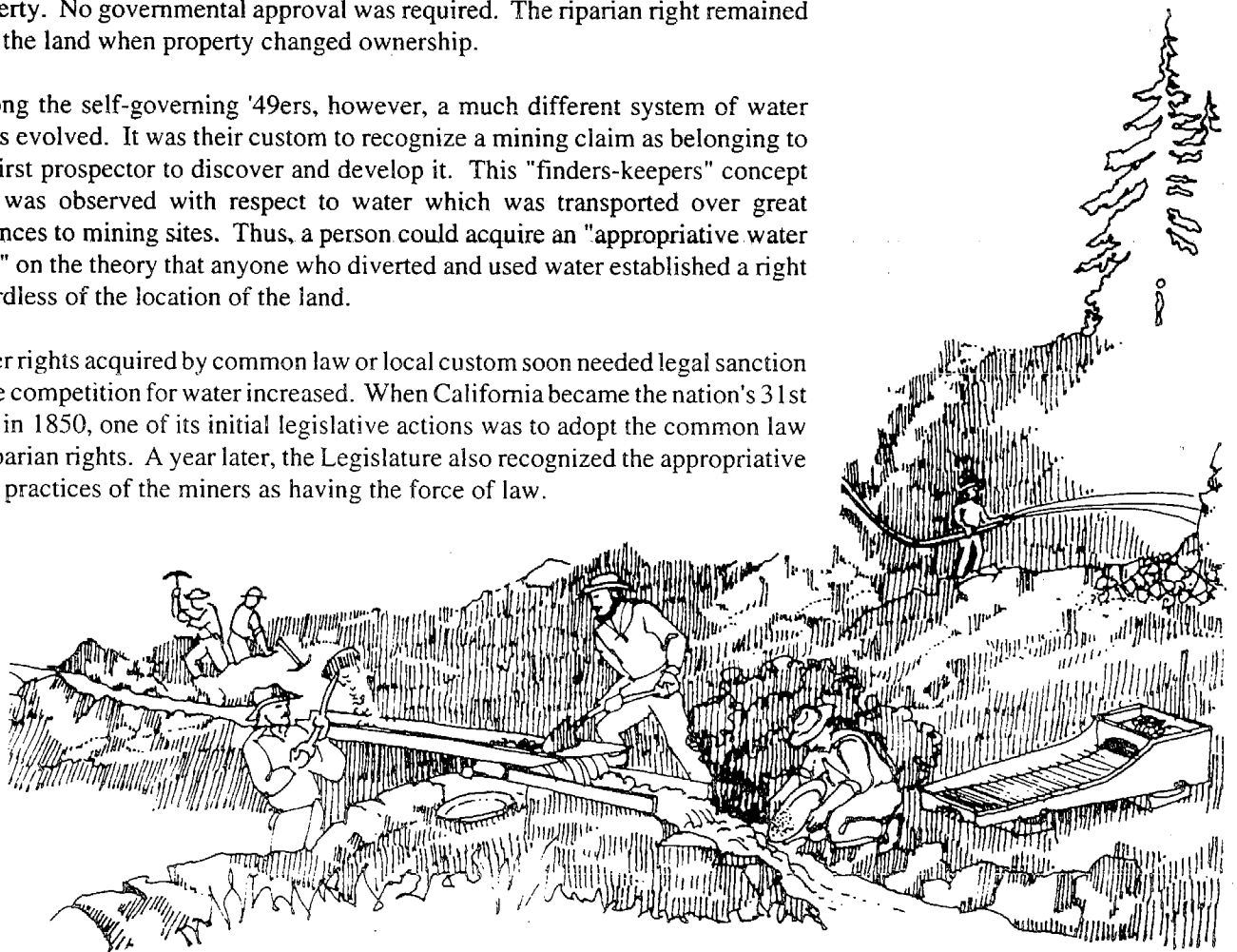
Origins of California Water Rights

In California, there are now two major kinds of surface water rights: riparian rights which generally come with land bordering a water source, and appropriative rights which are granted by the SWRCB. This dual system of water rights originated early in the state's history as pioneers set up homesteads along the banks of rivers and '49ers poured into California during the gold rush.

Early settlers practiced the English common law system of riparian rights, which was familiar in the eastern United States. Under this system, an owner of land adjacent to a stream was entitled to use water which flowed past his or her property. No governmental approval was required. The riparian right remained with the land when property changed ownership.

Among the self-governing '49ers, however, a much different system of water rights evolved. It was their custom to recognize a mining claim as belonging to the first prospector to discover and develop it. This "finders-keepers" concept also was observed with respect to water which was transported over great distances to mining sites. Thus, a person could acquire an "appropriative water right" on the theory that anyone who diverted and used water established a right regardless of the location of the land.

Water rights acquired by common law or local custom soon needed legal sanction as the competition for water increased. When California became the nation's 31st state in 1850, one of its initial legislative actions was to adopt the common law of riparian rights. A year later, the Legislature also recognized the appropriative right practices of the miners as having the force of law.





What is a water right?

Californians realized the value of the state's water a century ago and developed sensible procedures for its appropriation, most of which are still practiced today. A water right could be initiated by posting a sign stating the intent to divert water near the planned diversion site. A similar notice also was filed with the county recorder. These combined actions established the priority of the right. The right was limited to amounts needed for intended purposes and stayed in effect as long as the project was developed in good faith and water was put to good use. Others could take available water from the same source, but their rights existed within a hierarchy of priorities, the most senior of which belonged to the first to post notice or make use of the water.

Each of these early appropriation procedures demonstrated common sense. Notice of proposed diversions alerted other water users to changes in streamflows. The requirement for diligent construction of diversion works and continued use of water discouraged speculative holding of priority rights. The "first in time, first in right" principle demonstrated a practical wisdom toward water development and is today an important feature of the water right appropriation process. Loss of water rights by abandonment or nonuse helped guarantee optimum use of a limited and valuable resource.

This orderly system of appropriation, which discourages waste and unreasonable use of the state's water, has been preserved by the Legislature and the courts.

Appropriative Rights and Unappropriated Water

A water right is a legal entitlement which authorizes the diversion of water from a particular source for beneficial use. All water rights are limited to amounts reasonably necessary for the intended use and do not extend to wasteful or unreasonable use or means of diversion.

A water right, although a property right, is not ownership of water. In general, the possession of a water right is an opportunity to share in the responsible development and beneficial use of a public resource.

An appropriative right is an exclusive right to take:

What is an appropriative right?

- a specific *amount* of water
- from a specific *source*
- for a specific *use*
- at a specific *location*
- during a specific *period of time*.

The right may allow for the immediate use or seasonal storage of water. For diversions initiated after December 19, 1914, a permit, license, or in the case of a small domestic use, a certificate of registration from the SWRCB is required.

The right carries a priority in relation to other appropriative rights. The water user who is "first in time" is "first in right". This means the user is entitled to the full quantity of water specified under the right before junior appropriators may exercise their rights. Just as appropriative rights are obtained by water use, they are lost by nonuse or abandonment. In some cases, appropriative rights may be transferred from one party to another.

An appropriative right contributes to the total ownership interest in a piece of property and is considered real property. In this respect, an appropriative water right is quite different from other kinds of use permits.

A riparian right usually comes with ownership of land bordering a stream, lake, or pond and has a higher priority than most appropriative rights. Riparian owners may use natural flows directly for beneficial purposes on riparian land without filing for a right. However, a riparian owner must obtain a water right permit, or in the case of a small domestic use, a certificate of registration, in order to store water during one season for use during another season.

What is a riparian right?

In general, riparian rights are of equal priority, and in most cases of water shortage, riparian users must share available supplies among themselves. Riparian rights remain with the land when riparian lands are sold unless expressly held back. When riparian lands are subdivided, parcels which are severed from the adjacent water source lose their riparian rights.

What is unappropriated water?

Unappropriated water is any available water flowing in a stream that is not claimed under riparian or other prior rights.

How is water appropriated?

Since the early part of this century, water appropriation has been administered by the SWRCB and its predecessors. Though laws affecting water rights have changed over the years, the basic procedure for obtaining an appropriative right generally remains the same.

Persons or agencies intending to appropriate water must file an application for a water right permit, or in the case of small domestic use, a registration form. Once the application or registration has been accepted by the SWRCB, a priority is established in relation to others seeking to take water from the same source. Once a small domestic use registration is accepted, the SWRCB will provide a certificate of registration which sets forth general conditions under which the diversion may be made.

If a water right permit is requested, notice of the proposed project is given to interested parties. If protests are filed against the proposed project, the SWRCB takes steps to resolve them. The proposed project also is reviewed to determine whether it could adversely affect the environment. If so, the SWRCB will require a study of the possible environmental impacts and may suggest changes to the project in order to prevent or lessen them. If the SWRCB determines that the use of available water would best serve the public interest, is in accordance with the California Environmental Quality Act, and would not impair existing rights, a permit is issued.

The permit authorizes construction of the project, sets terms for its completion and the development of water use, and imposes other conditions determined by the SWRCB. When the permittee demonstrates that construction is complete, water is being put to beneficial use, and permit conditions have been met, the SWRCB will issue a license.

The license is the final confirmation of an appropriative right and will remain in effect as long as license conditions are met and beneficial use of water continues.

Through its application-permit-license procedure, the goal of the SWRCB is to assure that California's water resources are put to maximum beneficial use and that the best interests of the public are served. Over one-third of the state's available surface water is appropriated in this way. The SWRCB's application-permit-license procedure is fully described in the remainder of this booklet. Information concerning small domestic use registration is available in SWRCB publication "How to File an Application/Registration to Appropriate Water in California".

Permit Issuance - A Look at the Process

If you are planning to take water from a surface or underground stream or other body of water for storage or direct use on nonriparian land, except for small domestic use*, you must first obtain a permit. People with riparian rights who intend to collect water for long-term storage also need a permit.

Who needs a water right permit?

A permit isn't required for the use of purchased water, the pumping of water which freely percolates through a ground water basin by overlying landowners, the proper exercise of a riparian right, or for the continued exercise of an appropriative right established prior to December 19, 1914. For the latter two claims of right, however, an informational filing with the SWRCB may be required (see SWRCB publication "Statement of Water Diversion and Use).

Who does not need a permit?

Appropriations for small domestic use* must be registered with the SWRCB.

Water from springs or standing pools without natural outlets on the land where they are located may be used by the landowner without a permit.

If you are uncertain whether you need a permit or have questions about your present use of water, write or call the SWRCB's Division of Water Rights. (See last page for correct address and phone number.) *Unauthorized taking of water is illegal and could result in court action, including fines.*

You should file an application for a permit well before your project construction begins, but not until you have developed definite construction plans and have taken steps to obtain other permits or approvals required to complete your proposed project.

When should the application be filed?

In most cases, you will be required to begin project construction within two years of permit issuance. Time extensions may be granted under special circumstances, but the filing of an application can't serve to reserve water indefinitely for future use.

* NOT GREATER THAN 4,500 GALLONS PER DAY BY DIRECT DIVERSION OR 10 ACRE-FEET PER ANNUM BY STORAGE. (SEE PAGE 20 FOR DEFINITION OF DIRECT DIVERSION AND STORAGE, AND PAGE A-1 FOR DEFINITION OF DOMESTIC USE.)

What steps must be taken to obtain a permit?

The steps listed below are taken by you and the SWRCB toward issuance of a water right permit.

STEP	BOARD'S ROLE	APPLICANT'S ROLE
File Application	If you need assistance, SWRCB engineers will help you prepare application forms, small project maps, and other documents. Incomplete applications won't be accepted.	You prepare an application which meets specific requirements, including a \$100 minimum filing fee. Any remaining fee must be paid within 30 days of the filing date of your application.
Acceptance of Application	Board notifies you within 30 days either that your application is incomplete or that it has been accepted. Acceptance of your application establishes your priority as the date of filing.	Unless you are granted an extension, you must provide any additional information requested by the SWRCB within 60 days of notification. If not, your application may be canceled.
Environmental Review	Your proposed project is assessed to determine to what extent it could alter the environment.	You assume cost for preparation of any required environmental studies.
Public Notice	The SWRCB will send you a public notice describing your proposed project. Copies of the notice also are sent to known interested parties and to post offices in the area of your project for posting.	For small projects, you must post the notice for 40 consecutive days in two conspicuous places near your project site. For large projects, you must publish the notice in a newspaper at least once a week for three consecutive weeks.
Protests	During the noticing period, the SWRCB may receive protests against your proposed project from interested individuals or groups.	If protests are filed against your application, you must respond to them in writing and attempt to reach agreements so that protests can be withdrawn.
Hearings	If protests cannot otherwise be resolved, you and the protestants present your cases at a field investigation or during a hearing conducted by the SWRCB. The SWRCB issues a decision on protested applications based on information gathered at the field investigation or on evidence presented during the hearing. Procedures for resolving protests are discussed beginning on page 10.	You prepare testimony and exhibits for presentation at the hearing and cooperate with the SWRCB and protestants toward reaching a satisfactory resolution.
Permit Issuance	A water right permit is issued when protests, if any, are resolved or dismissed or when the SWRCB approves the application by decision following a hearing. In addition, a permit fee must be paid. During this phase, the SWRCB determines whether water conservation measures are needed.	Prior to issuance of a permit, you must submit a permit fee as directed by the SWRCB. If water conservation measures are required, they will be included as a condition of your permit.

Once an application has been accepted or a permit or license has been issued, you must keep your record current by notifying the SWRCB of any address or ownership changes associated with your project. Once a permit is issued, you must comply with its terms and conditions. You will be required to construct your project and develop full use of water within a specified time and to submit annual progress reports to the SWRCB.

What are the responsibilities of applicants, permittees, and licensees?

If unforeseen obstacles arise which delay development of your project, you may petition the SWRCB for an extension of time. In granting extensions, the SWRCB considers whether the permittee has demonstrated diligence in attempting to meet specified completion schedules. Such problems as lack of funds or preoccupation with other work generally are not considered by the SWRCB. Unavoidable circumstances, such as litigation, difficulty in obtaining other required permits, or fluctuations in water supplies, may be acceptable reasons for requesting extensions.

Permits authorize taking of water, but they don't guarantee water will always be available in the amounts specified. Sometimes, no water may be available. When water shortages occur, the "first in time, first in right" principle requires permittees to reduce their diversions, as necessary, to respect preexisting rights. Likewise, permittees and licensees must defend their rights to available supplies against junior or illegal appropriators.

A license is issued when the use of water is complete and the SWRCB finds that the permit terms and conditions have been met. Every three years, licensees must file water use reports. If licensees fail to use available water for five consecutive years, the water right may be forfeited.

The SWRCB investigates complaints filed against water users and may take legal action to assess fines or require violators to cease operation. The SWRCB also may revoke permits or licenses, thus resulting in the loss of those rights.

How long will it take to receive a permit?

A water right permit is unlike many other use permits in that it grants the extended use of a valuable public resource. For this reason, the SWRCB is required to conduct an intensive review of your proposed project, address environmental considerations, and allow opportunities for the public to voice opposition during orderly proceedings. You should be aware that these review activities may take months, and sometimes years, to complete.

The SWRCB must reach a permit decision within six months on accepted applications for unprotested projects which do not require extensive environmental review. Applications for small hydroelectric projects which generate up to five megawatts at new facilities or up to 30 megawatts at existing ones must be acted upon within one year of acceptance. However, unique requirements for environmental review and protest resolution for many other projects make permit completion time difficult to forecast.

For instance, permit approval on an accepted application for a small project with one or two protests and minimal environmental review could be expected within six to eight months. On the other hand, it may take several years to approve large water developments which entail lengthy protest negotiations and comprehensive environmental studies. In addition, seasonal conditions affecting terrain and streamflows often delay field investigations and the preparation of maps and other documents necessary to complete the approval process.

How are protests resolved?

While notice of your project is being published or posted, interested parties may file protests against your application. Protesting parties, called "protestants", usually include downstream water users and fish and wildlife protection groups. Protestants must clearly describe their objections and must send copies of their protests to you and the SWRCB.

Protests are filed against two-thirds of the applications received by the SWRCB. About one-half of the small projects and about 80 percent of the large projects are protested. Procedures for resolving protests depend on the size of your proposed project.

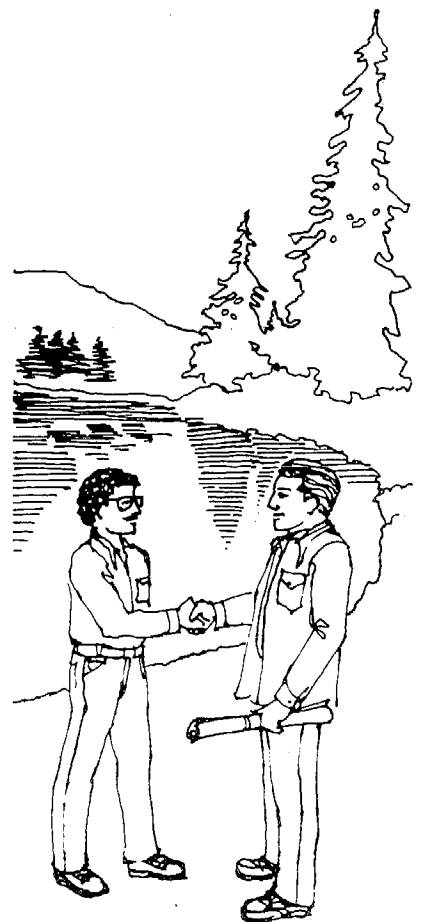
Small Projects (annual storage of 200 acre-feet or less or direct diversion of three cubic feet per second or less). Protests against small projects often are resolved informally. For example, assume you intend to build a small onstream storage reservoir with no outlet pipe just upstream from a person with an appropriative right to irrigate cropland. Should the downstream user object to your reservoir because it will not have an outlet pipe, a simple amendment to your project plan to include one might easily resolve the protest. In many cases, protests against small projects can be avoided by discussing project plans with downstream users before applications are filed.

If informal efforts fail, SWRCB engineers meet with you and the protestants at your proposed site to examine all aspects of the project. If a resolution isn't reached at that time, the engineers will report their findings to the SWRCB and recommend whether to issue a permit. You and the protestants may request a SWRCB hearing within 30 days following notification of recommended action. Otherwise, the SWRCB will reach a decision based on the findings of the field investigation.

Large Projects (annual storage of more than 200 acre-feet or direct diversion of more than three cubic feet per second). Resolution of protests against large projects generally involves one of the following procedures:

You and the protestants may elect to negotiate a resolution and avoid a hearing. If all parties agree, a field investigation, called an "investigation in lieu of hearing", will be held. In this case, SWRCB staff will conduct a field investigation and suggest ways to resolve the protests which will satisfy all parties. If agreement is not reached as a result of the investigation, the SWRCB issues a decision on the application based on the report of the investigation.

However, if even one party does not agree to an investigation in lieu of hearing, the SWRCB will hold a hearing and issue a decision based on evidence presented.



What environmental reviews must be conducted?

Conditions imposed in resolving protests may be included in the terms of the water right permit. You, the protestants, or any other interested parties may petition the SWRCB or the courts for reconsideration of the SWRCB's decision.

The California Environmental Quality Act (CEQA) requires city, county, and state agencies to consider effects on the environment when approving permits of any kind. The public agency with the greatest responsibility for approving your project is called the "lead agency" and conducts the environmental review. Its findings are circulated to interested individuals, groups, and agencies. For most small projects, the SWRCB is the lead agency.

The environmental review will determine which of the following documents should be prepared for your project:

- **Certificate of Exemption:** Some projects, by their nature, would not affect the environment and are categorically exempt from CEQA review.
- **Negative Declaration:** A Negative Declaration is prepared if the lead agency finds that your proposed project would have no significant environmental impacts. In order to reach this conclusion, the lead agency may suggest changes to your project.
- **Environmental Impact Report (EIR):** An EIR is prepared if the lead agency finds that your project could significantly alter the environment. An EIR fully describes your proposed project and its potential environmental effects, measures which may have to be taken to reduce the effects, and any reasonable alternatives to the project.

Large projects often have the potential to endanger fish and wildlife resources or to degrade water quality. For this reason, they usually require EIR preparation. Developers of large projects should be aware that EIR preparation adds considerably to the time and expense involved in receiving a water right permit. If the SWRCB acts as lead agency, its actual costs of EIR preparation must be reimbursed.

In addition to CEQA considerations, developers of small hydroelectric projects will be asked to provide the SWRCB with a satisfactory assessment of preproject and postproject streamflow conditions.

For additional information about environmental review requirements, write or call the SWRCB's Environmental Section, Division of Water Rights. (See last page for correct address and phone number.)

You must file a petition to request changes involving your point of diversion, place of use, or purpose of use after public noticing of your application or after issuance of a permit or license. Your petition must include descriptive information about the requested changes, along with maps and a \$100 fee. The SWRCB requires public noticing of your requested changes.

Can project changes be made after the application is accepted?

People with existing appropriative water rights may petition for incidental power use authorization from the SWRCB if the proposed changes to the project will not alter the existing streamflow or extent of use.

Such significant project changes as increasing the amount of water to be used or extending the season of diversion would constitute a new appropriation and require a new application.

Things to Consider Before Filing Your Applications

Have you identified and coordinated all planning aspects of your proposed projects?

Construction of your project probably will require local, state, and federal approvals and permits in addition to rights to divert water. If your project involves any of the following activities, you should contact the state agency listed for further information about possible permit requirements:

ACTIVITY

STATE AGENCY

Activities involving dams or reservoirs

Department of Water Resources, Division of Safety of Dams

Activities which alter streamflows

Department of Fish and Game

Activities which could affect water quality

Regional Water Quality Control Board

Activities of investor-owned water companies

Public Utilities Commission

Construction of mobile home parks

Department of Housing and Community Development

Conversion of timberland

Department of Forestry

Encroachment on, or across, a state highway

Department of Transportation

Prospecting for minerals on state lands

State Lands Commission

Right-of-way across state park lands

Department of Parks and Recreation



It's a practical strategy to view the status of your project as a whole and to organize all planning aspects accordingly. Efforts should be made early on to secure necessary easements and rights-of-way to private and public lands, county permits for grading, excavation, plowing, construction, zoning variances, and any other requirements. If you haven't already done so, you should take steps at once to identify other responsible agencies and to obtain necessary approvals, rights, and permits.

The State Office of Permit Assistance within the Governor's Office of Planning and Research can help you identify other state permits you may need to complete your project. Write or call 801 K street, Suite 1700, Sacramento, CA 95814, (800) 353-2672, FAX (916) 323-7481, internet: <http://www.commerce.ca.gov>

If your project is near endangered species habitats, archaeological or historical areas, or other environmental features which may be affected, it may benefit you to consider relocating the project to another site which would preserve the local environment and reduce the likelihood of protests and the need for comprehensive CEQA review.

Is your proposed diversion likely to raise environmental concerns?

For information about areas of archaeological or historical interest near your proposed project or endangered plant and animal species in the project area, write or call the SWRCB's Environmental Section, Division of Water Rights. (See last page for correct address and phone number.)

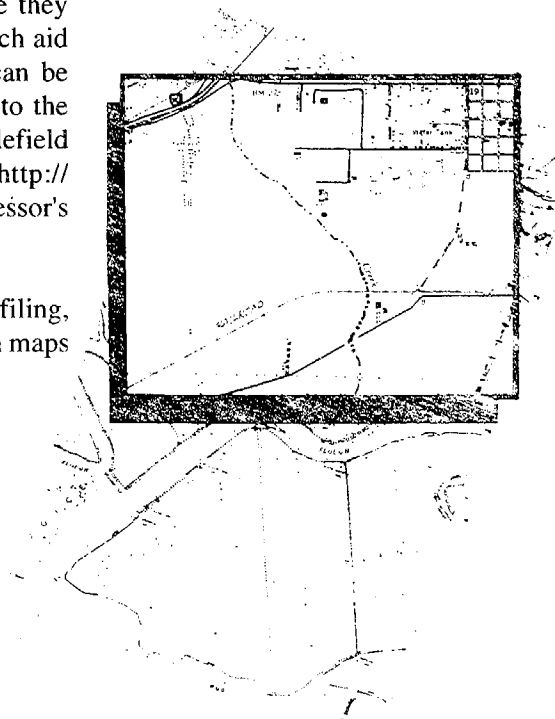
Your project map is an important part of your application package. Maps indicate your proposed diversion source, construction site, place of use, and other significant features which help the SWRCB evaluate your project.

How will you prepare to meet map requirements?

Extensive mapping information is required for large projects and must be prepared by a registered civil engineer or land surveyor as described in the application materials.

Applicants proposing small projects may sketch the project details either on the blank township map included with the application materials or on a topographic map. Topographic maps are highly recommended because they show land contours, stream systems, and other recognizable features which aid in accurate map preparation. Topographic maps are inexpensive and can be purchased from land surveyors, hiking equipment stores, or by writing to the United States Geological Survey, National Mapping Division, 345 Middlefield Road, m5532 Menlo Park, CA 94025, (650) 329-4390, Internet: <http://www.mapping.usgs.gov>. You also may find it useful to consult county assessor's plat maps and reliable road maps to identify your project location.

If conditions prevent you from submitting your project map at the time of filing, you must advise the SWRCB of the reason for the delay and indicate when maps will be completed.



Filing Your Application

When you file your application, the SWRCB's first action is to determine whether it meets specific requirements - this is governed by law. Looking at the application requirements from another point of view, however, the information you provide establishes the working basis from which the SWRCB makes water right decisions and your priority relative to others seeking to appropriate water.

You can help the review process by making certain your application contains accurate and complete information. By doing so, you will be taking a wise first step - one as important as any you will undertake in developing your project.

Common mistakes which delay application acceptance and slow the review process include:

- The project map doesn't clearly identify the proposed place of use or point of diversion.
- The application contains inconsistencies between water amounts and the capabilities of the described project.
- The application contains inconsistencies between water amounts and intended uses. The "Tables of Suggested Water Duty" given in the Appendices I through III of this guide can help you estimate your water needs for domestic use, irrigation, and stockwatering.
- Mathematical errors have been made in unit conversions. The Table of Equivalentents given in Appendix IV will help you make necessary conversions.
- General application requirements have not been met.

You should read and understand the instructions included with the application materials before you attempt to complete your application. **If you need additional advice as you fill out the application, Division of Water Rights staff will help - call (916) 657-2170.**



As already noted, Californians may develop water for beneficial uses provided the overall interests of the public are served. In evaluating your application, the SWRCB considers: *How will your application be evaluated?*

- Is sufficient water available for the intended use?
- Will the project impair existing rights?
- Can the quantity of water requested be reduced by instituting reasonable conservation measures?
- Could proposed methods for taking and using water result in waste?
- Does the project propose a recognized beneficial use of water?
- Are amounts of water requested consistent with the needs and capabilities of the project?
- Have general application requirements been met?

The application packet consists of an application to appropriate water by permit form, an environmental information form, project maps, and in the case of underground storage, a supplemental form. Be sure you have completed accurately all forms and that they are accompanied by the necessary fee. Failure to meet these general requirements will cause delay and possible rejection of your application. *What general requirements must be met?*

Some projects require separate applications. With few exceptions, separate applications must be filed when:

- Water will be taken from two or more sources.
- Some water will be returned to the stream (nonconsumptive use) and some won't (consumptive use).
- Water will be taken at two or more places, combined, and used for common purposes, but the units of the project will be constructed in stages.
- More than five reservoirs will be constructed in the same watershed or general area.
- Water taken from the stream will be directly used for frost protection.
- Water will be taken from one place by two or more parties and used at separately-owned places.

When separate applications are required, they may be filed simultaneously to establish an equal priority.

What fees must be paid?

Application fee: With the exception of applications for small hydroelectric projects, a \$100 minimum filing fee must accompany each application. Remaining fees must be paid within 30 days of filing or your application will be canceled. A graduated fee schedule is based on the amount of water you intend to divert or store:

Direct Diversion

\$10 per cfs or fraction thereof up to 100 cfs **plus**
\$12 per cfs or fraction thereof over 100 up to 500 cfs **plus**
\$15 per cfs or fraction thereof over 500 up to 2,000 cfs **plus**
\$20 per cfs or fraction thereof over 2,000 cfs

For power purposes, except small hydroelectric projects, in lieu of the above, \$2 for each theoretical horsepower rounded to the next highest 200 theoretical horsepower

Storage

\$0.10 per acre-foot or fraction thereof up to 1,000 acre-feet per annum **plus**
\$0.12 per acre-foot or fraction thereof over 1,000 up to 5,000 acre-feet per annum **plus**
\$0.15 per acre-foot or fraction thereof over 5,000 up to 100,000 acre-feet per annum **plus**
\$0.20 per acre-foot or fraction thereof over 100,000 acre-feet per annum

Application fee for small hydroelectric projects: The SWRCB and the State Department of Fish and Game must be reimbursed for their costs in evaluating and processing applications for small hydroelectric developments. A total deposit of \$1,000 must be paid within 30 days of the application filing date, with the balance paid as directed by the SWRCB.

Annual fee: After two years, if the application process is delayed at your request or if required studies or information are incomplete, you may be required to pay an annual fee equal to the original filing fee.

Permit fee: With the exception of permits for small hydroelectric projects, you must pay a fee equal to one-half of the then-current application fee, but a minimum of \$100, when your permit is issued.

Fee to request time extensions: Permittees requesting extensions of time to begin or complete construction or to develop full use of water must pay a \$50 petition fee.

Fee to request project changes: Applicants, permittees, or licensees requesting changes in the point of diversion or place or purpose of use must pay a \$100 petition fee.

Department of Fish and Game Water Right Filing Fee: Public Resources code section 10005 requires the California Department of Fish and Game (DFG) to impose a filing fee of \$850 on users of water upon application to the SWRCB for most permits. The fee is made payable to DFG but is submitted to the SWRCB.

Most recognized beneficial uses of water in California can be described by the following terms: *Beneficial uses*

aquaculture – raising fish or other aquatic organisms not for release to other waters

domestic – water used by homes, resorts, or campgrounds, including water for household animals, lawns, and shrubs

fire protection – water to extinguish fires

fish and wildlife – enhancement of fish and wildlife resources, including raising fish or other organisms for scientific study or release to other waters of the state

frost protection – sprinkling to protect crops from frost damage

heat control – sprinkling to protect crops from heat damage

industrial use – water needs of commerce, trade, or industry

irrigation – agricultural water needs

mining – hydraulicking, drilling, and concentrator table use

municipal – city and town water supplies

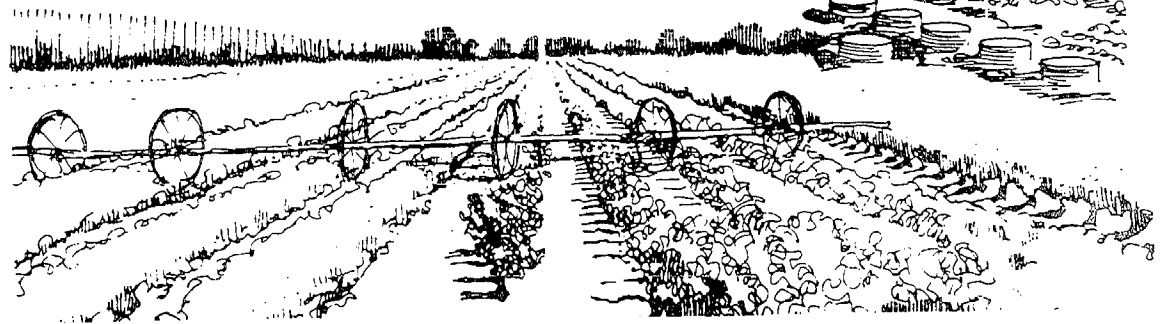
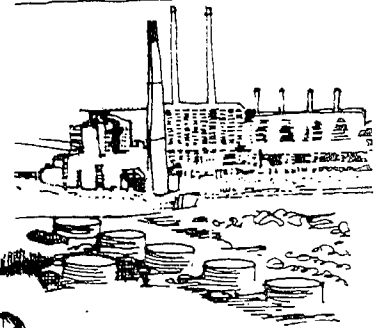
power – generating hydroelectric and hydromechanical power

recreation – boating, swimming, and fishing

stockwatering – commercial livestock water needs

water quality control – protecting and improving waters which are put to beneficial use

Use these terms to describe your intended water use. If you plan to use water for other purposes, describe the proposed use in the space provided on the application form.



Type of diversion



Direct diversion into holding tank for domestic use

Methods for taking water include direct diversion and storage. "Direct diversion" is a term used to describe the taking of water for immediate use or for regulation of water.

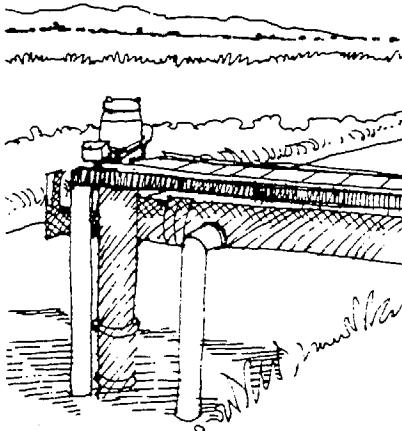
Examples of direct diversion include:

- Short-term collection of water into a sump, holding reservoir, or tank where it will be used at a rate more convenient than the rate at which it can be taken from its source.
- Immediate use of water for crop or pasture irrigation.
- Temporary holding of water in a small tank for domestic use.

"Storage" is the term used to indicate that water will be diverted into a reservoir or other holding facility during a time of higher streamflows for use during periods of reduced flows. For most Californians, this means the collection of winter runoff into a reservoir for use during the summer.

If you propose underground storage of diverted water, a supplemental form must be completed.

Amount of use



Direct diversion works

The amounts you request should realistically reflect your needs. In making your estimates, take into account the proposed use and physical features of your project, as well as reasonable water losses due to evaporation, seepage, or conveyance.

It is important to remember that, if you divert and use more water than indicated in your application, you will be required to take one of the following actions:

- Reduce your diversion and use amounts to those indicated in your application, or
- File another application to request the difference between your actual use amount and your original application amount.

Both of these alternatives will cost you time and money. Therefore, when filing your application, you should carefully estimate the amounts of water

reasonably necessary to meet your needs. Once your permit is issued, you should construct and operate your diversion works accordingly.

The SWRCB will reduce permitted amounts of water to the quantity actually used when licensing a project. A new application must be filed if the permitted amount is less than the amount actually used.

You should not apply for amounts which exceed the following suggested limits without reasonable justification:

- Direct diversion amounts for domestic use, irrigation, and stockwatering listed in Appendices I through III of this guide.
- The capacities of your proposed facilities.
- The capacity of your proposed reservoir unless replenishment is intended.

You may find it difficult to identify individual amounts of water which are combined for multiple purposes. For instance, reservoirs frequently serve a variety of water needs- stockwatering, recreation, heat control, irrigation, and frost protection. In these and similar instances, you may bracket uses together and apply for a single amount to cover various needs.

Another common situation involves projects in which individual use amounts can be estimated, but specific amounts to be used from either direct diversion or storage cannot. It may be impossible to know in advance how much water will be needed from direct diversion or storage because fluctuations in annual streamflow conditions make it necessary to augment direct diversion projects with water from storage reservoirs.

For this reason, you may apply for the maximum amount likely to be taken by both direct diversion and storage provided the total amount is within the annual limitations for your proposed project. This provision gives you some flexibility in the operation of your project by allowing you to make adjustments in response to changing streamflows.

For further information about water right application and permit requirements, write or call the SWRCB. (See last page for correct address and phone number.)



Storage reservoir

APPENDICES

Suggested Water Duty for Domestic Use

Appendix I

Domestic use includes year-round water for people and domestic animals and water for up to one-half acre of lawns and garden areas per establishment . The duty for household lawn and garden areas usually is limited to 150 days per year.

PERSONAL USE

HOMES, MOTELS, RESORTS, AND CAMPING AREAS

*GALLONS
PER DAY*

Equipped with:

Full plumbing	55-75 per person
Sink and flush toilet only	40 per person
Sink and shower only	35 per person
Sink only	25 per person
Outside supply only	15 per person
Cafeteria, dining facility	1.5 per person

CAMPGROUNDS

Equipped with:

Faucets only	5 per person
Washbowls, showers, flush toilets, and laundry trays	30 per person

DOMESTIC LIVESTOCK

Milch cows	30 per head
Horses	15 per head
Goats and hogs	2.5 per head
Rabbits, poultry, other small animals	0.25 per head

OUTSIDE OF DWELLING

LAWN, GARDEN, ORCHARD, AND GROUNDS

Irrigation of lawn, shrubbery, gardens	18.5 per 100 sq. ft.
Sprinkling to allay dust	7.5-10 per 100 sq. ft.

Appendix II

Suggested Water Duty for Irrigation

Irrigation use includes water for croplands and lawn areas of more than one-half acre and usually is limited to 150 days per year.

<i>IRRIGATION CONDITIONS</i>	<i>CONTINUOUS FLOW RATES CONSIDERED REASONABLY NECESSARY FOR MOST CROPS*</i>
Irrigation of land in the Central Valley or in areas having similar conditions	1 cfs** per 80 acres
Irrigation on porous, sandy, or gravel-like soils	1 cfs per 50 acres
Irrigation incurring heavy transportation losses in water-abundant areas	1 cfs per 50 acres
Irrigation of land in water-short areas	1 cfs per 150 acres
Irrigation of rice crops	1 cfs per 40 acres

* EQUIVALENT NONCONTINUOUS FLOW RATES MAY BE AVERAGED OVER A 30-DAY PERIOD UPON SWRCB APPROVAL.

** CFS= CUBIC FEET PER SECOND

Suggested Water Duty for Stockwatering by Direct Diversion

Appendix III

Stockwatering use includes year-round water for commercial livestock.

<i>TYPE OF STOCK</i>	<i>GALLONS PER DAY</i>
Range cattle and horses	15 per head
Hogs and goats	2.5 per head
Sheep	1.5 per head
Milch cows	30 per head
Hosing out dairy barn	35 per head

Appendix IV

Table of Equivalents

1 CUBIC FOOT PER SECOND (cfs) is a rate of waterflow passing any point equal to a volume of one cubic foot every second (sometimes referred to as second-foot) and is equivalent to:

- = 7.48 U.S. gallons per second (gps)
- = 448.8 U.S. gallons per minute (gpm)
- = 646,317 U.S. gallons per day (gpd)
- = 1.98 acre-feet per day
- = 40 standard (statute) miner's inches
- = 28.32 liters per second

1 ACRE-FOOT (af) is the volume of water which will cover one acre to a depth of one foot and is equivalent to:

- = 43,560 cubic feet
- = 325,851 U.S. gallons
- = 1,233.45 cubic meters

1,000,000 U.S. GALLONS PER DAY (mgd) is equivalent to:

- = 1.55 cubic feet per second
- = 43.81 liters per second
- = 3.07 acre-feet per day
- = 3,786 cubic meters per day

1 THEORETICAL HORSEPOWER is calculated by multiplying the vertical fall of water in feet by the rate of waterflow in cubic feet per second and dividing the product by 8.8 and is equivalent to:

- = 550 foot-pounds per second
- = 746 watts

Related Publications

Appendix V

The following free publications may be obtained by writing or call:

- Information Pertaining to Water Rights in California
- How to File an Application/Registration to Appropriate Water in California (including application forms)
- Statutory Water Rights Law
- Regulations Pertaining to Appropriation of Water in California
- Regulations Pertaining to Protests and Hearings
- Water Right Applications and Permits, Guidelines for Considering Petitions for Extensions of Time
- Regulations and Information Pertaining to Determination of Rights to the Use of Water in California
- Regulations and Information Pertaining to Recordation of Water Extractions and Diversions in Riverside, San Bernardino, Los Angeles and Ventura Counties
- Statements of Water Diversion and Use

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