



# WATER RIGHTS 101

FACT SHEET | April 2024

## UNDERSTANDING MY SURFACE WATER RIGHTS AND RESPONSIBILITIES

### WHAT IS A WATER RIGHT?

A water right is a right to use water. Different types of water rights have different rules and affect users' ability to divert and use water. All water right holders must report their water use to the State Water Board annually.

### PRINCIPLES

- ✓ All water belongs to the people of the state.
- ✓ Water use must be reasonable and put to beneficial use.

WATER RIGHT TYPES	BENEFICIAL USES	WATER RIGHTS COMPONENTS
<ul style="list-style-type: none"> <li>Riparian</li> <li>Pre-1914 Appropriative</li> <li>Post-1914 Appropriative</li> <li>Federal Reserved</li> <li>Pueblo</li> </ul>	<ul style="list-style-type: none"> <li>Domestic/ Household</li> <li>Irrigation/ Agriculture</li> <li>Fish &amp; Wildlife</li> <li>Mining</li> <li>Municipal &amp; Industrial</li> <li>Power</li> <li>Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Holder of the right</li> <li>Source of water</li> <li>Priority of water right</li> <li>Amount of water</li> <li>Point of diversion</li> <li>Place of use</li> <li>Purpose of use</li> <li>Season of diversion</li> <li>Conditions in the permit/ license</li> </ul>

**MORE ON WATER RIGHTS** | This fact sheet only focuses on **Riparian** and **Appropriative Rights**. Water rights are complicated, and many rights holders have unique circumstances. The goal of this fact sheet is to provide an overview of basic information.

You can learn more at: [www.waterboards.ca.gov](http://www.waterboards.ca.gov) and check out [Water Rights FAQs](#).

# RIPARIAN WATER RIGHTS

## ABOUT

**Riparian water rights allow landowners to divert water from a river, stream, creek, or lake that borders their property.** Riparian rights, although generally senior to appropriative water rights, only apply to the diversion of the natural flow of water.

Riparian rights are referred to as correlative, which means the rights correspond with one another. Riparian diverters mutually share the natural flow.

## LIMITS

Riparian diverters can only use their water on the land that borders the lake or stream. Riparian diverters cannot store water to use at a different time.

Because a riparian right only allows diversion of natural flow, some of the water flowing in a river may not actually be available to a riparian diverter.

For example, water flowing in the Merced River could be a combination of **stored water from the reservoir and natural flow**. In this case, a riparian right holder is only entitled to divert some of the natural flow, but not the stored water release.

## WATER SHORTAGE AND DROUGHT

Because a riparian right only allows the use of natural flow, the amount of water available to riparian diverters changes depending on water supply (rain, snow, demand, etc.). It is likely that riparian diverters would have more water available to them during wetter months and less water available to them in drier months.

The allocation of natural water supply is *equally shared* by water users, no matter how much water is available.

# APPROPRIATIVE WATER RIGHTS

*“First in time, first in right.”*

## ABOUT

Appropriative essentially means **the act of taking for yourself**. Up until 1914, appropriative water rights could be claimed in California by simply posting notice or staking a claim and then putting the water to use. These claims are typically called **Pre-1914 rights**.

After 1914, water users had to apply for water rights from the state’s permitting system, which the State Water Board administers. These rights are called **Post-1914 rights**.

Appropriative rights do not require the holder to own land bordering the water source the way riparian rights do.

Appropriative rights may allow water to be stored for later use.

## SENIORITY BY DATE

Appropriative water rights are prioritized by the date of the water right.

Pre-1914 right holders have seniority over Post-1914 right holders.

The earlier the date, the more senior the right.

Appropriative rights may include conditions that the holder must meet, for example, requiring the use of screens to prevent fish from entering irrigation ditches.

## WATER SHORTAGE AND DROUGHT

When water supplies are limited, like during drought, the State Water Board may restrict water diversions based on water rights priority. This process is called curtailment. Typically, junior right holders (those with more recent priority dates) are curtailed before senior right holders (those with earlier priority dates). When there is only enough water for some water users, more senior right holders may continue to divert water while more junior right holders cannot.

In years when there is only enough water for some water users, more senior appropriative right holders may continue to divert water while more junior right holders cannot.

## DIVERTER RESPONSIBILITIES



### Report Annually by February 1

All water right holders are required to report water diversions and use to the State Water Board every year by February 1.



### Change Petitions

To change information, such as the point of diversion, the place of use, or the purpose of use, diverters must request permission and approval for the change with the State Water Board. This is known as a petition.



### Orders

Diverters must comply with State Water Board orders, including those that require a diverter to reduce or stop pumping.



## ILLEGAL DIVERSIONS

The public can help identify illegal diversions, including those that might affect fish and wildlife or diversions by junior rights holders that may affect senior rights holders, or the unreasonable use of water. While complaints are public information, the informant can remain anonymous.

If you suspect illegal diversion, you can make a complaint using the [CalEPA Environmental Complaint System](#).

State Water Resources Control Board  
Division of Water Rights  
Tel: 916-341-5300  
Email [dwr@waterboards.ca.gov](mailto:dwr@waterboards.ca.gov)

The State Water Resources Control Board is responsible for administering California's water rights system.

*Mission: To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.*