

## **What permits do I need from the State Water Board to be eligible for a CalCannabis Annual License?**

You need at least one, and potentially two, permits from the State Water Resources Control Board (Water Boards or State Water Board) to qualify for a California Department of Food and Agriculture (CalCannabis) Annual Cultivation License. All commercial cultivators need to enroll and obtain coverage under the Cannabis General Order or Cannabis General Order Waiver of Waste Discharge Requirements (WDR). Cultivators who divert surface water also need to file for a Cannabis Small Irrigation Use Registration (SIUR) or other appropriate water right that allows for storage and irrigation. Please visit the Water Boards Cannabis Cultivation Portal (Portal) located [here](#), to begin your online application for the Cannabis General Order and Cannabis SIUR (if needed). The Portal allows you to choose among the most common water sources for cannabis irrigation to help determine if you need a water right from the Water Boards.

Cultivators who are already enrolled in a Regional Water Quality Control Board Cannabis WDR program are not required to enroll under the Cannabis General Order until July 1, 2019. Please note that coverage under a Regional WDR program does not provide a water right – if you divert surface water, you'll need a water right even if you're covered under a Regional WDR program.

## **What are the water rights requirements I need to meet for cannabis cultivation?**

1. If you divert surface water, including from a stream, river, lake, or subterranean stream, you must have a valid water right, which can include any of the following. Note that for the water right to apply to cannabis cultivation, the right must specifically include irrigation as a type of use, and must include a diversion to storage season between November 1 and March 31:
  - a. Cannabis Small Irrigation Use Registration ([more information here](#))
  - b. License ([more information here](#))
  - c. Permit ([more information here](#))
  - d. Valid Pre-1914 appropriate water right claim
2. You need to comply with the [Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation \(Cannabis Policy\)](#)

## **How much does a Cannabis Small Irrigation Use Registration water right cost?**

A Cannabis SIUR filing fee is \$750.00 at the time of registration, and an additional \$750.00 fee each subsequent year. We accept payment by check, cashier's check, money order, and electronic debit.

## Frequently Asked Questions - Cannabis Cultivation Water Rights

### **What time of year will I be allowed to divert water from a stream?**

In accordance with the current version of the [Cannabis Policy](#), commercial cannabis cultivators may be able to divert and store surface water between November 1 through March 31, but only if certain minimum streamflow criteria are met (click [here](#) for more information). Cultivators cannot divert between April 1 through October 31 (forbearance season), and must irrigate using stored water that was diverted during the forbearance season. Note, there are some exceptions for existing water right holders that allow diversions between April 1 and October 31 for 2018 only.

### **I have a riparian water right and divert directly from a stream. Is there anything else I need to do?**

Yes, file for your Cannabis SIUR now. The Cannabis Policy prohibits dry season diversions for commercial cannabis cultivation. Riparian water rights are a special type of right that do not allow for storage; the Cannabis Policy prohibits surface water diversions for cannabis cultivation during specific times of the year, even if you have a riparian right that could be used for irrigation of other types of crops. Therefore, you need to obtain a Cannabis SIUR or other valid appropriative water right that allows you to divert and store water in the winter for irrigation in the dry season (April 1 through October 31 or later).

Please note that Cannabis SIURs are not available in all watersheds. For example, if your Point of Diversion is on a stream that is fully appropriated (there is no longer water available for diversion and use) during the diversion season, water may not be available to issue new water rights. Likewise, state law prohibits surface water diversion for cannabis cultivation on wild and scenic rivers (see question below).

### **I went to the Water Boards Cannabis Cultivation Programs Application Portal and was informed that my site is not eligible for a Cannabis SIUR because it is on a Wild and Scenic River. What can I do?**

You are not eligible for a Cannabis SIUR if your Point of Diversion (POD) is proposed to be on the main stem of a Wild and Scenic River (California or Federal). However, you may be eligible if your POD is on a tributary to the Wild and Scenic River. If it is not possible to move the POD, then you need to assess whether an alternative water source is feasible.

### **The Portal asks if I have a water right I can use for cannabis cultivation. Is my Initial Statement of Diversion and Use (ISDU) a water right?**

No. Your ISDU (or supplemental statement of diversion and use) is a form indicating that you are claiming a riparian or pre-1914 water right. You need a Cannabis SIUR or other valid appropriative water right to divert and store water for cannabis irrigation.

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### **The Portal said my diversion is on a Fully Appropriated Stream. Can I still receive an SIUR?**

Unfortunately, if your proposed water source is on a year-round Fully Appropriated Stream (FAS), you will not be eligible for a Cannabis SIUR. Unlike a Wild and Scenic River, a FAS system often includes the main stem stream AND all its tributaries where hydraulic continuity exists. You will need to obtain a different water source to cultivate commercial cannabis.

### **I already have an appropriative water right permit or license. Can I use it for cannabis cultivation?**

An existing water right permit or license may be used, but irrigation must be listed as a purpose of use, or you must first file and obtain an approved Change Petition formally changing your purpose of use ([more information here](#)) so that it includes irrigation. Your water right must also allow for diversion to storage, and the diversion season on your existing water right must overlap with the Cannabis Policy diversion season – November 1 through March 31.

### **I have an onstream pond (or dam). Can I use it to divert water for cannabis irrigation?**

Do not construct any onstream storage. Currently, the Cannabis Policy only allows offstream storage, which means that any pond or reservoir that is constructed must not be on any natural stream, ditch, swale, or other drainage feature where water channelizes. A pond is usually considered to be onstream even if the proposed location blocks a channel that is dry for most of the year. Consider hiring a professional engineer, geologist, or other qualified professional to assist you with identifying a suitable offstream storage location. The Board will consider enforcement for any newly constructed onstream reservoirs.

### **Where should I store water diverted during the winter?**

We recommend that you store water in properly installed above ground tanks (such as high-density polyethylene), or in a permitted off stream pond, if conditions allow. Consider hiring a professional engineer, geologist, or other qualified professional to assist you.

### **I have multiple sources of supply for my cannabis cultivation (such as a spring and a well). What do I need to do?**

In the Portal, you need to properly select all water sources with which you plan to irrigate your cannabis grow. The Portal will provide you with the next steps to complete if you need a SIUR for your water source. If you are unsure which water source

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category you are in, or the technical and regulatory aspects of your diversion, consider hiring a professional engineer, geologist, or other qualified professional to assist you. Review the water source questions below for further information.

### **I have a groundwater well. What do I need to do?**

1. State Water Board does not have permitting or reporting authority over groundwater in most cases, but there are some exceptions. You need to submit your well log (also known as well completion report) to CalCannabis as part of your cannabis cultivation application. If you do not have a well log, you may be able to obtain it by contacting the Department of Water Resources (DWR) ([http://www.water.ca.gov/groundwater/wells/well\\_completion\\_reports.cfm](http://www.water.ca.gov/groundwater/wells/well_completion_reports.cfm)) or your county office responsible for issuing well drilling permits (usually Environmental Health office). If you cannot obtain your well log from DWR or county, you need to obtain a letter from DWR stating that no well log exists for your well. Visit DWR's webpage here: <https://www.water.ca.gov/Programs/Groundwater-Management/Wells>.  
For additional information see CalCannabis' Reference Guide [here](#).
2. Determine if your well extracts from a subterranean stream. Subterranean streams are bodies of water that flow in the subsurface through known and definite channels. Subterranean streams are subject to Water Board permitting and reporting authority. That is, we treat subterranean streams like surface water and you need to submit an SIUR through our Portal.
3. If you are subject to the Groundwater Recordation Program (that is, if you extract 10 acre-feet from a single well or more than 25 acre-feet total from multiple wells per year from a groundwater well in Los Angeles, Riverside, San Bernardino, or Ventura Counties) you need to submit Form b4 ([found here](#)).
4. All cannabis diversions are subject to California Department of Fish and Wildlife's (CDFW) Lake and Streambed Alteration (LSA) permitting authority. If CDFW finds that your groundwater well diversion is hydrologically connected to surface water and has the potential to impact surface flows, you may need to submit additional information to both CDFW and Water Boards. In general, the definition of hydrologic connectivity is broader than the definition of a subterranean stream. More information on CDFW's LSA Program is located at: <https://www.wildlife.ca.gov/Conservation/LSA/Cannabis-Cultivation>.

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### **I have a seep well. Do I need a water right?**

A seep well is a type of surface water diversion that includes a shallow excavation near a surface water course that is hydrologically connected to that water course (stream, river, pond or lake, or other water feature). The water from the water table seeps through the earth and into the shallow excavation. You should notify CDFW of your diversion first, then obtain a Cannabis SIUR to divert and store water. You may not be eligible for a Cannabis SIUR if your seep well diverts from the main stem of a Wild and Scenic River or is on a Fully Appropriated Stream.

### **I have a spring on my property. Is that OK to use as my cannabis cultivation water source?**

1. Most springs overflow, at some point during the year, into a channel that eventually flows off the property on which it is located. If your spring flows off your property at any time during the year (or you are uncertain), you need a water right and should file for a Cannabis SIUR through the Portal <https://public2.waterboards.ca.gov/CGO/>.
2. If your spring does not flow off your property at any time during any year and you divert less than 25 acre-feet per year, the spring may qualify as a fully contained spring. Fully contained springs do not flow off a person's property or into a channel that flows off the property, including wet years or after periods of heavy rain. The [Cannabis Policy](#) allows cultivators to request an exemption from the forbearance period and certain flow requirements if the spring being used for cannabis cultivation meets a set of pre-determined conditions. Visit this [webpage](#) for the technical information you need to submit to the State Water Board to document a fully contained spring and request an exemption.

### **I would like to collect rainwater. What do I need to do?**

1. Rainwater or storm water runoff is legal to capture before it enters a channel, ditch, stream, lake or other water body. The term for rainwater runoff that has not yet entered a surface water body or channel is "sheet flow". The Cannabis Policy supports rainwater harvesting practices that collect water without creating significant modifications to the drainage area. One example of a viable rainwater capture approach is to direct runoff from a building roof into a cistern or tank for later irrigation use.
2. If sheet flow channelizes or causes erosion rills before entering your pond, you are diverting from a stream with an onstream dam. Please refer to the question above regarding onstream ponds (dams) for more information.

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3. If sheet flow does not channelize before entering your pond OR you use a rooftop rainwater catchment system, you do not need to submit any forms to the State Water Board for your water diversion (but you still need to enroll in the Cannabis General Order). However, you will need to submit the total area of your rainwater catchment footprint and total storage capacity to CalCannabis. Since it is difficult to accurately assess channelization, you should consider hiring a professional engineer, geologist, or other qualified consultant to assist you. For additional information see CalCannabis' Reference Guide [here](#).

### **I am a customer of a municipal or retail water supplier. What do I need to do?**

If you receive water through a connection to a water supplier you do not need to submit any documentation to the State Water Board, but you still need to disclose your water supply in your CalCannabis license application. The information about your water supplier that is required to be submitted to CalCannabis varies depending on the size of the supplier. For additional information see CalCannabis' Reference Guide [here](#).

### **I have a Small Domestic Use Registration (SDUR) on file with the State Water Resources Control Board. Can I use water from my SDUR to irrigate commercial cannabis?**

No – SDURs may not be used to obtain a CalCannabis Cultivation license. SDURs are intended for human consumption and incidental irrigation not to exceed one-half acre in lawn, ornamental shrubbery, or gardens. Water diverted under a SDUR may not be used for irrigating a crop for barter, sale, or trade. If you have a residence on the property of your cannabis cultivation, you may apply for both a SDUR and a Cannabis SIUR.