Informational Item 10: Update on Temporary Water Right Permits for Underground Storage

December 6, 2016 Board Meeting

Presented by Division of Water Rights staff
Item Overview

I. Background on Groundwater Recharge

II. Project Objectives and Outcomes
   - Scott Valley Irrigation District
   - Yolo County Flood Control & Water Conservation District

III. Program-level Questions and Recommendations
Why the Interest?

- Drought and overdraft
- Sustainable Groundwater Management Act

Source: Groundwater Information Center, California Department of Water Resources
What is Groundwater Recharge?

- Augmentation of groundwater, by natural or artificial means

- Artificial recharge can involve:
  - dedicated recharge basins
  - injection wells
  - inflatable dams
  - non-traditional spreading grounds (e.g., ag fields, unlined canals)
Recharge & Water Rights

- Capturing and storing water in a groundwater basin for later use requires a water right permit.

- Special situations:
  - Projects covered by an existing water right
  - Projects using recycled water
  - Projects designed solely for flood control

- Recharge = type of storage, not a beneficial use
Temporary Permits

- Last 180 days [Good for pilot projects or while waiting for standard permit]
- Requires review of available information for water availability
- Findings: public interest, urgent need, no injury to other legal users, no unreasonable effect on fish, wildlife, or other instream resources.
- Public notice – objections
Staff Actions

- Created two webpages
- Held a staff workshop on April 26, 2016
  - Solicited feedback on fees and processing
- Meet with interested parties
Recent Temp. Permit Applications

- **Water Year 2015/16**
  - Yolo County Flood Control & Water Conservation District (Cache Creek)
  - Scott Valley Irrigation District (Scott River)

- **Water Year 2016/17**
  - Eastside Water District (Mustang Creek)
  - Eastside Water District (Sand Creek) - WITHDRAWN
  - City of Corona (Temescal Creek) - TO BE WITHDRAWN
Eastside WD (Mustang Creek)

- Temp. Permit issued November 8, 2016
- Diversion of up to 570 acre-feet from Mustang Creek
  - Infiltration via existing flood control basin
Permittee Presentations

- Dr. Helen Dahlke and Dr. Thomas Harter (UC Davis), for SVID
- Tim O’Halloran, General Manager, Yolo County FC & WCD
Summary Reports

Scott Valley ID
- Diverted ~680 acre-feet (13% of authorized amount)
- Report concludes effect was too small to measure

Yolo County FCWCD
- Diverted ~11,128 acre-feet (28% of authorized amount)
- Per monitoring well data, all water was used by May 12th
1 - Accounting for Beneficial Use

- How should permittees account for beneficial use?

  - Necessary to confirm beneficial use and prevent injury to other water users
Challenges

- Possible data gaps:
  - Withdrawal of stored water
  - Natural storage losses

- For some projects, use cannot be directly measured (e.g., augmented baseflow)
Recommendations

- Some data gaps could be filled by Groundwater Sustainability Plans
  - Plans can anticipate permitting requirements

- Otherwise, requirements might depend on project size, duration, and purpose
2 - Water Purveyors

- How can beneficial use be tracked for permits issued to water purveyors?
  - Overlying groundwater rights vs. permit
  - May be important for claims of prescription, basin adjudications, GW Sustainability Plans
Challenges

- Risk of double-counting water used
- Limitations of basin-wide accounting approaches
Recommendations

- Require agreements between well-owners and the purveyor in most cases
- GW Sustainability Plans may create mechanism for agreements
3 – Availability of Water

- How can the Division quickly determine water availability information for temporary permits?
  - Must be no injury to other users and no unreasonable effects to fish and wildlife
  - Diverting only high flows = reduced risk of causing injury
Challenges

• No existing thresholds to define high flows
  ➢ Difficult to quickly determine injury

• Not all applicants seek to divert high flows
Recommendations

- Evaluate projects on a case-by-base basis
  - But injury is generally less likely from diversion of high flows
Workload Prioritization

- Only five temporary permit applications for recharge have been filed
- Division will use Governor’s Order and existing prioritization criteria
Moving Forward

- Reduced filing fee for recharge temporary permits
- CEQA suspended per Executive Order
Comment Letters

• Comment letters received on Informational Item:
  ➢ North Coast Stream Flow Coalition
Additional Information


- Sign up for updates and announcements: [http://www.waterboards.ca.gov/resources/email_subscriptions](http://www.waterboards.ca.gov/resources/email_subscriptions)