Workshop on Fees and Processing of Temporary Permits for Groundwater Recharge

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Darren Tran
Sarah Sugar
Workshop Overview

I. Introductions and Background on Water Rights

II. Part 1 - Filing Fees for Temporary Permits
   a) Water Rights Staff Presentation
   b) Questions & Public Comment

III. Part 2 – Permitting Process for Recharge
   a) Water Rights Staff Presentation
   b) Yolo County FC&WCD Presentation
   c) Questions & Public Comment
What is Groundwater Recharge?

- Groundwater recharge is the 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)
Why the Interest?

- Drought and groundwater overdraft
- Sustainable Groundwater Management Act
Sustainable Groundwater Management Act

- A framework for sustainable, local groundwater management.

SGMA:
- Creates new authorities for local Groundwater Sustainability Agencies (GSAs)
- Requires Groundwater Sustainability Plans (GSPs) in certain high-use groundwater basins

- Increased interest in groundwater pilot projects and studies
Groundwater Recharge & Water Rights

- A water right permit is needed to capture and store surface flows in a groundwater aquifer for later beneficial use by any party.

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

- Groundwater recharge is not a “beneficial use”, but water can be stored underground for later municipal use, irrigation, or other uses.

- How to get coverage? Temporary Permit or Long-term Permit
## Temporary vs. Standard Permits

<table>
<thead>
<tr>
<th></th>
<th>Temporary (WC § 1425)</th>
<th>Standard (WC § 1260)</th>
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</thead>
<tbody>
<tr>
<td><strong>Application</strong></td>
<td>• Subject to CEQA*</td>
<td>• Subject to CEQA*</td>
</tr>
<tr>
<td></td>
<td>• Public Trust Consideration</td>
<td>• Public Trust Consideration</td>
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<tr>
<td></td>
<td>• Requires review of available information for water availability</td>
<td>• Require formal Water Availability Analysis</td>
</tr>
<tr>
<td></td>
<td>• Findings per WC § 1425</td>
<td>• Findings per WC § 1375</td>
</tr>
<tr>
<td></td>
<td>• Subject to filing of objections</td>
<td>• Subject to filing of protests</td>
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<tr>
<td><strong>Time-frame</strong></td>
<td>• Faster application processing</td>
<td>• Application processing may take multiple years</td>
</tr>
<tr>
<td></td>
<td>• Expire after 180 days</td>
<td>• Long-term as long as beneficial uses continue</td>
</tr>
<tr>
<td></td>
<td>• Must be renewed for the duration water stored under permit is used</td>
<td></td>
</tr>
<tr>
<td><strong>Best for...</strong></td>
<td>• One-off projects</td>
<td>• Long-term conjunctive use, underground storage projects</td>
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<tr>
<td></td>
<td>• Diversions in short-term while standard permit is processed</td>
<td></td>
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<td>• Fully Appropriated Streams</td>
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Part 1 – Filing Fees

Source: UCANR
Presentation Outline

- Background on Division of Water Rights fees
- Current Fee Structure
- 2016 Temporary Permits – Processing Efforts
- Fee Structure Ideas and Consideration for FY 2016/2017 – Groundwater Recharge Projects
Background on Water Rights Fees

- In 2003, the Budget Act required the State Water Board, Division of Water Rights program to be supported by fee revenues.

- The State Water Board adopts emergency fee regulations and establishing fees to be deposited in the Water Rights Fund.

- The State Water Board must annually set a fee schedule that will generate revenues equal to an amount set by the Legislature.
Sources of Revenue

- Revenue sources for the Water Rights Fund include, but are not limited to:

  - **Annual Fees:**
    - Permits and Licenses
    - Pending Applications* and Petitions
    - Projects related to FERC licensing
    - USBR fees for the Central Valley Project (defer to contractors)

  - **Filing Fees:**
    - Application for Permit and Temporary Permit
    - Petitions (Change, Extension, Urgency, Wastewater, and Transfer of water)
    - Registrations Program (Small Domestic, Stockpond or Small Irrigation Use)
Filing Fee Structure, FY 2015-16

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Minimum Fee</th>
<th>Fee Structure</th>
<th>Maximum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Permit</td>
<td>$1,000</td>
<td>$1,000 + $15 per ac-ft in excess of 10 ac-ft</td>
<td>$498,665</td>
</tr>
<tr>
<td>Standard Temporary Permit</td>
<td>$2,000</td>
<td>Half the fee for an equivalent standard permit or $2,000, whichever is greater</td>
<td>$249,333</td>
</tr>
<tr>
<td>Temporary Permit for Groundwater Recharge (effective 1/15/2016)</td>
<td>$100</td>
<td>$100 + $1 per 100 ac-ft in excess of 10,000 ac-ft (based on amount actually diverted)</td>
<td>N/A</td>
</tr>
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1 An additional fee of $850 is required for the Department of Fish and Wildlife Streamflow Protection Standards review (Pub. Resources Code, § 10005)

1,2 Projects capturing high flow events
# Two Groundwater Recharge Projects

<table>
<thead>
<tr>
<th>Scott Valley Irrigation District</th>
<th>Yolo County FC &amp; WCD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested diversion to groundwater storage of 5,400 acre-feet</td>
<td>Requested diversion to groundwater storage of 40,000 acre-feet</td>
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<tr>
<td>Under normal filing fee: $40,925</td>
<td>Under normal filing fee: $249,333</td>
</tr>
<tr>
<td>Under emergency fee regulation: $100</td>
<td>Under emergency fee regulation: up to $400</td>
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### Processing Timeline

<table>
<thead>
<tr>
<th></th>
<th>Initial Consultation</th>
<th>Application Submittal</th>
<th>Permit Issuance</th>
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<tbody>
<tr>
<td>Yolo County FC&amp;WCD</td>
<td>December 4, 2015</td>
<td>January 28, 2016</td>
<td>February 3, 2016</td>
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### Processing Effort

<table>
<thead>
<tr>
<th></th>
<th>SVID</th>
<th>YCFCWCD</th>
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<tbody>
<tr>
<td><strong>E-mails</strong></td>
<td>~25</td>
<td>~30</td>
</tr>
<tr>
<td><strong>Meetings (Phone)</strong></td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td><strong>Meetings (In-person)</strong></td>
<td>0</td>
<td>3</td>
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Fee Structure Consideration

- What types of projects do fee stakeholders want to encourage? Distribution of costs
- Consideration of staff effort
- Your ideas to set amount, and why?
- How should fees for these types of projects compare to fees for other projects?
Fee Structure Proposals for Groundwater Recharge FY 2016-17

- Should fees be based on amount of water applied for, or based on amount of water successfully diverted? (for projects capturing high flow events)

- Should filing fees for initial temporary permit applications differ from renewals, and how?

- Other Ideas?
Next Steps

- Collect your input today

- Discuss further within our general Water Rights Fees Stakeholder process
  - Next meeting is scheduled for June 3. More info available at: http://www.waterboards.ca.gov/resources/fees/stakeholder/

- Reconsider fee when adopting updated emergency fee regulations in the Fall
Suggestions

Comments
Part 2 – Permitting Process

Source: SVID

Source: UC Davis
Presentation Outline

- Walkthrough of the Temporary Permitting Process
- Recharge Permit Examples
- Yolo County FC&WCD Presentation
- Ongoing Questions
Pre-Application Submittal

- Gather available information on:
  - Production wells and aquifer characteristics
  - Percolation rates and land use
  - Beneficial uses and Measurement
  - Water availability and downstream users
  - Potential environmental impacts and CEQA
  - Urgency of the Project

- Consult with Division staff, other agencies, right-holders
Agencies to Consult

- California Department of Fish and Wildlife
- Regional Water Quality Control Board
- Department of Water Resources*
- U.S. Bureau of Reclamation*
- U.S. Army Corps of Engineers
- Other local, state and federal agencies

*For Sacramento & San Joaquin River watersheds
Staff Analysis

- Review available information on water availability and downstream users (WC § 1427[a])

- Consult with the Department of Fish and Wildlife (WC § 1427[b])

- Make a field investigation, if necessary (WC § 1427[c])
Staff Analysis (cont’d)

- CEQA and/or Public Trust Analysis

- Findings (WC § 1425):
  - Urgent need
  - No injury to any lawful user of water
  - No unreasonable effect on fish, wildlife and instream beneficial uses
  - Public interest

- Noticing (WC § 1428)
Monitoring & Compliance

- Monitoring requirements will depend on specifics of the project.

- Temporary permits expire 180 days after issuance.
  - May be renewed after 180 days if not all water has been put to beneficial use.
Underground Storage Case Study – Orange County Water District

- Divert 362,000 ac-ft/yr to underground storage from Santa Ana River (adjudicated stream system)
- Aquifer is well-characterized, and infiltration areas have known percolation rates
- Measuring devices at points of diversion
- Measured withdrawal at 565 production wells before delivery to customers
Scott Valley Irrigation District

- Applied to divert up to 5,400 acre-feet from Scott River to underground storage (Jan 1 – March 31) to augment summer flows for fish and wildlife

- Infiltration areas: Unlined canals and dormant agricultural fields

- UC Davis is also conducting a pilot study on a 15-acre alfalfa field

- SVID to provide a summary report by October 1, 2016
Scott Valley Irrigation District
Yolo County Flood Control & Water Conservation District

- Applied to divert up to 40,000 ac-ft from Cache Creek (Jan 1 – April 30) for irrigation use
- Infiltration areas: Unlined canal system and dormant agricultural fields
- District has an existing network of groundwater monitoring wells
- District to provide summary report by September 30
Demonstrating Beneficial Use

- When the applicant is **not** the party pumping the water:
  - How could the applicant show beneficial use?
  - How could the applicant confirm water is extracted under the permit and not a different right?

- In areas with limited groundwater modeling and monitoring, how could you track uses and losses?

- How could accounting requirements vary based on the end use of the water or basin characteristics?
Diverting High Flows

• How could thresholds be determined to differentiate high flows versus available flows?

• Should there be an expedited process for diversion of higher flows versus available flows?

• How should channel-forming flows be protected?
Next Steps

- Collect input and comments
- Post presentation and comments on webpage
- Consider comments in development of long-term strategy
Additional Information

- Sign-up to get updates and announcements at: http://www.waterboards.ca.gov/resources


- Submit comments by Friday, April 29th to: sarah.sugar@waterboards.ca.gov or darren.tran@waterboards.ca.gov