Welcome to the Water Rights Enforcement Policy Proposal Scoping Meeting
How to participate using Slido

• [https://www.sli.do/](https://www.sli.do/)

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• Enter event code: # WR Policy
Submit Your Questions and Poll Answers

Using Slido you can:

• Submit Questions
• Vote on questions submitted by others
• Answer our audience polls
Polling Question One

I’m interested in the Water Rights Enforcement Policy because I am a:

A. Water Rights Holder
B. Attorney
C. Consultant
D. Public Official
E. Other

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WATER RIGHT ENFORCEMENT POLICY
SCOPING MEETING

MARCH 1, 2019

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OVERVIEW

• State Water Board and Division of Water Rights
• Regional Water Quality Control Boards
• Water Rights Enforcement Policy
  • What is a policy
  • Why is it needed
  • Proposed policy elements
• Timeline to adoption and opportunity for input
State Water Resources Control Board

• Division of Water Rights

Regional Water Quality Control Boards

• 9 Regions across the State
DIVISION OF WATER RIGHTS

- Pre-1914 Appropriative
- Post-1914 Appropriative
- Prescriptive
- Reserved
- Riparian
- Adjudicated
- Pueblo
I would like to see water rights enforcement focus more on:

A. Reporting violations
B. Protection of public trust resources
C. Protection of the water rights priority system
D. Complaint investigations
E. Compliance with terms and conditions of permits and licenses

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NEW LEGISLATIVE MANDATES

- 2010: Requirements to File Statements
- 2014: Emergency Drought Regulations
- 2015: Annual Reporting Requirements
- 2016: Measurement Regulation
- 2017: Cannabis Cultivation Policy
Do we need a specific section that addresses commercial cannabis cultivation and water rights enforcement?
Water Rights Enforcement Moving Forward

The Legislature wants water rights enforcement (Water Code 1825)

- Complaints, Demand, and Regulation

- Proposed Water Rights Enforcement Policy
  - What could a Enforcement Policy do?
  - What is a Policy
PROPOSED POLICY ELEMENTS

- Regulatory strategy
- Statewide, regional, and program priorities
- Prioritization of investigation and enforcement cases

- Monetary penalty framework
- Process for Policy review and revision
- List of enforcement tools
BENEFITS OF A ENFORCEMENT POLICY

Improved administration of the water rights system

• Protection
• Fairness
• Transparency
DEVELOPMENT OF A POLICY

Compliance

- Education, outreach, and compliance assistance
- Measuring compliance

Enforcement

- Progressive enforcement, when needed
- Timely, transparent, and equitable enforcement
- Right response for given action
GUIDANCE IN PRIORITIZING ENFORCEMENT EFFORTS AND INVESTIGATIONS

- Statewide, regional, and program priorities
- Protection and administration of the water rights system
- Risk to public health or welfare
- Protection of environment
MORE THAN 5,000 INVESTIGATIONS SINCE 2010

COMPLAINTS

DROUGHT

CANNABIS

INFORMATIONAL ORDERS

PUBLIC TRUST

REVOCATIONS

WASTE AND UNREASONABLE USE

FAILURE TO REPORT
WATER RIGHTS COMPLAINTS

YEAR

COMPLAINTS RECEIVED


0 50 100 150 200

COMPLAINTS RECEIVED 2013
HOW SHOULD WE DETERMINE PENALTIES

Water Code states that the Board shall take into consideration…

- Extent of harm caused by the violation
- The nature and persistence of the violation
- All relevant circumstances

“All Relevant Circumstances”

- Economic benefit
- Violator’s history

Monetary Penalties

- Fair, consistent, and transparent
- Eliminate economic advantage
- The length and time over which the violation occurs
- Any corrective actions taken by the violator
- Culpability or cooperation
- Avoided cost and delayed cost
- Deter future violation and compel compliance
- Penalties should be related to the nature of harm
The Proposed Policy Element that is most important to me is:

A. Regulatory Strategy
B. Statewide, regional and program priorities
C. Prioritization of investigations and enforcement cases
D. Framework for calculating monetary penalties
E. Process for Policy review and revision
F. Identification of enforcement tools

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WATER RIGHTS
ENFORCEMENT POLICY
MILESTONES

• Spring 2019 - Initial Public Outreach

• Fall 2019 - Release draft policy for public comment

• Fall 2020 – Adoption of policy
QUESTIONS FROM SLIDO
PROVIDING FEEDBACK

• Collecting stakeholder input through April 15, 2019

• Sign up for our email list:
  https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

• Send an us email:
  WREnforcementPolicy@waterboards.ca.gov

• Give us a call:
  (916) 323 - 3642