

**State Water Resources Control Board
DIVISION OF WATER RIGHTS**

**FORM FOR
DEMONSTRATING WATER DIVERSION FOR CANNABIS CULTIVATION USE IS ALLOWED
WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION 19332.2 (b)(4)**

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

| Water Right Claim Information | | |
|--|--|---|
| (Select one. Only complete this form if your diversion is subject to Water Code Section 5101 (a), (c), (d), or (e)) | | |
| Spring that does not flow off property in the winter ¹ | Groundwater Recordation Program ² | Diversion Managed by Watermaster ³ |
| ¹ Spring cannot flow off of the property on which it is located and total diversions cannot exceed 25 acre-feet in any year. ² For groundwater wells in Counties of Riverside, San Bernardino, Los Angeles, and Ventura that extract more than 25 acre-feet in any year. ³ Your diversions are regulated and reported annually by a Watermaster appointed by the Department of Water Resources or Court who files reports with the Board. | | |
| List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345) | | |

| Diverter Information | | | |
|----------------------|---------------|-------|-----|
| Diverter Name(s) | | | |
| Mailing Address | City | State | Zip |
| Phone Number | Email Address | | |

| Person Filing Form (Agent Information) | | | |
|---|---------------|-------|-----|
| (If different from diverter information above) | | | |
| Agent Name | Company Name | | |
| Mailing Address | City | State | Zip |
| Phone Number | Email Address | | |

| Land Owner Name | | | |
|---|---------------|-------|-----|
| (If different from diverter information above) | | | |
| Land Owner Name | | | |
| Mailing Address | City | State | Zip |
| Phone Number | Email Address | | |

| Mail Receiver: | |
|--------------------------|----------------------------|
| (Select one only) | |
| Diverter | Person Filing Form (Agent) |

| Checklist for Submission of this Form |
|--|
| Answer each question completely Attach map and photos clearly showing the Place of Use (POU) and Point of Diversion (POD) locations Sign and Date form |

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at <http://www.waterboards.ca.gov/cannabis>

Section 1: Water Course Description

Water Course Name at the POD (Use the name shown on a USGS Quadrangle. If none, use "Unnamed Spring" or "Unnamed Stream", as applicable)

Water Course is tributary to (First named stream downstream of POD shown on USGS Quadrangle)

Section 2: Point of Diversion and Legal Land Description

(Provide the location of the POD using one of the following methods (check one box and enter data if applicable))

Latitude/Longitude Measurements: Latitude: _____ Longitude: _____

California Coordinate System (NAD1983) North: _____ East: _____ Zone: _____

USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify POD)

(Provide the following information if assigned on assessor's parcel number (APN))

APN where POD is located:

County

Public Land Description to nearest 40 acres

_____ ¼ of the _____ ¼ of Section _____ Township _____ Range _____ B&M _____

Section 3: Place of Use Description

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

USGS Topographic Map

County Assessor's Parcel Map

Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigation of greenhouse, specifically describe any cannabis cultivated areas)

List all Assessor's Parcel Numbers (APNs) where the water will be used

Section 4: Purpose of Use Description

(Select all that apply)

Irrigation (Cannabis Area)
Square Feet of cultivation area:

Irrigation (non-cannabis area)
Number of acres:

Domestic
Maximum number of persons to be served:

Stock watering
Number and type of stock:

Number of cannabis plants:

Section 5: Quantity of Water Diverted

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: _____

Measurement provided in:

Gallons

Acre-Feet

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | | | | | | | | | | |

Section 6: Maximum Rate of Diversion

Complete this section regarding the maximum rate of diversion

Year of maximum diversion: _____

In what month do you divert the most water? _____

What is the rate of maximum diversion? _____

Gallons per Minute

Gallons per Day

Cubic Feet Per Second

Section 7: Cannabis Cultivation Use

| | | | |
|--|----------------|---------|-----------|
| Provide the total amount of water used for cannabis cultivation during the prior calendar year | Quantity _____ | Gallons | Acre-Feet |
| Is your cultivation of cannabis for commercial purposes? | Yes | No | |
| <i>If you intend to apply for a license under California Department of Food and Agriculture's Cannabis Cultivation Program, your response will help the State Water Board efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under the Business and Professions Code.</i> | | | |

Section 8: Special Requirements

(Complete this section for the water right type you selected in "Water Right Claim Information" at the top of form)

For springs that do not flow off property:

| | | |
|---|--------------------|-----------------|
| What is the maximum flow rate of the spring during the wet season, in any year: _____ | Gallons per Minute | Gallons per Day |
|---|--------------------|-----------------|

Attach a map that depicts the springhead location, the location where the spring would naturally terminate without diversions, property boundaries, and scale of the map. You may include this information on the same map used in Section 3.

For participants in the State Water Resources Control Board's Groundwater Recordation Program (If applicable):

Notice of Extraction and Diversion of Water Identification Number(s): _____

Attach copies of any applicable Notices of Extraction and Diversion of Water

For diverters regulated by a Watermaster appointed by the Department of Water Resources (DWR) or a Court:

Provide the name of the Watermaster who regulates the diversion: _____

_____ Page Number where the applicant's name and a description of the general purposes and the place, the use, and the quantity of water that has been diverted from each source can be found in the annual report

Attach a copy of the most recent annual report filed by the Watermaster with a court or the State Water Resources Control Board

Attach documentation establishing the Watermaster is appointed by: DWR, a court, or pursuant to a statute to administer a final judgment determining rights to water

Section 9: Signature

I declare that the information in this report is true to the best of my knowledge and belief. I also acknowledge the following:

THIS FORM IS A REQUIREMENT OF BUSINESS AND PROFESSIONS CODE §19332.2 subd. (b)(4)

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD.

THIS FORM DOES NOT CONSTITUTE A STATEMENT OF WATER DIVERSION AND USE AND THE STATE WATER RESOURCES CONTROL BOARD'S ACCEPTANCE OF THE FORM DOES NOT VALIDATE OR CONFIRM THE INFORMATION CONTAINED, HEREIN.

THE MAKING OF A WILLFUL MISSTATEMENT ON THIS FORM B4 AND ANY SUPPORTING DOCUMENTATION IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 PLUS AN ADDITIONAL \$250 FOR EACH DAY THE VIOLATION CONTINUES IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF NOTIFICATION OF THE VIOLATION. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §1847.)

| | | |
|---------------------|---------------|-------------|
| Signature: _____ | Date: _____ | |
| Printed Name: _____ | | |
| (first name) | (middle name) | (last name) |

**State Water Resources Control Board
DIVISION OF WATER RIGHTS**

**Form for Demonstrating Water Diversion for Cannabis Use Is Allowed Within the Meaning
of Business and Professions Code Section 19332.2 (b)(4)**

INSTRUCTIONS

In order to obtain a CalCannabis Cultivation License, California law requires each person or entity that diverts and uses water for commercial cannabis cultivation from (1) a property contained spring, (2) a groundwater basin subject to the State Water Resources Control Board's (State Water Board) Groundwater Recordation Program, or (3) an adjudicated watershed regulated by a Watermaster to file a "Form for Demonstrating Water Diversion for Cannabis Use Is Allowed" (b)(4) (Form b4) with the State Water Board, Division of Water Rights (Division). Form b4 must be filed with the Division in accordance with the Business and Professions Code §19332.2 (b)(4).

Failure to file Form b4 may result in a delay of your CalCannabis Cultivation License and/or civil liabilities up to \$500 and an additional \$250 for each day the violation continues if the violation is not corrected within 30 days of notification of the violation. (Wat. Code, § 1847, subd. (b)(3)).

PRIOR TO FILLING OUT THIS FORM

Use this guide to determine if you need to file this Form for Demonstrating Water Diversion for Cannabis Cultivation Use (b)(4) (Form b4). This information can also be found in Business and Professions Code §19332.2. You need to submit this Form b4 if any of the following conditions are true:

- The diversion is from a spring that does not flow off the property on which it is located and from which your aggregate diversions do not exceed 25 acre-feet in any year;
- A notice is on file with the State Water Board for the recordation of groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino and Ventura Counties;
- A diversion is regulated by a Watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Board by a Watermaster, which reports identify the persons who divert water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source;
- A diversion is included in annual reports filed with the court or State Water Board by a Watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, for which reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.

NOTICE PURSUANT TO INFORMATION PRACTICES ACT OF 1977 (CIV. CODE. § 1798.17)

The State Water Resources Control Board, Division of Water Rights, is requesting personal information about the diverter and the person filing Form b4.

The agency official responsible for this system of records is Robert Cervantes, Senior Engineer, whose business address is 1001 I Street, 14th Floor, Sacramento, CA 95814 and whose business telephone is (916) 322-6795.

Upon request, the agency official shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records.

The State Water Resources Control Board is empowered to require the submission of personal information by Business and Professions Code §19332.2.

The submission of the name and address of the diverter and person filing the Form is mandatory. The submission of the phone number and e-mail address of the diverter and person filing the Statement is voluntary.

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at <http://www.waterboards.ca.gov/cannabis>

Failure to provide the mandatory information can result in the imposition of administrative civil liability in the amount of \$500 and an additional \$250 per day for each additional day on which the violation continues if the person fails to cure the violation within 30 days after the State Water Resources Control Board has called the violation to the attention of the person.

This personal information is collected to facilitate better water management by the State Water Resources Control Board.

The State Water Resources Control Board intends to disclose personal information submitted pursuant to Civil Code, section 1798.24, subdivisions (e) or (f).

Any member of the public may inspect the information collected in this form by contacting the State Water Resources Control Board, Division of Water Rights by mail at P. O. Box 2000, Sacramento, CA 95812-2000, by fax at (916) 341-5400, by telephone at (916) 341-5300 or by e-mail at dwr@waterboards.ca.gov, or by appearing in person at the State Water Resources Control Board, Division of Water Rights file room located at 1001 I Street, 2nd Floor, Sacramento, CA 95814 during normal business hours.

A separate Form must be filed for each proposed point of diversion in accordance with California Business and Professions Code, section 19332.2 subdivision (b)(4). The following instructions will provide a basic description of the information requested on Form b4.

INSTRUCTIONS

Diverter Information

The diverter is the party responsible for the water diversion and the cannabis cultivation activities. As the diverter you are required to provide your name or company name and a mailing address. If someone other than the diverter filed the Form, such as a consultant or agent, that person must also provide his or her name and address.

Water Diversion Claim Information

Indicate the type of claim you are filing. The following are descriptions of the type of water claims that a user may identify under for this form:

Spring: The diversion is from a spring that does not flow off the property on which it is located in the winter and from which your aggregate diversions do not exceed 25 acre-feet in any year.

Groundwater Recordation Program: A notice is on file with the State Water Board for the recordation of groundwater extractions and diversions. This program only exists in Los Angeles, Riverside, San Bernardino and Ventura Counties.

Diversion Managed by Watermaster: A certain type of water diversion that is regulated by a Watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Board by a Watermaster, which reports identify the persons who divert water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source;

OR

A type of diversion that is included in annual reports filed with the court or State Water Board by a Watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, for which reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.

1. Water Course Description

Indicate the name of the body of water from which you are diverting water and the body of water it is a tributary to (the name of the larger stream or river the water flows to downstream). Use the source name shown on a United States Geological Survey (USGS) Quadrangle. If there is no name, use "Unnamed" Stream or Spring.

2. Point of Diversion and Legal Land Description

Provide the location of the point of diversion (the location from which you are taking water from the stream), using one of the following methods: 1) identifying the location by latitude and longitude measurements; 2) identifying the location using the California Coordinate System; or 3) depicting the location of the diversion works on a specific USGS topographic map. Each separate diversion point should be reported on separate forms. If the property has been assigned an Assessor's Parcel Number (APN) by the County Assessor, you must provide the public land description to the nearest 40-acre subdivision. This information is shown on a USGS Quadrangle, and on your property deed.

About Maps: You may submit a single map showing both the point of diversion and the place of use Maps can be found at: <http://www.store.usgs.gov>.

3. Place of Use Description

Provide a general description of the area where the water is used, and all assessor's parcel numbers associated with the place of use.

About Maps: You **MUST** submit a USGS topographic map depicting the place of use. If you are also using a USGS topographic map for the point of diversion, you can draw both on a single map. Maps can be found at: <http://www.store.usgs.gov>

4. Purpose of use

Indicate the purpose of use for the diverted water. Examples of purposes of use are: Irrigation (cannabis), Irrigation (non-cannabis), domestic, stock watering. Also indicate the number of acres irrigated, number of persons served for domestic use, number of animals watered, etc. For cannabis, also indicate number of cannabis plants.

5. Quantity of Water Diverted

Provide the quantity of water used for each month in the year you are reporting. If you did not divert water in a particular month, enter "0".

6. Maximum Rate of Diversion

Provide the year that you diverted at highest rate, the month you divert the most water, and the maximum rate of diversion. If precise measurements are not available, provide an estimated maximum diversion rate. The maximum rate of diversion may be provided in gallons per minute, gallons per day, or cubic feet per second units.

7. Cannabis Cultivation Use

Complete questions in regards to cannabis cultivation activity.

8. Special Requirements

Only one box of this section should be completed, based on your water right selection made in the "water right claim information" box on page 1.

9. Signature

The form must be legible and signed by the person completing the form. The company name is required if applicable.

SUBMITTING YOUR FORM

Complete the Form for Demonstrating Water Diversion for Cannabis Use (b)(4) and attach your map(s) and any other supporting documentation. You may submit multiple forms in the same envelope if each diversion work has been labeled.

Please send completed Form and supporting documents to:

Preferred - Via EMAIL to WB-DWR-CannabisReg@waterboards.ca.gov

Or

*State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000*

Forms, maps and supporting documents must be legible.