

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

**DEMONSTRATING A RIPARIAN RIGHT FOR A WATER DIVERSION FOR CANNABIS
CULTIVATION USE WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION
19332.2 (b)(5)**

THIS IS NOT A STATEMENT OF WATER DIVERSION AND USE AND SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A
WATER RIGHT

DIVERSION MUST BE AUTHORIZED UNDER A RIPARIAN RIGHT AND NO DIVERSION SHALL HAVE OCCURRED BETWEEN JANUARY 1, 2010 AND
JANUARY 1, 2018

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

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)

Person Filing Form Name			
Company Name (if any)			
Mailing Address	City	State	Zip
Phone Number	Email Address		

Land Owner Name

(If different from diverter information above)

Primary Owner Name			
Mailing Address	City	State	Zip
Phone Number	Email Address		

Mail Receiver:

(Select one only)

Diverter	Person Filing Form (Agent)
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Checklist for Submission of this Form

<p>Answer each question completely</p> <p>Attach map and photos clearly showing the Place of Use and Point of Diversion locations</p> <p>Sign and Date form</p>

UPON COMPLETION OF THIS FORM, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND EMAIL TO:

WB-DWR-CannabisReg@waterboards.ca.gov

Or mail to:

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

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: Riparian Water Right Claim Information

Check if you are claiming a riparian right for the property served.
 Check which of the following two situations apply:
 I have not yet diverted water under my riparian claim
 I started diverting water under my riparian claim after December 31, 2017.

Does the source of water used (or to be used) touch or run through the property on which cannabis will be cultivated?	Yes	No
Do you plan to store water?	Yes	No
Will the water be used in the same watershed as the stream that it was diverted from?	Yes	No
List any related <u>existing</u> water rights, if applicable (e.g. Appropriative Water Right ID: A012345)		

Section 2: 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)
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Section 3: 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 4: Place of Use Description

(Select only one)

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 will be used (e.g. Domestic water supply for house, and irrigation of greenhouse, specifically show cannabis cultivated areas)

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

Section 5: Purpose of Use Description

(Complete for all that apply)

Irrigation (Cannabis Area) Square Feet of cultivation area: Number of cannabis plants:	Irrigation (non-cannabis area) Number of acres: _____	Domestic Maximum number of persons to be served: _____	Stock watering Number and type of stock: _____
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Section 6: Projected or Recent Quantity of Water Diversion

(Complete this section regarding the intent to divert water in 2019, or recent 2018 diversions. Input a "0" if no diversions will occur in a specific month)

Projected calendar year of first diversion: _____			Estimate provided in:			Gallons			Acre-feet		
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Section 7: Projected Maximum Rate of Diversion

(Complete this section regarding the intent to divert water)

In what month will you divert the most water?

What will be the rate of maximum diversion? Gallons per Minute Gallons per Day Cubic Feet Per Second

Section 8: Cannabis Cultivation Use

Provide the total amount of water expected to be used under this claim for cannabis cultivation during a calendar year Quantity _____ Gallons Acre-Feet

Is your proposed cultivation of cannabis for commercial cannabis cultivation? Yes No

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 to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.

Section 9: Signature

I declare that my diversion will be authorized under a riparian right and that no diversion occurred after January 1, 2010 and before January 1, 2018.

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

I understand that I must submit an Initial Statement of Water Diversion before July 1 of the succeeding year to my first diversion of water. (Wat. Code, §5101)

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.

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR AND WHEN THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON THIS FORM B5 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 A RIPARIAN RIGHT FOR A WATER DIVERSION FOR CANNABIS
CULTIVATION USE WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION**

19332.2 (b)(5)

INSTRUCTIONS

California law provides a means for each person or entity that plans to divert surface water for cannabis cultivation use to file a Form for Demonstrating a Water Right Claim for Cannabis Cultivation Use (Form) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) in accordance with Business and Professions Code § 19332.5 (b)(5), as support for submitting a Cannabis Cultivation license application. A Form may be filed if water is planned to be diverted and used under a claim of riparian right and no diversion occurred in any calendar year between **January 1, 2010** and **January 1, 2018**.

Once diversions begin, the diverter must file an Initial Statement of Water Diversion and Use (Statement) with the Division by July 1 of the succeeding year. Failure to file a Statement for each diversion that occurred after January 1, 2009, may result in civil liabilities that carry a maximum fine of \$1,000 and an additional \$500 for each day the violation continues if the violation is not corrected within 30 days of notification of the violation. (Wat. Code, § 5107, subd. (c)(1)). In addition, any person who makes a willful misstatement on a Statement commits a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in the county jail for not more than six months, or both. (Wat. Code, § 5107, subd. (a)). Water diverters must file Statements with the State Water Board prior to July 1 of the year succeeding the year of the diversion. (Wat. Code, § 5101).

PRIOR TO FILLING OUT FORM

Use this guide to determine if you are eligible to file this Form for Demonstrating a Water Right Claim for Cannabis Cultivation Use. You should **not** file this Form if any of the following conditions are true:

You have an existing Statement of Water Diversion and Use filed with the State Water Board for diversion of water used between **January 1, 2010** and **January 1, 2018**;

The diversion is not a valid riparian water right;

The diversion is covered by a permit or license to appropriate water that is on file with the Division;

The diversion is covered by a registration for small irrigation uses;

The water diversion is from a spring that does not flow off the property on which it is located and from which the person's 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 the Form for Demonstrating a Water Right Claim for Cannabis Cultivation Use.

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 Water Code, section 5103, subdivision (a).

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 Form is voluntary.

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 individual diversion point from which water is diverted as set forth in the California Business and Professions Code, section 19332.2 subdivision 5. The following instructions will provide a basic description of the information requested on the Form for Supporting a Water Right Claim for Cannabis Cultivation Use.

INSTRUCTIONS

Diverter Information

The diverter is the party responsible for the diversion. 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, that person must also provide his or her name and address.

1. Riparian Water Right Claim Information

Provide the requested information about your riparian water right claim as well as any associated water rights. This form may only be submitted for a claimed riparian right. A riparian right enables an owner of the land bordering a natural lake or stream to divert water on to riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. A riparian water right, like all water rights in California, is subject to Article X section 2 of the California Constitution which prohibits waste and unreasonable use of water, including the unreasonable method of use or diversion of water. Riparian rights may be used to divert the natural flow of a stream but typically may not be used to: (1) store water for later use; (2) divert water which originates in a different watershed; (3) divert water released from storage; or (4) divert return flows from groundwater use.

2. 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. Use the source name shown on a United States Geological Survey (USGS) Quadrangle. If there is no name, use "Unnamed" Stream or Spring.

3. 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>.

4. 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. For cannabis, also indicate number of cannabis plants.

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>

5. Purpose of use

Indicate the purpose of use for the diverted water. Examples of purposes of use are: domestic, dust control, fire protection, fish/wildlife protection and enhancement, fish culture, frost protection, heat protection, incidental power, industrial, milling, mining, municipal, power, recreational, snow making, stock watering, etc. Also indicate the number of acres irrigated, number of persons served for domestic use, number of animals watered, etc.

6. Projected Quantity of Water Diversion

Provide the projected quantity of water used for each month you are projecting to divert water, once the project is complete. If you do not intend to divert water in a particular month, enter "0". Once diversions commence, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

7. Projected Maximum Rate of Diversion

Provide a projected monthly maximum rate of diversion in the table provided.

8. Cannabis Cultivation Use

Provide requested information regarding your planned cannabis cultivation activities.

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 Supporting A Water Right Claim For Cannabis Cultivation Use electronically using the PDF fillable fields and save. Print, sign where indicated, 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 clearly labeled.

Please send completed Form For Supporting A Water Right Claim For Cannabis Cultivation Use 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.