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A Guide to California Water Right Permits

California Water Resources Control Board

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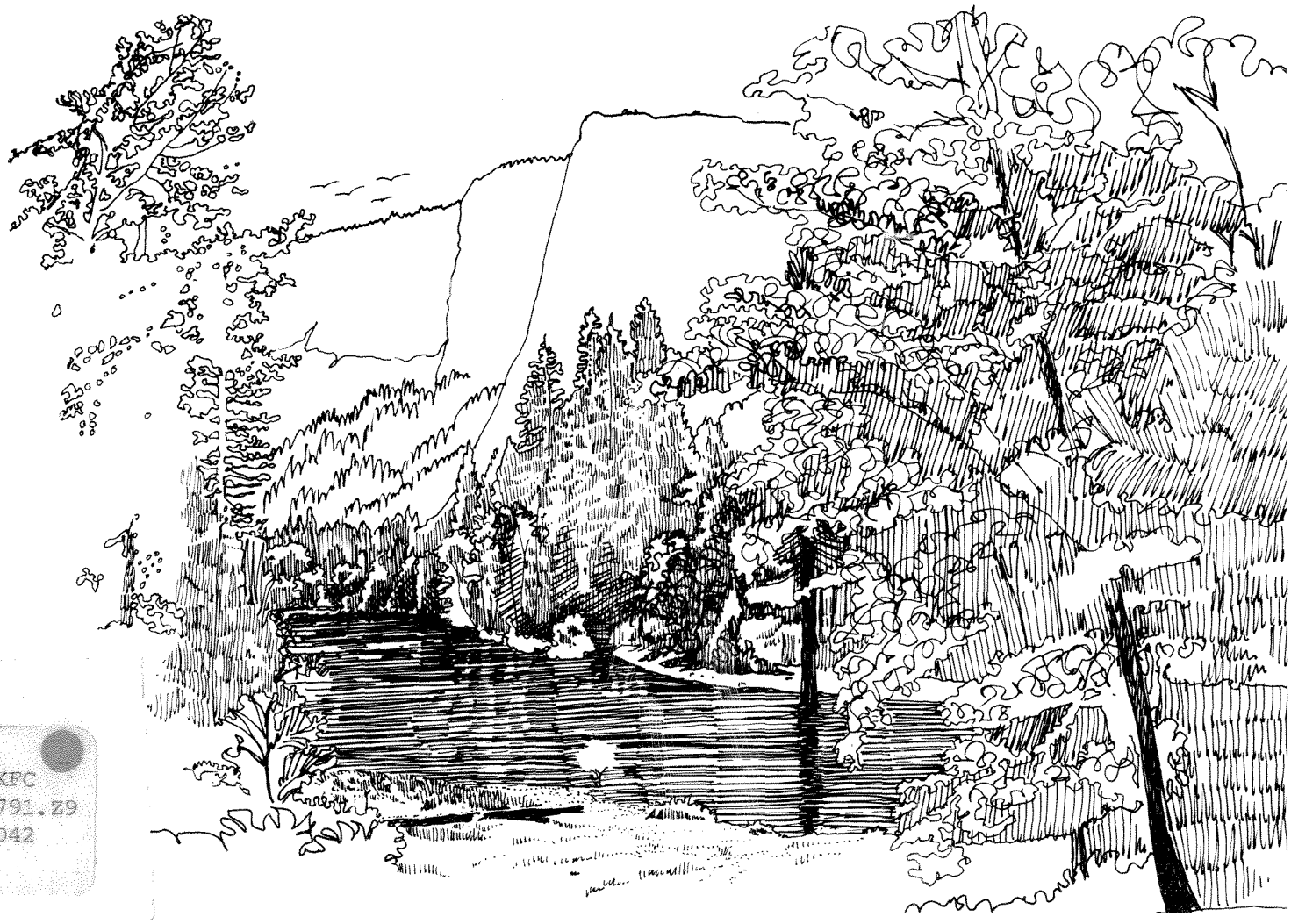

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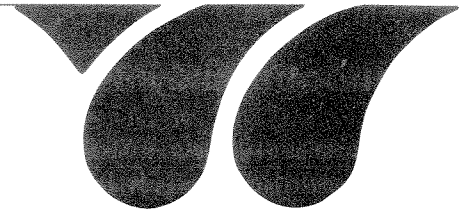

If you are planning a project that involves use of water in California, you may need a water right permit from the State Water Resources Control Board. This booklet is your guide to California's water right permit process.

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California Water Rights

California's extensive water system has played a key role in shaping the quality of California life. Its many uses include irrigation of the state's fertile agricultural lands, generation of energy from economic and renewable sources, preservation of wildlife habitats, and development of diverse recreational and scenic areas. In addition, twenty-five million Californians depend on the state's water to meet their daily needs.

The California Constitution says the state's water resources belong to all Californians. Any citizen may use water for beneficial purposes by possessing a water right. Some rights come with ownership of land adjacent to streams, lakes, or ponds. Similarly, rights to use water which percolates beneath the ground may be claimed by overlying landowners.

Another kind of water right—*an appropriative water right*—may be established by obtaining a permit which spells out the terms and conditions for taking and using water in California. Anyone who intends to establish an appropriative water right should contact the State Water Resources Control Board.

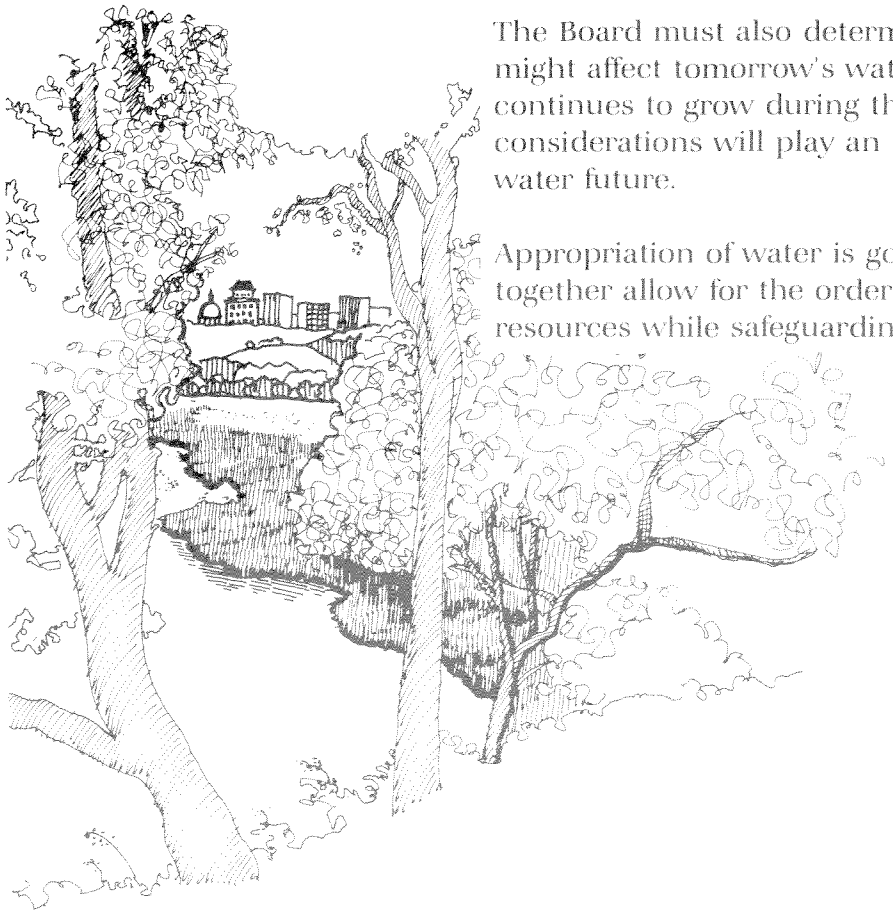
Water Resources Control Board

The Water Resources Control Board was established by the 1967 California Legislature to administer the state's water quality and water right functions. In addition to administering water right programs, the Board, together with nine regional boards throughout the state, enforces pollution control standards to protect California's 103 rivers, 5,000 lakes, 461 ground water basins, and 1,840 miles of shoreline.

In granting water rights, the Board must determine under what conditions California water may be taken and used. A permit is issued when the Board has determined that the proposed appropriation would best serve the public interest. In deciding whether to issue permits, the Board considers the features and needs of the proposed project, existing uses of water within the area, and protection of the environment. Water right permits specify completion schedules for project construction and water development, as well as when, where, and how water will be taken and used.

The Board must also determine how today's water developments might affect tomorrow's water needs. As California's population continues to grow during the coming decades, these considerations will play an ever important role in protecting our water future.

Appropriation of water is governed by laws and procedures which together allow for the orderly development of the state's water resources while safeguarding against waste and unreasonable use.



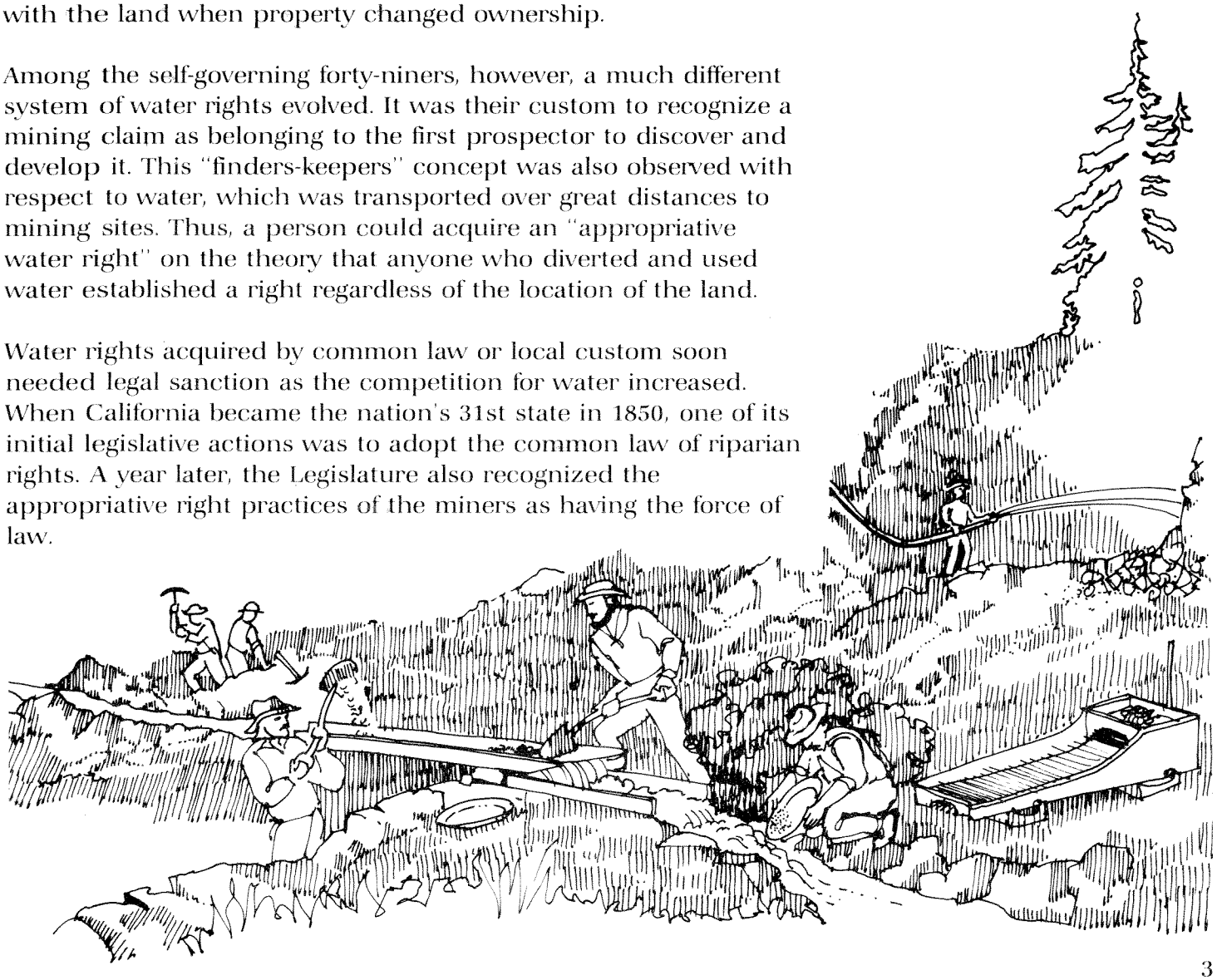
Origins of California Water Rights

In California, there are two major kinds of water rights: riparian rights which generally come with land bordering a water source, and appropriative rights which may be granted by the Board. This dual system of water rights originated early in the state's history as pioneers set up homesteads along the banks of rivers and forty-niners poured into California during the gold rush.

Early settlers practiced the English common law system of riparian rights, which was familiar in the eastern United States. Under this system, an owner of land adjacent to a stream was entitled to use water which flowed past his or her property. No government approval was required. The riparian right remained with the land when property changed ownership.

Among the self-governing forty-niners, however, a much different system of water rights evolved. It was their custom to recognize a mining claim as belonging to the first prospector to discover and develop it. This "finders-keepers" concept was also observed with respect to water, which was transported over great distances to mining sites. Thus, a person could acquire an "appropriative water right" on the theory that anyone who diverted and used water established a right regardless of the location of the land.

Water rights acquired by common law or local custom soon needed legal sanction as the competition for water increased. When California became the nation's 31st state in 1850, one of its initial legislative actions was to adopt the common law of riparian rights. A year later, the Legislature also recognized the appropriative right practices of the miners as having the force of law.



Californians realized the value of the state's water a century ago, and developed sensible procedures for its appropriation, most of which are still practiced today. A water right could be initiated by posting a sign stating the intent to divert water near the planned diversion site. A similar notice was also filed with the county recorder. These combined actions established the priority of the right. The right was limited to amounts needed for intended purposes and stayed in effect as long as the project was developed in good faith and water was put to good use. Others could take available water from the same source, but their rights existed within a hierarchy of priorities, the most senior of which belonged to the first to post notice or make use of the water.

Each of these early appropriation procedures demonstrated common sense. Notice of proposed diversions alerted other water users to changes in stream flows. The requirement for diligent construction of diversion works and continued use of water discouraged speculative holding of priority rights. The "first in time, first in right" principle demonstrated a practical wisdom toward water development, and is today an important feature of the water right permit process. Loss of water rights by abandonment or non-use helped guarantee optimum use of a limited and valuable resource.

This orderly system of appropriation, which discourages waste and unreasonable use of the state's water, has been preserved by the Legislature and the courts.

Appropriative Rights and Unappropriated Water

What is a water right?

A water right is a legal entitlement which authorizes the diversion of water from a particular source for beneficial use. All water rights are limited to amounts reasonably necessary for the intended use, and do not extend to wasteful or unreasonable use or means of diversion.

A water right, although a property right, is not ownership of water. In general, the possession of a water right is an opportunity to share in the responsible development and beneficial use of a public resource.

What is an appropriative right?

An appropriative right is an exclusive right to take a:

- specific ***amount*** of water
- from a specific ***source***
- for a specific ***use***
- at a specific ***location***
- during a specific ***period of time.***

The right may allow for the immediate use or seasonal storage of water and requires a permit or license from the Board.

The right carries a priority in relation to other appropriative rights. The water user who is "first in time" is "first in right". This means the user is entitled to the full quantity of water specified under the right before junior appropriators may exercise their rights. Just as appropriative rights are obtained by water use, they are lost by non-use or abandonment. In some cases, appropriative rights may be transferred from one party to another.

An appropriative right contributes to the total ownership interest in a piece of property and is considered real property. In this respect, an appropriative water right is quite different from other kinds of use permits.

What is a riparian right?

A riparian right usually comes with ownership of land bordering a stream, lake, or pond, and has a higher priority than most appropriative rights. Riparian owners may use natural flows directly for beneficial purposes on riparian land without a permit. However, a riparian owner must obtain a water right permit in order to store water during one season for use during another season.

In general, riparian rights are of equal priority, and in most cases of water shortage, riparian users must share available supplies among themselves. Riparian rights remain with the land when riparian lands are sold, unless expressly held back. When riparian lands are subdivided, parcels which are severed from the adjacent water source lose their riparian rights.

What is unappropriated water?

Unappropriated water is any available water flowing in a stream that is not claimed under riparian or other prior rights.

How is water appropriated?

Since the early part of this century, water appropriation has been administered by the Board and its predecessors. Though laws affecting water rights have changed over the years, the basic procedure for obtaining an appropriative right remains the same.

Persons or agencies intending to divert water must first file an application for a water right permit. Once the application has been accepted by the Board, the applicant has established priority in relation to others seeking to take water from the same source.

The proposed project is reviewed to determine whether it could adversely affect the environment. If so, the Board will require a study of the possible environmental impacts, and may suggest changes to the project in order to prevent or lessen them. The Board may also require assurance of water conservation plans from applicants who propose urban or large agricultural projects.

Notice of the proposed project is given to interested parties. If protests are filed against the proposed project, the Board takes steps to resolve them. If the Board determines that the use of available water would best serve the public interest and would not impair existing rights, a permit is issued.

The permit authorizes construction of the project, sets terms for its completion and the development of water use, and imposes other conditions determined by the Board. When the permittee demonstrates that construction is complete, water is being put to beneficial use, and permit conditions have been met, the Board will issue a license.

The license is the final confirmation of an appropriative right and will remain in effect as long as license conditions are met and beneficial use of water continues.

Through its application-permit-license procedure, the goal of the Board is to assure that California's water resources are put to maximum beneficial use and that the best interests of the public are served. Over one-third of the state's available surface water is appropriated in this way. The Board's application-permit-license procedure is fully described in the next section.

Permit Issuance—A Look at the Process

Appropriators include farmers, ranchers, people with mountain cabins, power companies, water districts, and others, all of whom have received a permit or license from the Board authorizing their water use.

Who needs a water right permit?

If you are planning to take water from a surface or underground stream or other body of water for storage or direct use on non-riparian land you must first obtain a permit. People with riparian rights who intend to collect water for long-term storage also need a permit.

Who does not need a permit?

A permit isn't required for the use of purchased water, the pumping of water which freely percolates through a ground water basin by overlying landowners, or for the proper exercise of a riparian right.

Small stockponds built before 1969 do not require permits; however, they must meet certain requirements and be certified by the Board.

Water from springs or standing pools without natural outlets on the land where they are located may be used by the landowner without a permit.

If you are uncertain whether you need a permit or have questions about your present use of water, write or call the Board's Division of Water Rights, P.O. Box 100, Sacramento, CA 95801, (916) 322-4503. *Unauthorized taking of water is illegal and could result in court action, including fines.*

When should the application be filed?

You should file an application well before your project construction begins, but not until you have developed definite construction plans and have taken steps to obtain other permits or approvals required to complete your proposed project.

In most cases, you will be required to begin project construction within two years of permit issuance. Time extensions may be granted under special circumstances, but the filing of an application can't serve to reserve water indefinitely for future use.

What steps must be taken to obtain a permit?

The steps listed below are taken by you and the Board toward issuance of a water right permit.

STEP	BOARD'S ROLE	APPLICANT'S ROLE
File Application	If you need assistance, Board engineers will help you prepare application forms, small project maps, and other documents. Incomplete applications won't be accepted.	You prepare an application which meets specific requirements, including a $10 minimum filing fee. Remaining fees must be paid within 30 days of the filing date of your application.
Acceptance of Application	Board notifies you within 30 days either that your application is incomplete or that it has been accepted. Acceptance of your application establishes your priority as the date of filing.	Unless you are granted an extension, you must provide any additional information requested by the Board within 60 days of notification. If not, your application may be cancelled.
Environmental Review	Your proposed project is assessed to determine to what extent it could alter the environment.	You assume cost for preparation of any required environmental studies.
	During this phase of review, the Board determines whether water conservation measures are needed.	If water conservation measures are required, they will be included as a condition of your permit.
Public Notice	The Board will send you a public notice describing your proposed project. Copies of the notice are also sent to known interested parties and to post offices in the area of your project for posting.	For small projects, you must post the notice for 40 consecutive days in two conspicuous places near your project site. For large projects, you must publish the notice in a newspaper at least once a week for three consecutive weeks.
Protests	During the noticing period, the Board may receive protests against your proposed project from interested individuals or groups.	If protests are filed against your application, you must respond to them in writing, and attempt to reach agreements so that protests can be withdrawn.
Hearing	If protests cannot otherwise be resolved, you and the protestants present your cases during a hearing conducted by the Board. The Board issues a decision on protested applications based on evidence presented during the hearing. Procedures for resolving protests are discussed beginning on page 10.	You prepare testimony and exhibits for presentation at the hearing, and cooperate with the Board and protestants toward reaching a satisfactory resolution.
Permit Issuance	A water right permit is issued when protests, if any, are resolved or dismissed, or when the Board approves the application by decision following a hearing. In addition, permit fees must be paid.	Prior to issuance of a permit, you must submit remaining fees as directed by the Board.

What are the responsibilities of applicants, permittees, and licensees?

Once an application has been accepted, or a permit or license has been issued, you must keep your record current by notifying the Board of any address or ownership changes associated with your project. Once a permit is issued, you must comply with its terms and conditions. You will be required to construct your project and develop full use of water within a specified time, and to submit annual progress reports to the Board.

If unforeseen obstacles arise which delay development of your project, you may petition the Board for an extension of time. In granting extensions, the Board considers whether the permittee has demonstrated diligence in attempting to meet specified completion schedules. Such problems as lack of funds or preoccupation with other work are generally not considered by the Board. Unavoidable circumstances such as litigation, difficulty in obtaining other required permits, or fluctuations in water supplies may be acceptable reasons for requesting extensions. However, extensions may not be granted if other appropriators would be denied the opportunity to develop water.

Permits authorize taking of water, but they don't guarantee water will always be available in the amounts specified. Sometimes no water may be available. When water shortages occur, the "first in time, first in right" principle requires permittees to reduce their diversions as necessary to respect pre-existing rights. Likewise, permittees and licensees must defend their rights to available supplies against junior or illegal appropriators.

A license is issued when the use of water is complete and the Board finds that the permit terms and conditions have been met. Every three years, licensees must file water use reports. If licensees fail to use available water for five consecutive years, the water right may be forfeited.

The Board investigates complaints filed against water users and may take legal action requiring violators to cease operation. Legal action may also include fines, or revocation of permits or licenses. Water rights are lost when permits or licenses are revoked.

How long will it take to receive a permit?

A water right permit is unlike many other use permits in that it grants the extended use of a valuable public resource. For this reason, the Board is required to conduct an intensive review of your proposed project, address environmental considerations, and allow opportunities for the public to voice opposition during orderly proceedings. You should be aware that these review activities may take months, and sometimes years, to complete.

The Board must reach a permit decision within six months on accepted applications for unprotested projects which do not require extensive environmental review. Applications for small hydroelectric projects which generate up to five megawatts at new facilities or up to 30 megawatts at existing ones must be acted upon within one year of acceptance. However, unique requirements for environmental review and protest resolution for many other projects make permit completion time difficult to forecast.

For instance, permit approval on an accepted application for a small domestic project with one or two protests and minimal environmental review could be expected within six to eight months. On the other hand, it may take several years to approve large water developments which entail lengthy protest negotiations and comprehensive environmental studies. In addition, seasonal conditions affecting terrain and streamflows often delay field investigations and the preparation of maps and other documents necessary to complete the approval process.

How are protests resolved?

While notice of your project is being published or posted, interested parties may file protests against your application. Protesting parties, called "protestants", usually include downstream water users and fish and wildlife protection groups. Protestants must clearly describe their objections, and must send copies of their protests to you and the Board.

Protests are filed against two-thirds of the applications received by the Board. About half of the small projects and about 80 percent of the large projects are protested. Procedures for resolving protests depend on the size of your proposed project.

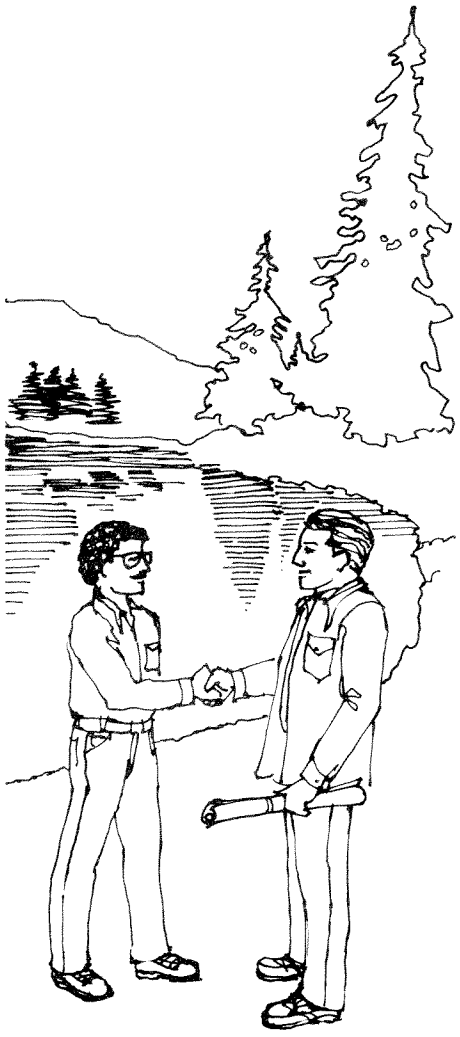
Small Projects (annual storage of 200 acre-feet or less or direct diversion of three cubic feet per second or less). Protests against small projects are often resolved informally. For example, assume you intend to build a small on-stream storage reservoir with no outlet pipe just upstream from a person with an appropriative right to irrigate crop land. Should the downstream user object to your reservoir because it will not have an outlet pipe, a simple amendment to your project plan to include one might easily resolve the protest. In many cases, protests against small projects can be avoided by discussing project plans with downstream users before applications are filed.

If informal efforts fail, Board engineers meet with you and the protestants at your proposed site to examine all aspects of the project. If a resolution isn't reached at that time, the engineers will report their findings to the Board and recommend whether to issue a permit. You and the protestants may request a Board hearing within 30 days following notification of recommended action. Otherwise, the Board will reach a decision based on the findings of the engineers' field investigation.

Large Projects (annual storage of more than 200 acre-feet, or direct diversion of more than three cubic feet per second). Resolution of protests against large projects generally involves one of the following procedures:

You and the protestants may elect to negotiate a resolution and avoid a hearing. If all parties agree, a field investigation, called an "investigation in lieu of hearing", will be held. In this case, Board engineers and environmental specialists conduct a field investigation, and suggest ways to resolve the protest which will satisfy all parties. If agreement is not reached during the investigation, the Board issues a decision on the application based on the report of the field investigation.

If the parties do not agree to conduct an investigation in lieu of hearing, the Board will hold a hearing and issue a decision based on evidence presented.



Conditions imposed in resolving protests may be included in the terms of the water right permit. You, the protestants, or any other interested parties may petition the Board or the courts for reconsideration of the Board's decision.

What environmental reviews must be conducted?

The California Environmental Quality Act (CEQA) requires city, county, and state agencies to consider effects on the environment when approving permits of any kind. The public agency with the greatest responsibility for approving your project is called the "lead agency" and conducts the environmental review. Its findings are circulated to interested individuals, groups, and agencies. For most small projects the Board is the lead agency.

The environmental review will determine which of the following documents should be prepared for your project:

- **Certificate of exemption:** Some projects, by their nature, would not affect the environment and are categorically exempt from CEQA review.
- **Negative Declaration:** A Negative Declaration is prepared if the lead agency finds that your proposed project would have no significant environmental impacts. In order to reach this conclusion, the lead agency may suggest changes to your project.
- **Environmental Impact Report (EIR):** An EIR is prepared if the lead agency finds that your project could significantly alter the environment. An EIR fully describes your proposed project and its potential environmental effects, measures which may have to be taken to reduce the effects, and any reasonable alternatives to the project.

Large projects often have the potential to endanger fish and wildlife resources or to degrade water quality. For this reason, they usually require EIR preparation. Developers of large projects should be aware that EIR preparation adds considerably to the time and expense involved in receiving a water right permit. If the Board acts as lead agency, its actual costs of EIR preparation must be reimbursed.

In addition to CEQA considerations, developers of small hydroelectric projects will be asked to provide the Board with a satisfactory assessment of pre- and post-project stream flow conditions.

For additional information about environmental review requirements, write or call the Board's Environmental Assessment Unit, Division of Water Rights, P.O. Box 100, Sacramento, CA 95801, (916) 324-5716.

Can project changes be made after the application is accepted?

You must file a petition to request changes involving your point of diversion, place of use, or purpose of use after public noticing of your application, or after issuance of a permit or license. Your petition must include descriptive information about the requested changes, along with maps and a $10 fee. The Board may require public noticing of your requested changes.

People with existing appropriative water rights may petition for incidental power use authorization from the Board if the proposed changes to the project will not alter the existing stream flow or extent of use.

Such significant project changes as increasing the amount of water to be used or extending the season of diversion would constitute a new appropriation and require a new application.

Things to Consider Before

Have you identified and coordinated all planning aspects of your proposed project?

Construction of your project will probably require local, state, and federal approvals and permits in addition to rights to divert water.

If your project involves any of the following activities, you should contact the state agency listed for further information about possible permit requirements:

ACTIVITY	STATE AGENCY
Activities involving dams or reservoirs	Department of Water Resources Division of Safety of Dams
Activities which alter stream flows	Department of Fish and Game
Activities which could affect water quality	Regional Water Quality Control Board
Activities of investor-owned water companies	Public Utilities Commission
Construction of mobile home parks	Department of Housing and Community Development
Conversion of timberland	Department of Forestry
Encroachment on or across a state highway	Department of Transportation
Prospecting for minerals on state lands	State Lands Commission
Right-of-way across state park lands	Department of Parks and Recreation

It's a practical strategy to view the status of your project as a whole and to organize all planning aspects accordingly. Efforts should be made early on to secure necessary easements and rights-of-way to private and public lands, county permits for grading, excavation, plowing, construction, zoning variances, and any other requirements. If you haven't already done so, you should take steps at once to identify other responsible agencies and to obtain necessary approvals, rights and permits.

The State Office of Permit Assistance within the Governor's Office of Planning and Research can help you identify other state permits you may need to complete your project. Write to 1400 Tenth Street, Sacramento, CA 95814, or call (916) 322-4245.

Filing Your Application

If so, it may benefit you to consider relocating the project to another site which would preserve the local environment, and reduce the likelihood of protests and the need for comprehensive CEQA review.

For information about areas of archaeological or historic interest near your proposed project, or endangered plant and animal species in the project area, write or call the Board's Environmental Assessment Unit, Division of Water Rights, P.O. Box 100, Sacramento, CA 95801, (916) 324-5716.

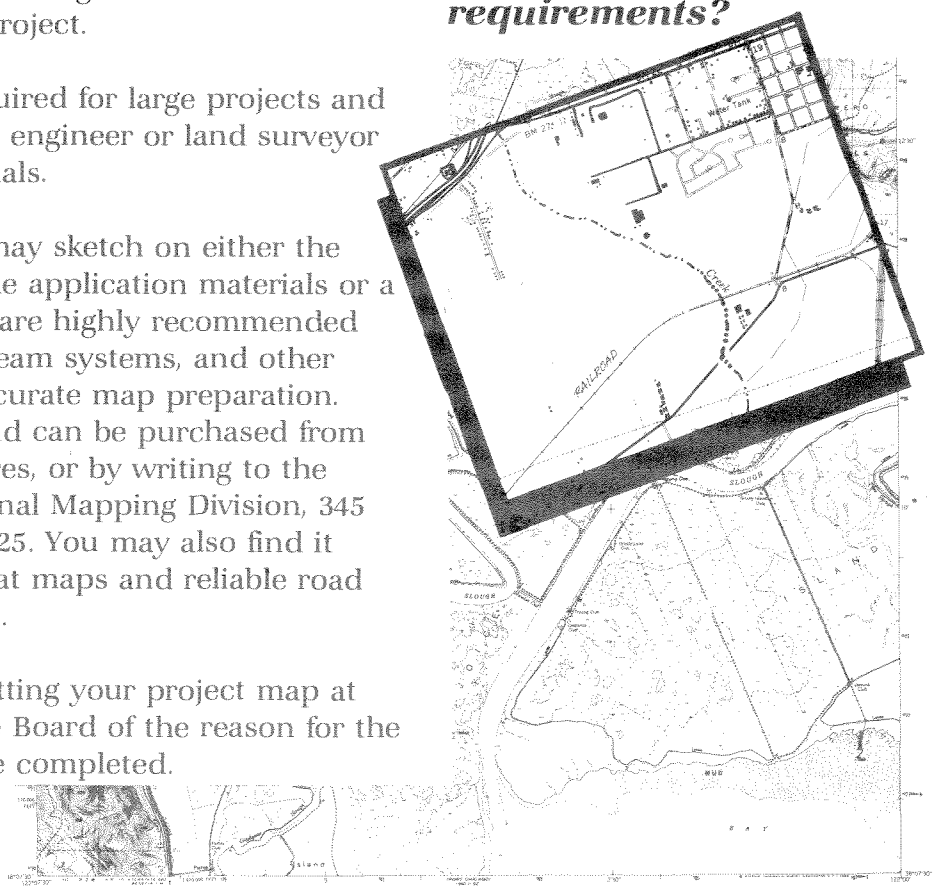
Is your diversion or use site near endangered species habitats, archaeological or historical areas, or other environmental features which may be affected by your proposed project?

Your project map is an important part of your application package. Maps indicate your proposed diversion source, construction site, place of use, and other significant features which help the Board evaluate your project.

How will you prepare to meet map requirements?

Extensive mapping information is required for large projects and must be prepared by a registered civil engineer or land surveyor as described in the application materials.

Applicants proposing small projects may sketch on either the blank township map included with the application materials or a topographic map. Topographic maps are highly recommended because they show land contours, stream systems, and other recognizable features which aid in accurate map preparation. Topographic maps are inexpensive and can be purchased from land surveyors, hiking equipment stores, or by writing to the United States Geological Survey, National Mapping Division, 345 Middlefield Road, Menlo Park, CA 94025. You may also find it useful to consult county assessor's plat maps and reliable road maps to identify your project location.



If conditions prevent you from submitting your project map at the time of filing, you must advise the Board of the reason for the delay and indicate when maps will be completed.

Filing Your Application

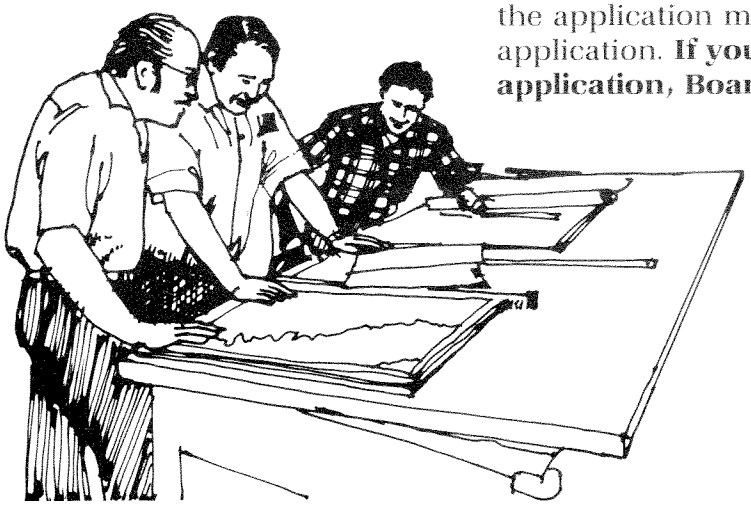
When you file your application, the Board's first action is to determine whether it meets specific requirements—this is governed by law. Looking at the application requirements from another point of view, however, the information you provide establishes the working basis from which the Board makes water right decisions, and your priority relative to others seeking to appropriate water.

You can help the review process along by making certain your application contains accurate and complete information. By doing so, you will be taking a wise first step—one as important as any you will undertake in developing your project.

Common mistakes which delay application acceptance and slow the review process include:

- The project map doesn't clearly identify the proposed place of use or point of diversion.
- The application contains inconsistencies between water amounts and the capabilities of the described project.
- The application contains inconsistencies between water amounts and intended uses. The "Tables of Suggested Water Duty" given in the Appendix of this guide can help you estimate your water needs for domestic use, irrigation, and stockwatering.
- Mathematical errors have been made in unit conversions. The Table of Equivalents given in Appendix IV will help you make necessary conversions.
- General application requirements have not been met.

You should read and understand the instructions included with the application materials *before* you attempt to complete your application. **If you need additional advice as you fill out the application, Board staff will help—call (916) 322-4503.**



How will your application be evaluated?

As already noted, Californians may develop water for beneficial uses, provided the overall interests of the public are served. In evaluating your application, the Board considers:

- Is sufficient water available for the intended use?
- Will the project impair existing rights?
- Can the quantity of water requested be reduced by instituting reasonable conservation measures?
- Could proposed methods for taking and using water result in waste?
- Does the project propose a recognized beneficial use of water?
- Are amounts of water requested consistent with the needs and capabilities of the project?
- Have general application requirements been met?

What general requirements must be met?

The application consists of the application for water right permit, project maps, the environmental information form, and in some cases, supplemental forms. Be sure you have completed all forms accurately and that they are accompanied by necessary fees. Failure to meet these general requirements will cause delay and possible rejection of your application.

Some projects require separate applications. With few exceptions, separate applications must be filed when:

- Water will be taken from two or more sources.
- Some water will be returned to the stream (non-consumptive use) and some won't (consumptive use).
- Water will be taken at two or more places, combined, and used for common purposes, but the units of the project will be constructed in stages.
- More than five stockwatering reservoirs with a combined storage capacity exceeding 25 acre-feet are proposed in the same watershed or general area.
- Water taken directly from the stream will be used primarily for frost protection.
- Water will be taken from one place by two or more parties and used at separately owned places.

When separate applications are required, they may be filed simultaneously to establish an equal priority.

What fees must be paid?

Application fee: With the exception of applications for small hydroelectric projects, a $10 minimum filing fee must accompany each application. Remaining fees must be paid within 30 days of filing or your application will be cancelled. A graduated fee schedule is based on the amount of water you intend to divert or store:

Annual Direct Diversion Amount

$ 4 per cfs or fraction thereof up to 100 cfs **plus**

$ 2 per cfs or fraction thereof up to 500 cfs **plus**

$ 1 per cfs or fraction thereof up to 2,000 cfs **plus**

$.25 per cfs or fraction thereof over 2,000 cfs

Annual Storage Amount

$.05 per acre-foot or fraction thereof up to 1,000 acre-foot per year **plus**

$.02 per acre-foot or fraction thereof up to 5,000 acre-foot per year **plus**

$.01 per acre-foot or fraction thereof up to 100,000 acre-foot per year **plus**

$.002 per acre-foot or fraction thereof over 100,000 acre-foot per year

Application fee for small hydroelectric projects: The Board and the State Department of Fish and Game must be reimbursed for their costs in evaluating and processing applications for small hydroelectric developments. A deposit of $1,000 must be paid within 30 days of the application filing date, with the balance paid as directed by the Board.

Annual fee: After two years, if the application process is delayed at your request, or if required studies or information are incomplete, you may be required to pay an annual fee equal to the original filing fee.

Permit fee: With the exception of permits for small hydroelectric projects, you must pay a fee equal to one-half of the application fee when your permit is issued.

Fee to request time extensions: Permittees requesting extensions of time to begin or complete construction or to develop full use of water must pay a $5 petition fee.

Fee to request project changes: Applicants, permittees, or licensees requesting changes in the point of diversion or place or purpose of use must pay a $10 petition fee.

Beneficial uses

Most recognized beneficial uses of water in California can be described by the following terms:

aquaculture—raising fish or other aquatic organisms

domestic—water used by homes, resorts, or campgrounds, including water for household animals, lawns, and shrubs

fire protection—water to extinguish fires

fish and wildlife—enhancement of fish and wildlife resources, including raising fish or other organisms for scientific study

frost protection—sprinkling to protect crops from frost damage

heat control—sprinkling to protect crops from heat damage

industrial use—water needs of commerce, trade, or industry

irrigation—agricultural water needs

mining—hydraulicking, drilling, and concentrator table use

municipal—city and town water supplies

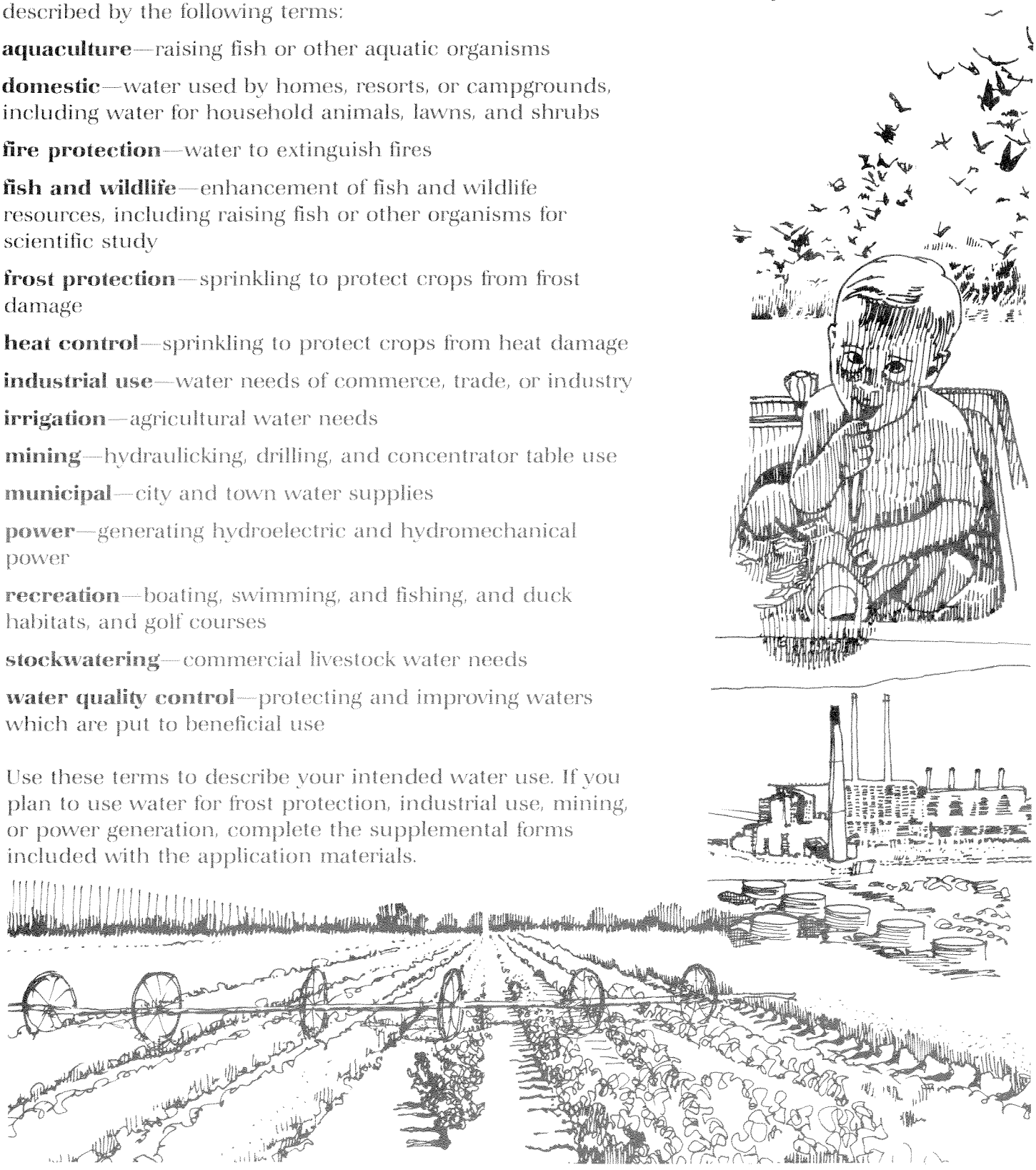
power—generating hydroelectric and hydromechanical power

recreation—boating, swimming, and fishing, and duck habitats, and golf courses

stockwatering—commercial livestock water needs

water quality control—protecting and improving waters which are put to beneficial use

Use these terms to describe your intended water use. If you plan to use water for frost protection, industrial use, mining, or power generation, complete the supplemental forms included with the application materials.



Type of diversion

Methods for taking water include direct diversion and storage.

"Direct diversion" is a term used to describe the taking of water for immediate use or for regulation of water.

Examples of direct diversion include:

- Short-term collection of water into a sump, holding reservoir, or tank where it will be used at a rate more convenient than the rate at which it can be taken from its source.
- Immediate use of water for crop or pasture irrigation.
- Temporary holding of water in a small tank for domestic use.

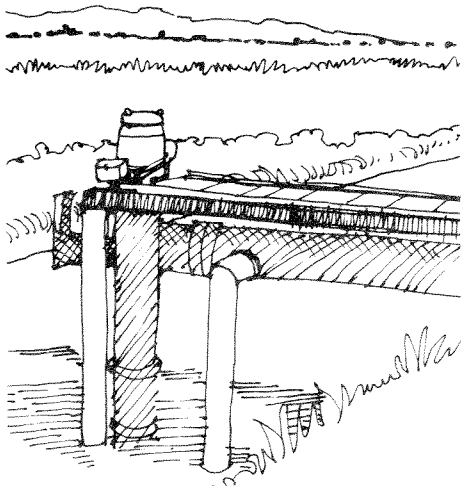
Direct diversion into holding tank for domestic use

"Storage" is the term used to indicate that water will be diverted into a reservoir or other holding facility during a time of higher stream flows for use during periods of reduced flows. For most Californians, this means the collection of winter runoff into a reservoir for use during the summer.

If you propose underground storage facilities or reservoirs storing over 25 acre-feet, complete the supplemental forms included with application materials.

Amount of use

The amounts you request should realistically reflect your needs. In making your estimates, take into account the proposed use and physical features of your project, as well as reasonable water losses due to evaporation, seepage or conveyance.



Direct diversion works

It is important to remember that if you divert and use more water than indicated in your application, you will be required to take one of the following actions:

- Reduce your diversion and use amounts to those indicated in your application, or
- File a supplemental application to request the difference between your actual use amount and your original application amount.

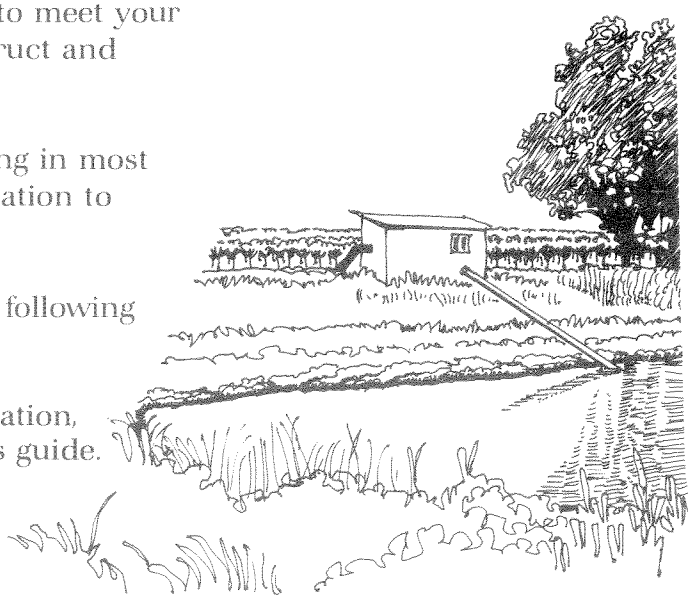
Both of these alternatives will cost you time and money. Therefore, when filing your application, you should carefully

estimate the amounts of water reasonably necessary to meet your needs. Once your permit is issued, you should construct and operate your diversion works accordingly.

The Board will reduce high estimates prior to licensing in most cases, but you would be required to file a new application to increase low estimates.

You should not apply for amounts which exceed the following suggested limits without reasonable justification:

- Direct diversion amounts for domestic use, irrigation, and stockwatering listed in the Appendix of this guide.
- The capacities of your proposed facilities.
- The capacity of your proposed reservoir.



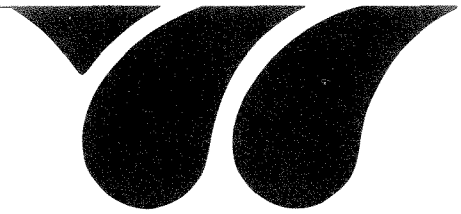
Storage reservoir

You may find it difficult to identify individual amounts of water which would be combined for multiple purposes. For instance, reservoirs frequently serve a variety of water needs—stockwatering, recreation, heat control, irrigation, and frost protection. In these and similar instances, you may bracket uses together and apply for a single amount to cover various needs.

Another common situation involves projects in which individual use amounts can be estimated, but specific amounts to be used from either direct diversion or storage cannot. It may be impossible to know in advance how much water would be needed from direct diversion or storage because fluctuations in annual stream flow conditions make it necessary to augment direct diversion projects with water from storage reservoirs.

For this reason, you may apply for the maximum amount likely to be taken by both direct diversion *and* storage, provided the total amount is within the annual limitations for your proposed project. This provision gives you some flexibility in the operation of your project by allowing you to make adjustments in response to changing stream flows.

For further information about water right permit requirements, write or call the Water Resources Control Board, Division of Water Rights, P.O. Box 100, Sacramento, CA 95801, (916) 322-4503.



APPENDIX

Appendix III

Suggested Water Duty for Stockwatering by Direct Diversion

Stockwatering use includes year-round water for commercial livestock.

TYPE OF STOCK	*GALLONS PER DAY*
Range cattle and horses	15 per head
Hogs and goats	2.5 per head
Sheep	1.5 per head
Milk cows	30 per head
Hosing out dairy barn	35 per head

Table of Equivalents

Appendix IV

1 SECOND-FOOT is a rate of water flow equal to one cubic foot per second (cfs) and equivalent to:

= 7.48 U.S. gallons per second (gps)
= 448.8 U.S. gallons per minute (gpm)
= 646,317 U.S. gallons per day (gpd)
= 1.98 acre-feet per day
= 40 standard (statute) miners inches
= 28.32 liters per second

1 ACRE-FOOT is equivalent to the amount of water which will cover one acre to a depth of one foot, and is equivalent to:

= 43,560 cubic feet
= 325,851 U.S. gallons
= 1,233.45 cubic meters

1 THEORETICAL HORSEPOWER is calculated by multiplying vertical fall of water in feet by the amount of water in second-feet and dividing the product by 8.8, and is equivalent to:

= 550 foot-pounds per second
= 746 watts

1,000,000 U.S. GALLONS PER DAY (gpd) is equivalent to:

= 1.55 cubic feet per second
= 43.81 liters per second
= 3.07 acre-feet per day
= 3,786 cubic meters per day

Appendix V

Related Publications

The following free publications may be requested by writing or calling the State Water Resources Control Board, Office of Legislative and Public Affairs, P.O. Box 100, Sacramento, CA 95801, (916) 322-8353.

Information Pertaining to Water Rights in California

Regulations and Information Pertaining to Appropriation of Water in California

Regulations and Information Pertaining to Determination of Rights to the Use of Water in California

Regulations Pertaining to Protests and Hearings

Small Scale Hydro

Statutory Water Rights Law

Water Right Applications and Permits, Guidelines for Considering Petitions for Extensions of Time

Water Rights for Stockponds Constructed Prior to 1969

The following publications may be requested from the Department of General Services, Publications Section, P.O. Box 1015, North Highlands, CA 95660. Payment must accompany order and checks must be payable to Documents Section. Prices include postage and tax.

Title 23, California Administrative Code, Rules and Regulations for Water $15.00

California Permit Handbook
Stock Number 7540-931-0026-3 ..... $3.00

Final Report: Governor's Commission to Review California Water Rights Law (1979) $4.60

Staff Paper: Appropriative Water Rights of California (1977) Stock No. 0031-1063-8 ..... $3.20

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CALIFORNIA WATER RESOURCES CONTROL BOARD
Division of Water Rights
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