

# CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET • SACRAMENTO, CALIFORNIA • 95814-1910

SERVING THE CATTLE  
INDUSTRY SINCE 1917



PHONE: (916) 444-0845  
FAX: (916) 444-2194  
www.calcattlemen.org

## Water Use & Reporting Informational Fact Sheet

Current law adopted by the California legislature in 1966 requires those that divert water from California's lakes, rivers, streams, creeks or pump water from known subterranean streams to report water use to the State Water Resources Control Board using a Statement of Diversion and Use. The reporting statute applies to all water diversions, including adjudicated and riparian water rights. Certain exemptions exist including:

- the diversion is from a spring that does not flow off the property on which it is located and aggregate diversions do not exceed 25 acre-feet in any year;
- the diversion is covered by a permit or license to appropriate water that is on file with the State Water Resources Control Board;
- the diversion is covered by a registration for small domestic or livestock stockpond uses, or covered by a State Water Board stockpond certificate issued for ponds with a storage capacity of 10 or less acre-feet;
- 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 Resources Control Board by the watermaster, which reports identify the persons who diverted 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 a court or with the State Water Board by a watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, 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;
- the Department of Water Resources reports the diversion in its annual hydrologic data bulletins or is included in the consumptive use data for the Delta lowlands published by the Department of Water Resources in its hydrologic data bulletins; and
- when a notice is filed with the State Water Board for the recordation of groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino, and Ventura Counties;

Until recently, there was no consequence associated with non-compliance, however, following the adoption of water legislation passed by the state legislature and Governor Schwarzenegger last year, a series of fines were established for water diversions that are not reported on an annual basis as currently required by state law.

<b>VIOLATION</b>	<b>Old Penalty (before 2009)</b>	<b>New Penalty (2009 and after)</b>	<b>Correction Period</b>	<b>Per Day After Correction Period</b>
<b>Failure to File</b>	None	\$1,000	30 Days	\$500
<b>Accidental Misstatements*</b> <small>*Including those caused by a broken water measuring device</small>	\$500	\$250	60 Days	\$250
<b>Willful Misstatements*</b> <small>*Including those caused by tampering with a water measuring device</small>	\$1,000	\$25,000	30 Days	\$1,000
<b>Other Violations</b>	None	\$500	30 Days	\$250

Even though the July 1 Surface Water Diversion and Use reporting deadline has passed, CCA would encourage members who have yet to file their statement of diversion for 2009 to do so as soon as possible.

The law does not provide the State Water Resources Control Board (State Water Board) flexibility to alter the July 1 reporting deadline that has been in law since 1966, however, they do recognize that there are additional water users who have not reported and are still learning the process of doing so. Communications with the State Water Board have indicated they understand and recognize the difficulty in getting the word out about the

reporting requirements statewide and the difficulty diverters have had accessing information and assistance in a timely manner. For those having questions relative to measuring diversions, your local Cooperative Extension Farm Advisor, pump company, or Resource Conservation District are good sources to contact.

CCA has been working diligently to provide information on how to comply since the beginning of the year and will continue to assist members on how to report diversions over the next few months. We encourage members that have questions to either contact the State Water Board directly at 916-341-5300 or Justin Oldfield in the CCA office at [justin@calcattlemen.org](mailto:justin@calcattlemen.org) or 916-444-0845.

### **Quick Links:**

Reporting Form:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/st\\_assignment\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/st_assignment_form.pdf)

State Water Resources Control Board Fact Sheet:

[http://www.calcattlemen.org/images/CWR\\_Newsletter\\_January\\_2010.pdf](http://www.calcattlemen.org/images/CWR_Newsletter_January_2010.pdf)

State Water Resources Control Board General Information:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/index.shtml)

State Water Resources Control Board Frequently Asked Questions:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/faqs.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/faqs.shtml)

### **Additional Information Regarding Subterranean Streams:**

Subterranean streams have not been completely identified or mapped in all areas of California. If you have a shallow well in close proximity to a waterway, you may be pulling water from “underflow” and should research your particular situation. The State Water Resources Control Board has a four-part test that it uses to make a subterranean stream determination: 1) a subsurface channel is present; 2) with a relatively impermeably bed and banks; 3) the course of the channel must be able to be known; and 4) groundwater must be flowing in the channel.

Decisions have been issued that find that groundwater under the following streams constitutes a “subterranean stream flowing through known and definite channels” and is therefore subject to the board’s permitting authority:

- Los Angeles River in Los Angeles County
- Sheep Creek in San Bernardino County
- Mission Basin of the San Luis Rey River in San Diego County
- Bonsall Basin of the San Luis Rey River in San Diego County
- Pala Basin of the San Luis Rey River in San Diego County
- Carmel River in Monterey County
- Garrapata Creek in Monterey County
- Big Sur River in Monterey County
- Russian River
- Chorro Creek in San Luis Obispo County
- Morro Creek in San Luis Obispo County
- North Fork Gualala River in Mendocino County

Contact the State Water Resources Control Board, Division of Water Rights at (916) 341-5300 for specific stream reaches and other details of these decisions.