

# ALLOCATE

# WATER RIGHTS COMPLIANCE ASSURANCE

**GROUP:** WATER RIGHTS COMPLIANCE

**MEASURE:** NUMBER OF REPORTS REVIEWED  
NUMBER OF INSPECTIONS  
NUMBER OF VIOLATIONS

**MESSAGE:** Almost 60% of the required Diversion and Use Reports were received by the State Water Board.

### KEY STATISTICS FOR FY 2009-10

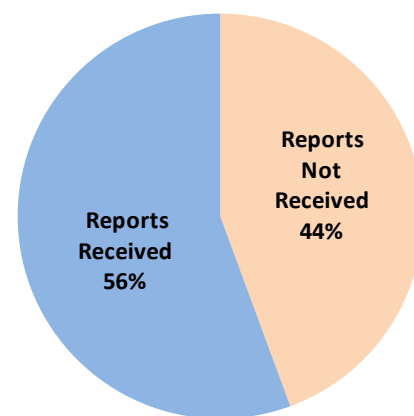
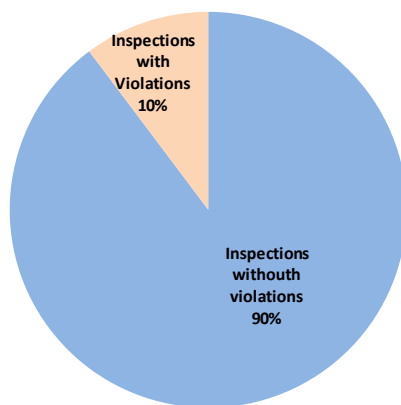
DIVERSION & USE REPORTS PROCESSED: 5,530

INSPECTIONS CONDUCTED: 439

VIOLATIONS DOCUMENTED: 4,458

### MEASUREMENTS:

Type of Water Right Allocation	Number of Water Right Holders	Monitoring Reports Due	Monitoring Reports Reviewed	Field Inspections/ Office Evaluations	Violations (not including reporting)	Failure to Report Violations
Permits	1,518	1,541	1,039	22	19	502
Licenses	10,897	3,697	2,226	-	1	1,471
Statements of Water Diversion and Use	9,770	-	-	-	-	-
Other Water Rights	13,269	4,705	2,265	-	-	2,440
Unknown Basis of Right				417	25	
<b>TOTAL</b>	<b>35,454</b>	<b>9,943</b>	<b>5,530</b>	<b>439</b>	<b>45</b>	<b>4,413</b>



### WHAT THE MEASURE IS SHOWING:

The data shows that almost 60% of the required Diversion and Use Reports were received by the State Water Board. 100% of the reports received were processed by the program. Reporting violations reflect the number of water right holders that failed to submit a report. For violations documented during field inspection, the vast majority related to questions about the basis of the water right.

**WHY THIS MEASURE IS IMPORTANT:**

According to the State Water Board's water rights database system, there are 38,485 water rights records throughout California. In addition, more water rights have been adjudicated by the courts, exempted by legislation or, are otherwise not being exercised and not reported to the State Water Board. Compliance assurance for water rights requirements relies on field inspections and diversion and use report reviews to determine if water right permit and license holders are complying with the conditions contained in their permits and licenses. Almost 10,000 of the water rights record holders must now file diversion and use reports at least once every three years. Due to the large number of recorded water rights in the State, diversion and use report reviews provide an efficient means of assessing compliance.

**TECHNICAL CONSIDERATIONS:**

- Data Source: eWRIMS. Period July 1, 2009 to June 30, 2010. Extracted on August 9, 2010.
- Unit of Measure: Number of Water Right records active FY 09-10. And amount of Water Right (Acre-feet).
- Data Definitions: Pending applications, Licenses, Permits, etc as described in e-WRIMS.
- References: More information on the Water Boards' Water Rights program is available at: <http://www.waterboards.ca.gov/waterrights/>
- Public reports and data are available at: [http://www.waterboards.ca.gov/water\\_issues/programs/ewrims/](http://www.waterboards.ca.gov/water_issues/programs/ewrims/)
- Monthly progress reports are available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/available\\_documents/progress\\_reports/index.shtml](http://www.waterboards.ca.gov/waterrights/publications_forms/available_documents/progress_reports/index.shtml)

**GLOSSARY:****Applications for Water Rights**

Anyone who wants to divert water from a stream that is not adjacent to their property must first apply for a water right permit from the State Water Board. Filing of the application initiates the water rights process, which includes administrative and environmental reviews by State Water Board staff and public participation.

**Permits**

A water right permit is an authorization to develop a water diversion and use project. In deciding whether to approve applications and impose certain conditions in permits, the State Water Board is required to consider water quality control plans, including the protection of the beneficial uses of water, the public interest, reasonableness, and the public trust (protection of resources held in trust for all citizens, such as commerce, navigation, fisheries, and recreational and ecological values). Before issuing a water right, the State Water Board must find that "unappropriated" (unclaimed) water is available to supply the applicant, considering the water flows needed to remain in the stream (instream flows) for the protection of other beneficial uses, including municipal supply, agricultural supply, and fish and wildlife habitat. The water right permit specifies how much and during which season water can be diverted, and other conditions, such as special terms to protect instream flows. The right to use water is obtained through actual use of water within the limits described in the permit.

**Licenses**

A water right license is a certificate issued to confer a vested water right under certain conditions (a vested water right is established through beneficial use of water) and constitutes the final confirmation of the water right. The State Water Board issues a license, which is issued to the appropriator when the water development project is completed, the terms of the permit have been met, and the largest volume of water under the permit is put to beneficial use. A license is issued for only that water that has been reasonably and beneficially used.