

State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
 A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
 READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
 FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE      DIVERTER NAME \_\_\_\_\_  
 SOURCE/TRIBUTARY \_\_\_\_\_      DIVERSION WORKS NAME \_\_\_\_\_

A. Diverter Information			
Diverter Name(s)			
Mailing Address	City	State	Zip
Phone Number	Email Address (if available)		
Person Filing Statement (If Different From Diverter)			
Mailing Address	City	State	Zip
Phone Number	Email Address (if available)		
Land Owner Name			
Mailing Address	City	State	Zip
<b>Mail Receiver</b>	<b>Diverter</b>	<b>Person Filing</b>	

B. Signature and Important Information	
DATE: _____	
SIGNATURE: _____	
PRINTED NAME: _____	
(first name)	(middle name)
(last name)	
I declare that the information in this report is true to the best of my knowledge and belief.	
	
<b>THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, § 5106, subd. (b)(1).)</b>	
<b>SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104.)</b>	
<b>THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)</b>	

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND 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/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/). Revised January 2014.

State Water Resources Control Board  
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PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE      DIVERTER NAME \_\_\_\_\_  
 SOURCE/TRIBUTARY \_\_\_\_\_      DIVERSION WORKS NAME \_\_\_\_\_

**1. Type of Claim**

Check the box(s) which describe the type of claim(s) under which you are diverting water.

Riparian      Pre-1914      Court Decree      Pending Appropriative Application      Pueblo      Other: \_\_\_\_\_

If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:

**2. Water Course Description**

Water Course Name at the point of diversion	Water Course is tributary to
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**3. Legal Land Description**

Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)

Latitude/Longitude Measurements: \_\_\_\_\_

California Coordinate System (NAD 1983): \_\_\_\_\_

USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

Assessor's Parcel Number(s), if assigned:	County
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Provide Public Land Description to nearest 40 acres (if assigned)  
 \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, B&M \_\_\_\_\_

**4. Place of Use Description**

Provide a general description of the area in which the water was used

Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on 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. (check box indicating each map attached)

USGS Topographic Map      County Assessor's parcel map

**5. Purpose of Use Description (Please select all that apply below)**

Irrigation Number of Acres :	Domestic Persons Served :	Stock watering Number of stock and type:	Other Please Explain:
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**6. Diversion Works Description**

Name of Diversion Works, if named	Year in which diversion commenced (or specify nearest known year)
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List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)

Type of Diversion Facility (select one)

Gravity      Water Course Pump      Well Pump      Other (please specify) \_\_\_\_\_

Do you directly divert water?	Capacity of Direct Diversion Works (specify unit and amount) _____	Do you divert water to storage? On-stream storage (Complete Section B) Off-stream storage (Complete Sections A & B)
Yes      No	Cubic feet per second      Gallons per minute      Gallons per day	

A. Capacity of Storage Diversion Works (specify unit and amount) _____	B. Capacity of Storage Tank or Reservoir (specify unit and amount) _____
Cubic feet per second      Gallons per minute      Gallons per day	Gallons      Acre-feet

**7. Quantity of Water Diverted** Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.

Provide the quantity of water diverted each month in the table below as a measured in (check one box)      Gallons      Acre-feet

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

<b>8. Measurement Device Description</b>															
Method used to measure water diverted (select one)															
Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)  Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (If checked, skip section 8a and proceed to section 8b).															
<b>8a. Measuring Device</b>															
Indicate the types of measuring devices used (check all that apply):															
Propeller Meter				Sluice/Slide Gate				Acoustic Meter				Weir			
Staff gage and storage capacity curve								Staff gage and floodable acreage							
Pressure transducer and storage capacity curve								Other: _____							
Indicate any additional technology used (check all that apply and explain below):															
Flow totalizer				Data Logger				Telemetry				Other: _____			
Indicate who installed your measuring device(s) (check all that apply):															
Representative using manufacturer's recommendations								Licensed Civil or Agricultural Engineer							
Representative who is American Water Works Association (AWWA)-certified								Hydrographer							
Representative using United States Geological Survey (USGS) techniques								Other/Unknown: _____							
List the make, model number, and last calibration date of your measuring device(s), if available:															
<b>8b. Explanation of why use of a measuring device is "not locally cost effective"</b>															
Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)															
Diversion is small or minimal in size				Diversions are infrequent				Ungauged Siphon							
No power at diversion point				Other: _____											
Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)															
Electricity records dedicated to the pump						Total facility electricity records minus estimated non-pump electricity									
Engine fuel use or hour meter records						Crop duty estimates/consumptive use estimates									
Power generation estimates						Other water duty estimates other than for crops									
Modeled/estimated flows						Remote satellite imaging									
Pipe/trajectory method						Bucket and stopwatch									
Float and stopwatch						Other: _____									
Explain your measurement alternatives:															
<b>9. Maximum Rate of Diversion (if available)</b>															
Provide the maximum rate of diversion achieved in each month as measured in (check one box)															
cfs                      gpm                      gpd															
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
<b>10. Recent Water Use</b>															
Provide the annual water use in recent years:			Maximum					Gallons		Acre Feet					
			Minimum					Gallons		Acre Feet					
<b>11. Water Conservation Efforts (answer only sections applicable to your diversion)</b>															
<u>Water Conservation:</u> Are you currently employing any methods of water conservation?										Yes		No			
If yes, describe any water conservation efforts in use:															
<u>Water Quality and Wastewater Reclamation:</u> Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?										Yes		No			
<u>Conjunctive use of surface water and groundwater:</u> Are you using groundwater in lieu of surface water?										Yes		No			

# Information and Instructions for Completing the Initial Statement Form

## **General Information**

California law requires each person or entity that diverts and uses surface water to file a Statement of Water Diversion and Use (Statement) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), unless the diversion falls into one of the categories described in Water Code 5101. In particular, those persons who have a permit or license to appropriate water on file with the State Water Board need not file a Statement. A Statement should be filed if water is diverted and used under a claim of riparian right. A Statement should also be filed for pre-1914 water rights for water diversions that commenced prior to the establishment of the State Water Commission (the predecessor to the State Water Board) on December 19, 1914. With few exceptions, Statements should be filed for any diversion that occurred after January 1, 2009 and is not covered by a permit or license.

**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 plus \$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 FILING OUT FORM**

Use this guide to determine if you need to file an Initial Statement of Diversion and Use. This information can also be found in Water Code, sections 5100-5107. You do **not** need to file a Statement 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;
- 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 domestic, small irrigation or livestock stockpond uses;
- The diversion is covered by a State Water Board stockpond certificate issued for ponds with a storage capacity of less than 10 acre-feet in either program;
- 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.

## **INSTRUCTIONS**

A separate Statement must be filed for each individual diversion point from which water is diverted as set forth in the Water Code, section 5102. The following describes the information requested on each form:

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### **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 Statement, that person must also provide his or her name and address.

### **Signature and Important Information**

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

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### **1. Type of Claim**

Indicate the type of claim you are filing. See the claim descriptions below if you are unsure of the type of claim you are using. The following are descriptions of the type of water rights that a user may claim use under:

**Riparian:** A riparian right enables an owner of the land bordering a natural lake or stream to take water on his 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.

**Pre-1914 Appropriative:** A pre-1914 appropriative right is for diversions that have been under continuous use since December 19, 1914. After the formation of the California Water Commission in December 1914, new appropriators are required to obtain a permit or license from the State.

**Court Decree:** An adjudicated right is one in which a court or the State Water Board has determined, by decree, the amount of use allowed to landowners within the adjudicated stream area. You must file a Statement if you are in an adjudicated area if a Watermaster is not filing reports on your behalf. Indicate the decree number when filing a Statement on a court decree claim.

**Pending Appropriative:** An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. If you have filed an application for a water right permit and are not yet permitted, but are diverting water, you are required to file a Statement. Indicate the corresponding application ID number on this line.

## 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.

## 3. Legal Land Description

Provide the location of the point of diversion. You must do so by: 1) depicting the location of the diversion works on a specific USGS topographic map, 2) identifying the location using the California Coordinate System, or 3) identifying the location by latitude and longitude measurements. Each separate diversion point should be reported on separate Initial Statement forms. **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>. If assigned, you must provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

## 4. Place of Use Description

Provide a general description of the area where the water is used. **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. Diversion Works Description

The maximum capacity of the diversion works is the maximum output available for a pump or other diversion source. If you store water and know the storage capacity indicate in gallons or acre-feet. If you do not know the actual storage capacity, you can use the following formula to estimate: Multiply the surface area (in acres) by the maximum depth of the reservoir (in feet) then multiply that by 0.7.

## 7. 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". Beginning January 1, 2012, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

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## 8. Measurement Device Description

Beginning January 1, 2012, water diverters who are required to file a Statement of Water Diversion and Use are required to measure their water diversions using best available technology and best professional practices. If diversions are not measured using best available technologies, the diverter must provide documentation to the State Water Board demonstrating that the implementation of such practices is not locally cost effective. Additional information about measurement devices can be found at: [http://www.waterboards.ca.gov/waterrights/water\\_uses/programs/diversion\\_use/measurement](http://www.waterboards.ca.gov/waterrights/water_uses/programs/diversion_use/measurement). Indicate the method used to measure the water diverted. This is a new requirement for Statements. If you measured with a measuring device, complete section **8a** and skip section **8b**. If you did not use a measuring device, skip section **8a** and complete **8b**.

### 8a. Measuring Device

Indicate the types of measuring devices used, any additional technology used and indicate who installed your measuring device. If none of the check box options apply, use the boxes marked other and include an explanation.

### 8b. No Measuring Device Explanation

If you did not measure your diversion with a measuring device using best available technology, you must indicate why installing a measuring device that utilizes best available technology would not be locally cost effective. Also indicate the method used as an alternative to direct measurement methods.

## 9. Maximum Rate of Diversion

Provide a monthly maximum rate of diversion in the table provided. If precise measurements are not available, provide an estimated average per month.

## **10. Recent Water Use**

Provide the annual amount of water used in recent years. If precise measurements are not available, provide an estimated annual usage.

## **11. Water Conservation Efforts**

Complete (item 11) if you are filing under pre-1914 appropriative water rights and are using conservation methods, using recycled or treated water, or using groundwater in lieu of surface water.

## **SUBMITTING YOUR STATEMENT**

Attach the Statement form to your maps and other supporting documentation. You may submit multiple forms in the same envelope if each diversion work has been labeled. DO NOT send duplicate copies of your Statement. Send Statement documents via one of the following methods:

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

Email: [DWR-statements@waterboards.ca.gov](mailto:DWR-statements@waterboards.ca.gov)

Fax: (916) 341-5400

Faxes and Emails must be legible and contain readable maps.

## **FREQUENTLY ASKED QUESTIONS**

Q. Why do I need to submit a Statement of my diversion?

A. Water Code, section 5101 requires every person who diverts water to file a Statement with the State Water Board.

Q. When should I file my Statement?

A. A Statement must be filed for a diversion that takes place in the prior year. For example, if water is diverted any time in annual year 2012, a Statement must be filed on or after January 1, 2013 but no later than June 30, 2013. A separate Statement should be completed for each point of diversion.

Q. What happens after I submit my Statement?

A. Once a Statement is received, the Division will assign it a Statement number. If a Statement is missing required information, the Division may notify the diverter. All correspondence concerning these Statements should refer to the assigned Statement number.

Q. How often do I need to report usage in subsequent years?

A. Supplemental Statements must be filed at three-year intervals and must be filed on line with the Division prior to July 1 of the reporting year.

Q. How can I update or make changes to my information?

A. Changes in the name and address of the person diverting the water must be reported on a Supplemental Statement, regardless of whether the changes occurred during a reporting year. If the location of the existing point of diversion as identified on the Statement or Supplemental Statement has changed, the new location must be reported on the Supplemental Statement. If there is a new point of diversion, a separate Statement must be filed with the Division.

Q. Do I need approval from any other agencies to divert water?

A. You are responsible for ensuring all proper permits from local, state or federal agencies are acquired.

## **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 Statement of diversion and use. The agency official responsible for this system of records is Robert Rinker, Jr., Staff Services Manager I, whose business address is 1001 I Street, 14<sup>th</sup> Floor, Sacramento, CA 95814 and whose business telephone is (916) 322-3143. 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 Statement is mandatory. The submission of the phone number and e-mail address of the diverter and person filing the Statement is voluntary. The submission of the name and address of the land owner is voluntary. Failure to provide the mandatory information can result in the imposition of administrative civil liability in the amount of \$1,000 plus \$500 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 does not know of or foresee any disclosures of personal information 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](mailto: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, 2<sup>nd</sup> Floor, Sacramento, CA 95814 during normal business hours.