

The California Water Boards' Annual Performance Report - Fiscal Year 2010-11

ALLOCATE: WATER RIGHTS ENFORCEMENT

GROUP: WATER RIGHTS ENFORCEMENT	MEASURE: NUMBER OF REVOCATIONS NUMBER OF CASES CLOSED NUMBER OF ENFORCEMENT ACTIONS
MESSAGE: <i>Illegal water use is the basis for most enforcement actions and penalties.</i>	KEY STATISTICS FOR FY 2010-11
	Number of Revocations: 395
	Number of Cases Closed: 244
	Number of Formal Actions: 5

MEASUREMENTS

Type of Water Right Action	Revocations	Enforcement and Complaint Cases Closed	Informal Actions (Letters, Email, Phone)	Formal Actions (Cease and Desist Orders)	Formal Actions (Administrative Civil Liability)	Penalties Assessed
Permits	20	31	19	0	0	\$20,875
Licenses	23	2	1	0	0	\$0
Other Water Rights	352	7	0	0	0	\$0
Unknown Basis of Right	0	244	43	3	2	\$73,000
TOTAL	395	244	63	3	2	\$93,875

WHAT THE MEASURE IS SHOWING

Most of the enforcement actions are for entities whose basis of water right is unknown. The program initiates both informal and formal actions to address permit violations and curtail illegal diversions however, informal actions are used much more frequently

WHY THIS MEASURE IS IMPORTANT

The State Water Board allocates water rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water. Enforcement of water rights is a discretionary action taken on a case-by-case basis. The Division of Water Rights' Enforcement Section, consisting of the Complaint, Licensing and Compliance Units, perform statewide field inspections to review complaints, monitor compliance and conduct special watershed investigations.

Violations detected during compliance inspections and illegal diversion investigations are especially important in high resource-value watersheds including those containing threatened and endangered species. Information regarding an actual or potential unauthorized activity is often obtained through a formal written complaint filed by the public or by another public agency. Complaints may be based on allegations that a diversion of water is in violation of permit or license terms or conditions, is without basis of right, constitutes a misuse of water (i.e., a waste or unreasonable use of water or unreasonable method of diversion), or adversely affects public trust resources in an unreasonable manner. Enforcement actions are intended to curtail illegal diversions and to protect prior rights and instream beneficial uses.

TECHNICAL CONSIDERATIONS

- Data Source: eWRIMS. Period July 1, 2009 to June 30, 2010. Extracted on August, 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/
Monthly progress reports are available at: http://www.waterboards.ca.gov/waterrights/publications_forms/available_documents/progress_reports/

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.