



SAN LUIS OBISPO COUNTY FARM BUREAU

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MEMO

Date: June 1, 2010

By: Joy Fitzhugh, Legislative Analyst

Re: Filing of diversion of springs with the State Water Resources Board

**IS YOUR DOMESTIC WATER SOURCE A SPRING?
DO YOU IRRIGATE WITH SPRING WATER?
IS YOUR SPRING FED STOCKPOND USED FOR MORE THAN JUST
LIVESTOCK WATERING?
IS YOUR WELL ON A SUBTERRANEAN SPRING?**

**THEN YOU MUST FILE, BY JULY 1, WITH THE STATE WATER BOARD
DIVISION OF WATER RIGHTS**

What this means is, if you take water from a spring or well that pumps from a “known subterranean stream”, whether you are in agriculture or not, you will have to fill out the 2-page forms and send them in. (see the link below) Legislation passed late last year has created serious fines of \$1,000 plus \$500 per day if your failure to file continues after 30 days.

What does this mean? By July 1, you need to fill out the forms, including such other information as:

1. The type of claim you are making, is it riparian, pre-1914 claim or from a court decree;
2. The name of the water body you are taking the water from
3. The county Assessor’s parcel number and you need to indicate and send a USGS topographic map showing the point of diversion and point of use of the water;
4. The amount of the water you use and how the water gets from the spring to you, i.e. gravity flow, pumping etc.;
5. What you use the water for;
6. You must file a separate form for each spring or riparian well.

Most of us will have to file with the Division of Water rights because there are basically only 4 types of diversions where you don’t have to file.

- ❖ The diversion is from a spring that does not flow off the property on which it is located AND all your diversions together do not exceed 25 acre-feet in any year;
- ❖ The diversion is already covered by a permit or license to appropriate water that is on file with the Division of Water Rights;

- ❖ The diversion is covered by a registration for small domestic or livestock stockpond uses with a storage capacity of 10 or less acre-feet and was constructed prior to January 1, 1969 and the State Water Board issued a water right certificate;
- ❖ The diversion is from a source regulated by a court or state appointed watermaster, where the watermaster maintains the records of the diversion.

If you log onto www.swrcb.ca.gov/waterrights then scroll down to Announcements and click on **New! Information Regarding Statement of Water Diversion and Use**, you can print off the forms. There is a Frequently Asked Questions section on the Water Rights website and you can call the Water Rights Information Line at 916-341-5300 with questions.

It is important to file the forms to prevent possible fines and penalties.