

Trinity County Water Regulations

Regulations regarding water use (and misuse) are dispersed across many agencies in California. In order to make it easier for Trinity County residents to find the information they are looking for, the material compiled here was gathered from websites and through personal communications. This is a first draft. We welcome feedback and additional material.

Statement of Diversion (excerpts)

California Water Code §5101 requires each person or organization that uses diverted surface water or pumped groundwater from a known subterranean stream after December 31, 1965 to file with the State Water Board a Statement of Water Diversion and Use prior to July 1 of the following year.

A Statement is not a confirmed water right; it is simply a statement made by the person or organization who diverted and used the water.

California law requires each person or organization that uses water to:

- 1) file a Statement of Water Diversion and Use (Statement); or
- 2) file an application to appropriate water with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).

The main purpose of the Statement Program is to create a central repository for records of diversions and uses of water (this differs from records of licensed appropriated rights). The information collected from the Statements helps the Division to protect the rights of existing and known diverters and to evaluate whether there is a reasonable likelihood that water is available for appropriation for new applications. In the future, water use reported on Statements and in reports required under the appropriation process will also help the Division to assure the proper allocation of the state's water resources.

Failure to file a statement for each diversion that occurred after January 1, 2009 may be subject to civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues after 30 days of the State Water Board notification of the violation.

Benefits to filing Statements of Diversion:

- Water diverters with records on file are notified directly by the Division of Water Rights if someone is applying for a water right to divert water upstream from their diversion. Existing water diverters will be able to file a protest of these intended diversions.
- In years of water shortage, Statements of Water Diversion and Use may be able to help a water user continue their diversion.

Agency Abbreviations

CDFW: California Dept. Fish and Wildlife; CDWR: California Department of Water Resources; SWRCB: State Water Resource Control Board; USFS: US Forest Service; EPA: US Environmental Protection Agency.

Topic	Actions	Jurisdiction	Agency	Details
Surface Water Diversion	Drawing water from streams	Riparian Rights – statement of diversion	SWRCB	Riparian rights are those where water is extracted for use on lands that directly border the stream. Any owner of a parcel immediately adjacent to a water course has the right to take water for domestic and agricultural use at any time unless specific deed restrictions are stated in the title to the land. Riparian rights do not require a permit from the SWRCB, however, the SWRCB requests that riparian water users file a statement of diversion and use .
		Appropriative rights - statement of use	SWRCB	Any removal of water from stream side areas for delivery to non-adjacent parcels constitutes appropriative use, which requires a permit from the SWRCB. For example, where two adjacent properties use a shared water system and one property touches the stream and the other does not; a property directly adjacent to the stream can file a riparian claim and divert water to their property. The “place of use” with a riparian claim must be on the parcel that touches the stream, so the second property likely requires an appropriative right.
		Adjudication	SWRCB and CDFW	A legal process to determine ownership of water rights is known as adjudication. After adjudication takes place, water users in the affected area may request the California Department of Water Resources (CDWR) appoint a water master, who has the power to uphold the court order.
		Water truck/tender pumping laws	CDFW	Taking water from a stream requires a statement of diversion regardless of whether it is pumped, diverted to an irrigation ditch, or removed by water tender truck. As trustee for California’s fish and wildlife resources, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The California Water Code requires that when considering the appropriation of water, the State Water Board consult with CDFW on the amounts of water needed for fish and wildlife. CDFW has the authority to impose conditions to protect fish and wildlife in Small Domestic Use, Small Irrigation Use, and Livestock Stock pond Use Registrations. Region 1 CFW water rights contacts: Donna Cobb, Supervisor, Habitat Conservation; (530) 225-2314; Donna.Cobb@wildlife.ca.gov ; Jane Vorpapel, Staff, (530) 225-2124 Jane.Vorpapel@wildlife.ca.gov http://www.dfg.ca.gov/water/water_rights.html Accessed 5/14/14

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Surface Water Diversion	Drawing water from streams	Who has water rights and where?	SWRCB	The Electronic Water Rights Information Management System (eWRIMS) is a computer database developed by the State Water Resources Control Board to track information on water rights in California. eWRIMS contains information on Statements of Water Diversion and Use that have been filed by water diverters, as well as registrations, certificates, and water right permits and licenses that have been issued by the State Water Resources Control Board and its predecessors. To view a map of all claimed or authorized water diversions in California, go to the following website: http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/index.shtml
	Drawing water from springs	Appropriative rights - statement of use	SWRCB	If the spring begins and ends on your property, you do not need to file anything and are welcome to take as much water as you like as long as you are not impacting wetlands. Diversions from a spring that does not flow off the property on which it is located and from which the person's combined diversions do not exceed 25 acre-feet in any year are exempt from filing a Statement of Water Diversion. Springs flowing off the property are streams and and/or springs that produce 25 acre feet aggregate need to file a statement.
	Water Storage: tanks, ponds, etc.	Water Storage Registration – Small Domestic Use	SWRCB and CDFW	A relatively simple way to secure an appropriative right is to file a Registration of Small Domestic Use, which allows storage of three million gallons. The California Department of Fish and Wildlife, in collaboration with the State Water Resources Control Board, has developed an expedited process for applying conditions to Small Domestic Use registrations for diversions that meet certain criteria. Registrations that meet these criteria are known as Emergency Tank Storage Registrations. Please see the Small Domestic Use Registration form for more information. Small Domestic Use is defined as: “that use is defined by board rule, or use for aesthetic, fire protection, recreational, or fish and wildlife purposes that is associated with a dwelling or other facility for human occupation that does not exceed direct diversion of 4,500 gallons per day or diversion to storage of 10 acre-feet per annum.”
	Diversions on USFS land	Use Permits	USFS	No public database is available to check on USFS permits like the state has. Water rights are under the purview of the state. The USFS regulates permits on the physical infrastructure that transports water from point A to point B when the infrastructure crosses USFS property. In order to apply for a permit, applicants must provide documentation of ownership of property (land), and demonstrate that water rights are attached to the ownership (normally shown on the deed). Once application is submitted,

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				<p>USFS will conduct an Environmental Compliance study. Permits are not always granted. The stream may be already fully appropriated even if SWRCB does not designate it as such, because the USFS assigns rights to wildlife and looks for “best use of land.”</p> <p>If you see something that doesn’t look right – report to nearest ranger station with accurate description of location (GPS location would be great) and the USFS will look into it..</p> <p>Source: Phone conversation with Nick Szuch in special use department at Weaverville Ranger Station; 623-1794; 5/14/14</p>
Surface Water Diversion	Drawing water from streams requires a screen to protect fish from being sucked up and killed.	Screening laws (if possibility of fish being affected)	CDFW	<p>Screens are required at the point of diversion to keep juvenile fish out of harm. There are many required specs for screening water diversions. For example, pumps have one type of screen while gravity diversions have an entirely different type. This page on the CDFW website is a good reference point: http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp</p>
Work in or near a stream	In-stream work/disturbance	1600 permits	CDFW	<p>Fish and Game Code section 1602-1600 requires any person, state or local governmental agency, or public utility to notify CDFW before beginning any activity that will do one or more of the following:</p> <ol style="list-style-type: none"> 1. substantially divert or obstruct the natural flow of any river, stream or lake; 2. substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or 3. deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. <p>To find out if it is legal, call Redding CDFW office at 225-2300. They will be able to give a “yes” or “no” if it is permitted. Please provide as much information as possible for them to find permit, including any of the following: last name of land owner, apn (parcel number) or physical address; name of creek & trib to which river. If it is not permitted, best to call 888-DFGCalTip: 888-334-2258 and report it there; it may be processed sooner than if Redding office turns it in. Source: 5/14/2014 phone conversation w/ Rochelle at Redding DFW Office.</p>
	Suction dredging	SB 670	CDFW	<p>It is currently unlawful under the Fish and Game Code to possess any vacuum or suction dredge equipment in or within 100 yards of any river, stream, or lake in California.</p> <p>http://www.dfg.ca.gov/licensing/specialpermits/suctiondredge/existingpermitfaqs.html Redding office: 225-2300 or DFG CalTip: 888-334-2258</p>
Rainwater	“Sheet flow” collection	None	SWRCB	<p>“Sheet flow” is informally defined as “a flow of water that originates from precipitation, snowmelt, or rising groundwater that covers a large aerial extent of the ground surface in a relatively thin film and is not concentrated into a</p>

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				watercourse.” If the collection is truly “sheet flow” and not a diversion from a known and definite channel, then there is nothing in the Water Code that requires reporting to the State Water Board.
Groundwater	Installing a well	Ground water use ordinance	Trinity County	<i>Trinity County Code: 15.20.040 Acts prohibited-Permit required.</i> No person shall, within the county of Trinity, construct, repair, modify or destroy any well unless a written permit has first been obtained from the health officer as provided for in this chapter. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the department within seventy-two hours by telephone or in person of the work being done. Trinity County Environmental Health: Peter Hedtke 623-1459
	Drawing water from a well		SWRCB	Ground water taken from wells does not require a permit from the SWRCB unless the water taken comes from a clearly defined underground aquifer. Diversions covered by a Notice of Groundwater Extraction and Diversion (Riverside, Los Angeles, San Bernardino, and Ventura counties only).
			CDWR	The California Department of Water Resources tracks some well log data, but information collected is confidential. DWR groundwater contact: Bill Ehorn 528-7403
Pollutants	Point source pollutants	Clean Water Act	EPA	Point source pollution refers to the pollution that comes from a specific, identifiable source, such as a pipe or channel.
	Non-point source pollutants	Clean Water Act	EPA	Non-point source pollution is pollution that occurs when rainfall, snowmelt, or irrigation runs over land or through the ground, picks up pollutants, and deposits them into rivers, lakes, and coastal waters or introduces them into ground water. Unlike “point source” pollution (such as industrial plants discharging toxins), non-point source pollution comes from many diffuse sources. EPA http://water.epa.gov/polwaste/nps/whatis.cfm