

CONSIDERATIONS FOR CONVEYANCE AND WATER RIGHTS



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KEY POINTS

- Start planning long in advance
- Know the source – where does the water come from?
- Consider other uses and users, and how that will affect water availability for your project
- The timelines are long – plan accordingly

ADVANCE PLANNING

- New water rights can take a long time to process
- Doing work in advance will significantly shorten permitting timelines:
 - CEQA (that includes the water rights element)
 - Environmental considerations
- Identify roadblocks early in the process (avoids surprises)

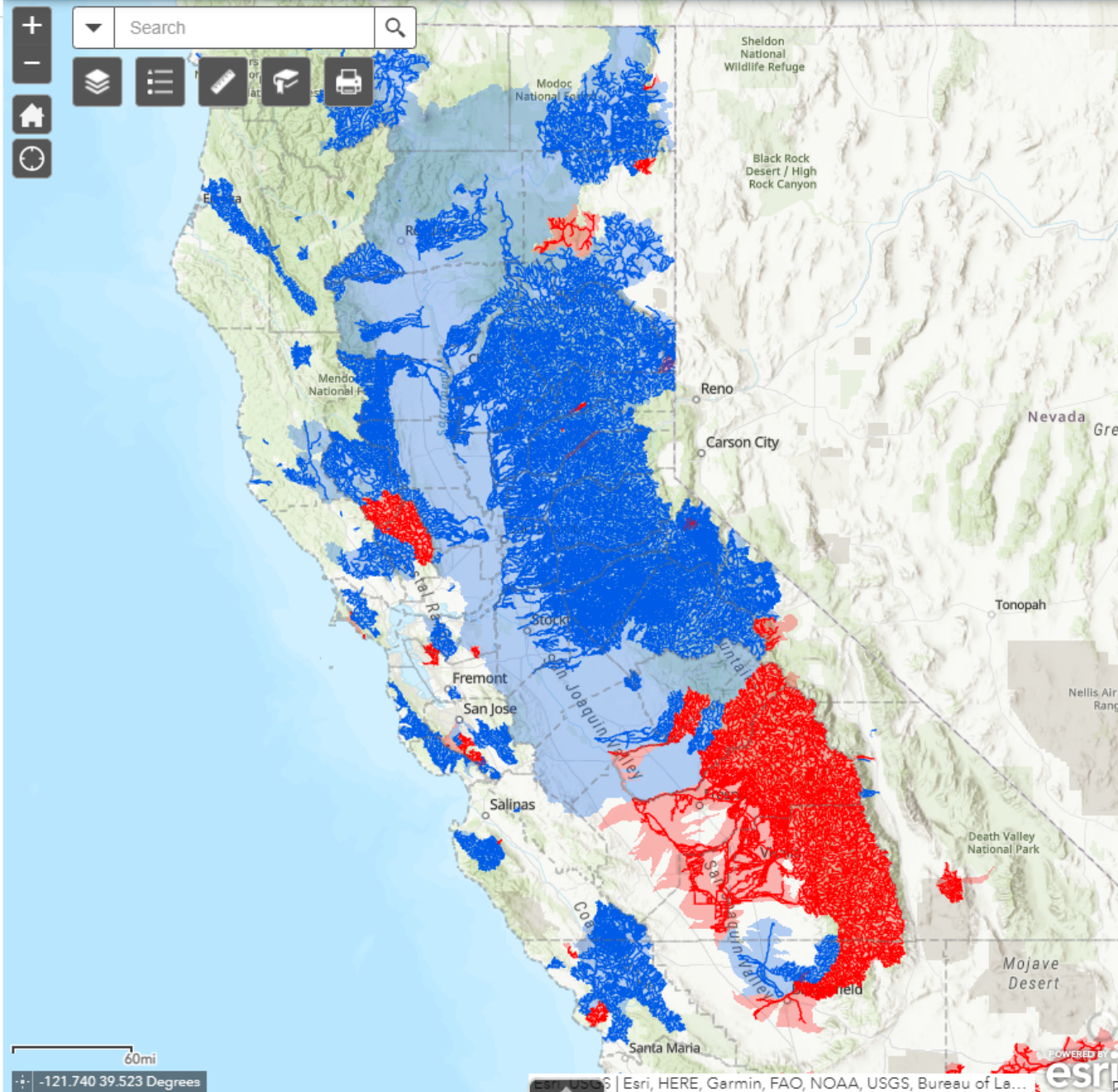
KNOW YOUR SOURCE!

- Where is your water coming from?
- New sources will require a new water right
- Water repurposed from existing rights can sometimes require a water rights change petition (including transfers)
- Water isn't always available

STREAM SYSTEMS DECLARED FULLY APPROPRIATED BY THE STATE WATER BOARD



This interactive map displays information regarding fully appropriated stream systems (FASS) in California. On November 19, 1998, the State Water Resources Control Board (State Water Board) adopted [Water Right Order 98-08](#), which was based on prior decisions and orders that determined no water remains available for appropriation from certain sources during specified months. [Exhibit A of](#)



RED = Fully appropriated year-round

BLUE = Fully appropriated for part of the year

OTHER USES AND USERS

- New water rights cannot negatively affect senior right holders, and must evaluate their effect on the environment
- Change petitions must consider how revised operations or use of the water will affect other users
- Other users and stakeholders can protest a new right or petition, and the Board cannot issue a permit until those protests have been resolved
- Large or controversial projects can assume they will go to a water rights hearing

TIMELINES

- New water rights and change petitions can take a long time to process
 - A lot depends on the applicant – CEQA, protest resolution, completed project descriptions at the time of application
 - Many projects take 5-15 years just for the water right permitting component (CEQA, protest resolution, hearing)
 - A rigorous water availability analysis will speed things up
- Hearings can be an effective way to resolve protests and speed up processing, but should not be considered a shortcut.

SUMMARY

- Start planning early!
- Identify the source of the conveyed water as soon as possible, and begin the water rights permitting process if applicable
- Don't assume that water is always there! Fully Appropriated Streams, senior right holders, and environmental/public trust flows must be part of the planning and permitting process
- Understand the water rights timelines before your process begins