Water Rights Permitting for Groundwater Recharge Projects

Amanda Montgomery
Program Manager
Division of Water Rights
State Water Resources Control Board
Recharge & Water Rights

- Capturing and storing surface water in a groundwater basin for later use requires an appropriative water right
  
  ➢ Recharge = type of storage, not a beneficial use

- Special Situations
Temporary Permits for Recharge

- Last 180 days, but stored water remains available

- Water Rights Fees: now reduced to $100+ (recharge of high flow events)

- Executive Order B-39-17: CEQA suspended and prioritized processing for local and state agencies (recharge of high runoff events)
Temporary Permits - Process

- Evaluate water availability, consult with Dept. of Fish and Wildlife, CEQA (if applicable)

- Findings: (1) public interest, (2) urgent need, (3) no injury to legal users, (4) no unreasonable effect on fish, wildlife, instream beneficial uses

- Issue public notice – Objections
Tips for Temporary Permitting

- Fish and wildlife concerns
  - Recommend early contact with Dept. of Fish & Wildlife

- Showing beneficial use
  - Consult early with Permitting staff on possible approaches

- Linking water stored to water used
Surface Water Availability

- Standard permit: Unappropriated water must be available (Wat. Code § 1375(d))
  - Consider senior diverters, fisheries, instream beneficial uses
  - Data sources: streamflow gage and precip. data, flow models, instream flow criteria, eWRIMS
  - Temp. permit: review available information (§ 1427(a))

- Diverting very high flows -> lower risk of injury to other users / fish and wildlife
Interested?


- **Staff Contacts**
  - Sarah Sugar: [sarah.sugar@waterboards.ca.gov](mailto:sarah.sugar@waterboards.ca.gov) or (916) 341-5426
  - Darren Tran: [darren.tran@waterboards.ca.gov](mailto:darren.tran@waterboards.ca.gov) or (916) 341-5388