

## State Water Resources Control Board Requires Additional Reporting by Riparian and Pre-1914 Water Right Owners

The California State Water Resources Control Board ("State Board") issued an Informational Order on February 4, 2015 requiring major pre-1914 and riparian water users on the Sacramento and San Joaquin Rivers to report on water diversion and points of diversions for 2014 and 2015 no later than March 6, 2015. The Informational Order was prompted by complaints filed by the California Department of Water Resources and U.S. Bureau of Reclamation and by the California Sportfishing Protection Alliance. The complaining entities alleged that certain pre-1914 and riparian water right owners were illegally diverting riparian flow and water that had been released from State Water Project and Central Valley Project facilities impacting Project deliveries and Delta water quality standards.

The Order requires all major pre-1914 and riparian water right owners to comply with the informational reporting requirements, including providing the monthly total water diversions for each month in 2014 and anticipated diversions for 2015. For direct diversion, the information must include the total amount of water diverted and the maximum rate of diversion for each month. For storage, the diversion information shall include the quantity collected to storage each month. The water right owners must identify the location of each point of diversion, place of use, and purpose of use for the reporting time periods. In addition, the State Board is requesting documentation supporting the type of water right claimed. For riparian right owners the State Board is requesting the property patent date and patent map. Pre-1914 water right owners are to provide a copy of notice filed with the county, copy of property deed and all other information supporting the pre-1914 right pertaining to initial diversion and continued beneficial use of water.

The State Board provided a list of 445 major water right owners claiming pre-1914 or riparian rights who must file the reports. The action is taken under the authority of the State Board's emergency regulation (23 CCR section 879, subdivision (c)) and the emergency drought orders now in effect. The Order goes into effect on March 1, 2015 and requires reporting by March 6, 2015. Failure to comply with this Order subjects the water right owner to enforcement action, including potential fines of \$1,000 each day and \$2,500 per acre foot above entitlement for any unauthorized diversion under Water Code section 1052. For more

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