**Water Rights and Hydrogeomorphic Factors Questionnaire**[[1]](#footnote-1)

***Project Title***

*As listed in application*

***Applicant Name***

*As listed in application*

**WATER RIGHTS**

1. EXISTING WATER RIGHTS ASSOCIATED WITH THE PROPOSED PROJECT Please fill out the following table for all water rights associated with the project (attach additional sheets if necessary). This information can be found using the State Water Resources Control Board’s (State Water Board) Electronic Water Rights Information Management System (eWRIMS): <https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/>

For assistance locating water rights information using eWRIMS contact the State Water Board’s Division of Water Rights at (916) 341-5300.

First row is used as an example

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **APPLICATION OR STATEMENT NUMBER†** | **WATER RIGHT TYPE** | **PRIMARY OWNER** | **DIVERSION SEASON** | **DIVERSION AMOUNT\*** | **DIVERSION RATE\*** |
| *A036958* | *Appropriative* | *Joe C. Public* | *12/15 – 3/31* | *14 acre-feet* | *1.0 cfs* |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

† Application numbers are for post-1914 appropriative water rights and start with the letter “A”; Statement numbers are for other types of water rights, such as riparian and pre-1914 appropriative rights, and start with the letter “S”.

\* Include unit of measure

1. POINT(S) OF DIVERSION Identify the location of points of diversion located within the project area that may be affected by the project. Provide coordinates in Decimal Degrees (e.g., Lat: 38.572906, Long: -121.498440).

Latitude:       Longitude:

Add more points as necessary:

1. PROPOSED CHANGES TO EXISTING WATER RIGHTS Would implementation of your project require changes to any of the water rights listed above? If yes, please describe the changes, specify the parties and water right(s) involved (Application and/or Statement numbers), and answer the questions below.
	1. Have you or do you plan to file a petition with the State Water Board seeking approval for the changes described above?
	2. Does your project involve an instream flow dedication? If yes, please explain the anticipated purpose, amount, timing, duration, and geographic scope of the dedication.
	3. Petitions for changes to existing water rights for the purposes of preserving or enhancing wetland habitat, fish and wildlife resources, or recreation in or on the water are processed under Water Code section 1707. Do you plan to file a petition pursuant to Water Code section 1707?
	4. Have you consulted with the State Water Board or any other local, state, or federal agencies regarding the proposed changes and/or petitions described above? If yes, please describe the scope and outcome of the consultations.
2. WATER RIGHT COMPLIANCE ISSUES AND ENFORCEMENT PROCEEDINGS Are there any pending water right compliance issues or enforcement proceedings associated with any of the water rights listed above? If yes, please describe the water rights involved (Application and/or Statement numbers) and the nature of the compliance issues and/or enforcement proceedings.
3. APPLICABLE WATER RIGHT TYPE
	1. Adjudicated Rights If the right is an adjudicated right, please attach a copy of the court order that established the adjudicated right and all subsequent court orders. Indicate which right your claim is based on.
		1. Are you in compliance with the terms of the court order(s) establishing your right? If not, please explain.
	2. Riparian Rights If the right is a riparian right, please attach a copy of the deed upon which the riparian right is claimed.
		1. Was the parcel that forms the basis of this right ever part of a larger parcel?
			1. If so, was the riparian right reserved, either expressly or impliedly, when the original parcel was subdivided?
		2. Has the riparian right been made subordinate to other water rights through an adjudication?
			1. If so, please attach a copy of the relevant court order and any subsequent orders affecting your right.
	3. Appropriative Rights If the right is an appropriative right, has the right or any portion of the right been unused over a five-year period? If so, please explain.
		1. Has any other appropriator used or made a claim to the unused portion of the right? If so, please explain.
		2. Has the appropriative right been abandoned?
	4. Pre-1914 Appropriative Rights If the right is a pre-1914 appropriative right, please attach documentation of the right.
		1. Please explain the basis of the pre-1914 claim.
		2. Has the full amount of the right been put to continuous, beneficial use since it was established? If not, what portion of the right has been put to continuous, beneficial use?
	5. Post-1914 Appropriative Rights If the right is a post-1914 appropriative right, do you have a permit or license from the State Water Resources Control Board? If so, please attach the most recent filing(s) submitted to the State Water Resources Control Board.
		1. Are you in compliance with all terms of your permit or license? If not, please explain.
		2. If you do not have a permit or license from the State Water Resources Control Board, have you filed an Application with the State Water Resources Control Board? If so, please explain the status of your Application and list the proposed date for final action, if known.
4. INITIATION OF NEW WATER RIGHTS Would implementation of your project involve the initiation of new water right(s)? If yes, please describe the type of water right(s) involved, the source of water to be diverted, the method of diversion (direct diversion or diversion to storage), diversion amount, diversion rate, diversion season, and purpose(s) of use.
5. WATER LEASES Would implementation of your project involve a water lease? If yes, please specify the water rights(s) involved, describe the scope of the lease(s), and answer the question below.
	1. Have you consulted with the State Water Board or any other local, state, or federal agencies regarding the proposed the water lease(s) described above? If yes, please describe the scope and outcome of the consultations.
6. FOREBEARANCE AGREEMENTS A forbearance agreement is a formal arrangement between an individual or organization and a water right holder that specifies how a water diversion will be managed for instream use. These agreements do not change the terms of the water right, but specify conditions under which a water right holder will forgo diversion to allow water to be left instream. Will implementation of your project involve a forbearance agreement? If yes, please describe the anticipated scope of the agreement, the water rights that would be involved (Application and/or Statement numbers), and the parties that would be signatory to the agreement. Please provide a draft agreement, if available. (NOTE: CDFW will not enter into forbearance agreements with applicants or other entities.)
7. OTHER VOLUNTARY AGREEMENTS Would implementation of your project involve other formal, voluntary agreements with outside parties or organizations with regard to the operation of existing or pending water rights? If yes, please describe the anticipated scope of the agreement, the water rights that would be involved (Application and/or Statement numbers), and the parties that would be signatory to the agreement.
8. TRANSFER OF WATER RIGHTS Would implementation of your project involve a transfer of water or water rights? If yes, please explain the anticipated purpose, amount, timing, and duration of the transfer.
	1. Petitions for long-term transfers of water or rights involving a point of diversion, place of use, or purpose of use are processed under Water Code section 1735, 1736, and 1737. Do you plan to file a petition pursuant to Water Code section 1735?
	2. Have you consulted with the State Water Board or any other local, state, or federal agencies regarding the proposed changes and/or petitions described above? If yes, please describe the scope and outcome of the consultations.
9. STREAM FLOW EFFECTS Quantitatively and qualitatively explain how the water rights changes described above will measurably enhance streamflow, and explain the significance of these effects. Please make sure your answer speaks to the geographic scope, timing, duration, and quantity of the enhancement.
10. EFFECTS ON OTHER WATER RIGHTS Please describe how your project will affect water availability for water rights located upstream and downstream of your project.
11. EFFECTS OF PROJECT ON STREAM HYDROGRAPH Will the hydrograph of any stream be altered as a result of the proposed project? If yes, please clearly describe how the hydrograph will be altered.
12. EFFECTS OF PROJECT ON GEOMORPHOLOGY Is the anticipated stream flow enhancement significant enough to alter the geomorphology of affected stream channels and floodplains? If yes, please describe how these alterations would affect fish and wildlife.
1. *This questionnaire is adapted from an attachment for the Wildlife Conservation Board’s Stream Flow Enhancement Program* [↑](#footnote-ref-1)