

# Technical Guidance

## Checklist for Case-By-Case Exception Requests for Applications Requesting Onstream Dams

*This checklist is intended to aid applicants in preparation of case-by-case exception requests for acceptance of applications involving onstream dams. Elements that Policy section 9.0 requires in a case-by-case exception request are listed in bold and Division staff suggestions and examples are included in italics. None of the suggestions below are required for a successful exception request, however, following these suggestions may make for a stronger exception request. This checklist should not be considered legal guidance and may be updated periodically.*

- A detailed description of the reason for the request**
  - *Suggestion: Describe why this project is uniquely suited to a case-by-case exception.*
- The Policy provisions that are involved**
  - *Example: Policy section 2.4.1, item 1 for onstream dams on Class 1 streams or Policy section 2.4.2, item 1 for onstream dams on Class 2 streams.*
- Documentation of the reasons why the exception will not compromise maintenance of instream flows in the policy area**
  - *Suggestion: Describe how the project complies with the principles in Policy section 2.1.*
  - *Suggestion: Consider whether the project can be structured or modified to avoid compromising maintenance of instream flows.*
    - *Example: Design or revise the project to be consistent with regionally protective criteria identified in the Policy and/or to sustain the project without the onstream dam.*
    - *Example: For currently operating projects, are interim operating conditions consistent with regionally protective criteria such as the season of diversion?*
  - *Suggestion: Engage the California Department of Fish and Wildlife (CDFW) for feedback. A list of CDFW staff by region is maintained here: [CDFW Water Rights Contact Map](#).*
  - *Suggestion: Consider the dam's impacts to anadromous fish. The following is a list of some of the potential impacts mentioned in Policy section 2.4. Suggestions and examples of potential analyses are provided for each impact. For all analyses completed, provide copies of spreadsheets/models, document all assumptions, and provide source data where applicable.*

*(1) Preventing fish passage and blocking access to upstream spawning/rearing habitat*

- *Suggestion: Complete a draft cumulative diversion analysis per Policy Appendices A and B. Consider changes to project design based on outcome. Additional guidance pertaining to cumulative diversion analyses is available on the [Division's website](#).*
  - *Example: Consider using the [California North Coast Water Availability Tool](#) to conduct a water supply report and cumulative diversion analysis.*
- *Suggestion: If the onstream dam is located on a Class 1 stream, ask CDFW whether fish passage facilities are needed and provide associated supporting documentation, such as a copy of CDFW guidance, written certification, or determination that fish passage facilities are not needed.*

*(2) Intercepting and retaining spring and summer flows without providing bypass flow releases below the onstream dam*

- *Suggestion: Design the project to only divert water between December 15 to March 31 or a shorter time period, depending on the outcome of a cumulative diversion analysis.*

*(3) and (4) Intercepting and retaining sediments/gravels that would otherwise replenish downstream spawning gravels and large wood that would otherwise provide downstream habitat structure*

- *Suggestion: Document physical characteristics of the project site. The following example questions are intended to solicit site-specific information related to gravel and wood impacts from someone familiar with the onstream dam (for example, the applicant, property owner, or manager).*
  - *Example: For coarse sediment/gravel – how often is the reservoir or reservoir inlet dredged out? What does the sediment look like (size and amount of sediment)? When the reservoir is empty, is gravel observed at the bottom? Can photos of the sediment be included? Is the project associated with any related coarse sediment/gravel restoration efforts?*
  - *Example: For large wood – has woody debris buildup been observed at the reservoir? What does the buildup look like (size and amount of debris). Can photos of the debris be included? Is the project associated with any related woody debris restoration efforts?*

**(5) Causing loss of riparian habitat or wetlands**

- *Suggestion: Document physical characteristics of the project site. The following example questions are intended to solicit site-specific information related to riparian and wetland habitat from someone familiar with the onstream dam (for example, the applicant, property owner, or manager).*
  - *Example: Are there observations or photographs depicting the reservoir site and surrounding stream channel(s) prior to construction? What type of habitat existed historically and how has it changed since reservoir construction? Is the project associated with any related riparian or wetland habitat restoration efforts?*

**(6) Creating slow-moving, lentic (lake-like) habitats that favor non-native species that may prey on anadromous salmonids or compete for food and shelter**

- *Suggestion: Document physical characteristics of the project site. The following example questions are intended to solicit site-specific information related to non-native species impacts from someone familiar with the onstream dam (for example, the applicant, property owner, or manager).*
  - *Example: Have non-native species been observed in the reservoir (list species if known)? Have any efforts been taken to address non-native species? Has fish stocking previously occurred at the reservoir? If so, what species of fish?*

**An explanation of how the public interest will be served by the exception**

- *Suggestion: Describe any potential environmental considerations or benefits of the project.*
  - *Example: Compile documentation showing how the application will enhance conditions for fish and wildlife (e.g., project-specific evaluation and/or letters of support from CDFW or the National Marine Fisheries Service).*
  - *Example: Consider modifying the project for the enhancement of fish and wildlife resources (e.g., design storage releases to augment habitat for fish and wildlife during periods of low stream flows or couple an exception request with a petition pursuant to Water Code section 1707 to amend an existing right so that diversion will occur in a manner that minimizes impacts to fish and wildlife).*
- *Suggestion: Describe and support any potential societal benefits of the project.*

- *Example: Compile information showing why the project is of regional or statewide significance (e.g., assisting a community in obtaining safe, clean, affordable, and accessible water or substantially addressing a regional chronic shortage of water).*

(This Technical Guidance was last updated on February 2, 2026)