

Category:  
Miscellaneous

Title:  
Extraction from underground storage by parties other than permittee

When Used:  
For permits authorizing a diversion method of underground storage where the diverted water is stored in a basin and subsequently extracted for beneficial use, by one or more parties other than the permittee.

Background/Justification:  
General Water Rights Administration (Wat. Code, section 348, subd. (b)(2), 1058, 1425 et seq.)

TERM 0000122

*(First paragraph only to be used when applicant proposes to use last in first out accounting)*

1. **Permittee or Temporary Permittee** requests to operate under “last in first out” accounting for extraction of stored water. Unless written approval is provided by the Deputy Director for Water Rights, water diverted under this temporary permit shall be the first extracted water out of the storage location by **Permittee or Temporary Permittee** and anyone extracting water pursuant to this **permit or temporary permit**. **Permittee or Temporary Permittee** shall not use other existing water rights or agreements applicable to the same extraction location prior to extraction of water stored under this **permit or temporary permit**.

Where the party or parties extracting the water under this **permit or temporary permit** are not **Permittee or Temporary Permittee**, **Permittee or Temporary Permittee** may either follow the Agreement Approach (part i) and/or the Notification Approach (part ii), described below.

- i. **Notification Approach.** When the **Permittee or Temporary Permittee** is a Groundwater Sustainability Agency (GSA) with an oversight responsibility over the extractor, the GSA may either follow the Agreement Approach or follow a Notification Approach. Under the Notification Approach, **Permittee or Temporary Permittee** provides documentation to the State Water Board that each extractor has been informed via email or certified mail that the Groundwater Sustainability Agency will account for extraction and use of surface water under this **permit or temporary permit** as the first water extracted from the individual’s extraction

location (e.g., well) ahead of other bases of right for water in the shared location of storage. The notification shall provide the extractor with an opportunity to object.

The Notification Approach is not available to a non-GSA **Permittee or Temporary Permittee** except when the **Permittee or Temporary Permittee** is a local public agency with authority to supply water (e.g. a water district or city) and has a contractual relationship regarding water supply with the extractor.

- ii. **Agreement Approach.** Under the Agreement Approach, **Permittee or Temporary Permittee** shall secure a written agreement, or other confirmation of extractor's agreement as approved by the Deputy Director, that indicates that the extractor agrees to extract and use water stored under this **permit or temporary permit** prior to other bases of right for water in the shared location of storage.
- iii. **Documentation of Compliance.** Documentation for the Notification and Agreement Approaches shall include a map and list of extractors, separately identifying those with notifications and agreements. For the notification approach, the **Permittee or Temporary Permittee** shall summarize the notification process and list the name, location, and extraction volume associated with those who were notified. The documentation should also identify the locations of any parties who declined to be included as extractors.

Documentation of individual notifications shall be maintained by **Permittee or Temporary Permittee**, and available to the State Water Board upon request. For the Agreement Approach, a copy of each agreement shall be provided.

**Permittee or Temporary Permittee** may complete notifications and agreements in phases during the authorized period of this **permit or temporary permit**. Notifications and/or agreements must be in place to provide sufficient extractor capacity to extract amount of water diverted to date, starting with the amount diverted as of first annual report and subsequent annual reports required by **Term 0110900**. In cases where the **Permittee or Temporary Permittee** diverts and extracts less than the full authorized annual amount, **Permittee or Temporary Permittee** shall promptly complete notifications and/or agreements until sufficient authorization is acquired to extract the full authorized amount.

Any extraction and use of water by other parties shall be in compliance with terms and conditions of this **permit or temporary permit**, including the specified place of use. Water diverted pursuant to this **permit or temporary permit** shall not be transferred or exchanged outside the authorized place of use or to any party not designated as an extractor pursuant to this condition.

(Term Code: 0000122)