

State Water Resources Control Board

Executive Office

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NOTICE OF PUBLIC WORKSHOP

Regarding Water Transfers

Thursday, May 4, 2000 -- 9:00 a.m.

Paul R. Bonderson Building

First-Floor Hearing Room

901 P Street, Sacramento

SUBJECT OF WORKSHOP

The State Water Resources Control Board (SWRCB) will hold a public workshop to seek comments and discuss SWRCB's efforts to encourage water transfers in California.

BACKGROUND

A water transfer is a change in the way water is usually allocated among water users. Most water transfers do not require SWRCB approval. The SWRCB is involved in those water transfers that require a change in the underlying water rights established in a permit or license issued by the SWRCB. In

addition, changes in other rights for the purpose of augmenting instream flows also require SWRCB approval. Most water transfers can take place within the conditions of existing water rights. The SWRCB gets involved whenever a holder of a permit or license issued by the SWRCB desires to expand the place of use, change the purpose of use, or add a point of diversion in order to accomplish the water transfer. Over the last few years the SWRCB has typically received around ten requests for water transfers per year. In the last decade, the SWRCB has approved the transfer of over 1.7 million-acre feet of water. The SWRCB has approved all but two of the over 110 water transfer requests it has received since 1982. The average time it takes for the SWRCB to publicly notice, review objections, analyze the effects and act on a water transfer has been about 60 days.

In July 1999 the SWRCB staff released a draft "*Guide to Water Transfers*." This document was prepared with the assistance of several interested persons and entities familiar with water transfers. The draft *Guide to Water Transfers* was intended to help those interested in water transfers understand the processes involved and the information needed to complete water transfers in California. It was produced to help foster voluntary transfers of water through a better understanding of the California Water Code and past SWRCB decisions related to water transfers.

The discussion and conclusions in the *Guide to Water Transfers* regarding the definition of transferable water, determination of consumptive use, application of refill criteria, and the evaluation of water transfer impacts on groundwater and other legal users of water are not supported by all those who helped review this document. However, most of those commenting encouraged the SWRCB to publish this *Guide to Water Transfers* to help provide more information on existing laws and water right decisions related to water transfers and to focus the debate and the eventual resolution of issues for which there remains some disagreement. Some of the outstanding issues related to water transfers have not been addressed by any water right decision or other order issued by the SWRCB. Where there is no applicable precedent, the Guide contains an analysis and conclusions based on the SWRCB's staff interpretation of existing statutes and SWRCB decisions. This staff analysis is provided solely to assist interested persons in understanding one possible approach to an issue and does not commit the SWRCB to that position.

The draft Guide is available in hard copy and can be viewed or downloaded from the Internet by accessing the Division of Water Rights web page at the following address: <http://www.waterrights.ca.gov/watertransferguide.pdf>. The Internet version contains numerous internal links to other parts of the Guide to aid in cross-referencing material. Hard copies can be obtained by contacting Christine Palisoc at (916) 657-2170, or by writing to the address referenced above.

There have recently been some changes in the statutes governing water transfers and the SWRCB has adopted a water right order on a proposed short-term water transfer. The *Guide to Water Transfers* will be updated to reflect this new information.

In addition to comments on the draft *Guide to Water Transfers*, the workshop will include a presentation by representatives of the CALFED Bay/Delta program on their efforts to promote transfers as part of the CALFED Bay/Delta process.

WORKSHOP ISSUES

The purpose of the workshop is to receive comments and suggestions to assist the SWRCB in updating the *Guide to Water Transfers*. The issues may include (1) format of the Guide (2) the analysis of the issues topics discussed in the Guide (3) alternative approaches to those presented in the Guide (4) methods to reduce the time required to rule on proposed transfers and (5) other suggestions to improve the usefulness of the Guide. In addition, participants may address any other aspect of the water transfer process, including proposals for the modification of statutorily imposed water transfer approval criteria.

PROCEDURAL MATTERS

This is an informal workshop. There will be no sworn testimony or cross-examination of participants, but the SWRCB and its staff may ask clarifying questions.

Participants are requested to provide the SWRCB with 16 copies of their written comments and supporting materials **by 5:00 p.m. on Thursday, April 27, 2000**. Additional copies for participants of the workshop should be provided to the SWRCB on the day of the workshop.

Participants are encouraged to summarize their written comments in their oral presentations. To ensure that all participants have an opportunity to participate in the workshop, oral presentations may be limited to ten minutes or less. Participants with similar comments are requested to make joint presentations.

PARKING AND ACCESSIBILITY

The enclosed map shows the location of the Paul R. Bonderson Building in Sacramento. Public Parking is available in the State Garage on 10th Street between O and P Streets, in metered spaces on area streets, and in the public parking garages on L Street between 10th and 11th Streets and on P Street between 11th and 12th Streets. The First-Floor Hearing Room is accessible to persons with disabilities.

Questions concerning this notice may be directed to Mr. Jerry Johns, Assistant Chief, Division of Water Rights at (916) 657-1359 or (FAX 675-1485); or to Ms. Dana Differding, Staff Counsel, at (916) 657-2086.

Signed By:

Maureen Marché

Administrative Assistant to the Board

Dated: March 17, 2000

Enclosure