Obstacles and Opportunities

with California’s process to convert water rights to environmental use

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Environmental Water Transactions meeting, January 15th, 2014
TNC’s 1707 Petitions on the Shasta River

Objectives:

• Add fish and wildlife as a recognized beneficial use
• Introduce the 1707 concept in the Shasta River watershed
• Test the 1707 process with the hope of improving it
“Any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, may petition the board for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water.”

California Water Code Section 1707
California Water Code Section 1707

“The expectations of life depend upon diligence; the mechanic that would perfect his work must first sharpen his tools.”
Confucius

Obstacles—

- Process has not been exercised enough—it is weak when it comes to implementation

- Disincentives outweigh incentives
  - Time consuming
  - Confusing
  - Costly
  - Scary

- Water rights owners do not recognize that improved water management is in their own best interest
Obstacle

I hear it lacks dialogue...
Opportunity for dialogue
Opportunity—time is right with the State Board

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CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS
Opportunity

Cooperative efforts pay off

Irrigators contribute water to increase stream flows

SHASTA CHINOOK

SISKIYOU COUNTY - While the California Department of Fish and Wildlife (CDFW) is still finalizing data for the fall Chinook salmon run in the Shasta River,

the preliminary numbers to date - a historic 19,489 Chinook - show efforts to save salmon through partnerships between agriculture and conservation groups are making a difference.

A recent CDFW press release said, "Over a half dozen key landowners and irrigators with water rights recognized the threat and decided to reduce diversions from the Shasta River to increase flow in the river. This helped move salmon through the system and reduce the vulnerability to disease outbreaks that are a threat when fish are highly concentrated."

CDFW Regional Manager Neil Manji said, "Irrigation districts and individual landowners stepped up and contributed water to reduce disease risks to returning salmon," adding, "The in-..."
Opportunities with California Water Code 1011

California allows the nonuse of all or a portion of a water right, without the threat of a finding of forfeiture, if the nonuse is a result of water conservation efforts under Section 1011 of the California Water Code.
Opportunity—Collaboration for change

SWIFT: Small Watershed Instream Flow Transfers group