Drought Panel

Chris Brady, Deputy Director, Division of Sanitation Facilities and Construction

California Area Indian Health Service

EPA RTOC: Federal/State Drought Panel

U.S. Environmental Protection Agency, Region 9
Regional Tribal Operations Committee (RTOC)
Federal/State Drought Panel
Santa Rosa, CA. May 1, 2014

Christopher Brady
Deputy Director
Division of Sanitation Facilities Construction
Indian Health Service, California Area

Introduction

Topics:

1. Available resources including technical and financial
2. Past and current drought-related activities

Note: Presentation of California Area resources and activities; the scope of other IHS Areas may vary depending on available resources and priorities.

Summary of Resources

Indian Health Service, California Area
Office of Environmental Health and Engineering

Resources for drought assistance

Resource/Program	Agency / Department	Program Description of Services	Authority	Requires Local Proc, SOE, or Fed Dec	Regularly Funded Program	POC
Office of Environmental Health and Engineering (OEHE) Division of Sanitation Facilities Construction (SFC) Division of Environmental Health Services (EHS) Division of Health Facilities Engineering (HFE)	Indian Health Service (IHS)	Technical assistance: Conduct initial rapid drought assessment on tribal water systems Priority setting (e.g. needs and systems at higher risk) Conduct follow-on expanded rapid assessment of vulnerability and risk Develop drought contingency plan Develop proposed projects for IHS and/or outside agency funding for long-term facilities Preparedness and response for head starts, day care centers, food service operations, etc. Financial assistance: Projects for long-term water supply/demand facilities through the Sanitation Deficiency System (SDS). Emergency projects with a limit of $50,000 per tribe. Information: http://www.ihs.gov/california/ Literature on water conservation Emergency preparedness for hospital water use Drought Contingency Plan template (MSWord doc)	P.L. 86-121	No	Annual appropriations by Congress	Contact local IHS office in Arcata, Redding, Ukiah, Sacramento, Clovis, and Escondido See website at: http://www.ihs.gov/california/index.cfm/about-us/office-of-environmental-health-engineering/

Other federal program information:

Federal Funding Program Matrix at:	http://www.calema.ca.gov/NewsandMedia/Pages/Current%20News%20and%20Events/Drought.aspx
USDA/RD drought assistance at:	http://www.rurdev.usda.gov/CA-Home.html
EPA Region 9:	Contact EPA General Assistance Program (GAP) project officer to discuss eligible capacity-building activities which may include developing a contingency plan, collecting data, public outreach

Program Resources and Services

Program Description of Services
Technical assistance:
Conduct initial rapid drought assessment on tribal water systems
Priority setting (e.g. needs and systems at higher risk)
Conduct follow-on expanded rapid assessment of vulnerability and risk
Develop drought contingency plan
Develop proposed projects for IHS and/or outside agency funding for long-term facilities
Preparedness and response for head starts, day care centers, food service operations, etc.
Financial assistance:
Projects for long-term water supply/demand facilities through the Sanitation Deficiency System (SDS).
Emergency projects with a limit of $50,000 per tribe.
Information:
http://www.ihs.gov/california/
Literature on water conservation
Emergency preparedness for hospital water use
Drought Contingency Plan template (MSWord doc)

Initial Rapid Drought Assessment

Indian Health Service, California Area
Office of Environmental Health and Engineering

Drought Assessment Form
Tribal Drinking Water Systems

Background: The drought assessment form for Tribal drinking water systems is to provide data fields for initial information on the system, water uses, observed impacts from the drought, and current planning and management activities.

Purpose: Information from the assessment will be used to evaluate drought impacts and priorite planning activities collaboratively with the Tribes.

Instructions: Please complete the fillable PDF form and return it to the local IHS office by email or hard copy.

No.	Item	Response
1	Name of Tribe	
2	Tribal contact (name, title, phone number, email address)	
3	Name of water system	
4	EPA public water system ID number	
5	Number of Indian homes on system	
6	Number of non-residential and non-Indian homes on system	
7	Current water demand (gallons per day)	
8	Average water demand (gallons per day)	
9	Type of water source	Ground water
		Surface water
		Interconnection with other system
10	Observed impacts to water source	None
		Decreased stream/river levels at intake
		Decreased water level in well(s)
11	Does the Tribe have a drought contingency plan?	Yes
		No
12	Would the Tribe desire assistance to develop a plan?	Yes
		No
13	Does the Tribe have any drought triggers or criteria?	Yes
		No
14	Are there individual customer water meters on the system?	Yes
		No
15	List any water use reduction practices being implemented	None
		Water conservation
		Public outreach
		Restrictions or bans on non-essential water use
		Restrictions or bans on lawn irrigation
		Water rate structures
		Water allocations per capita

Findings of Initial Rapid Drought Assessment

Indian Health Service, California Area, Office of Environmental Health and Engineering
Drought Assessment Form for Tribal Drinking Water Systems
Updated: 25 March 2014

Update of combined Districts

No.	Indicator	Redding District	Sacramento District	Escondido District	Total
1	Total water systems on inventory	42	50	57	149
2	Total water systems that responded	40	31	34	105
3	Percentage that responded	95%	62%	60%	70%
4	Total Indian homes on tribal systems assessed	1,642	1,389	2,808	5,839
5	Total systems with well/ground water source	19	20	30	69
6	Total systems with surface water source	8	2	1	11
7	Total systems with interconnection water source	9	3	1	13
8	Total systems with multiple water source	0	5	2	7
9	No drought contingency plan	23	20	11	54
10	Has a drought contingency plan	2	2	2	6
11	Percentage with drought contingency plan	8%	9%	15%	10%
12	Current drought level/stage				
a	Mild	14	2	11	27
b	Moderate	8	13	2	23
c	Severe	3	6	0	9
d	Emergency	0	2	0	2
13	Water reduction and supply management practices				
a	None	10	4	9	23
b	Water conservation and public outreach	5	10	1	16
c	Reduced or no irrigation	0	0	1	1
d	Use of reclaimed water	0	1	1	2
e	Mandantory reductions	0	2	0	2
f	Leak repairs	0	2	0	2
g	Installation of low water use devices	0	2	0	2
h	Rate structure	13	0	0	13

Initial List of High Risk Systems

Tribal water systems at highest risk due to drought conditions:

Updated March 26, 2014 – *Updates will be made as conditions change and information becomes available.*

Surface water systems:

1. Yurok
2. Hoopa
3. Karuk
4. Grindstone
5. Stewarts Point
6. Tule River
7. Smith River

Communities served by non-Indian water systems:

8. Redwood Valley
9. Coyote Valley
10. San Pasqual (District B)
11. Tuolomne
12. Torres Martinez
26. Sherwood Valley
27. Pinoleville

Groundwater systems:

13. Big Valley
14. Cold Springs
15. Cortina
16. Chicken Ranch
17. Enterprise
18. Ione
19. La Posta
20. Morongo
21. Santa Rosa Reservation
22. Santa Ysabel
25. Santa Rosa Rancheria
28. Old Sherwood Valley
29. Pauma

Salt water intrusion:

23. Table Bluff
24. Manchester/Point Arena
5. Stewarts Point
7. Smith River
1. Yurok (Klamath)

Total Systems to Date = 29

Source: Indian Health Service California Area Office of Environmental Health and Engineering. Based on vulnerability level, system information, and assessments.

Drought Contingency Plan Template

Drought Contingency Plan
Public Water System

Name of Tribe/Band
Address of Tribe/Band
P.O. Box XXX
City, California 95555

Name of Tribal Utility Department/Water Department
Address of Tribal Utility Department/Water Department
P.O. Box XXX
City, California 95555

Name of Tribal Public Water System
Public Water System ID Number: 1234567

Date [00/00/2014]

Table of contents

****
Edit the following listing depending on whether relevant articles are contained within final edited section or not.
****

The Drought Contingency Plan contains the following sections:

1. Declaration of policy, purpose, and intent

1.1. General

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the [_____] [name of Tribe/Band] hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

The Drought Contingency Plan (Plan) is a framework of forward-leaning planning for scenarios and objectives, managerial and technical actions, and potential response systems in order to prevent, or better respond to, a drought-related emergency or critical situation. The overall goal of the Plan, and the contingency planning process, is to facilitate rapid emergency response. The intention of the Plan is to be functional, flexible, and easy to implement, and also serve as a tool for maintaining control over the events or limiting the risk of loss of control. The Plan should be periodically updated.

The primary focus is placed on best management practices to manage water use demand, while evaluating options for alternative water supply sources. Water uses regulated or prohibited under the Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in this Plan.

1.2. Water use priorities

The risks to public health from water shortages could be high and include issues of water quality, water quantity, sanitation, and hygiene for personal use and food preparation. As a result of this, the Plan establishes the following priorities for use in developing demand reduction programs and allocations during a water shortage emergency. Priorities for use of available water, from highest to lowest priority, are:

1. Health and safety: residential home interior uses, sanitation, and fire fighting
2. Commercial, industrial, and governmental: maintain jobs and economic base
3. Existing landscaping: especially trees and shrubs
4. New demand: projects without permits when shortage is declared

1.3. Application

The provisions of this Plan shall apply to all customers and property utilizing water provided by the public water system.

2. Drought task force

A drought task force was created by the Tribe/Band in order to develop this Plan and to assist in further developing and implementing effective drought monitoring, mitigation, and response actions. The drought task force consists of representatives from the following:

- [_____] [name of tribal office or official]

Follow-up expanded assessment: Drought Vulnerability and Risk

Uses:

- Provides a score to quantify relative vulnerability and risk.
- Prioritize resources.
- Support SDS projects.

Indian Health Service, California Area
Office of Environmental Health and Engineering

Drought Vulnerability and Risk Assessment Form
Tribal Drinking Water Systems

Background and purpose: The drought vulnerability and risk assessment form for Tribal drinking water systems is a follow-up to the initial drought assessment. This assessment provides a more quantative evaluation of specific factors related to vulnerability and risk, and uses a broad range of information on management, water supply, and water demand. Findings will be used to evaluate the relative level of drought vulnerability and risk, and prioritize follow-on planning activities collaboratively with the Tribes.

Instructions: Provide a response for each factor and obtain a total score, which suggests an overall level of drought vulnerability and risk. The range of scores and suggested drought vulnerability and risk are:

	Range of total scores and related drought vulnerability and risk
	0 to 10 suggests a very low vulnerability/risk
	11 to 20 suggests a low vulnerability/risk
	21 to 30 suggests a medium vulnerability/risk
	31 to 40 suggests a high vulnerabilty/risk
	41 to 58 suggests a very high vulnerability/risk

General information:		
A	Name of Tribe	
B	Name of water system	
C	EPA public water system ID number	
D	Number of Indian homes on system	
E	Number of non-residential and non-Indian homes on system	

Factors related to drought vulnerabilitiy and risk

No.	Factor	Range of responses	Score
1	Does the Tribe have a written drought contingency and/or emergency plan?		
	Formalized and/or adopted drought contingency plan	0	0
	Draft drought contingency or emergency plan	2	
	No drought contingency or emergency plan	5	
2	Does the water system have customer water meters and/or has the Tribe implemented use reduction practices?		
	Individual water meters and implemented water use reduction practices	0	0
	Limited water meters and/or marginal water use reduction practices	2	
	No water meters and limited or no water use reduction practices	5	
3	What is the percent of average seasonal precipitation in the hydrologic region where the tribal water system is located?		
	100% or greater than average	0	10
	75% to 99% of average	2	
	50% to 74% of average	3	
	25% to 49% of average	7	
	Less than 25% of average	10	
	http://cdec.water.ca.gov/snow/bulletin120/index2.html#		

IHS CA Area Drought Website

IHS Area OEHE Contacts

Contacts: Recommend to start at the local District/field offices. Contacts available on most IHS Area websites.

If further assistance is required, the Directors of the Office of Environmental Health and Engineering (OEHE) for each Area are:

- California Area: Edwin Fluette; 916-930-3981, ext. 334
- Navajo Area: Brian Johnson; 928-871-1451
- Phoenix Area: Michael Welch; 602-364-5059
- Tucson Area: Randy Willard; 520-295-5631

Stephen De Blasio, Senior CEM

Federal Emergency Management Agency (FEMA)

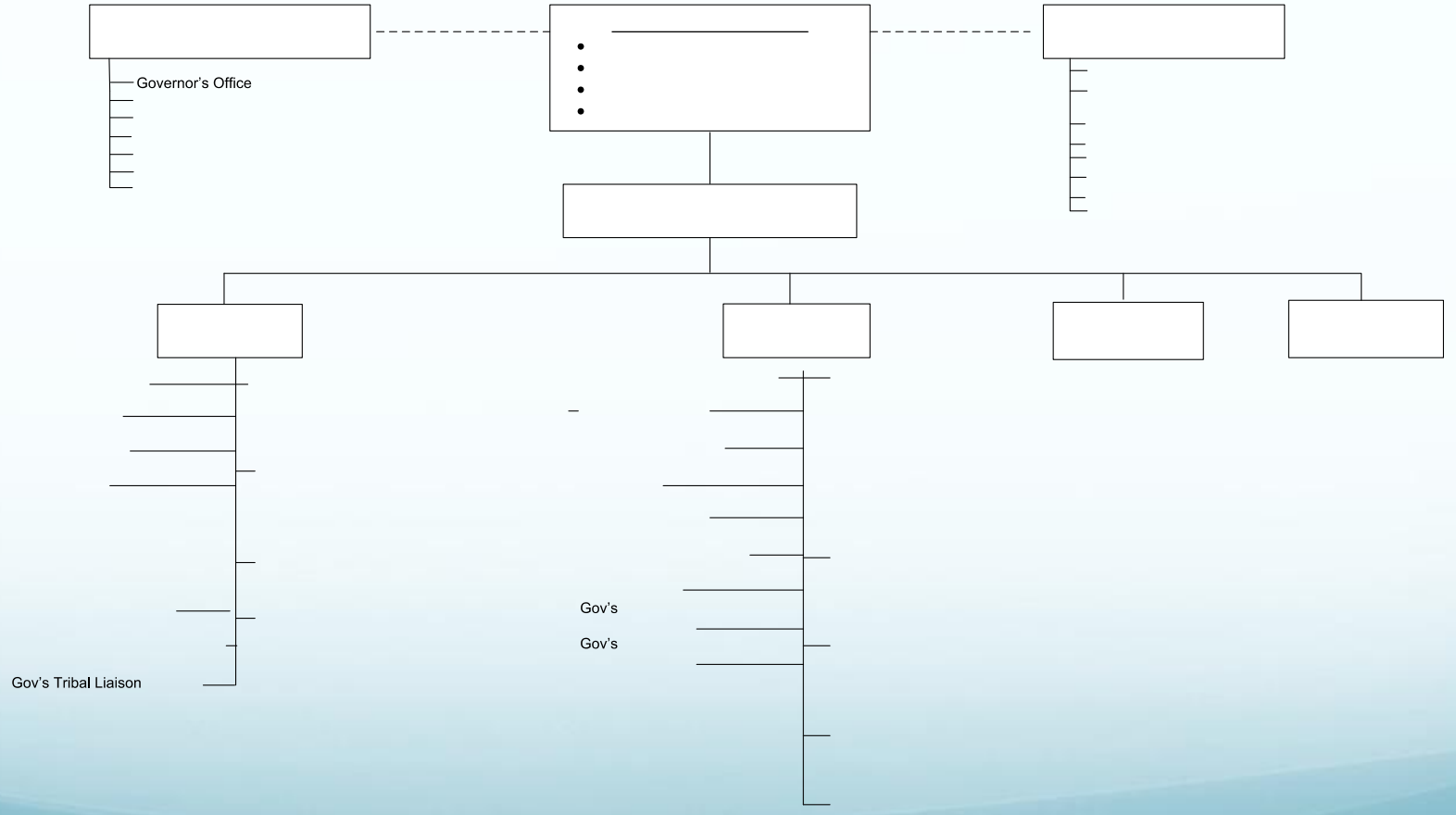
Heather Hostler, Chief Deputy, Office of the Tribal Advisor

Office of the Governor Edmund G. Brown, Jr. (CA)

Drought Task Force Tribal Engagement

Heather Hostler
Chief Deputy, Tribal Advisor
Governor Brown's Office

Governor’s Drought Task Force



Tribal Engagement

- Monthly Consultation Calls
  - Next tentative date: Thursday, May 22nd 10 am
- Website information
  - http://tribalgovtaffairs.ca.gov/
- Coordinating State & Federal partners
- Department of Water Resources
  - IRWM Grant Program
- Department of Fish & Wildlife
  - Clearlake Hitch Rescue
- Tribal Declarations/ Proclamations

Drought Funding

2014 Drought Assistance Programs

The agencies below may have programs or resources available for:	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Ski Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts
California Department of Aging Area Agencies on Aging (AAA)				●	●	●	●						●							
California Department of Business Oversight Division of Financial Institutions State Banking				●	●	●	●						●							
California Department of Fish and Wildlife		No programs available to provide drought assistance																		
California Department of Food and Agriculture		No programs available to provide drought assistance																		
California Department of Forestry and Fire Protection		No programs available to provide drought assistance																		
California Department of General Services		No programs available to provide drought assistance																		
California Department of Health Care Services (DHCS) Medi-Cal Health Coverage				●	●	●	●						●							
California Department of Housing and Community Development (HCD) Community Development Block Grants (CDBG)				●	●	●	●						●							
California Department of Public Health (CDPH) Safe Drinking Water State Revolving Fund		●	●							●	●			●				●		
California Department of Public Health (CDPH) Prop 84 Part 2 Emergency Grant Funds Project		●	●							●	●			●				●		
California Department of Public Health (CDPH) Women, Infants, and Children (WIC) Supplemental Nutrition Program				●	●	●	●						●							
California Department of Social Services (CDSS) CalFresh				●	●	●	●						●					●		
California Department of Social Services (CDSS) CalWORKs						●	●													

Funding Links and Info

- Tribal Advisor Website
  - www.tribalgovtaffairs.ca.gov
  - Tribal Specific Info
- State Drought website
  - www.drought.ca.gov
  - State Wide Information
- CalOES Drought website
  - www.caloes.ca.gov
  - Drops Matrix
- Department of Water Resources IRWM Grants
  - http://www.water.ca.gov/irwm/grants/index.cfm
  - IRWM Draft Drought Grant Solicitation for Review

How to Engage

- California Federally Recognized Tribal Governments
  - Contact Tribal Advisor's Office with request participation in monthly consultation calls Heather.Hostler@gov.ca.gov
  - Letter from Chairman with designation if not tribal elected leader
- Send in declarations of disasters and descriptions of needs, threats and situations within your tribal lands.
- State Tribal Liaison's
  - **Natural Resources Agency**, Liane Randolph, Chief Counsel
  - **Department of Water Resources**, Anecita Agustinez, Tribal Policy Advisor
  - **State Water Resources Control Board**, Gita Kapahi, Director of Public Participation
  - **CalEPA**, Arsenio Mataka, Assistant Secretary for EJ & Tribal Affairs
  - **Department of Fish & Wildlife Services**, Steven Ingram, Senior Staff Counsel & Tribal Liaison
  - **Department Food & Agriculture**, David Pegos, Special Assistant
  - **Cal OES**, Denise Shemenski, Tribal Liaison

Felicia Marcus, Board Chair

California State Water Resources Control Board

California Drought 2014*

Felicia Marcus, Chair SWRCB

*Stuff that might be useful to know

RTOC May 1, 2014

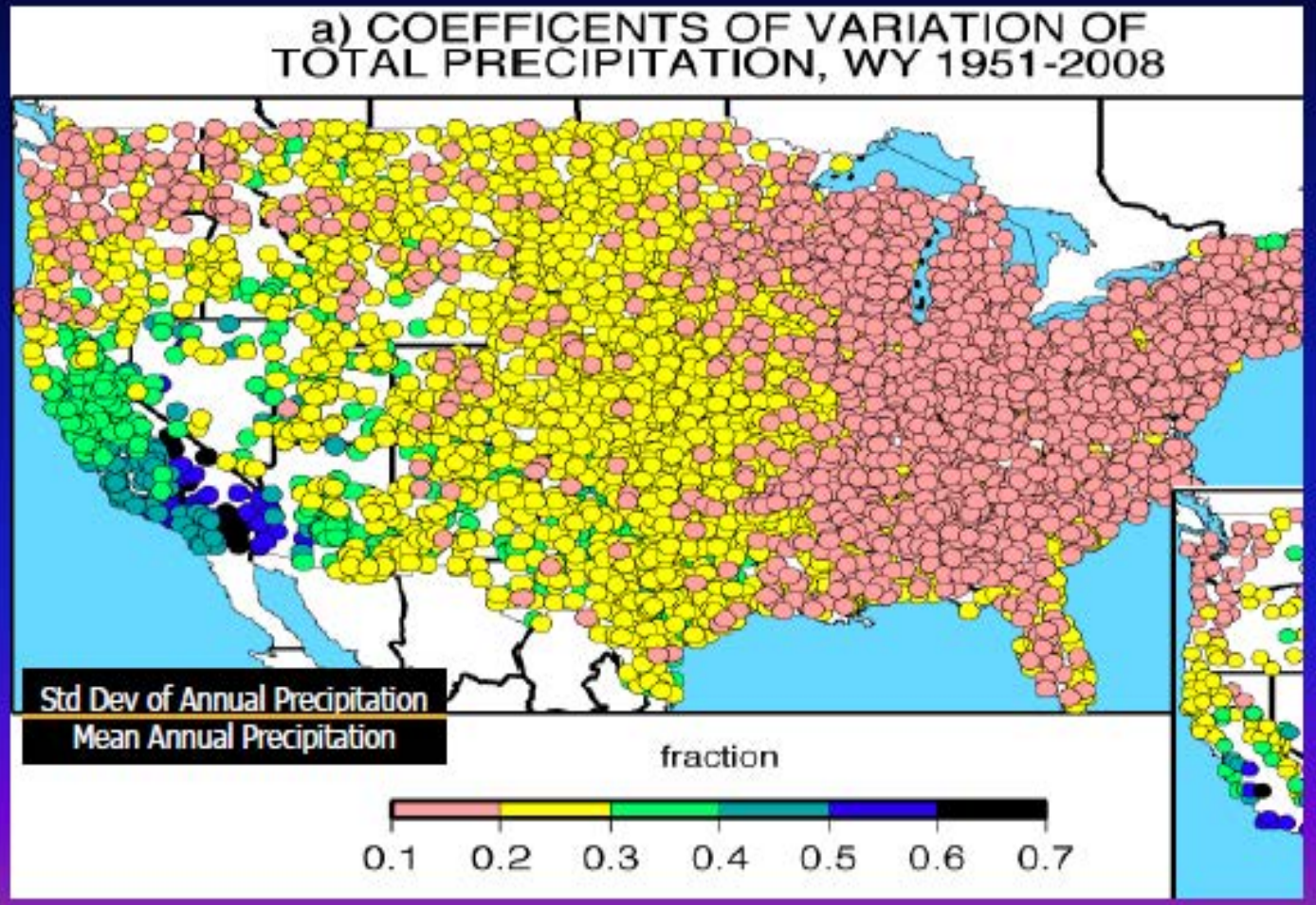
Overview

- Introduction
- CA Water and this drought
- Water Rights and Curtailments per Wednesday questions (if time)

Setting

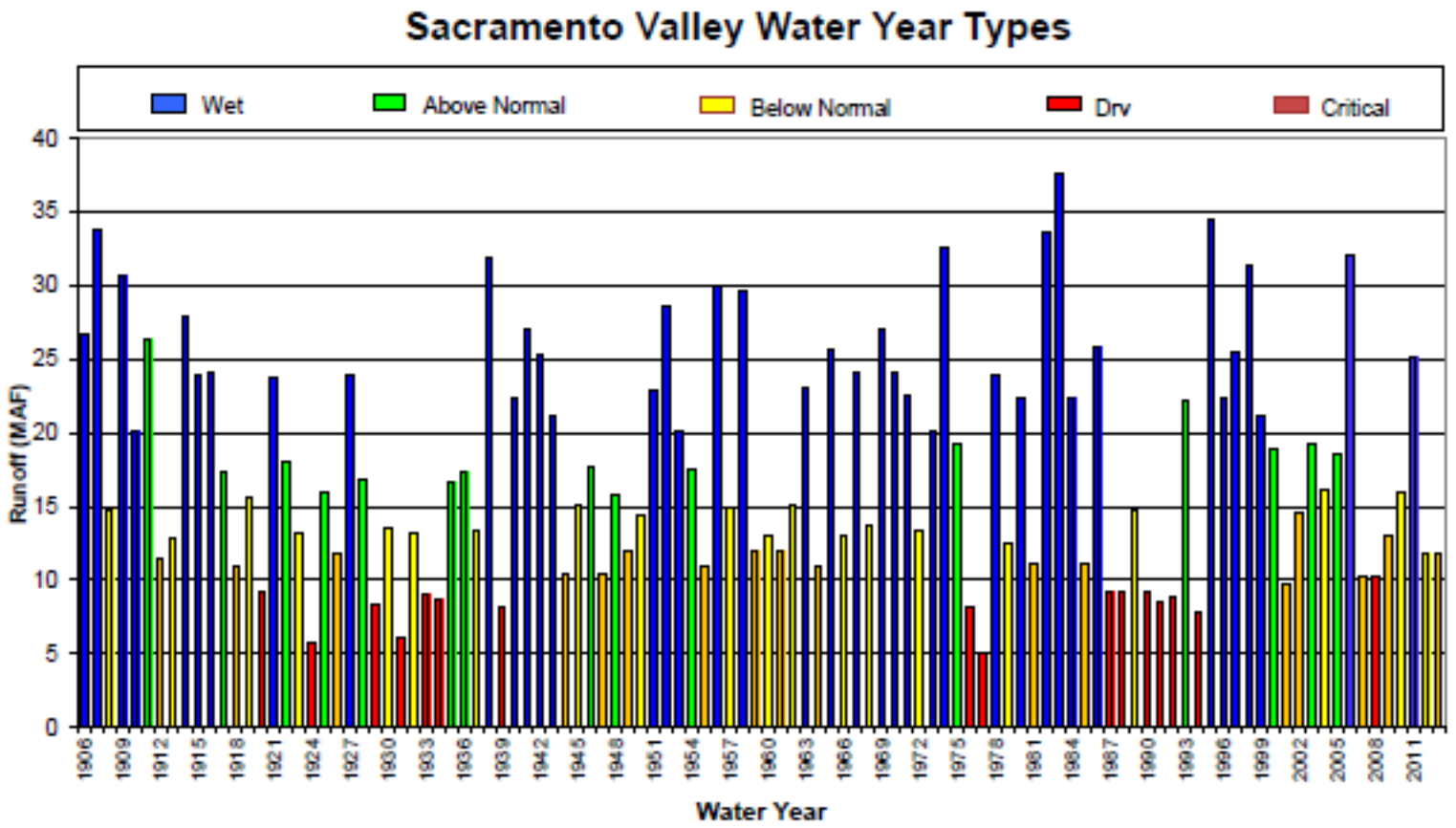
- Variable hydrology
  - Year to year
  - Location to Location
  - Time of year
- Mix of sources
  - Surface Water system local or imported (extensive storage/conveyance)
  - Groundwater (intensely local)
  - Every locale different mix
  - Impact of drought varies too
  - Mix of water rights too
- Drought
  - Worst in records in impact
  - 3rd re precip
  - More pop; more irrigated ag; more env water make impact greater than the other two

California's Precipitation is Uniquely Variable



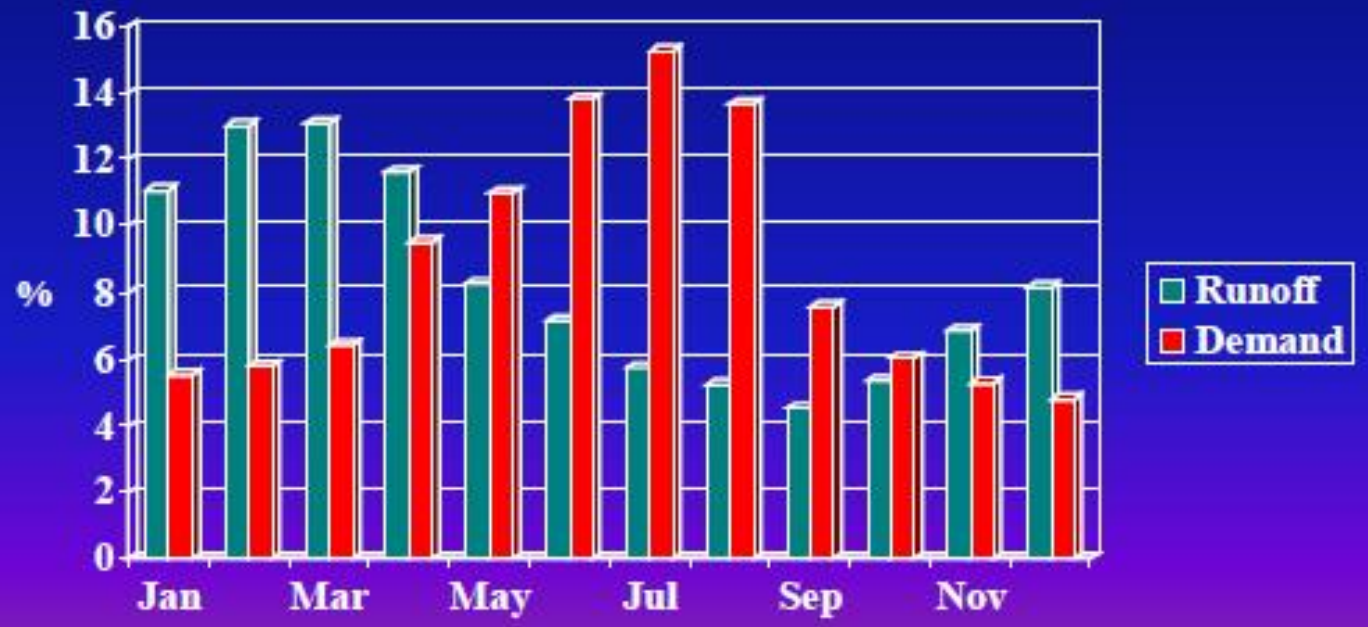
Dettinger et al, 2011

Annual Variation of Runoff

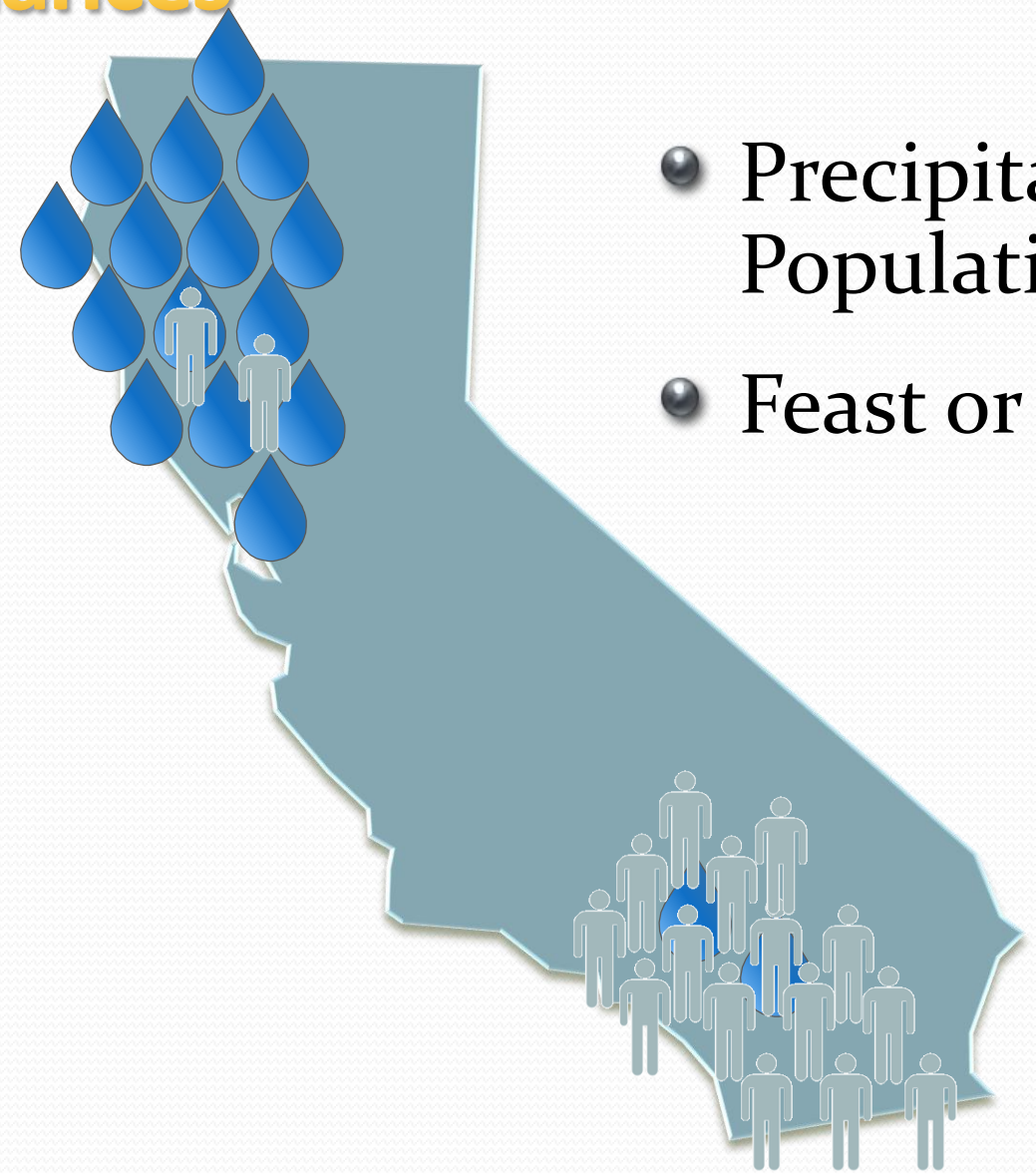


Seasonal Mismatch of Supply and Demand

- Runoff is greatest in the winter / spring.
- Demand peaks in the summer.



Managing Hydrologic and Geographic Imbalances



- Precipitation vs. Population
- Feast or Famine

Major Water Projects

- Federal – Central Valley Project (CVP)
- State – State Water Project (SWP)
- Local – Many other projects throughout state, including Colorado River system, Hetch Hetchy, EBMUD, Owens Valley

Source: Water Environment Foundation

Quick Facts on California Groundwater→the "other" water

- Percentage of Urban and Agricultural Demands met with groundwater
  - Normal Year: 30 percent←→Dry year: 40 percent
  - Some put at 40-60%
- About 9 million Californians (1 in 3) rely **solely** on groundwater to meet their needs
- On the Central Coast, **90** percent of drinking water comes from groundwater
- Groundwater/surface water connection
- California has less "state" regulation than ANY other state
- Note: current robust discussion re: groundwater management

Future drivers and historic practice make it even harder, but…

- Climate change is gamechanger
  - Delta survival/floods/water supply
  - Storage conundrum
- Population Growth
- Increasing awareness, invocation, and exercise of “public trust” and other ecosystem needs
- Institutional constraints, silos, historic practice

Traditional dialogue

- Mark Twain: “Whiskey is for drinking; water is for fighting.”
- Single issue: all about storage; all about plumbing; all about ESA taking away “our” water; all about flow for fish; all about conservation/recycling; desal is “the answer”; all about predation
- “If we just….”
- “Is so, is not; you’re a jerk, no I’m not” level of discourse
- Actually **about all of it** in the face of climate change and population growth

Administration Water Action Plan

- Make **Conservation** a California Way of Life
- Increase **Regional Self-Reliance** and **Integrated Water Management** Across All Levels of Government
- Achieve the Co-Equal Goals for the **Delta**
- Protect and Restore Important **Ecosystems**
- Manage and Prepare for **Dry** Periods
- Expand Water **Storage** Capacity and Improve **Groundwater Management**
- Provide **Safe Water** for **All** Communities
- Increase Flood **Protection**
- Increase **Operational and Regulatory Efficiency**
- Identify Sustainable and Integrated Financing Opportunities

The Drought—*a glimpse*

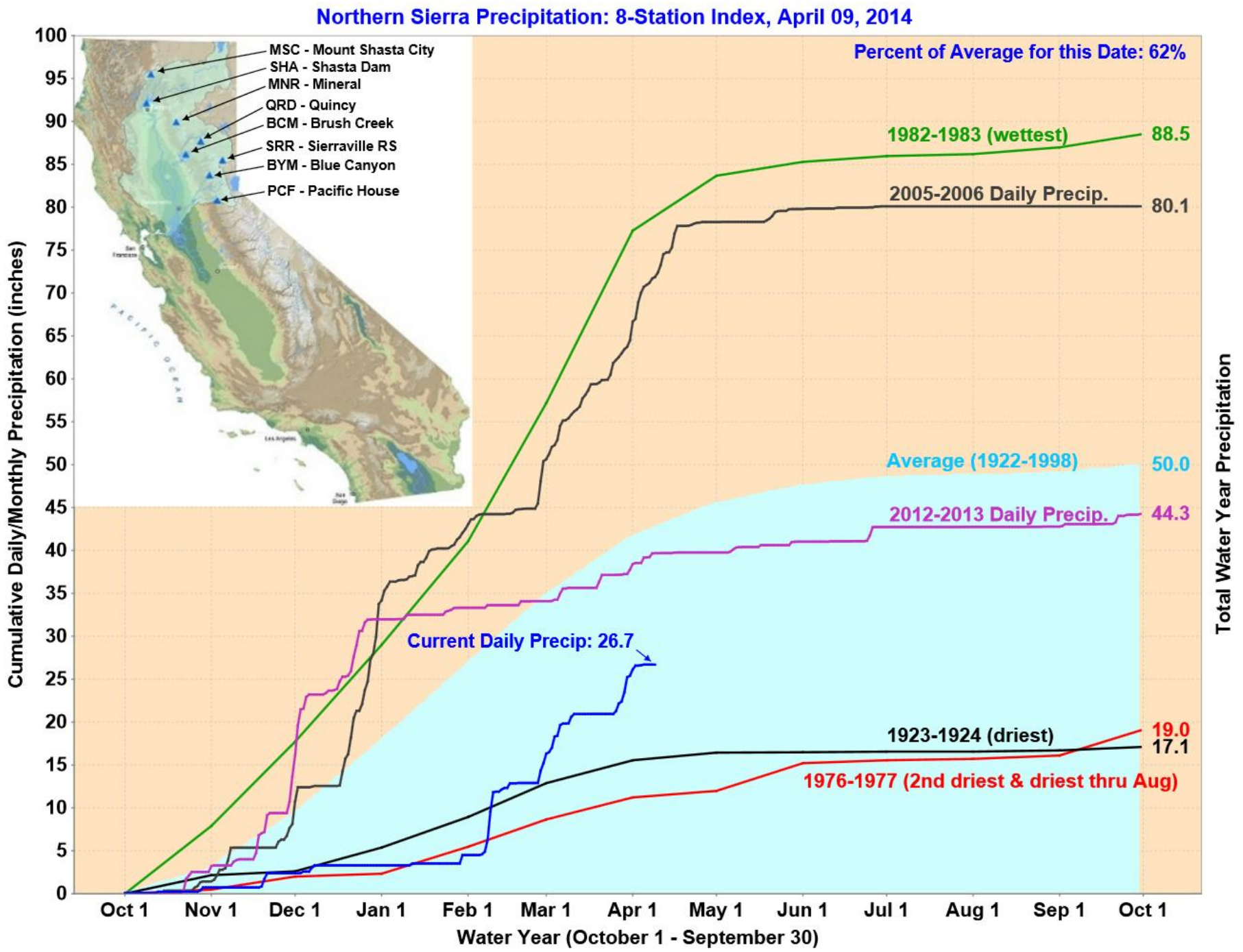
"When the well is dry, we know the worth of water."

Benjamin Franklin

Poor Richard's Almanac

Current crisis: Worst drought in modern times

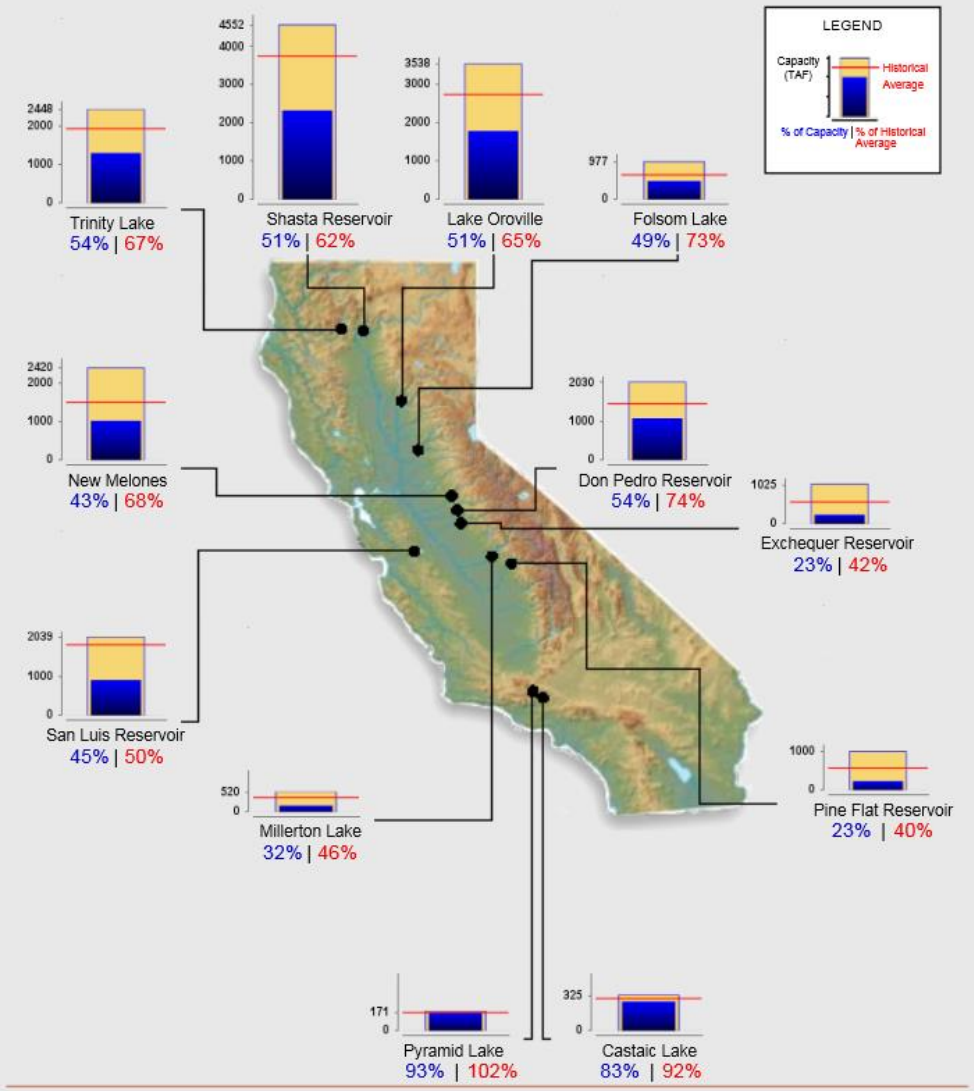
- 2013 “driest” year on record
- Snowpack fraction of average/ “normal”
- Reservoir draw down due to unusual 2012 precipitation pattern
- Could still rain, as in “March miracle” of the 90s but that is not a strategy, and it is May.
- Third worst on record, with far greater impact than the 1920s
- Beyond anything we’ve dealt with
- Harbinger of things to come


Northern Sierra Precipitation: 8-Station Index, April 09, 2014
MSC - Mount Shasta City
SHA - Shasta Dam
MNR - Mineral
QRD - Quincy
BCM - Brush Creek
SRR - Sierraville RS
BYM - Blue Canyon
PCF - Pacific House
Percent of Average for this Date: 62%
1982-1983 (wettest)
88.5
2005-2006 Daily Precip.
80.1
Average (1922-1998)
50.0
2012-2013 Daily Precip.
44.3
Current Daily Precip: 26.7
1923-1924 (driest)
19.0
17.1
1976-1977 (2nd driest & driest thru Aug)
Cumulative Daily/Monthly Precipitation (inches)
Total Water Year Precipitation
Water Year (October 1 - September 30)
Oct 1
Nov 1
Dec 1
Jan 1
Feb 1
Mar 1
Apr 1
May 1
Jun 1
Jul 1
Aug 1
Sep 1
Oct 1

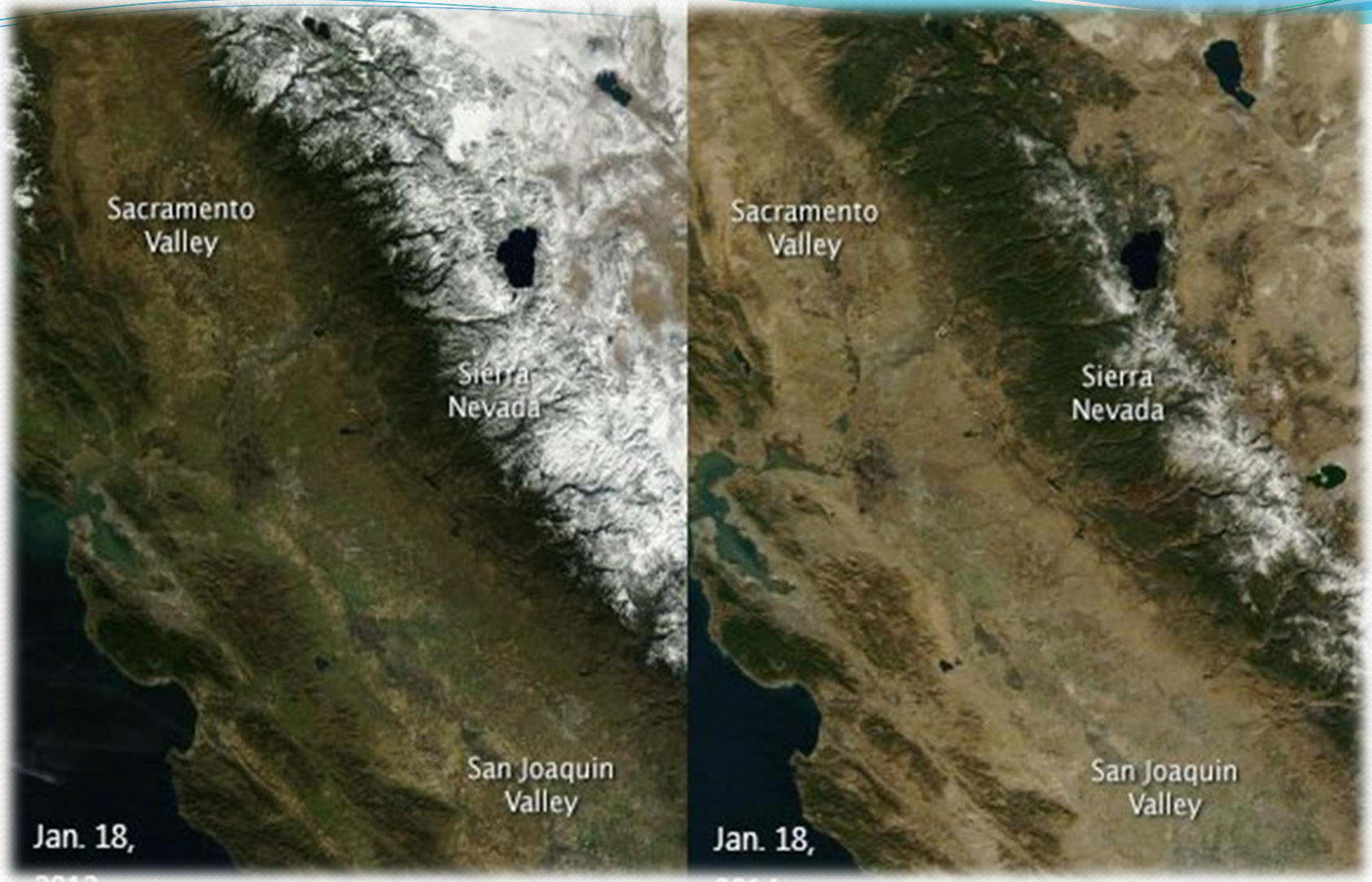
Reservoir Conditions

Ending At Midnight - April 8, 2014

CURRENT RESERVOIR CONDITIONS



Graph Updated 04/09/2014 08:15 AM



Jan 18, 2013

Jan 18, 2014

Actions—

- Regional differences and choices
  - Different mix of sources and economies
  - Water right priorities and different groundwater regimes
  - Choices re conservation, priorities, etc.
- Drought Task Force
- Actions taken and potential:
  - Emergency declarations—Governor Brown February 17, 2014/April 25, 2014

Actions—con't

- Emergency Legislation--$680m+
- Disaster relief—Farm Bill/USDA/Food Banks/NGOs
- Transfers
- Temporary standards implementation adjustments
- Conservation; Recycling
- Decisions re allocation/salinity control/public health and safety by state and federal projects--partial
- Water rights implementation: "Curtailments"
- What is "reasonable use" in a drought?

Drought legislation→$$$

$549 million from the accelerated expenditure of voter-approved bonds, Proposition 84 and Proposition 1E, in the form of infrastructure grants for local and regional projects that are already planned or partially completed to increase local reliability, including recapturing of storm water, expanding the use and distribution of recycled water, enhancing the management and recharging of groundwater storage and strengthening water conservation.

• $30 million from the Greenhouse Gas Reduction Fund to the Department of Water Resources (DWR) for direct expenditures and grants to state and local agencies to improve water use efficiency, save energy and reduce greenhouse gas emissions from state and local water transportation and management systems.

• $14 million for groundwater management across the state, including assistance to disadvantaged communities with groundwater contamination exacerbated by the drought.

• $10 million from the Greenhouse Gas Emissions Fund for the California Department of Food and Agriculture to invest in irrigation and water pumping systems that reduce water use, energy use and greenhouse gas emissions.

• $15 million from the General Fund for Emergency Drinking Water Fund to address emergency water shortages due to drought.

• $13 million from the General Fund to augment the California Conservation Corps and local community conservation corps to expand water use efficiency and conservation activities and to reduce fuel loads to prevent catastrophic fires.

• $25.3 million from the General Fund for food assistance, which will be structured to maximize the potential federal drought assistance that can be provided to provide food assistance to those impacted by the drought.

• $21 million from the General Fund and federal funds for housing related assistance for individuals impacted by the drought.

SWRCB→$$$

Cleanup and Abatement Account: On April 22, Water Board approved $4 million to provide interim emergency drinking water funding.

- For economically disadvantaged communities with contaminated water supplies.
- Tribes are eligible for funding, along with not-for profits and local public agencies.
- Received interest from tribal governments, but no applications submitted yet.

Reduced Interest Rate: On March 18, the Water Board made available $800 million in loan funds at 1% for water recycling projects.

- Tribes are eligible, along with not-for-profits and local public agencies

Other:

Small Community Grant Fund Acceleration: Staff is accelerating $7 million in small community grant funding for projects – including funding for planning. Projects in line to receive funding would help recharge groundwater and support agronomic reuse of water, and are located in the same counties USDA has identified as eligible for drought assistance through the Emergency Conservation Program.

Stormwater Infiltration: The Water Board plans to solicit projects that implement low impact development techniques to infiltrate stormwater and reduce discharges to Areas of Special Biological Significance (ASBS) in Summer 2014.

Drought Projects for Schools: The Water Board is exploring the option of repurposing some remaining unallocated older bond funds to potentially focus on drought-related projects for schools, including stormwater retention and reuse or recharge, turf replacement, as well as traditional water conservation measures and educational opportunities.

Other funding

Department of Water Resources:

- Legislation accelerated $200 million in IRWM grant funding.
- Contacts: Anecita Agustinez: Anecita.Agustinez@water.ca.gov; Kamyar Guivetchi: Kamyar.Guivetchi@water.ca.gov
- California Water Plan tribal specific information: http://www.waterplan.water.ca.gov/tribal2/tac/index.cfm

Additional though smaller pots of money available through CDFA, NRCS and USBR for water conservation projects

CURTAILMENT OVERVIEW FOR TRIBES

- A very short overview of the California water rights system.
- How the Board will implement curtailments for this drought year.
  - Including Health and Safety Exception
- FAQ's for Tribes

Who can Divert in California?*

There are two main types of rights in California.

- Riparian – Those whose land abuts a stream can generally make reasonable use of the water on the land.
- Appropriative – A person who uses water can establish a right to continued use. After 1914, state permission needed.

* A very, very abbreviated answer

How do Federal Reserved Rights fit in?*

- Federal reserved rights, or *Winters* rights are water rights sufficient to support the primary purposes of a reservation.
- The State Water Board can recognize and protect *Winters* rights, but does not issue permits for them.

* A very, very abbreviated answer.

How can I find out about water rights in my area?

The State Water Board posts water rights and reported usage information on the eWRIMS system:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/

What if there is not enough water for all users?

- Water users must curtail their diversions under the rules of water law.
- Riparian rights are "correlative" to each other - users share shortages
- Appropriative rights are "first in time, first in right" –higher priority can get all, while lower priority gets nothing
  - Priority date after 1914 is generally the date of the water right application
  - Priority date before 1914 is generally the date work started on the diversion

What if there is not enough water for all users?, con't

- A *Winters* right has a priority of:
  - Generally, the date the reservation was established
  - Sometimes, time immemorial
- Riparian rights use a priority date of the date the land was taken out of the public domain, for deciding shortage allocations relative to appropriators and *Winters* rights.

How will the Board's curtailments work?

- By watershed, not statewide
- By priority date – water not available
- Notices sent to address on file for the water right
- Water right holder fills out online "Curtailment Certification" form

Health and Safety Exception

- Limited diversions for public health and safety may continue
- Likely:
  - In the range of 50 gallons per person per day
  - Must not have sufficient alternative supply

Curtailment Information Website

- Watersheds under review
- Graphs showing projected use at different priority dates, flow projections, and the most current flow information
- Time estimates for future curtailment
- Curtailment Notices
- Letters received regarding curtailment
- http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml

How do tribal water rights fit into the curtailment framework?

- Water availability at a specific priority date, not the type of right, determines who receives a curtailment notice

What if the tribe has a contract for stored water?

- Curtailments do not affect delivery of stored water.

What if the Tribe receives deliveries from another diverter?

- The water right holder of record will receive any curtailment notice
- Tribal health and safety use will count towards any exception

What if my Tribe uses Groundwater?

- No Curtailment
- Exception: the well uses the subterranean stream flow of a surface stream bring curtailed
- Correlative rights applies—governance varies widely across the state from adjudicated basin→zip.

Thank you

- Questions or follow up requests
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- Felicia Marcus: felicia.marcus@waterboards.ca.gov

Chuck Jachens, Regional Hydrologist

Bureau of Indian Affairs (BIA) Pacific Regional Office

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USDA - Rural Development

USDA Rural Development

USDA's Role

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USDA Rural Development
Funding Resources

- Water and Wastewater Loan / Grant Program
- 306 C Water and Wastewater Grant

  **Must alleviate a health or sanitary problem*
- Emergency Community Water Assistance Grants
- Community Facilities Grant

Water and Waste Projects

Water

- Water Tanks
- Treatment Plants
- Pipelines
- Wells
- Filtration Systems
- SCADA

Waste

- Treatment Plants
- Pipelines
- Clarifiers
- Sludge Ponds

Stormwater

- Drainage

Eligible Costs
Water and Waste Programs

- Construction
- Acquire Land and Rights
- Legal Fees
- Engineering Fees
- Environmental Review
- Connection Fees
- Purchase of Water Tank, etc.

Technical Assistance

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Rural Community Assistance Corporation (RCAC)
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Success Stories
Pit River XL Ranch

USDA Rural Development

Committed to the future of rural communities.