

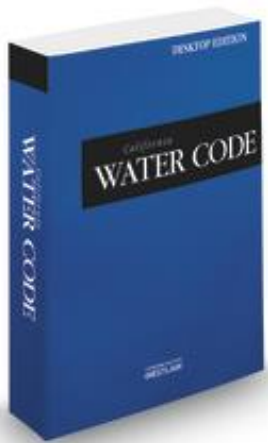
California's 1707
Instream Flow Transfer
Perspectives from a 1707 Petitioner

*Innovative Solution to Salmon and
Steelhead Restoration*

March 20, 2014
Salmon Restoration Federation Conference
Santa Barbara, California

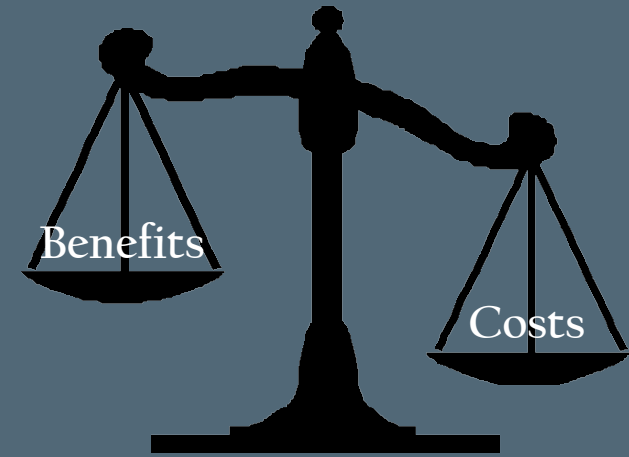
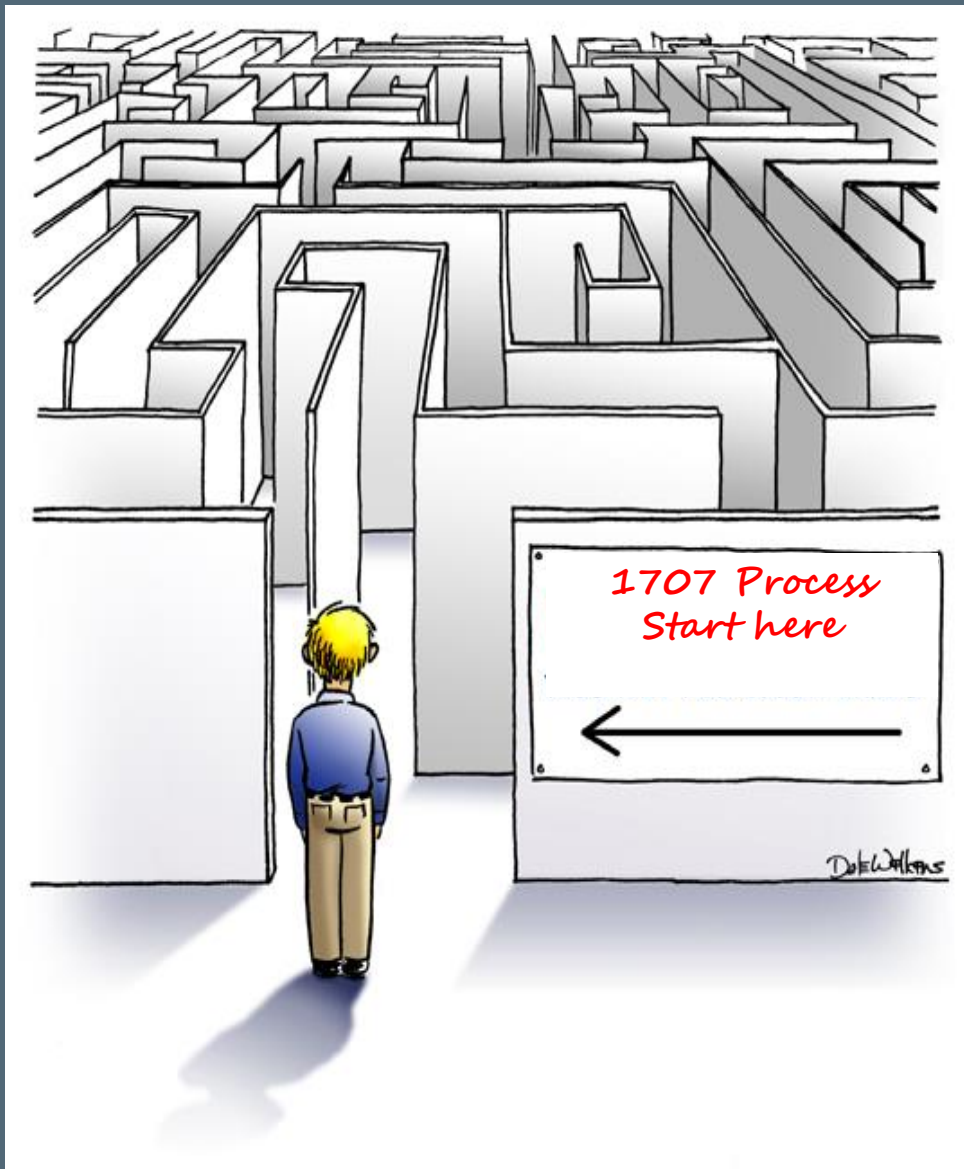


California Water Code Section 1707



“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.”





- ✓ Time consuming
- ✓ Confusing
- ✓ Costly
- ✓ Scary

Lack of willing participants/sellers

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

Overview of TNC's 1707 Petitions

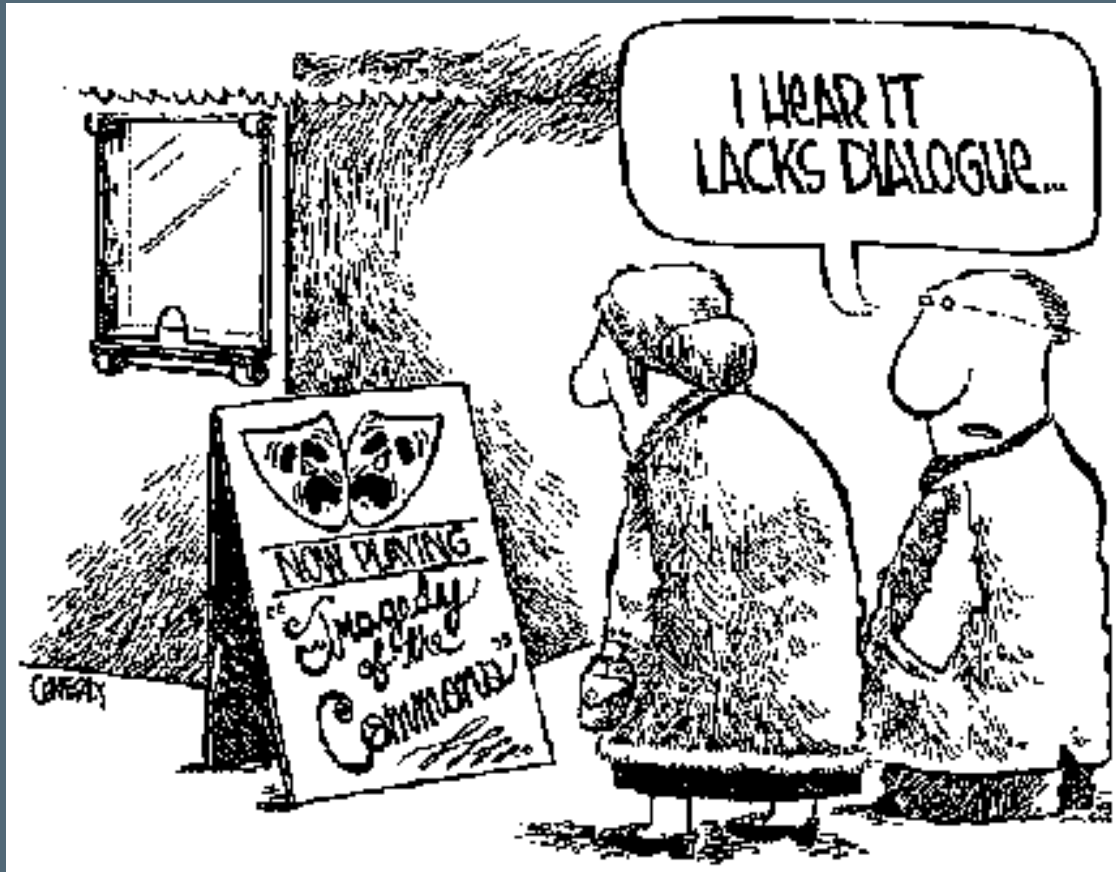
Legal recognition of water right use for instream benefits

- ✓ Permissive dedication, not permanent
- ✓ Downstream project area is the mouth of the Shasta River—some 30 miles downstream of diversions
- ✓ Submitted 8 petitions in July 2012
- ✓ Petitions were “noticed” in Nov. 2012
- ✓ Received 6 protests
- ✓ From March 2013-September 2013—protest resolution period
- ✓ Petitions approved in July 2014

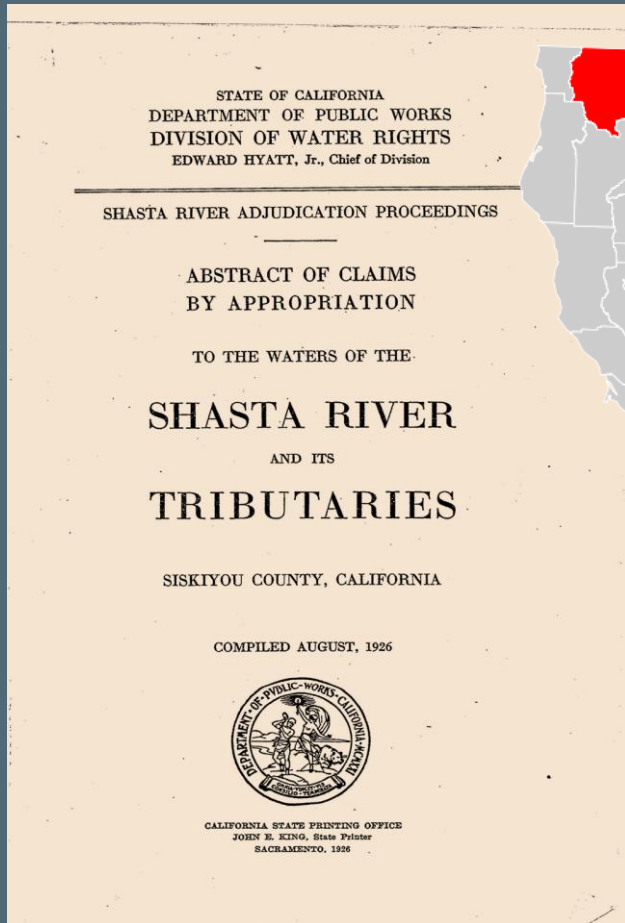


Lessons Learned

Lesson #1: Talk about it



Opportunity for dialogue

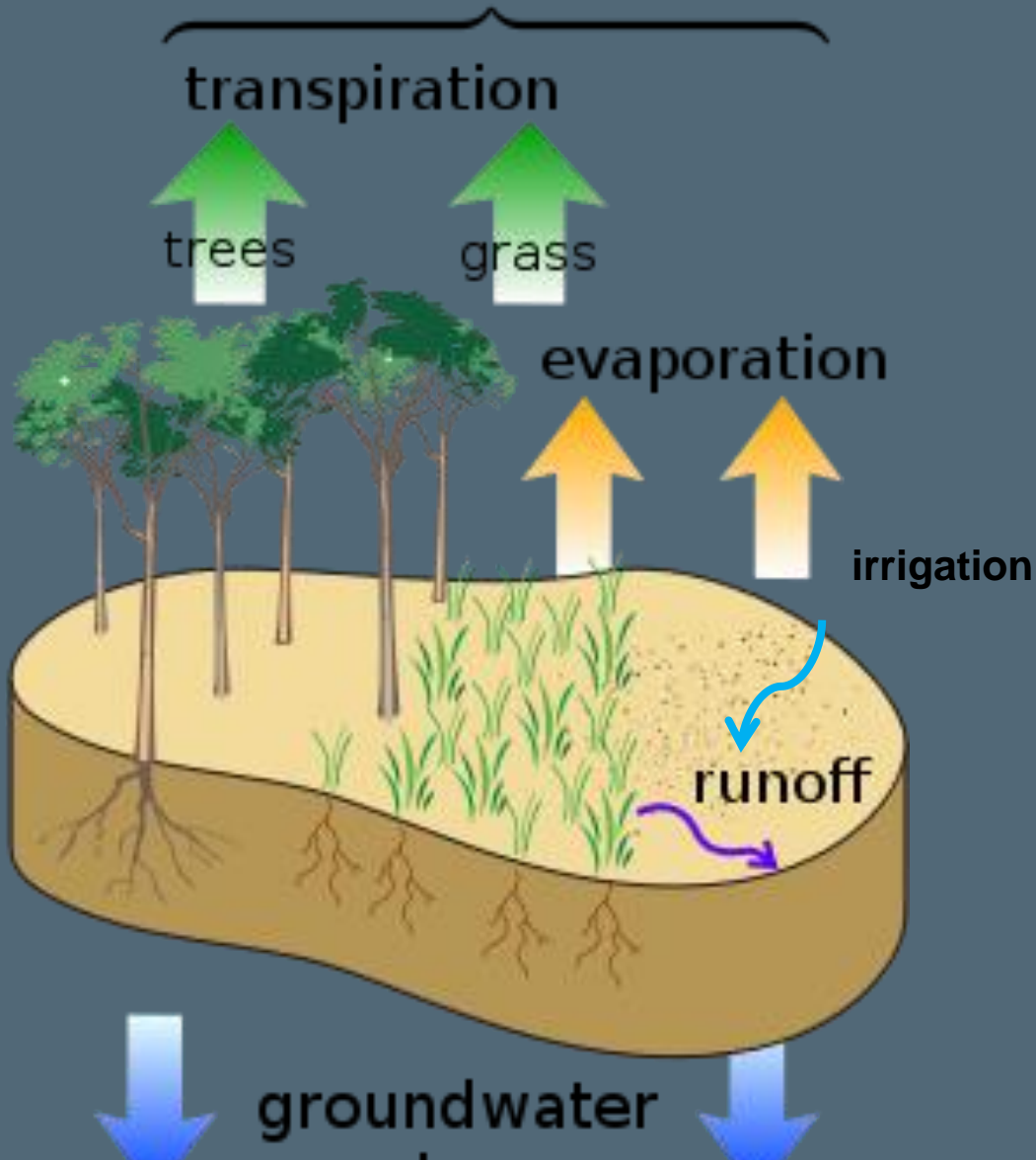


Lesson #2: Abide by the “no injury rule”



Discussing Water Rights, A Western Pastime

evapotranspiration =
transpiration + evaporation



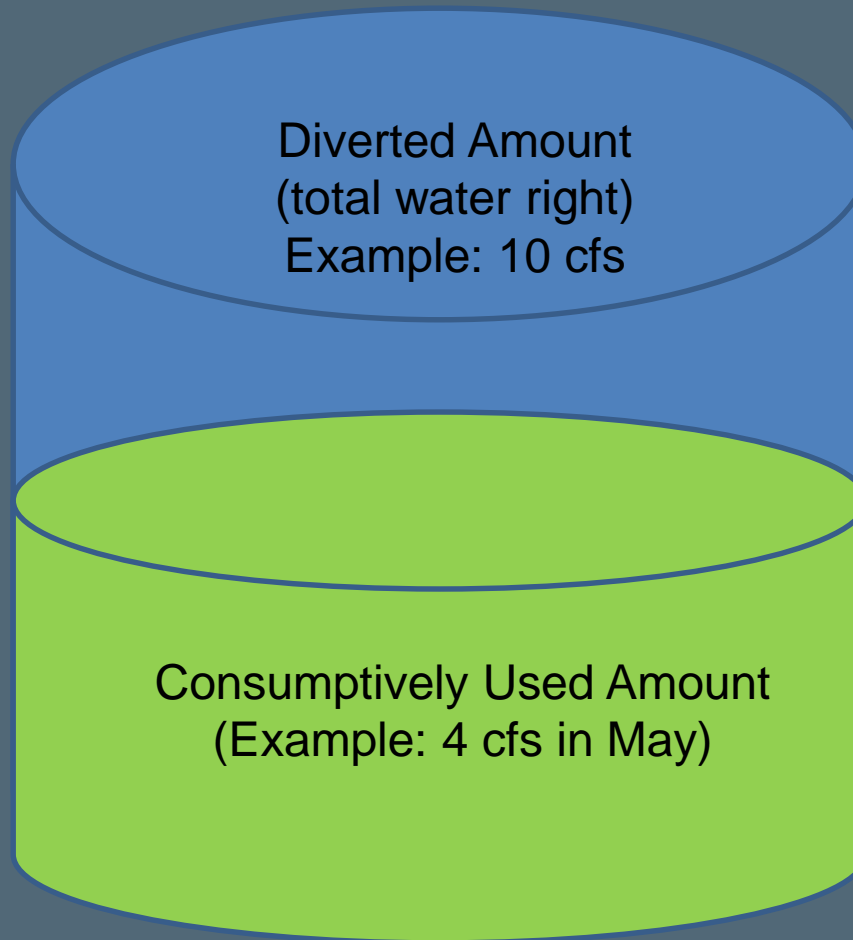
Consumptive Use Calculations

Depends upon:

- Type of crop grown
- Soil types
- Grazing intensity
- Local climate conditions

(varies by month)

Consumptive Use Calculations



Non-consumptive
Amount
(Example: 6 cfs in May)

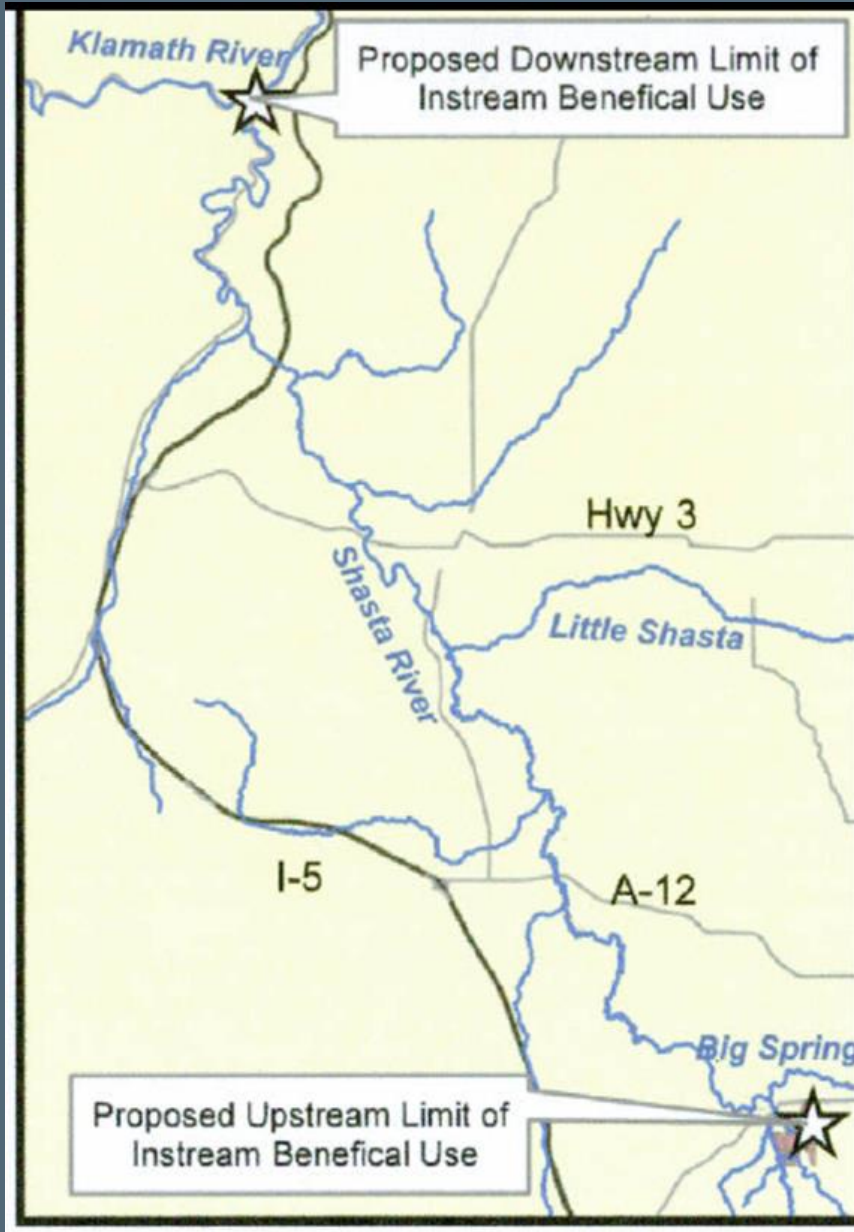
To ensure "no injury" to other water users, the non-consumed portion of the water right must be available to other water users for diversion.

Lesson #3:

Perfection is the enemy of the good



Monitoring Instream Transfers in an Imperfect World



Lesson #4: Have patience. All things are difficult before they become easy.



SISKIYOU 
DAILY NEWS

8, 2013 Siskiyou County's news source since 1859 Vol. 153, No. 1

SHASTA CHINOOK

Cooperative efforts pay off

Irrigators contribute water to increase stream flows

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.

Manji said, "Irrigation districts and individual landowners stepped up and contributed water to reduce disease risks to returning salmon," adding, "The in-

CITIZEN
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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 29,489 Chinook - show that 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

Salmon, A2

DAILY NEWS PHOTO/JOHN BOWMAN

Two Chinook salmon vie for spawning mates in the Shasta River. Over 29,000 Chinook returned to the Shasta River last fall aided by additional flows from irrigators.

A CALIFORNIA CITIZEN AND ADVOCATE WHO HAS



SWIFT: “Small Watershed Instream Flow Transfer” group

Goal:

The goal of the Small Watershed Instream Flow Transfer (SWIFT) Working Group is to identify and reduce obstacles associated with transferring existing water rights to instream flow by developing practical guidelines and recommendations for successful and efficient completion of Section 1707 processes, particularly for transactions in smaller tributary and coastal streams with critical fish needs.

In the process of developing a “1707 Guidance Document.” Should be ready for distribution by June 2015.



Representatives from Trout Unlimited, American Rivers, Scott River Water Trust, River Right, and The Nature Conservancy

Partners/Acknowledgments

- American Rivers
- Aquaterra
- California DFW
- California Trout
- California Water Trust Network
- Conservation Farms
- Davids Engineering
- Emmerson Investments
- Farm Bureau
- Grenada Irrigation District
- NOAA Restoration Center
- NFWF
- NRCS
- Rice Livestock
- River Right
- RWQCB
- SWRCB
- Scott River Water Trust
- Shasta and Scott River Watermaster District
- Shasta Valley RCD
- Siskiyou County
- Siskiyou Water Users Association
- Trout Unlimited
- UCD Watershed Center
- US Fish and Wildlife Service
- Watercourse Engineering



Mike Hupp, Dawn Patrol Images

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