



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. CA-2014-025
Expires: 9/30/15

To: All CA District and Field Managers
Attn: All CA District and Field Office Archaeologists

From: Deputy State Director, Natural Resources

Subject: Guidance for Addressing BLM-held California Water Rights in Response to
Drought Conditions **DD: 8/1/14**

Program Area: Soil, Water, and Air

Purpose: This Instruction Memorandum provides guidance for updating Field Office water rights so that each office can proactively manage water-dependent resources in light of the ongoing, chronic drought in California.

Background: January 17, 2014, Governor Brown declared a Drought State of Emergency in response to the driest rainfall year in state recorded history. As the drought worsens, the State Water Resources Control Board (Board) has issued appropriated water right curtailment letters to post-1914 water right holders in four river basins that affect BLM-managed lands: Scott River, Russian River, San Joaquin, and Sacramento River. The Board has indicated that they will not be issuing exceptions to the BLM, but understands the need of water to meet land management responsibilities. Curtailments at this time do not affect riparian rights or Statements of Diversion and Use (Statements). The BLM has claimed federal rights through the Statement filing process that may include riparian rights. Certification of curtailment is required to the Board and the BLM has completed this task.

The Field Offices should be aware of the potential for future curtailments of both appropriated rights and Statements in all watersheds in California. If additional curtailments become necessary due to worsening drought, this policy and its associated tasks will be amended.

Policy/Action: The BLM policy in 7250 requires cooperation with state governments, conformance to applicable State water rights laws, protection of existing senior water rights, and acquiring and/or perfecting water rights. Accordingly, Field Offices are instructed to complete the following two tasks:

1. Comprehensively review all water rights held by your Field Office to determine if physical diversions of water from a stream or river channel actually exists.
2. Provide the State Director with a report of any additional staffing or funding needs to meet this task by August 1, 2014.

This work is to commence immediately with a full expectation that this task will be completed this fiscal year.

Discussion: Task One will provide you updated information on every water right or Statement held by the Field Office to support any required response to future curtailments, as well as help each Field Office develop a program of work to ensure the most appropriate tool for securing water to meet the BLM management needs is in place. For example, the BLM holds over 1,560 Statements that were claimed to provide water for in-stream beneficial uses or for riparian uses – it is unclear how many of these actually have a physical diversion, yet the Board requires each Statement to be supported by a *flow measurement device* (see [IB CA-2013-003](#)). The BLM holds 392 appropriated rights and, of these, 62 continue to operate under a permit rather than a license. If the BLM has applied for an appropriated right, it is incumbent upon the BLM to perfect that right under the terms of the permit to ultimately receive a license. Many of these permits date back to the early 1980s.

All the BLM water rights and Statements as of 2012 are geo-spatially located with the data stored in the State Office GIS program and can be used to facilitate this task. The path is [\\blm\dfs\ca\pub\gisimage\so\gis\project\CAH20PODs\PODS_Final.gdb](#). If in your field review you find the water use can be better met using a different tool (i.e., a Statement rather than an appropriated right), please contact the Board and transfer this use. To establish context for your needs, you can identify other water right holders sharing your water sources using the following web-based program: <http://projects-ca.statewater.org/water-rights>.

Task One represents a potential significant undertaking for several Field Offices. Please provide me an assessment of needed skills and funding to complete this task by August 1, 2014. I know it is already late in the field season, but I expect each manager to assess and modify or delay current priorities to complete these actions.

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