

Good Morning Everyone.

- 1) SWRCB bans diversions to 114 rights holders
 - a) California water regulators Friday ordered farmers and others with some of the oldest water rights in the state to stop pulling water out of California's rivers. The action by the State Water Resources Control Board, after weeks of warnings, affects 114 different water-rights holders in the Sacramento and San Joaquin river watersheds, as well as the Delta region. Despite recent rains, the Board said it had little choice but to issue the orders, known as curtailments.
 - b) Generally speaking, senior rights holders are those who established a claim before California created a formal water rights system in 1914. Earlier this year, the State curtailed the rights of more than 9,000 "junior" rights holders, those who established claims after 1914.
 - c) Friday's order doesn't affect those whose rights existed before 1903. San Francisco, for instance, holds water rights that date to 1901 and is unaffected. The order also leaves untouched so-called riparian rights, considered the most ironclad of all, covering the water used by farmers and others immediately adjacent to rivers and streams.
 - d) Those who violate the order could be fined \$2,500 per acre-foot. An acre-foot is nearly 326,000 gallons. Trgovcich said the affected users must halt their diversions "effective immediately."
 - e) This is the first time since the drought of the late 1970s that rights more than a century old have been cut off.
- San Joaquin Tributaries Authority Sues state (Stanislaus Sup. Ct.)
 - i. Oakdale, Turlock, SSJID, San Francisco, Merced, Modesto
 - ii. The SSJID's issues with the state order impacting water rights secured between 1903 and 1914 include:
 - iii. • SSJID property owners bought the water rights before 1914 when the state had no jurisdiction. The order essentially establishes jurisdiction 111 years after the fact.
 - iv. • The state is essentially seizing water rights without due process.
 - v. • No one has filed a complaint that SSJID is violating their superior water rights. Actually, no such water rights exist on the Stanislaus River older than those held by SSJID and the OID.
- Patterson Water District sues State (Stanislaus Sup. Ct.)
- Banta-Carbona sues State (San Joaquin County Sup. Ct.)
 - i. The Banta-Carbona Irrigation District filed its complaint in San Joaquin County Superior Court, asking a judge to overturn the decision last week by the State Water Resources Control Board to temporarily suspend water rights dating back as far as 1903.
 - ii. The lawsuit warns that cutting off the Banta-Carbona farmers from the San Joaquin River, their last remaining major source of water, would cause "substantial and significant economic loss."
 - iii. Those farmers face a difficult decision, the lawsuit says: Ignore the State's so-called "curtailment" notice and risk accruing more than \$22 million in penalties over the

course of a month, or stop pumping water and risk \$800 million in damage to permanent crops like almond and walnut orchards.

2) Riverside sues State <http://www.latimes.com/local/lanow/la-me-ln-riverside-water-reduction-lawsuit-20150609-story.html>

- iv. In yet another development, the water board has been sued over Gov. Jerry Brown's order requiring urban areas to cut water use.
- v. The city of Riverside sued the board in Fresno Superior Court last week, demanding a court order blocking regulators' implementation of the governor's order, which took effect June 1.
- vi. Brown ordered a 25 percent reduction in urban water usage over the next nine months, when compared to 2013 consumption. As implemented by the water board, the order varies widely according to prior consumption patterns. Riverside must cut 28 percent.
- vii. The city says it has plenty of groundwater, isn't facing a shortage, and should have been placed in the 4 percent category – the lowest of the nine tiers.
- viii. In setting up the different categories, the board rejected the idea of letting cities use their groundwater to get placed in the 4 percent tier. It said those cities should hang onto their groundwater in case the drought gets even worse.

3) State water Contractors sue State <http://www.sacbee.com/news/state/california/water-and-drought/article24683440.html>

- ix. A consortium of mostly urban water districts filed a complaint alleging Delta farmers are stealing water.
- x. The group of 27 agencies, including the massive Metropolitan Water District of Southern California, said farmers in the Sacramento-San Joaquin Delta put water quality at risk by diverting more water than they have a right to. The consortium, called the State Water Contractors, made the filing with the State Water Resources Control Board.
- xi. The gist of the argument is that the diverters are only entitled to divert from stream flows that would naturally occur if not augmented by SWP/CVP releases. Because south-of-Delta stream flows *are* augmented by SWP/CVP, the Water Contractors argue that the only way to determine the amount that diverters can rightfully divert is to resort to modeling.
- xii. "These landowners in the Delta have long-standing water rights that entitle them to water when nature provides it – but those rights do not entitle them to stored water paid for by others and intended for the environment," said Stefanie Morris, acting general manager of the contractors group. "If nature ran its course, the Delta would not be suitable for drinking or farming this summer."

- xiii. Dante John Nomellini, who represents the Central Delta Water Agency, said the complaint amounts to the water agencies “playing a game.” His district serves about 120,000 acres in the heart of the Delta.
- xiv. “When it comes down to us, they claim we’re taking their stored water,” he said. “Well, it’s commingled with our water. And the law is clear when you commingle your water with somebody else’s you cannot deprive them of the water to which they’re entitled ...”
- xv. The complaint attached a couple hundred pages of modeling analysis to support its position that the non-augmented stream flows are not sufficient to meet Delta water quality control plan requirements and still provide for south Delta diversions. So at present, the diverters should not be diverting.