

Compliance and Enforcement Issues in the Delta

A report to the State Water Resources Control Board
and
the Delta Stewardship Council

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Craig Wilson
Delta Watermaster

Delta Compliance and Enforcement Activities since 2008

- Initial focused effort: Roberts and Union Islands
- Subsequent Investigation of other Areas
- Current Efforts: Coordinate with Statement of Water Diversion and use Program
- Future Efforts:
 - * Continue investigation of individual diversions
 - * Special Districts in the Delta
 - * The larger Delta Watershed

Background

- 2008 Bay/Delta Strategic Workplan
 - * Compliance / Enforcement Element
 - * Goal: Ensure that flows are not affected by unauthorized diversions
 - * W.C. §1825: Take vigorous action to prevent unlawful diversions of water
 - * Extent of illegal diversions in Bay/Delta watershed is unknown, but could be significant.
 - * Must investigate, initial focus on Delta, but also look at other areas in the larger Delta watershed

Background cont'd

- 2009 Water Reform Legislation
 - * Watermaster position created to help provide timely monitoring and enforcement
 - * Statement of Water Diversion and Use Program expanded to provide more information on Delta diversion

- Compliance vs. Enforcement

Roberts and Union Islands (2008-2011)

– Properties Identified

- * Using water
- * No Board-issued water rights
- * No apparent physical connection to a water course

– Main issues

- * Intent to retain a Riparian Right
- * Connection to historical sloughs

Roberts and Unions Islands (2008-2011)

— Details

- * 651: Number of parcels examined
- * 485: Parcels found to have water rights after initial investigation
- * 62: Additional cases closed after receipt of additional information
- * 84: Cases pending within Woods Irrigation Company service area
- * 20: Additional cases
 - ▲ 11: Cases issued Cease and Desist Orders
 - 3: Dismissed
 - 1: Settlement Order
 - 1: Board Order
 - ▲ 9: Duck Slough cases pending Woods Resolution

- ## — Conclusion: Most cases to-date resolved with evidence to support a riparian water right

Other Areas in the Delta

- 2011 Investigation: Southern Delta area
- Properties targeted:
 - * Parcels were being irrigated
 - * No record of established water right
- Details:
 - * 361: Parcels evaluated
 - * 300: Water rights established after preliminary review
 - * 61: Properties identified for further review
 - * 60: Cases resolved after follow-up investigation and review of information provided by property owners
 - * 1: Administrative Civil Liability Complaint and Settlement Decision Issued by Watermaster

Current Investigation Involving Failures to File Reports

– Reports

- * Statements of Water Diversions and Use
- * Annual Reports of Licenses
- * Progress Reports of Permittees

– Statewide Investigation

– Failure to File Statements

- * 21: Delta parcels (394 statewide)
- * 11: Cases resolved
- * 10: Cases pending

– Failure to File Reports of Licensees

- * 330: Delta parcels pending (4,595 statewide)

– Failure to File Progress Reports of Permittees

- * 27: Delta parcels pending (341 statewide)

Future Efforts

– Districts

- * Many Districts in Delta: Reclamation Districts, Irrigation Districts and Water Districts, also private Water Companies
- * Around 50 Districts divert water and/or furnish water to individuals
- * Future efforts: Look to Districts

– Larger Delta Watershed

- * Investigation
- * Stored water bypass issue
 - ▲ Water rights only extend to natural and abandoned flows
 - ▲ Curtail downstream diversions of water that have been released from upstream storage (Term 91)