

Delta Watermaster Update

May 30, 2014



Topics

- Water Use in the Delta
- Term 91
- Compliance Issues
- Delta Watermaster reports

Water Rights/Claims in the Legal Delta	
Water Rights	
License	292
Permit	35
Pending Applications	7
State Filing	6
Statements	2510
All Rights	2850
Miscellaneous*	258
Total	3108

*Includes revoked, cancelled, temporary, or inactive water right claims

Reporting for 2012 and 2013 Water Year

Legal Delta Water Rights

2012 Reporting Year (due 7/1/2013)						
	Mailed	Due	Filed	Due	Compliance	Progress
Report of Licensee	293	292	292	0	100 %	
Progress Report by Permittee	35	35	35	0	100 %	
Supplemental Statement	2069	1955	1949	6	99 %	
Total	2397	1955	1949	6	99 %	

2013 Reporting Year (due 7/1/2014)						
	Mailed	Due	Filed	Due	Compliance	Progress
Report of Licensee	292	292	55	237	19 %	29
Progress Report by Permittee	35	35	2	33	6 %	0
Supplemental Statement	166	144	31	113	22 %	10
Total	493	471	88	383	19 %	35

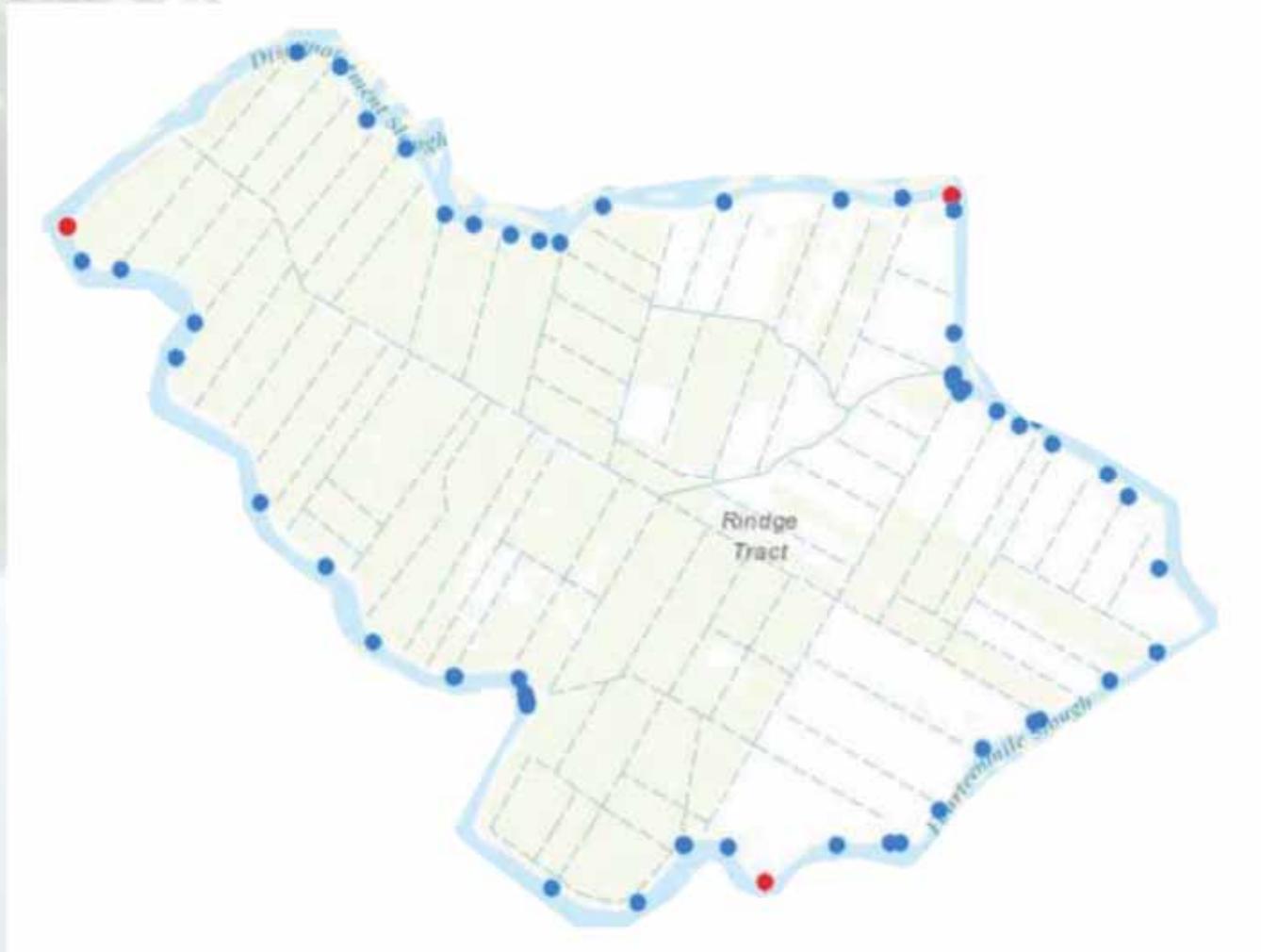
Interactive Water Rights Map of the Legal Delta

- Map of entire Legal Delta
- Map of all Islands and Tracts
- Narrative Island Summaries

Satellite View of Island Rindge Tract



Topographic View of Island Rindge Tract



Narrative Summary of Island Venice Island

DATE: March 5, 2013

**SUBJECT: INFORMATION FOR RECLAMATION DISTRICT 2023, VENICE ISLAND
LOCATED IN THE CENTRAL DELTA REGION OF SAN JOAQUIN COUNTY**

Venice Island is located in the Central Delta Region of San Joaquin County. Venice Island is part of Reclamation District 2023 and consists of two parcels containing approximately 3,201 acres of irrigated agricultural land.

Statement Information:

A total of twenty five Statements have been filed with the claim of riparian and pre-1914 water rights for both parcels which includes the beneficial use of water from Potato Slough, Connection Slough, and the San Joaquin River. The twenty five Statements represent twenty five individual points of diversion which serves the two parcels. All Statement information filed has been accepted by the State Board's Division of Water Rights. The Reclamation District 2023 Venice Island file is complete.

Statement information described in this memo was provided by the landowners of the two parcels on Venice Island.

Term 91

- No widespread Curtailments since 1976 / 77
- But Term 91 Curtailments have been frequent
 - 11 of last 15 years
- Term 91 invoked when Projects are releasing stored water to meet water quality standards
- About 121 water rights have Term 91
 - Junior to Projects
 - Post 1965 Priority Date
- 2014 Curtailment Notice: May 13, 2014
(Curtailment period begins May 20, 2014).

Compliance Issues

- Reporting Requirements
- D-1641
- San Joaquin River (Vernalis) Pulse Flows
- South Delta Salinity

Delta Watermaster Reports

- Agricultural Water Use Efficiency (1/13/11)
- Water Rights Enforcement (9/13/12)
- Term 91-like Curtailments (11/27/12)
- Barriers In the Delta (4/16/13)
- Area of Origin Laws (10/03/13)

Agricultural Water Use Efficiency

- Practices that reduce consumptive water use can result in true water savings. There are proven measures and technologies available now to make agricultural water use more efficient. Many are already being employed in California and studies have shown that they work to reduce water use. Cont'd....

Agricultural Water Use Efficiency cont'd.

- Persons who do not employ some or all of these technologies, where they are economically justifiable, locally cost effective and not harmful to downstream agriculture and other environmental needs, are simply using water unreasonably.

Water Rights Enforcement

- The State Water Board's enforcement authority for water rights is inconsistent with its broad enforcement authority over water quality matters.
- The recommendations contained in this report would enhance the ability of the State Water Board to take appropriate enforcement actions over water right matters.

Term 91: Stored Water Bypass Requirements

- Stored Water Bypass Requirements, such as Term 91, serve a valid purpose.
- Currently, Term 91 only applies to certain junior water right holders.
- It should be extended to all water right holders who divert water from watercourses and their tributaries into which the Projects release supplemental water.

Area of Origin Laws

- The following observations can be made regarding the Area of Origin Laws:
 - 1) Their intent seems clear: to provide some measure of protection for Area of Origin water such that water will be available for future needs notwithstanding the development of export projects.
 - 6) The cases also make it clear that the Laws do not independently create water rights for Area of Origin inhabitants. Rather, a water right must exist before the protection of the laws may be invoked.

Area of Origin Laws cont'd.

- The following observations can be made regarding the Area of Origin Laws:
 - 7) Where there are no water rights in existence, the Area of Origin Laws provide a means for an Area of Origin inhabitant to acquire a water right that would have priority over the water rights of the export projects.
 - 8) The Area of Origin Laws do not entitle valid water right holders to divert water that has been previously stored upstream and later released for downstream rediversion or instream beneficial use.

Drought Curtailments

- In times of shortage, when there is not enough water in the system to satisfy all water rights, the priority system is invoked. Basically, the most junior water right holders are curtailed before restrictions are imposed on more senior water right holders. Seniority is determined by the type and age of the water right.

Build-up to Curtailments

- New Water Code sec. 1058.5: Emergency Regulation Authority
 - Require curtailments when water is not available under the diverter's priority of right, and
 - Governor has issued Drought Proclamation
- Jan 17, 2014:
 - Governor's Drought Proclamation
 - State Water Board's Notice of Likely Curtailment
- Continued..

Build-up to Curtailments Cont'd.

- April 14, 2014:
 - In Governor's Drought Proclamation: Water Board shall use emergency reg authority as necessary to curtail water use
- May 20, 2014:
 - State Water Board workshop on Curtailment Options

Curtailment Process in General

- **Curtailment Orders**
 - To all post 1914 water right diverters in the Delta watershed
- **7 days to file Certifications**
- **Inspections / Enforcement**
- **Exceptions**
 - Previously stored water
 - Power users
 - Health & Safety
 - Not connected to Delta

Continued.

Curtailment Process in General Con'td

- Legal Delta Issues
 - Most water rights are senior

