

TUCP Order and Water Rights Information

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Restore the Delta
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Middle
River, Wing
Levee Road,
2013

**State Water Resources
Control Board
Sacramento, CA**



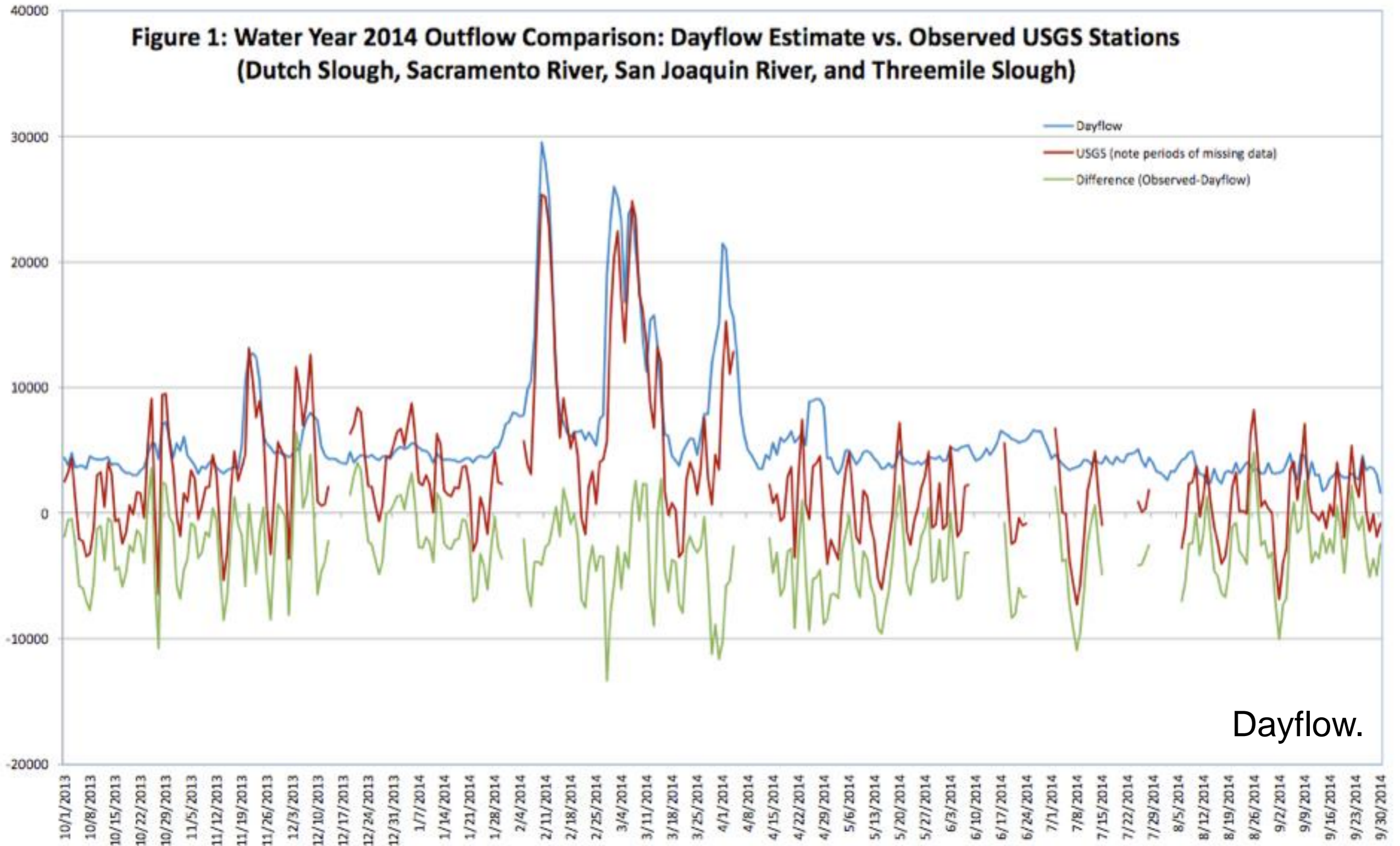
Topics

- Measure Delta Outflow
- Board's Legal Duties
- Over-appropriation in Delta watershed
- Long-term SWP and CVP management

Along State Route 4
near Old River Bridge,
2013.



Estimating vs. Measuring Delta Outflow





Legal Duties

term

Reconsider “Urgent Need”

- **Evaluate due diligence of petitioner(s).**
- **Protect public trust resources.**
- **Prevent waste/unreasonable use/unreasonable methods of diversion.**
- **Credible and meaningful.**

Legal Duties

term

Reconsider “Urgent Need”

- **Demonstrate compliance with Delta Protection Act of 1959 (WC §12200 et seq.).**
- **Take up CSPA complaint from last fall.**
- **Require “hindcast” of state and federal project operations during droughts.**

Over-appropriation in Delta watershed

- Some seniors resort to pre-1914 rights when facing curtailment.**
- Settlement and exchange contractors privileged over public trust instream flows.**
- Delta instream flow study still not done. (WC §85086(b).)**

Over-appropriation in Delta watershed

- **153 MAF of consumptive water right claims chase 29 MAF of unimpaired flow in average year. (C-WIN et al, 2012.)**
- **In droughts, ratio can double or triple.**
- **RTD studying Board's new Drought Info Order database.**

The Use-Water-Now Bias in Projects' Operations

- Discounts future water availability for sake of present use.**
- Can quickly lead to crisis when drought period lengthens.**
- Evident in available historical and current data.**

SWP/CVP Long-term

Recommendations and Requested Reconsiderations

- **Plan SWP/CVP operations for a climate regime in which the majority of future years are dry or critically dry.**
- **Perform “hindcast” of this drought to learn what decisions cost long-term water supply during drought.**
- **Address paper water.**

Thank You



Sacramento River, 2011