Weaver, Nathan@Waterboards

From: Felicia Marcus <feliciaamarcus@aol.com>
Sent: Friday, July 10, 2015 8:47 PM
To: Molly Strauss
Cc: Barrios, Alicia@Waterboards; David Abel; Marcus, Felicia@Waterboards
Subject: Re: The Planning Report / David Abel Interview Transcript
Attachments: Marcus TPR July 10.docx

Here ya go. Thanks!

On Jul 10, 2015, at 4:08 PM, Molly Strauss wrote:

Thanks, Felicia! We plan to go to print on Monday, so if you could have it to us by Monday morning, that should work just fine.

All the best,
Molly Strauss
Editor
The Planning Report, Metro Investment Report
mstrauss@ablinc.net
(213) 629-9019
planningreport.com
metroinvestmentreport.com

From: Felicia Marcus <feliciaamarcus@aol.com>
Date: Friday, July 10, 2015 at 3:35 PM
To: Editor 1 <mstrauss@ablinc.net>
Cc: "Barrios, Alicia@Waterboards" <Alicia.Barrios@Waterboards.ca.gov>, David Abel <david@ablinc.net>
Subject: Re: The Planning Report / David Abel Interview Transcript

Hi Molly. I did my edits yesterday but my lawyers wanted to make a couple of changes (water rights is touchy right now). They are working on it but it was a hectic day with some court rulings. Haven't forgotten!
Felicia
Sent from my iPad

On Jul 10, 2015, at 11:37 AM, Molly Strauss <mstrauss@ablinc.net> wrote:

> Hi Felicia,
>
> Just a reminder—we'd appreciate if you could get edits back to us today. Many thanks for accommodating the quick turn-around!
>
> All the best,
> **Molly Strauss**
> **Editor**
> ***The Planning Report, Metro Investment Report***
> mstrauss@ablinc.net
> (213) 629-9019
> planningreport.com
> metroinvestmentreport.com

From: Felicia Marcus <feliciaamarcus@aol.com>
Date: Wednesday, July 8, 2015 at 10:27 PM
To: Editor 1 <mstrauss@ablinc.net>
Cc: "Barrios, Alicia@Waterboards" <Alicia.Barrios@Waterboards.ca.gov>, David Abel <david@ablinc.net>
Subject: Re: The Planning Report / David Abel Interview Transcript

Will do my best to do tomorrow am on train!

Sent from my iPad

On Jul 8, 2015, at 11:13 AM, Molly Strauss <mstrauss@ablinc.net> wrote:

> Felicia,
>
> On behalf of David Abel, thank you for the opportunity to interview you for our upcoming issue of *The Planning Report*.
>
> We've transcribed and edited the interview (attached) and welcome technical corrections. You'll notice that certain phrases are highlighted in yellow—this indicates a place where the recording was unclear, or a place where clarification could be helpful.
>
> This is still a draft, and we will be doing two more proof-reads before making it public.
>
> If you could return this to us by **this Friday morning** (or, ideally, before then), we would appreciate it, as our coming issue goes to print shortly thereafter. We know this is a quick turn-around and appreciate your assistance. Many thanks!
>
> All the best,
> **Molly Strauss**
> **Editor**
> ***The Planning Report, Metro Investment Report***
> mstrauss@ablinc.net
> (213) 629-9019
> planningreport.com
> metroinvestmentreport.com

<Marcus TPR.docx>

Weaver, Nathan@Waterboards

From:	Felicia Marcus <feliciaamarcus@aol.com>
Sent:	Wednesday, July 08, 2015 10:27 PM
To:	Marcus, Felicia@Waterboards
Subject:	Fwd: The Planning Report / David Abel Interview Transcript
Attachments:	Marcus TPR.docx

Sent from my iPad

Begin forwarded message:

> **From:** Molly Strauss <mstrauss@ablinc.net>
> **Date:** July 8, 2015, 11:13:52 AM PDT
> **To:** "Barrios, Alicia@Waterboards" <Alicia.Barrios@Waterboards.ca.gov>, "Felicia Marcus" <feliciaamarcus@aol.com>
> **Cc:** David Abel <David@ablinc.net>
> **Subject: The Planning Report / David Abel Interview Transcript**
>
> Felicia,
>
> On behalf of David Abel, thank you for the opportunity to interview you for our upcoming issue of *The Planning Report*.
>
> We've transcribed and edited the interview (attached) and welcome technical corrections. You'll notice that certain phrases are highlighted in yellow—this indicates a place where the recording was unclear, or a place where clarification could be helpful.
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>
> All the best,
> **Molly Strauss**
> **Editor**
> ***The Planning Report, Metro Investment Report***
> mstrauss@ablinc.net
> (213) 629-9019
> planningreport.com
> metroinvestmentreport.com
>
> **WE'VE MOVED!**
> Our office has relocated to:
> **700 South Flower Street, Suite 650**
> **Los Angeles, CA 90017**

Reviewers:

Red: Howard, Tom@Waterboards

Blue: Marcus, Felicia@Waterboards

Hi Felicia,

Thank you all so much for taking the time to go into such depth with me on California water rights and the water board. Below are some of my takeaways from our conversation, as well as some other information I've read online. I'd appreciate it if you and/or Tom could look this over, see if I've got it all right and if there's anything you'd like to add.

From our conversation:

- The 2009 water reform package required pre-1914 appropriators to report their water usage for the first time. They are required to report monthly data every three years.
- The Davis study overstates the overallocation problem because it assumes that the "face Value" of a water right is a reasonable approximation of the amount of water diverted and that is not true. "face value" far exceeds the amount of water actually diverted.
- The Davis study overstates the overallocation problem because it doesn't take into consideration return flows from diversions. ~~cycled water.~~
- The Davis study is a bit...~~alarmist~~ simplistic/overstated because not everyone uses their allocation at the exact same time, and not everybody uses their entire allocation all the time.
- Applicants may be ~~are~~ granted a permit if water is available 50 percent of the time or more. (Applicants receiving permits when water is not always available are usually required to show they have alternate sources if the proposed use is likely to require water every year.) By nature, that builds in a certain amount of overallocation, which is why there is a seniority system. Junior water rights holders know that there isn't always enough water for them and that they can be curtailed in favor of more senior water rights holders. Sometimes there is more than enough to meet allocations, except in a few areas.
- The permit-to-license process helps square away expected use (from the permit) to actual use (verified by water board inspectors).
- The licensing process has slowed down a lot in recent years, as the board has put more resources toward the permitting process, where there can be more impact on conservation through public trust flow ~~negotiations~~determinations.
- California does not require senior users to "call" their upcoming usage, ~~but that's something the board is considering~~as they do in other states.
- The board is testing out satellite data in the Delta, but this kind of satellite (and sensor) technology is not widespread in California the way it is in Idaho and certain other states. (Satellite technology is broadly used in water resource planning in California but it is not used to manage the water right system at this time.)
- Do you think it's fair to say that managing water in CA in times of drought is made harder because the accounting of appropriation on paper doesn't match use? We do the best we can with the data we have, which while much better than it

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was before the 2009 legislation took effect, miles better, could still be better and allow for a more real-time and granular implementation of water rights at a more fine scale as between water users. We have monthly historical use data for all water right holders now and we believe this data does match use in general.

Fact-checking from other sources:

- The California Department of Water Resources publishes water supply projections from February to May.
- Those projections are available monthly.
- Some water flow records are embargoed, including those from hydropower utilities.
- Add the paragraph from the dry year report?

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Lastly, I have a follow up question. To what extent do appropriative rights holders report their actual use? Are the reports current and accurate enough to give the board enough information to manage water as efficiently as possible? What kinds of reporting requirements would you like to see? We have monthly use date for all water right holders which is submitted to us under penalty of perjury. This data is submitted to us annually by post 1914 water right holders and every three years by riparians and pre 1914s. As with any data set there are likely reporting errors but we use this information to estimate demand in watersheds throughout the state and to curtail water right holders when this demand exceeds supply. Better data is always preferable. Monthly data could be reported on a monthly basis and for large water right holders telemetry could be used to stream the data on a real time basis.

Thanks so much. This is a very nuanced issue, and I'm relatively new to water rights in general, so it's very important to me I get all the facts 100 percent locked down and don't iron out too many of the nuances in trying to communicate to readers.

Cheers,
Rachael

--
Rachael Bale
The Center for Investigative Reporting
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