

# Bay-Delta Water Rights

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# Water Quality Activities

- Water Quality Control Planning
  - Identify Beneficial Uses
  - Set Water Quality Standards
  - Includes a Program of Implementation
  - Implemented by Water Right Decision(s)
- Water Quality Certification
  - Hydropower Project Relicensing- Federal Energy Regulation Commission
  - Involves diversion of water
- Coordinate with Regional Water Boards

# Water Right Activities

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- Permitting authority over appropriative water rights – includes continuing authority
- Approve petitions for change to existing water rights – includes changes to facilitate short and long term transfers of water
- Complaint/compliance/enforcement activities
- Public trust actions
- Adjudications and Fully Appropriated Streams

# Bay-Delta Plans and Accompanying Decisions

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- 1978: Implemented by D-1485
- 1991: Not approved by U.S. EPA
- Interim: D-1630 not adopted by SWRCB
- 1995: Approved by U.S. EPA in 1995
- 2000: Revised Decision 1641, implemented the 1995 Plan
- 2006: Minor update of 1995 Plan

# Court Decisions

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- Racanelli (U.S. v SWRCB)
- Audubon (National Audubon Society v. Superior Court-1983)
- Robie (Various Groups v SWRCB - 2006)
- Wanger (NRDC v. Kempthorne - 2007)

# Bay-Delta Standards

**DRAFT**

Contained in D-1641

Per DWR SWP web page

CRITERIA	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
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## FLOW/OPERATIONAL

<b>Fish and Wildlife</b>													
SWP/CVP Export Limits					1,500cfs [1]								
Export/Inflow Ratio [2]	65%	35% of Delta Inflow [3]					65% of Delta Inflow						
Minimum Delta Outflow	[4]						3,000 - 8,000 cfs						
Habitat Protection Outflow		7,100 - 29,200 cfs											
Salinity Starting Condition [6]		[6]											
River Flows:													
@ Rio Vista									3,000 - 4,500 cfs				
@ Vernalis - Base		710 - 3,420 cfs [8]					[8]						
- Pulse					[9]					+28TA			
Delta Cross Channel Gates	[10]	Closed					[11]					Conditional [14]	

## WATER QUALITY STANDARDS

<b>Municipal and Industrial</b>												
All Export Locations	≤ 250 mg/l Cl											
Contra Costa Canal	150 mg/l Cl for the required number of days [12]											
<b>Agriculture</b>												
Western/Interior Delta				Max.14-day average EC mmhos/cm								
Southern Delta [14]	1.0 mS			30 day running avg EC 0.7 mS						1.0 mS		
<b>Fish and Wildlife</b>												
San Joaquin River Salinity [15]				14-day avg; 0.44								
Suisun Marsh Salinity [16]	12.5 EC	8.0 EC		11.0 EC						19.0	[17]	15.5

# Standard Water Right Term 91

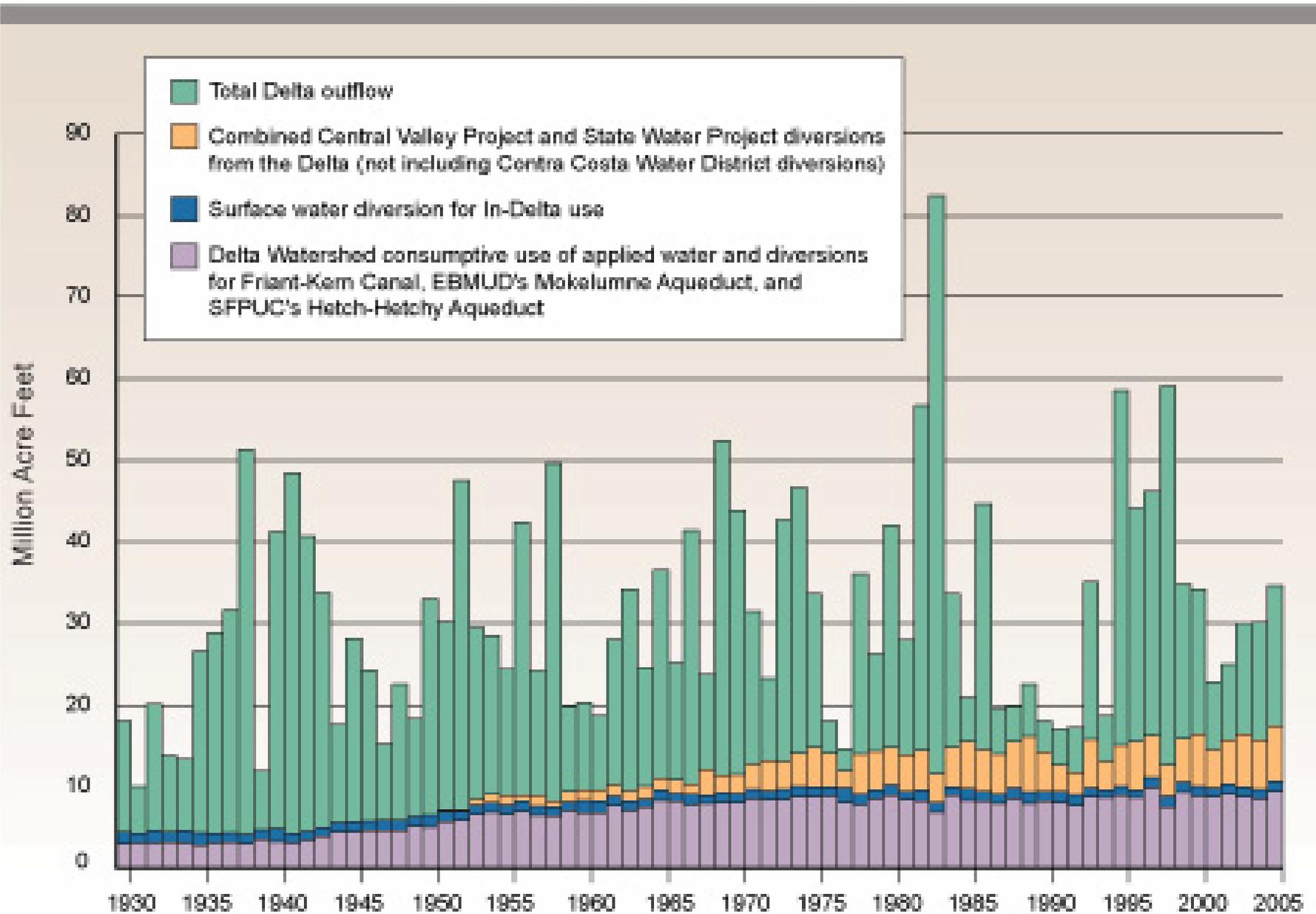
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(Placed in all permits issued within the Delta watershed after August 1978)

“No diversion is authorized by this permit when satisfaction of in-basin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.”

SUPPLEMENTAL PROJECT WATER =  
STORAGE RELEASES  
-(EXPORTS + CARRIAGE WATER + INBASIN CONTRACTS)

**Figure 7b. Historic Diversions before the Delta, in-Delta Uses and Exports from the Delta, plus Outflows**



# Area of Origin Statutes

- **County of Origin (1927)**
  - Applies to State filings
  - Results in a reservation
- **Watershed Protection (1933)**
  - Applies to CVP and SWP only (units of the original CVP in the 1930's)
  - In effect CVP and SWP are last priority
- **New Watershed Protection Act (1984)**
  - Applies to export projects (including GW) initiated after 1/1/85 in protected areas
  - Allows in-basin users to obtain a higher priority right than the exporter or to contract for water from the exporter
- **Delta Protection Act**

Figure 7b. Historic Diversions before the Delta, in-Delta Uses and Exports from the Delta, plus Outflows

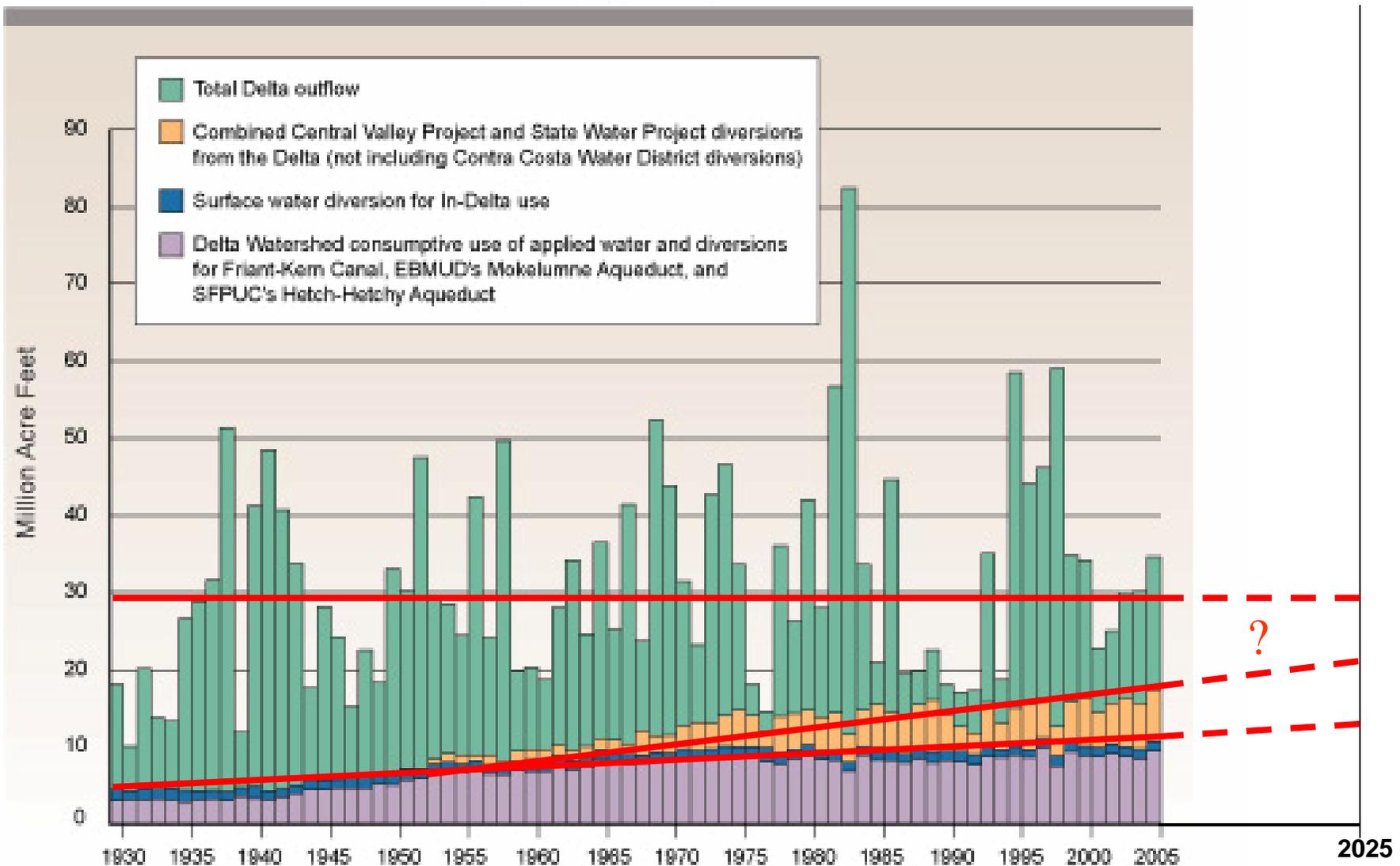
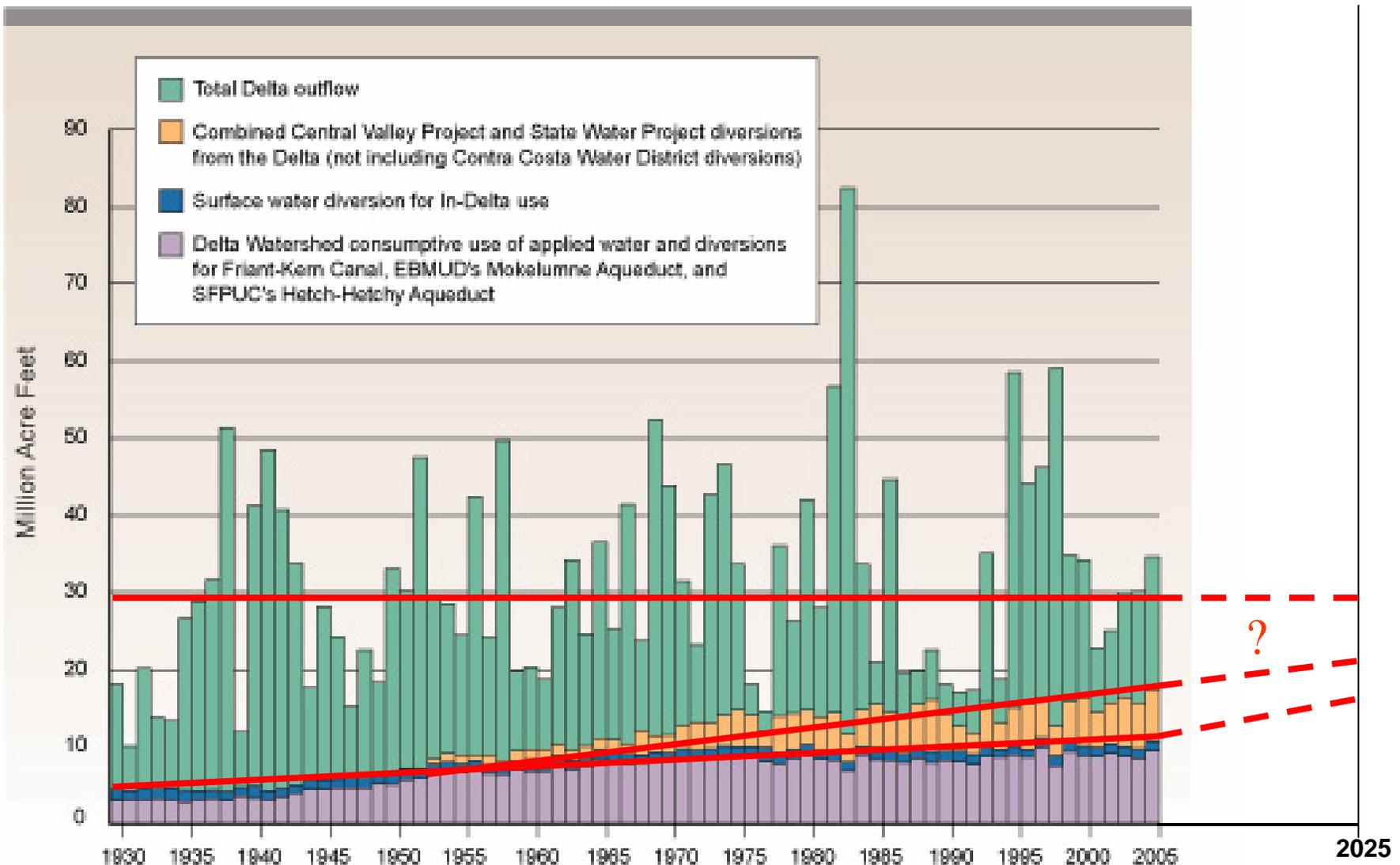


Figure 7b. Historic Diversions before the Delta, in-Delta Uses and Exports from the Delta, plus Outflows



# What's Next???

- Emerging Issues from 2006 Plan

- Southern Delta Salinity
- Pelagic Organism Decline
- San Joaquin River Flows
- Climate Change

- State Water Board Resolution

No. 2007-0079

- Actions to protect beneficial uses within the Delta
- Strategic Workplan for Board consideration June 17, 2008