

Local Water Governance in the Delta

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

by

Craig M. Wilson
Delta Watermaster



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INTRODUCTION¹

As the Sacramento San Joaquin Delta (Delta) evolved from an historic tidally-influenced marshland to a diverse agricultural region, local water governance structures also evolved to meet the water needs of the area. The purpose of this report is to outline the development of these local water governance structures.²

Most water right claims in the Delta date from the first 80 years that California was a state. The majority of these claims are riparian, meaning the owner of land next to a watercourse has the right to the reasonable and beneficial use of water on his land. (Nat'l Audubon Soc'y v. Superior Court, (1983) 33 Cal. 3d 419, at p. 441.) Other senior water right claims in the Delta are pre-1914 appropriative rights, acquired either by diverting water and putting it to use, or by posting and recording notice of the appropriative right. (*Ibid.*) As these water rights were developed, reclamation districts were created. Starting in the 1930s, construction of the Central Valley Project and the State Water Project resulted in major changes to Delta water supply and quality. In response, Delta water agencies were established to safeguard the Delta's prior rights to sufficient water of suitable quality.

After describing the evolution of water authorities in the Delta, this report then explains the two tiers of authorities that exist today: the three Delta Water Agencies that combined encompass virtually the whole of the legal Delta, and reclamation districts -- special districts generally formed to reclaim any land subject to overflow. (Wat.Code § 50110.) While many reclamation districts are responsible only for flood control and levee maintenance; several reclamation districts also have water supply responsibilities. The report describes three such entities.

¹ The author would like to acknowledge the assistance of Amy Horne, a law student at UNLV, in researching and preparing this report.

² This report does not discuss State Agencies that have been formed more recently to address Delta water issues such as the Delta Stewardship Council, the Delta Protection Commission, and the Delta Conservancy.

1850-1930: THE RECLAMATION ERA

When Spanish explorers first witnessed the Delta in 1772, they saw a huge area of marshy islands rimmed by low natural levees that were frequently inundated by seasonal floods and tides. (Pierce, *A Geoarchaeological Analysis of the Prehistoric Sacramento-San Joaquin Delta, California* (June 1988) http://www.calwater.ca.gov/Admin_Record/C-073579.pdf.) Almost immediately after gold was discovered, people began to dike and drain the Delta to grow crops to feed the growing population of miners. (Lund, *et al. The Legacies of Delta History. Envisioning Futures for the Sacramento-San Joaquin Delta* (February 2007) Public Policy Institute of California <http://www.ppic.org>.) The U.S. Congress passed the “Arkansas Act” in 1850, which gave California title to areas identified as “swamp and overflowed” lands, and allowed the state to give title of wetlands to private owners if they reclaimed the land to make it productive. (MBK Engineers, Engineer’s Report and Report of the Assessment Commissioners for the North Delta Water Agency Assessment Adjustment (Engineer’s Report) (Nov. 2010) at p. 9.)

In the early days of Delta agriculture, the Delta functioned like a reservoir, filling with fresh water from high winter flows and often maintaining good quality water beyond the irrigation season. (Engineer’s Report, *supra*, at p. 11.) As the agricultural economy expanded, farmers built facilities to convey water throughout the islands. (*Id.* at p. 9) However in dry years such as 1924 and 1931, the combination of reclamation, mining debris, and upstream diversions for irrigation caused encroachment of saline waters to become a problem. (Bur. Of Reclamation; Dept. of Wat. Res, and Sac. River and Delta Wat. Assoc., Report on 1956 Cooperative Study Program, (March 1957) p. 27.) (1956 Report)

Early on, owners of small parcels formed collective districts to reclaim lands and provide flood protection. (Lund *supra*, at p. 20.) Between 1850 and 1930, nearly 500,000 acres of the Delta were reclaimed. (*Id.* at p. 21.) Today, ninety-three of these local reclamation districts still operate. (*Id.* at p. 20.) By 1930, farmers in the Delta had built thriving agricultural businesses that were reliant on both riparian and appropriative water rights. (Henry Kuechler, North Delta Water Agency letter to The Honorable Phil Isenberg (November 21, 2007), at p. 1.)

Landowners in the Delta engaged in significant water use during the reclamation era. However, because the State Water Board does not have permitting and licensing authorities over pre-1914 appropriative or riparian claims of water rights, no information about how many of these most senior water right claims existed for many years, nor how much water they used. In 1965, the Statements of Water Diversions and Use Program was created to collect information about water diversion and use. (Wilson, *Statements of Water Diversions and Use: Providing a Better Picture of Water Use in the Delta*, Report to the State Water Resources Control Board and the Delta Stewardship Council (2001)

http://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/reports.shtml.) Until recently however, little information was generated about senior water right claims

in the Delta because many diverters qualified for exemptions to the Statements Program, and in any case there were no legal consequences if they failed to comply. (*Ibid.*) In November 2009, the California Legislature passed Senate Bill X7 8, which eliminated many of the exemptions to file a statement of water diversion, and authorized penalties for failure to file. (Wat. Code §§ 5100-5107.) As a result, for the first time a more accurate picture of the number and types of Delta diversions was established. (*Id.* at p. 7.) It is now apparent that most diversions in the Delta originate from riparian and pre-1914 claims of water rights. (*Ibid.*) (See Table 1.)

Table 1: Water Rights and Claims in the Legal Delta

As of May 7, 2014³

Water Rights and Claims	
Licenses	292
Permits	35
Pending Applications	7
State Filings	6
Statements	2,510
Miscellaneous*	258
Total	3,108

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

³ "Delta Water Rights/Claims (Summary)," (May 2014). Retrieved August 2014, from http://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/.

POST 1930: THE ERA OF THE PROJECTS

When talk began about moving abundant water from the Sacramento watershed to the drier but potentially productive San Joaquin valley, people with water rights in the Delta felt threatened. (Lund *supra*, at pp. 31-32.) The Department of Public Works first proposed the project that became the Central Valley Project (CVP) to the legislature in 1923. (*Ibid.*) Then in 1933, both the legislature and the voters approved the CVP. By 1938, after the CVP was taken over by the federal government and construction of Shasta Dam began, interests in the Delta remained concerned that their water rights were not secure.

A series of organizations were formed to protect Delta water interests. In 1926, private interests formed the Flood Control Association (FCA) to petition state and federal governments to address Central Valley flood control issues. (Online Archive of California, *Inventory of the Records of the California Central Valleys Flood Control Association* (Online Archive) (2007) <<http://www.oac.cdlib.org>> [as of Aug. 8, 2014].) Then, in 1938, representatives from reclamation, flood control, levee and drainage districts created the California Central Valleys Flood Control Association (CCVFCA) to address flood control, bank protection, levee maintenance and navigability of the Sacramento River. (*Ibid.*)

In the early 1940s, CCVFCA established the Sacramento Valley Water Users Committee of landowners and districts to protest the Bureau of Reclamations' (Reclamation) applications to appropriate water from the Sacramento River watershed for the Central Valley Project. (*Ibid.*) In 1949, the CCVFCA was given additional authority to protect its members' water rights. In 1950, CCVFCA formed the Sacramento River and Delta Water Association (SRDWA) to negotiate contracts with Reclamation for water rights protection, water use and diversion. (*Ibid.*)

To facilitate these negotiations, SRDWA, Reclamation, and the Department of Water Resources (DWR) conducted the 1956 Cooperative Study of water supplies, water use, and water rights along the Sacramento River and in the Delta. (1956 Report.) To calculate water rights in the Delta, the Study assumed that all Delta Lowlands, defined as lands lying five feet or less above mean sea level, had riparian water rights. Acknowledging these rights might not be supported by legal processes, the Study calculated that most land in the Delta, 469,000 acres, qualified as Delta Lowlands. (1956 Report, p. 22.) Delta Uplands, defined as lands above five feet above mean sea level, had mostly appropriative water rights, but some had riparian water rights as well. (Engineers Report, p. 8.)

By the early 1960s, the impacts of the CVP and the State Water Project (SWP) on the Delta had become more apparent. By storing high winter flows upstream and pumping water out of the southern end of the Delta, the projects caused the Delta to function more like a flowing stream instead of a reservoir. (Engineer's Report, p. 11.) The projects also generally made salinity worse; consequently they were required to mitigate the harm by releasing stored water to repel salinity. Because the Delta was

complicated by issues of water quality, Reclamation separated negotiations with Delta interests from those of the Sacramento River. (Online Archive.) By 1965, SRDWA had successfully negotiated contracts for members upriver from Sacramento. (*Ibid.*)

Through the 1960s, SRDWA continued to negotiate potential contracts between Reclamation and its Delta members. (Online Archive.) To support this effort, in 1968 the legislature passed the Delta Water Agency Act (Cal Statutes 1968 Chapter 419), creating a Delta Water Agency responsible for negotiating water rights and water quality issues with the Reclamation and DWR on behalf of Delta landowners. The Delta Water Agency was established to engage in efforts to protect the Delta water supply from saltwater intrusion and assuring Delta landowners sufficient water to meet present and future needs. However, because stakeholders in different parts of the Delta had distinct concerns and problems, it was impossible to resolve all the issues in a single contract. Before the Delta Water Agency expired from a sunset clause, representatives in the northern part of the Delta organized to form a separate agency to continue negotiations with Reclamation and DWR. (North Delta Water Agency brochure, (undated) p. 3.)

DELTA WATER AGENCIES

The California Legislature responded by passing the North Delta Agency Act (Cal Statutes 1973 Chapter 283), the South Delta Water Agency Act (Cal Statutes 1973 Chapter 1089), and the Central Delta Water Agency Act (Cal Statutes 1973 Chapter 1133.) The three Delta Water Agencies are political subdivisions of the State of California. (Cent. Delta Water Agency v. United States, (2002) 306 F.3d 938, 945.) Each Delta Water Agency is charged with negotiating, entering into, administering, and enforcing agreements with the United States and the State of California:

- 1) To protect the water supply of the lands within the Agency against intrusion of ocean salinity, and
- 2) To assure the lands within the Agency have a dependable supply of water of suitable quality sufficient to meet present and future needs.

(Wat. Code Appendix §§ 115-4.1, 116-4.1, and 117-4.1.) This mandate is consistent with provisions of one of the State's Area of Origin Laws, the Delta Protection Act. (Wat. Code §§ 12200-12205.) Each Agency has enumerated powers including the power to sue and be sued, to make transactions of real and personal property, to levy assessments to pay for agency expenses, to act jointly with or cooperate with the United States and the State of California, to make and execute contracts, powers granted by other laws, and "to do any and every lawful act necessary in order that a sufficient in-channel water supply of suitable quality may be available for any present or future beneficial use or uses of the lands within the agency." (Wat. Code Appendix §§ 115-4.2-4.3, 116-4.2-4.3, and 117-4.3-4.4.) However, none of the Agencies have authority or power "to bind, prejudice, impair, restrict, or limit water rights within the agency." (Wat. Code §§ 115-4.4, 116-4.5, and 117-4.2.)

Although the enabling statutory language of the three Delta Water Agencies is nearly identical, over time they have developed distinct powers and authorities. While the authorities and powers of the South Delta Water Agency (SDWA) and Central Delta Water Agency (CDWA) remain nearly the same, the North Delta Water Agency (NDWA) is the only agency of the three to have negotiated a contract with DWR. The next section first describes the legal authorities of SDWA and CDWA, and then explains the legal authority of the NDWA.

CENTRAL DELTA WATER AGENCY AND SOUTH DELTA WATER AGENCY

Both CDWA and SDWA are wholly within the legal definition of the Sacramento-San Joaquin Delta. (Water Code section 12220.) SDWA encompasses about 148,000 acres in the southwestern corner of San Joaquin County. (Central Delta Water Agency, etc. vs Delta Stewardship Council, Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, June 17, 2013, San Francisco County Superior Court. (Petition)) CDWA is the smallest of the three Delta Water Agencies, encompassing about 120,000 acres in the western portion of San Joaquin County. (*Ibid.*) In both CDWA and SDWA, lands are primarily devoted to agriculture; however some lands are designated for recreation, wildlife habitat, open space, residential, commercial, or institutional purposes. (*Ibid.*) SDWA also contains some municipal land. (*Ibid.*)

The legal authorities of CDWA and SDWA are nearly identical and are slightly different from those of NDWA. Both Agencies may help landowners and local districts with reclamation and flood control matters. They may also pursue legislative and legal actions that protect water supply and water quality. (Wat. Code Appendix §§ 116-4.1, and 117-4.1.) In addition, SDWA has statutory language that gives it power to contract for services with the State of California and the United States during a drought emergency declared by the Governor. (Wat. Code, Appendix 116-4.4.)

While extensive efforts were undertaken, both before and after the two agencies were formed, neither CDWA nor SDWA has implemented their statutory mandates through contractual guarantees. Both Agencies defend their members' interests by actively participating in administrative rule making. For example, when the State Water Board was developing water quality control policy and implementing water right decisions, CDWA and SDWA testified in hearings and submitted written comments opposing actions that would decrease flows, decrease water levels, or increase salinity. (Decision 1641.) The outcome of these proceedings is that, within CDWA and SDWA, water quality is governed by the State Water Board Order WR 2000-02 (Decision 1641), which requires DWR and Reclamation, as a condition of their water rights permits and license, to meet water quality objectives for agricultural beneficial uses in the Delta.

Both CDWA and SDWA also use litigation to defend their members' interests. When SDWA alleged that Reclamation and DWR were operating the Projects in a way that violated SDWA's water rights, the U.S. Court of Appeals, Ninth Circuit, (Ninth Circuit) held that Reclamation's discretion was limited by California law unless state law conflicted with Congressional directives. (S. Delta Water Agency v. U.S., Dept of Interior, Bureau of Reclamation, (1985) 767 F.2d 531.) Consequently Reclamation must acquire water rights according to California law and cannot acquire them through eminent domain. (*Id.* at pp. 536-537.) When CDWA and SDWA challenged Reclamation's proposal to restore fish habitat by releasing reservoir water, the Ninth Circuit held that the two Agencies have standing to litigate government action because California charged them with protecting a dependable supply of high quality water for Delta areas. (Cent. Delta Water Agency v. United States, (2002) 306 F.3d 938, at

p. 951.) When the two Agencies challenged the State Water Board's approval of an application to divert Delta water into reservoirs for later distribution and sale of unknown amounts to undetermined buyers, a California court of appeal held that the Water Board could not approve an application to appropriate water rights if the application did not identify an actual intended beneficial use nor estimate the amount of water to be used. (Cent. Delta Water Agency v. State Water Res. Control Bd., (2004) 124 Cal. App. 4th 245, at p. 253.) However when the two Agencies challenged the Bay Delta Conservation Plan, a U.S. District Court held that because the Plan did not yet exist the Agencies could not show they would likely be harmed and therefore did not have standing to bring claims against the U.S. Fish and Wildlife Service. (Cent. Delta Water Agency v. U.S. Fish & Wildlife Serv., (2009) 653 F. Supp. 2d 1066, at p. 1071.)

NORTH DELTA WATER AGENCY

NDWA is the largest of the three delta water agencies, about 277,000 acres, including the entire Delta that lies within Sacramento, Yolo and Solano Counties, as well as the portion located in the northeastern corner of San Joaquin County. (North Delta Water Agency Fact Sheet, undated.) Most of the land is devoted to agriculture use. (Decision 1641, p. 64.) Within NDWA boundaries are Reclamation Districts 999, 2060, and 2068, as well as parts of the Maine Prairie Water District and the City of West Sacramento. (*Id.*, p. 66.) About 72 percent of the land in NDWA has riparian water rights, 16 percent has appropriative rights, 6 percent use groundwater, and 7 percent cannot be irrigated. (*Id.*, p. 64.) All of the Delta Lowlands in NDWA, about 205,820 acres, are classified as riparian. (Brochure, p. 4.) Of the Delta Uplands, about 12,000 acres are considered riparian, 47,000 acres have appropriative water rights, another 17,000 acres use groundwater, and 20,000 acres cannot be irrigated. (*Id.* at pp. 4-7.)

1981 CONTRACT

Unlike CDWA and SDWA, NDWA has implemented its authorities to protect water supply and water quality by negotiating a Water Right Settlement Agreement with DWR representing the State of California. This contract has subsequently been found binding by the Sacramento County Superior Court. (Engineer's Report, p. 8.) The contract is in force essentially forever, until both parties agree in writing to end it, although they can negotiate modifications for a six-month period once every 40 years. In the contract, DWR agrees not to operate the SWP in a manner that would harm NDWA's water supply or quality. DWR is also responsible for repairing any damage to lands and levees caused by the SWP.

In the contract, DWR acknowledges the riparian and other water rights of lands within the North Delta area, although the agreement does not bind, prejudice, impair, restrict or limit water rights within the Agency. Not only does DWR recognize the right of Agency members to divert water for reasonable and beneficial uses for agricultural, municipal and industrial purposes within the Agency, it also promises to provide water that would otherwise not be available.

Pursuant to the Contract, DWR guarantees to provide water suitable for agriculture and other beneficial uses in the northern Delta. Unlike Decision 1641, the contract establishes year-round protection for NDWA agricultural water by adding standards that DWR must meet in the North Delta between August 15 and April 1.

In return, NDWA compensates the State for benefits provided to Delta land owners. This applies only to water from the State project that is needed beyond NDWA's members assumed water rights. However, NDWA can petition the court for specific performance of the contract, including requiring DWR to cease all diversion if the water quality falls below the standards in the contract.

The contract also defines the conditions of a drought emergency. When a drought emergency occurs, the contract requires DWR to compensate water users for any loss of net-income that results because a farmer plants a more drought-tolerant crop, or does not plant a crop, or has reduced yields because of diminished water supplies.

In a May 26, 1998 memorandum of understanding, DWR agreed to be responsible for any obligation imposed on NDWA to provide water to meet Bay-Delta flow objectives as long as the 1981 contract remains in effect.

RECLAMATION DISTRICTS

Local reclamation districts are one of the oldest types of public agencies in California. Beginning in 1861, the Board of Swamp Land Commissioners issued orders that organized reclamation and levee districts that focused on reclaiming swamp lands, protecting them from floods, and providing for irrigation. Today, reclamation and levee districts are a type of special district authorized to reclaim land subject to flooding. The main focus of reclamation districts is reclamation works, defined as public projects designed for the “watering, unwatering, or irrigation of district lands,” in other words for flood control, drainage and water supply. (Cal. Water Code § 50013.) A district can therefore build, maintain and operate such infrastructure as “drains, canals, bulkheads, water gates, levees, embankments, pumping plants, dams, diversion works, or irrigation works,” as well as any roads or bridges needed to access these facilities. (*Id.* §§ 50932, 50933.) Some reclamation districts also have authority to appropriate and divert water.

Each reclamation district is governed by a board of trustees made up of landowners, or agents of landowners, elected to four-year terms by district landowners and residents. The board of trustees has “general supervision and complete control over the construction, maintenance and operation of the reclamation works, and generally over the affairs of the district.” (*Id.* § 50652.)

Funding for the reclamation districts comes from assessments, fees and charges. Assessments are levied against lands that receive benefits from the district works. A district may use assessments for designing, constructing, operating, and maintaining reclamation works. Since, 1997, a district may add or increase assessments only if they are proportional to the benefit provided, supported by a detailed engineer’s report, and approved by a majority of the landowners. Districts may also charge for other services, such as providing water or drainage. Reclamation districts in the Sacramento-San Joaquin River Delta are also eligible to be reimbursed for flood control work under the Delta Levees Program and the Delta Levee Maintenance Program (commonly called the Subventions Program).

As mentioned above, several Delta reclamation districts are directly involved in water supply matters. To illustrate how such reclamation districts function in practice, this report describes three reclamation districts below, one located within each of the Delta agencies. While the authority of many Delta reclamation districts is limited to levee maintenance and flood protection, these three reclamation districts also have water rights and provide water to their members.

RECLAMATION DISTRICT 2030, MACDONALD ISLAND

Reclamation District 2030 lies within the boundaries of the Central Delta Water Agency. It serves MacDonald Island, which is about 6,109 acres of largely agricultural land in San Joaquin County. The State Board Division of Water Rights has accepted fifty-six claims of riparian and pre-1914 water rights from the landowners within this District. In addition, the District has appropriative rights to divert not more than 76.36 cubic feet per second of water for agricultural irrigation between about March 1 and November 1 each year. The priority of RD 2030's appropriative rights date from July 28, 1922 and it has a Water Board permit. Water is diverted through multiple siphons located along the levee of MacDonald Island. When there is not enough water to satisfy all post 1914 water rights, the Division of Water Rights has authority to regulate this appropriative right so that its water use will not interfere with more senior water rights. (Permit number 001420.) McDonald Island claims the conjunctive use of all overlying water rights including appropriative, riparian and pre-1914 with respect to the reporting of all diversions. The District operates extensive drainage works (pumps and canals) which annually collect, transport and pump approximately eight acre-feet of water per acre back into the Delta water system which consists of tail water (surplus irrigation water), seepage, rainfall and artesian flows.

PESCADERO RECLAMATION DISTRICT 2058

Pescadero Reclamation District 2058 is within the jurisdiction of the South Delta Water Agency. Formed in 1921, it operates and maintains 11 miles of levees and 14 miles of Tom Paine Slough, which together protect about 8,000 acres of agricultural, residential, commercial and industrial land in Pescadero Colony Tract.

Pescadero submitted 155 claims of riparian and pre-1914 water rights on behalf of the owners in this District. (Delta Water Master Report on RD 2058) The Pescadero District holds two appropriative rights. The more senior appropriative right dates from March 31, 1921. It entitles the District to divert up to 88.37 cubic feet per second from about May 1st to October 31st of each season to irrigate 7,070 acres. (License 832.) The more junior appropriative right dates from April 13, 1926. It entitles the District to divert up to 88.37 cubic feet per second from about October 31st to May 1st of each season to irrigate 7,070 acres. (License 1285.) Both of these appropriative rights are subject to the express condition that Division of Water Resources can regulate use under these rights when water is scarce to prevent interference with more senior water rights. In addition to its licensed rights, the District itself also claims pre-1914/riparian rights to divert water and has filed Statements of Water Diversion and Use in support of its claimed rights.

RECLAMATION DISTRICT 2068

Reclamation District 2068 is located within the jurisdiction of the North Delta Water Agency. It consists of about 13,200 acres zoned for intensive agriculture in Solano and Yolo Counties. Formed in 1924, the District maintains levees for flood protection, and provides irrigation water and drainage services. Although the District maintains the levees, the State is responsible for the adequacy of levee and flood control provided by the federal Sacramento River Flood Control Project. The District operates a water supply system that consists of four pumps that supply an open canal gravity distribution system; it does not use groundwater. The drainage system is designed for irrigation and storm drainage; it is not designed to prevent floods.

The State Board Division of Water Rights has accepted twenty-one claims of riparian and pre-1914 water rights in this District. In addition, Reclamation District 2068 holds three appropriative rights. Two appropriative rights operate from about March 1 to about October 31 of each year. Together these two appropriative rights entitle the District to divert up to 75,000 acre-feet per year. The oldest right of priority, dating from April 22, 1921, is to divert up to 200 cubic feet per second for the purposes of irrigation.

The second of these two appropriative rights dates from December 29, 1975. It entitles the District to divert up to fifty-five cubic feet per second for irrigation, not to exceed 20,000 acre-feet per year. This right is governed by the terms of a permit issued by the Water Board. The Water Board exercises considerably more authority over this more junior appropriative right in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of this water.

The third appropriative right, dating from February 11, 1960, is to divert up to forty-two cubic feet per second from about November 1 of each year to about March 1 of the succeeding year. The maximum that can be diverted under this second license is 5,153 acre-feet per year. This water is to be used for irrigation and recreation on 2,600 acres in the District. The District may divert the same amount in less time within any thirty day period if it does not interfere with other vested rights. This water may not be used for duck ponds if more junior rights could use the water for a more beneficial purpose. The right is under a permit. (Permit number 001973.)

CONCLUSION

The Sacramento-San Joaquin Delta contains a complicated local water governance structure that has developed over 150 years. At the most local level are hundreds of landowners and reclamation districts that claim very senior water rights, both riparian and pre-1914 appropriative rights. In response to concerns regarding the impact of the CVP and State Water Project operations on Delta water interests, the three Delta Water Agencies were established to represent the landowners and reclamation districts interests to protect their rights to water supply of sufficient quality. The North Delta Water Agency is the largest of the three agencies. Because of its Contract with the Department of Water Resources, it has a direct mechanism to protect its members' rights. All of the Delta Water Agencies, however, do rely on Area of Origin protections within California law, including the Delta Protection Act, to protect their interests in water supply and water quality.