



October 15, 2014

Via Email: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95814-0100

Re: Dry Year Report Comments

Dear Ms. Townsend:

The following comments are submitted by the State Water Contractors ("SWC") and its member agencies. These comments are in response to the Notice issued on September 10, 2014, soliciting comments Regarding Improvements to the Implementation and Enforcement of Water Rights During Drought Conditions. This issue is vitally important to the SWC and several letters have previously been submitted on the subjects identified in the Notice.

Rather than state the information in detail we refer you to the following comment letters, which are summarized and attached for your convenience:

- July 23, 2014 DWR/USBR letter
- August 5, 2014 SWC letter
- August 6, 2014 SLDMWA/SWC letter
- September 15, 2014 SWC letter

These letters generally set forth the issue regarding protecting previously stored water that is critical to enable DWR/USBR to meet Water Quality Control Plan requirements and support Project exports. The July 23, 2014 and August 5, 2014 letters provides the basis showing that previously stored water is likely being diverted in the south and central Delta. These letters also request that the Executive Director use the authority granted under the recently adopted emergency regulations to obtain additional information that would assist the State Water Board to properly implement the water rights priority system as well as to timely receive diversion data for 2014. Without requesting this information, the State Water Board would not be in receipt of diversion data until the middle of 2015. The SWC also presented oral comments to the State Water Board during the September 24, 2014 workshop.

DIRECTORS

Dan Flory
President

Antelope Valley-East Kern
Water Agency

Ray Stokes
Vice President

Central Coast Water
Authority

Douglas Headrick
Secretary-Treasurer

San Bernardino Valley MWD

Stephen Arakawa
Metropolitan Water District
of Southern California

Curtis Creel
Kern County Water Agency

Mark Gilkey
Tulare Lake Basin Water
Storage District

Joan Maher
Santa Clara Valley Water
District

Dan Masnada
Castaic Lake Water Agency

David Okita
Solano County Water Agency

General Manager
Terry Erlewine

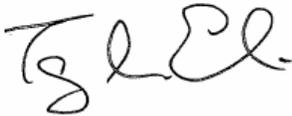
Ms. Jeanine Townsend
October 15, 2014
Page 2

Importantly, the joint letter submitted by San Luis and Delta Mendota Water Authority and SWC on August 6, 2014 and the SWC August 5, 2014 letter outline a critical issue to help the State Water Board better manage future drought and implement the water rights system- obtaining better data from diverters as required under the 2009 legislation.

In summary, the SWC believe that is necessary for the State Water Board to act now to obtain better information so that it can properly enforce the water rights priority system, including protecting Project water rights and supplies.

Thank you in advance for your attention to this matter. Should you have any questions please feel free to contact Terry Erlewine or Stefanie Morris at (916) 447-7357.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Erlewine', with a stylized flourish at the end.

Terry L. Erlewine
General Manager

Attachments



July 23, 2014

Via E-mail

Ms. Barbara L. Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
bevoy@waterboards.ca.gov

Dear Ms. Evoy:

The California Department of Water Resources and United States Bureau of Reclamation ("Project Agencies") submit this letter to request the State Water Resources Control Board ("State Water Board") through the Deputy Director use the authority granted to her under the recently adopted Emergency Regulations, Title 23 to the California Code of Regulations, section 879(c), and order south and central Delta diverters claiming riparian and pre-1914 water rights to provide the State Water Board with information that (1) supports the basis of any asserted right or rights, and (2) reflects the quantity of water diverted and expected to be diverted. The Project Agencies acknowledge that, notwithstanding the general information contained herein and the information already in the State Water Board's possession, consideration of our objections to diversions of water beyond a valid water right would be further informed by information obtained from south and central Delta diverters regarding their asserted rights and actual water use. The Water Agencies submit that absent information to the contrary water stored and released by the State Water Project and the Central Valley Project ("Water Projects") and water acquired by the Project Agencies' contractors through transfer and exchange agreements is likely being diverted by south and/or central Delta diverters asserting riparian and pre-1914 water rights.

Diversions by riparian and pre-1914 water rights holder in the south and central Delta contribute to additional loss of stored water due to depletions and further complicate water

management in this extremely dry year. Where water quality standards are controlling Water Project operations, any diversion of stored water by these diverters results in additional releases of stored water or reductions in Project deliveries, and requires a trade-off in the protection of beneficial uses.

It has long been recognized that there is uncertainty as to the basis for and extent of the riparian and pre-1914 water rights being asserted in the south and central Delta. This uncertainty was recognized in the final report of the Governor's Commission to Review California Water Rights Law, which identified riparian rights statewide as one of the three sources of uncertainty in California water law because riparian water rights are unrecorded and generally unquantifiable based on existing information. (*Governor's Commission to Review California Water Rights Law, Final Report (1978)*, pg. 17.) In 2009, the legislature responded to the need for better information regarding riparian and pre-1914 water rights by adding Water Code section 5100 *et seq.*, requiring statements of diversion from each person who diverts water. Unfortunately, irrespective of these efforts by the legislature and State Water Board, the information obtained from many water users does not enable the State Water Board and the Delta Watermaster¹ to effectively administer the water rights system.²

When acted upon, the additional information required pursuant to the authority granted under the emergency regulations is critical to informing the State Water Board about the nature and extent of the water rights, use, water classification and priority. Based upon the information provided below indicating potential unlawful diversions of stored water by users claiming riparian or pre-1914 appropriative water rights, the State Water Board may request the south and central Delta water diverters to identify each right claimed, the basis for each right, and the rate and quantity of water being diverted pursuant to each right on a monthly basis.

I. Legal Background

California water law states that riparian and appropriative water rights are limited to the natural flow of a river or stream. *Bloss v. Rahilly* (1938) 16 Cal.2d 70, 76; California Water Code sections 1201-2. Additionally, the State Water Board has found that southern Delta riparian right holders have no right, in any year, to natural flow from the Sacramento River. D-1641, pg. 31-33; SWRCB Order WR 89-8, pg. 22-23. These rights of south Delta riparian water users only extend to their correlative share of natural flow in the San Joaquin River. *Id.* Therefore, the

¹ Water Code section 85230 *et seq.* provides for the appointment of a Delta Watermaster tasked with monitoring and enforcement.

² Attached are 20 selected Statement of Diversions. Each contains the same claims to water use, the same year of first use and the same source and a claim that direct measurement using a device is not locally cost effective. The information provided is characteristic of the quality of many statements of diversion.

southern Delta riparian and appropriative rights holders have no right to natural or abandoned flows from the Sacramento River.

Nor are in-Delta riparian and appropriators permitted to divert the Projects stored or purchased water conveyed through channels in the Delta. *Phelps v. State Water Resources Control Board* (2008) 157 Cal.App.4th 89, 111; See also *El Dorado Irrigation Dist. V. State Water Resources Control Bd.* (2006) 142 Cal.App.4th 937, 962. Southern Delta appropriators, absent purchasing other water, are only entitled to excess natural flow and abandoned water. *United States v. SWRCB* (1986) 182 Cal.App.3d, 82, 116 [citing *Meridian, Ltd v. San Francisco* (1939) 13 Cal.2d 424, 455; *Phoenix Water Co. v. Fletcher* (1863)23 Cal. 481, 487]; Water Code § 1202.³ The Project Agencies and their contractors have not abandoned their stored or water transfer water, as they are putting it to beneficial use in meeting regulatory requirements and for delivery to the water contractors.

Some south and central Delta water users appeared to also be seeking to expand California Water Law by asserting rights to water from the "Delta Pool."⁴ The "Delta Pool" concept is that by virtue of the geography in the Delta water from many sources, including the Sacramento River, San Joaquin River, and the Pacific Ocean, mix and becomes a new source of appropriable water. The State Water Board explicitly rejected the idea that water users in the south and central Delta have rights to divert under a "Delta Pool" concept. (See Order WR 2011-0005, pg. 37; Order 2004-0004, pg. 15.)

II. Previous Source Water Analysis

The State Water Board, in recognition that water users in the south Delta only have a right to water from the San Joaquin River, made findings on the availability of San Joaquin River water in the southern Delta. Specifically, in D-1641, the Board concluded:

1. On average, insufficient water is available to supply the southern Delta in Below Normal, Dry and Critical Dry years in August, September and October.
2. On average, sufficient water is available in September only in Wet Years.
3. Insufficient water is available in July during 16 percent of years, in August during 56 percent of years, in September during 78 percent of years, and in October during 70 percent of years. (D-1641, pg. 33).

³ Pre-1914 appropriators in the south and central Delta could potentially divert this foreign water, but only if the foreign water is in excess of the Water Projects' needs. *Stevinson WaterDistrict v. Roduner* (1950) 36 Cal.2d 264; SWRCB Order WR 89-8; California Water Code section 1203.

⁴ During the recent State Water Board proceedings, south Delta diverters claimed a right to divert ocean water. See Order WR 2011-0005, pg. 37; June 30, 2014, letter submitted by South Delta Water Agency to the State Water Board. However, in California, a riparian or appropriative right cannot be established or defined by availability and diversion of ocean water. More importantly, none of the Statements of Diversions filed in the South and Central Delta state ocean water as a source.

The State Water Board summarized those conclusions by stating: riparian [and pre-1914 appropriative] rights to the water of the San Joaquin River are inadequate to meet the agricultural demands in the southern Delta in some months of many years. D-1641, pg. 33. We believe that similar conditions exist in some or all areas of the central Delta.

III. Current Source Water Information Available

To date in July, actual flow in the San Joaquin River flow at Vernalis has only averaged about 250 cfs. Calculated natural flow in San Joaquin River tributaries is an estimated average of 887 cfs to date in July. The southern Delta diversion requirement identified for July in D-1641 (Page 32) is 1,400 cfs and for August is 1,334 cfs. Current and projected flows at Vernalis, as well as natural inflow on upstream San Joaquin River tributaries, are both considerably less than half of the southern Delta diversion requirement. This shortage in water supply from natural flow on the lower San Joaquin River indicates that water is being diverted from other sources, presumably the Projects' stored water or water contracted through transfer and/or exchange agreements, neither of which is available to southern Delta diverters.

Additional irrigation demands by some members of Central Delta Water Agency also rely substantially on San Joaquin River flows. These diversions exacerbate the supply shortage already existing in southern Delta channels and likely result in further diversion from stored water.

Under Water Year 2014 hydrologic conditions in particular, when water users in the south and central Delta divert water in excess of that available under their asserted water rights, they divert stored water and/or water purchased through transfer or exchange agreements. Without additional information that the State Water Board has the authority under the emergency regulations to require, the Project Agencies and their water contractors are presumably injured by diversions in the Delta. Therefore the Project Agencies respectfully request that the State Water Board exercise its statutory authority and obtain information from these Delta water users to support their assumed right to water or require curtailment as unauthorized diversions.

Thank you in advance for your consideration.

Sincerely,



Mark Cowin
Director
California Department of Water Resources



David G. Murillo
Regional Director
Bureau of Reclamation

Attachments

**cc: Felicia Marcus, Chair, State Water Resources Control Board
Tom Howard, Executive Director, State Water Resources Control Board**

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: ARNAUDO BROS LP
 Statement Number: S017302
 Date Submitted: 2013-02-28

1. Water is used under	Riparian Claim Pre-1914 Claim
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion (CFS)	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0	0	0
February	0	0	0
March	0	0	0
April	2.99	346.7	346.7
May	2.99	346.7	346.7
June	2.99	346.7	346.7
July	2.99	346.7	346.7
August	2.99	346.7	346.7
September	2.99	346.7	346.7
October	2.99	178.21	178.21
November	0	0	0
December	0	0	0
Total		2258.41	2258.41
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
d. Description of additional technology used	
e. Who installed your measuring device(s)	
f. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device listed in Section 1 is "not locally cost effective"	Other
f. Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	No meters installed or meter readers hired
g. Method(s) used as an alternative to direct measurement	Other
g. Explanation of method(s) used as an alternative to direct measurement	Past history of crop needs for water

6. Purpose of Use

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Irrigation	558.55 Acres
------------	--------------

7. Changes in Method of Diversion

8. Conservation of Water		
a.	Are you now employing water conservation efforts?	Yes
a.	Describe any water conservation efforts you have initiated	Good farming practices, concrete ditches and pipelines, and all excess water recycled to the delta canal
	Amount of water conserved	100 Acre-Feet
b.	I have data to support the above surface water use reductions due to conservation efforts.	Yes

9. Water Quality and Wastewater Reclamation		
a.	Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
	Amount of reduced diversion	
	Type of substitute water supply	
b.	Amount of substitute water supply used	
	I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater		
a.	Are you now using groundwater in lieu of surface water?	No
b.	Amount of groundwater used	
	I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Steve
Last Name	Widhalm
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: TUSCANY RESEARCH INSTITUTE

Statement Number: S021005

Date Submitted: 2013-06-24

1. Water is used under	Riparian Claim Pre-1914 Claim
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		112.43	15.52
February		21.5	13.44
March		61.52	38.45
April		43	26.87
May		62.79	39.24
June		160.43	100.21
July		190.02	118.76
August		132.5	82.81
September		11.63	7.27
October		16.06	10.04
November		110.99	14.62
December		109.79	13.87
Total		1032.66	481.1
Comments			

5. Water Diversion Measurement		
a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
c. Description of additional technology used		
d. Who installed your measuring device(s)		
e. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device listed in Section 1	Other	

is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such costeffectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	607.3 Acres
------------	-------------

7. Changes in Method of Diversion

8. Conservation of Water

a. Are you now employing water conservation efforts?	Yes
Describe any water conservation efforts you have initiated	Good water management and farming practices, cover crops, mulching, laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated. (Note: add the following insertion to the above insertion if you had multiple PODs deliver water to the same field or parcel): The point of diversion that is the subject of this report is one of <u>3</u> (insert number) points of diversion that provided water to an approximate <u>607.30</u> acre field/parcel. For purposes of these reports, the amount of acreage irrigated, water used and water diverted associated with each of those points of diversion has been evenly split along them.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Clint
Last Name	Womack
Relation to Water Right	
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Farmland Reserve, Inc.
 Statement Number: S017817
 Date Submitted: 2013-06-26

1. Water is used under	Riparian Claim Pre-1914 Claim Other: License 1605,4953 & Overlying & statutory rights (& contract right if applicable)
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion (CFS)	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0.00001	0.00001	0.00001
February	0	31.39	31.39
March	7.34	0	0
April	0	29.32	29.32
May	5.29	0	0
June	0	0	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
Total		60.71001	60.71001
Comments			

5. Water Diversion Measurement

a. Measurement	Water directly diverted and/or diverted to storage was measured
b. Types of measuring devices used	Acoustic Meter
c. Additional technology used	Data Logger Flow Totalizer
Description of additional technology used	solar power
d. Who installed your measuring device(s)	Other/Unknown: California Licensed Contractor under the guidance of a California Licensed Civil Engineer
e. Make, model number, and last calibration date of your measuring device(s)	AgriFlo, 3.00.5, 2-17-12
f. Why direct measurement using a device listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	
g. Method(s) used as an alternative to direct measurement	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Explanation of method(s) used as an alternative to direct measurement

6. Purpose of Use

Irrigation	2277 Acres
------------	------------

7. Changes in Method of Diversion

--

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
Amount of reduced diversion	
Type of substitute water supply	
b. Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater

a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

Because text cannot be entered into the Max. Diversion Rate and Amount Diverted entry boxes, January's input of 0.00001 is a place holder to note that no data is available for the month of January. Flow meters were installed in February of 2012. Estimates of the overall crop evapotranspiration of water can readily be performed for the entire site; however the site specific irrigation practices and irrigation delivery system capabilities and configuration would require excessive speculation to report an amount used under the point of diversion. Therefore, this report presents the amount used the same as the amount diverted.

Attachments

File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form

First Name	Kelly
Last Name	Tryon

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Coney Island Farms Inc
 Statement Number: S020858
 Date Submitted: 2013-06-18

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		19.48	12.18
February		10.85	6.78
March		11.37	7.1
April		11.77	7.35
May		30.85	19.28
June		81.03	50.64
July		82.04	51.28
August		49.18	30.74
September		3.98	2.49
October		6.16	3.85
November		8.95	5.59
December		10.31	6.44
Total		325.97	203.72
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
d. Description of additional technology used		
e. Who installed your measuring device(s)		
f. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device	Other	

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	79 Acres
------------	----------

7. Changes in Method of Diversion

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, lined ditches and pipelines. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

' have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kelly
Last Name	Arceo
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Coney Island Farms Inc
 Statement Number: S020857
 Date Submitted: 2013-06-18

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		63.01	39.38
February		35.1	21.93
March		37.45	23.41
April		39.5	24.69
May		96.52	60.32
June		258.89	161.81
July		268.27	167.67
August		171.86	107.41
September		13.94	8.71
October		19.92	12.45
November		28.93	18.08
December		33.34	20.84
Total		1066.73	666.7
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
d. Description of additional technology used	
e. Who installed your measuring device(s)	
f. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device	Other

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9.	Explanation of method(s) used as an alternative to direct measurement
	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use	
Irrigation	255.5 Acres

7. Changes in Method of Diversion	

8. Conservation of Water	
Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, lined ditches and pipelines. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation	
a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kelly
Last Name	Arceo
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

JPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE
[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Victoria Island LP
 Statement Number: S021293
 Date Submitted: 2013-06-13

1. Water is used under	Riparian Claim Pre-1914 Claim
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		72.16	45.1
February		71.18	44.69
March		61.9	38.69
April		107.39	67.12
May		212.16	132.6
June		312.56	195.35
July		274.38	171.49
August		146.26	91.41
September		98.02	61.26
October		51.62	32.26
November		46.59	29.12
December		42.82	26.76
Total		1497.04	935.85
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Description of additional technology used	
d. Who installed your measuring device(s)	
e. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device listed in Section 1 is "not locally cost effective"	Other
f. Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance, collection and compilation of data from measuring devices cannot be recovered and there is no apparent grant available to cover such costs. Excess water is recycled to the Delta Pool and the only practical way to determine water use is using ETo and ETC to support an estimate.

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

	Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
g.	Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 Etc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETo was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	292.6 Acres
------------	-------------

7. Changes in Method of Diversion

--	--

8. Conservation of Water

	Are you now employing water conservation efforts?	Yes
a.	Describe any water conservation efforts you have initiated	Good water and farming practices, lined ditches, pipelines and excess water is recycled to the Delta Pool.
	Amount of water conserved	Acre-Feet
b.	I have data to support the above surface water use reductions due to conservation efforts.	No

9. Water Quality and Wastewater Reclamation

a.	Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
	Amount of reduced diversion	
	Type of substitute water supply	
b.	Amount of substitute water supply used	
	I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater

a.	Are you now using groundwater in lieu of surface water?	No
	Amount of groundwater used	
b.	I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

The amount diverted is a multiple of the reported amount used except that an amount is added to account for field flooding.

Attachments

File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form

First Name	James
Last Name	Jerkovich
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: TUSCANY RESEARCH INSTITUTE

Statement Number: S021003

Date Submitted: 2013-06-24

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying and statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		168.79	22.09
February		28.64	17.9
March		83.28	52.05
April		54.09	33.81
May		87.13	54.45
June		243.65	152.28
July		289.05	180.65
August		200.86	125.54
September		17.52	10.95
October		22.87	14.29
November		166.77	20.82
December		164.9	19.66
Total		1527.55	704.49
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
c. Description of additional technology used		
d. Who installed your measuring device(s)		
e. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device	Other	

<p>listed in Section 1 is "not locally cost effective"</p>	
<p>Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"</p>	<p>The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such costeffectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.</p>
<p>Method(s) used as an alternative to direct measurement</p>	<p>Crop duty estimates/consumptive use estimates</p>
<p>9. Explanation of method(s) used as an alternative to direct measurement</p>	<p>Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.</p>

6. Purpose of Use

<p>Irrigation</p>	<p>615.5 Acres</p>
-------------------	--------------------

7. Changes in Method of Diversion

8. Conservation of Water

<p>Are you now employing water conservation efforts?</p>	<p>Yes</p>
<p>a. Describe any water conservation efforts you have initiated</p>	<p>Good water management and farming practices cover crops, mulching, laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.</p>
<p>Amount of water conserved</p>	<p>Acre-Feet</p>
<p>b. I have data to support the above surface water use reductions due to conservation efforts.</p>	

9. Water Quality and Wastewater Reclamation

<p>a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?</p>	<p>No</p>
<p>b. Amount of reduced diversion Type of substitute water supply Amount of substitute water supply used</p>	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

I have data to support the above surface water use reductions due to the use of a substitute water supply

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated. (Note: add the following insertion to the above insertion if you had multiple PODs deliver water to the same field or parcel): The point of diversion that is the subject of this report is one of <u>2</u> (insert number) points of diversion that provided water to an approximate <u>615.50</u> acre field/parcel. For purposes of these reports, the amount of acreage irrigated, water used and water diverted associated with each of those points of diversion has been evenly split along them.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Clint
Last Name	Womack
Relation to Water Right	
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Coney Island Farms Inc
 Statement Number: S020859
 Date Submitted: 2013-06-18

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		9.99	6.24
February		5.56	3.48
March		5.51	3.45
April		5.38	3.36
May		17.3	10.81
June		42.99	26.87
July		40.73	25.45
August		19.39	12.12
September		1.55	0.97
October		3.16	1.97
November		4.59	2.87
December		5.29	3.3
Total		161.44	100.89
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
Description of additional technology used		
d. Who installed your measuring device(s)		
e. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device	Other	

<p>listed in Section 1 is "not locally cost effective"</p>	
<p>Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"</p>	<p>The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.</p>
<p>Method(s) used as an alternative to direct measurement</p>	<p>Crop duty estimates/consumptive use estimates</p>
<p>9. Explanation of method(s) used as an alternative to direct measurement</p>	<p>Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ET_o for Manteca. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.</p>

6. Purpose of Use	
Irrigation	22 Acres

7. Changes in Method of Diversion	

8. Conservation of Water	
<p>Are you now employing water conservation efforts?</p>	<p>Yes</p>
<p>a. Describe any water conservation efforts you have initiated</p>	<p>Good water management and farming practices, lined ditches and pipelines. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.</p>
<p>b. Amount of water conserved</p>	<p>Acre-Feet</p>
<p>I have data to support the above surface water use reductions due to conservation efforts.</p>	

9. Water Quality and Wastewater Reclamation	
<p>a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?</p>	<p>No</p>
<p>b. Amount of reduced diversion</p>	
<p>Type of substitute water supply</p>	
<p>Amount of substitute water supply used</p>	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kelly
Last Name	Arceo
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: ROBERT M ACOSTA
 Statement Number: S016582
 Date Submitted: 2013-04-04

1. Water is used under	Pre-1914 Claim
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		0	0
February		0	0
March		0	0
April		48	48
May		48	48
June		48	48
July		48	48
August		48	48
September		24	24
October		0	0
November		0	0
December		0	0
Total		264	264
Comments	The water is used for irrigation of row crops and various types of hay. Corn is also produced on a rotating basis. The farm has been in continuous production since the 1800's.		

5. Water Diversion Measurement	
a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
Additional technology used	
c. Description of additional technology used	
d. Who installed your measuring device(s)	
e. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device listed in Section 1 is "not locally cost effective"	Diversions are infrequent No power at diversion point Other
f. Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	the cost to bring in power is expensive. the diversion is 2 times per month for 6 mo. The farm is not used as a primary source of income and only on a part time basis. This is a family farm/hobby not a business.

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates Modeled/estimated flows
g. Explanation of method(s) used as an alternative to direct measurement	water control via direct visual observations. The amt. of water use is est. using time and water management principles from records for the past 100 years. The amount of water use for 24 ac. is averaged by using accumulated data from previous water use records.

6. Purpose of Use

Irrigation	24 Acres
------------	----------

7. Changes in Method of Diversion

enlarge diversion dam. Rework , realign old ditches. New slide gates obtained. All surface ditches cleaned with backhoe . All debris removed and sent to land field. All weeds and other dead forge removed .

8. Conservation of Water

a. Are you now employing water conservation efforts?	Yes
Describe any water conservation efforts you have initiated	new gate valves installed on all irrigation flow points. weed control on continuous schedule.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	Yes

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
Amount of reduced diversion	
Type of substitute water supply	
b. Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater

a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

Attachments

File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form

First Name	robert
Last Name	acosta
Relation to Water Right	Owner
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Berniece L. Silva Trust
 Statement Number: S018507
 Date Submitted: 2013-06-12

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		21.65	13.53
February		12.06	7.54
March		13.34	8.34
April		14.57	9.11
May		30.9	19.32
June		86.75	54.22
July		94.21	58.88
August		67.93	42.46
September		5.53	3.46
October		6.84	4.28
November		9.94	6.21
December		11.46	7.16
Total		375.18	234.51
Comments			

5. Water Diversion Measurement		
a.	Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b.	Types of measuring devices used	
c.	Additional technology used	
	Description of additional technology used	
d.	Who installed your measuring device(s)	
e.	Make, model number, and last calibration date of your measuring device(s)	
f.	Why direct measurement using a device	Other

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

<p>listed in Section 1 is "not locally cost effective"</p>	
<p>Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"</p>	<p>The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.</p>
<p>Method(s) used as an alternative to direct measurement</p>	<p>Crop duty estimates/consumptive use estimates</p>
<p>9. Explanation of method(s) used as an alternative to direct measurement</p>	<p>Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.</p>

6. Purpose of Use

<p>Irrigation</p>	<p>87.79 Acres</p>
-------------------	--------------------

7. Changes in Method of Diversion

8. Conservation of Water

<p>Are you now employing water conservation efforts?</p>	<p>Yes</p>
<p>a. Describe any water conservation efforts you have initiated</p>	<p>Good water management and farming practices. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.</p>
<p>Amount of water conserved</p>	<p>Acre-Feet</p>
<p>b. I have data to support the above surface water use reductions due to conservation efforts.</p>	

9. Water Quality and Wastewater Reclamation

<p>a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?</p>	<p>No</p>
<p>b. Amount of reduced diversion</p>	
<p>Type of substitute water supply</p>	
<p>Amount of substitute water supply used</p>	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kelly
Last Name	Arceo
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Abbate Farms
 Statement Number: S018798
 Date Submitted: 2013-07-24

1. Water is used under	Riparian Claim Pre-1914 Claim Other: OVERLYING AND STATUTORY RIGHTS
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		0	0
February		0	0
March		14.38	8.99
April		67.79	42.37
May		100.65	62.91
June		109.48	68.42
July		187.14	116.96
August		129.18	80.74
September		103.35	64.6
October		0	0
November		0	0
December		0	0
Total		711.97	444.99
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
c. Description of additional technology used		
d. Who installed your measuring device(s)		
e. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device	Other	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

<p>listed in Section 1 is "not locally cost effective"</p>	
<p>Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"</p>	<p>The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.</p>
<p>Method(s) used as an alternative to direct measurement</p>	<p>Crop duty estimates/consumptive use estimates</p>
<p>9. Explanation of method(s) used as an alternative to direct measurement</p>	<p>Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.</p>

6. Purpose of Use

<p>Irrigation</p>	<p>255 Acres</p>
-------------------	------------------

7. Changes in Method of Diversion

8. Conservation of Water

<p>a. Are you now employing water conservation efforts?</p>	<p>Yes</p>
<p>Describe any water conservation efforts you have initiated</p>	<p>Good water management and farming practices, and/or lined ditches, and/or pipelines, and/or drip irrigation, and/or sprinkler irrigation, and/or low energy spray irrigation, and/or cover crops, and/or mulching, and/or laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.</p>
<p>b. Amount of water conserved</p>	<p>Acre-Feet</p>
<p>I have data to support the above surface water use reductions due to conservation efforts.</p>	

9. Water Quality and Wastewater Reclamation

<p>a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?</p>	<p>No</p>
<p>b. Amount of reduced diversion</p>	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

The amount shown as "used" may include months during which any permanent crop was not irrigated and/or months during which any annual crop was not in place. This is done to reflect the actual water used or lost from the land (including weeds) as per the UC Davis/CalPoly data on ET. This is done because any water "consumed" in this area is a net decrease in the Delta Pool. However, the amounts shown as diverted in each month reflects only actual diversions. Hence, the information submitted may show water use in months with no surface water diversion.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	JOHN
Last Name	HERRICK
Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Sarale Farms Inc
 Statement Number: S016653
 Date Submitted: 2013-07-19

1. Water is used under	Riparian Claim Pre-1914 Claim Other: OVERLYING AND STATUTORY RIGHTS
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		0	0
February		0	0
March		0	0
April		50.22	31.39
May		74.57	46.61
June		81.11	50.7
July		77.35	48.34
August		68.33	42.71
September		51.47	32.17
October		21.68	13.55
November		0	0
December		0	0
Total		424.73	265.47
Comments			

5. Water Diversion Measurement	
a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
d. Description of additional technology used	
e. Who installed your measuring device(s)	
f. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device	Other

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETc for Manteca. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	81.5 Acres
------------	------------

7. Changes in Method of Diversion

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, and/or lined ditches, and/or pipelines, and/or drip irrigation, and/or sprinkler irrigation, and/or low energy spray irrigation, and/or cover crops, and/or mulching, and/or laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

The amount shown as "used" may include months during which any permanent crop was not irrigated and/or months during which any annual crop was not in place. This is done to reflect the actual water used or lost from the land (including weeds) as per the UC Davis/CalPoly data on ET. This is done because any water "consumed" in this area is a net decrease in the Delta Pool. However, the amounts shown as diverted in each month reflects only actual diversions. Hence, the information submitted may show water use in months with no surface water diversion.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	JOHN
Last Name	HERRICK
Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: TROY DAYAK
 Statement Number: S017590
 Date Submitted: 2013-06-30

1. Water is used under	Riparian Claim Pre-1914 Claim
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion (CFS)	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0	0	0
February	0	0	0
March	0	0	0
April	0.51	20.4	20.4
May	0.46	18.4	18.4
June	0.68	27.2	27.2
July	0.78	31.2	31.2
August	0.68	27.2	27.2
September	0.51	20.4	20.4
October	0	0	0
November	0	0	0
December	0	0	0
Total		144.8	144.8
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
Description of additional technology used	
d. Who installed your measuring device(s)	
e. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device listed in Section 1 is "not locally cost effective"	Other
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	a meter is on this pump to measure electric usage and time usage. the horsepower multiplied by the time usage give us the cubic feet.
g. Method(s) used as an alternative to direct measurement	Electricity records dedicated to the pump
Explanation of method(s) used as an alternative to direct measurement	a meter devoted to this diversion pump gives us the usage.

6. Purpose of Use

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Irrigation	40 Acres
Stockwatering	0
Domestic	0

7. Changes in Method of Diversion

8. Conservation of Water

a.	Are you now employing water conservation efforts?	Yes
	Describe any water conservation efforts you have initiated	continuing to eliminate seepage, leakage and waste
	Amount of water conserved	Acre-Feet
b.	I have data to support the above surface water use reductions due to conservation efforts.	No

9. Water Quality and Wastewater Reclamation

a.	Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
	Amount of reduced diversion	
	Type of substitute water supply	
b.	Amount of substitute water supply used	
	I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater

a.	Are you now using groundwater in lieu of surface water?	No
	Amount of groundwater used	
b.	I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form

First Name	Candy
Last Name	Soares
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: ANTONIO BRASIL
 Statement Number: S018081
 Date Submitted: 2013-06-25

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying and statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		130.73	81.7
February		0	0
March		0	0
April		0	0
May		184.64	115.29
June		517.81	323.63
July		562.32	351.45
August		405.47	253.42
September		33.03	20.64
October		25.26	15.78
November		37.89	23.68
December		38.29	23.93
Total		1935.44	1209.52
Comments			

5. Water Diversion Measurement	
a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
c. Description of additional technology used	
d. Who installed your measuring device(s)	
e. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device	Other

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ET _o for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	524 Acres
------------	-----------

7. Changes in Method of Diversion

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, and/or lined ditches, and/or pipelines, and/or drip irrigation, and/or sprinkler irrigation, and/or low energy spray irrigation, and/or cover crops, and/or mulching, and/or laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount shown as "used" may include months during which any permanent crop was not irrigated and/or months during which any annual crop was not in place. This is done to reflect the actual water used or lost from the land (including weeds) as per the UC Davis/CalPoly data on ET. This is done because any water "consumed" in this area is a net decrease in the Delta Pool. However, the amounts shown as diverted in each month reflects only actual diversions. Hence, the information submitted may show water use in months with no surface water diversion.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	John
Last Name	Herrick
Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Roy Mazzanti Revocable Trust
 Statement Number: S017899
 Date Submitted: 2013-06-24

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		70	14.45
February		12.88	8.05
March		14.25	8.91
April		15.56	9.73
May		33	20.63
June		92.64	57.9
July		100.61	62.88
August		72.54	45.34
September		5.91	3.69
October		7.31	4.57
November		10.62	6.64
December		59.11	7.65
Total		494.43	250.44
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
c. Description of additional technology used	
d. Who installed your measuring device(s)	
e. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device	Other

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	93.75 Acres
------------	-------------

7. Changes in Method of Diversion

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, lined ditches and pipelines. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated. The point of diversion that is the subject of this report is one of four points of diversion that provided water to an approximate 375 acre field/parcel. For purposes of these reports, the amount of acreage irrigated, water used and water diverted associated with each of those points of diversion has been evenly split among them.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kelly
Last Name	Arceo
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: TRANSMISSION AGENCY OF NORTHERN CALIFORNIA
 Statement Number: S021250
 Date Submitted: 2013-06-21

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying & statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		308.52	43.39
February		200.53	25.21
March		122.26	27.1
April		66.07	41.29
May		133.01	83.13
June		279.5	174.68
July		261.85	163.65
August		187.04	116.9
September		15.45	9.66
October		100.85	13.71
November		192.08	19.92
December		275.84	22.96
Total		2143	741.6
Comments			

5. Water Diversion Measurement	
a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b. Types of measuring devices used	
c. Additional technology used	
d. Description of additional technology used	
e. Who installed your measuring device(s)	
f. Make, model number, and last calibration date of your measuring device(s)	
f. Why direct measurement using a device	Other

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use	
Irrigation	281.5 Acres

7. Changes in Method of Diversion	

8. Conservation of Water	
Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, pipelines, cover crops, mulching, laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation	
a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	
Type of substitute water supply	
Amount of substitute water supply used	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

I have data to support the above surface water use reductions due to the use of a substitute water supply	
---	--

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount diverted is a multiple of the reported use amount, plus a factor to account for field flooding (if any). The multiple is to account for additional water that is diverted but not consumed or evaporated.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	DON
Last Name	WAGENET
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: Grunauer Community Property Trust et al
 Statement Number: S017215
 Date Submitted: 2013-06-19

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying and statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		0	0
February		0	0
March		0	0
April		6.83	4.27
May		35.61	22.25
June		54.54	34.09
July		173.61	108.51
August		204.79	127.99
September		52.83	33.02
October		0	0
November		0	0
December		0	0
Total		528.21	330.13
Comments			

5. Water Diversion Measurement

a.	Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage
b.	Types of measuring devices used	
c.	Additional technology used	
	Description of additional technology used	
d.	Who installed your measuring device(s)	
e.	Make, model number, and last calibration date of your measuring device(s)	
f.	Why direct measurement using a device	Other

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

listed in Section 1 is "not locally cost effective"	
Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.
Method(s) used as an alternative to direct measurement	Crop duty estimates/consumptive use estimates
9. Explanation of method(s) used as an alternative to direct measurement	Used ITRC REPORT 03-001 ETC Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETC was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

6. Purpose of Use

Irrigation	259.94 Acres
------------	--------------

7. Changes in Method of Diversion

8. Conservation of Water

Are you now employing water conservation efforts?	Yes
a. Describe any water conservation efforts you have initiated	Good water management and farming practices, and/or lined ditches, and/or pipelines, and/or drip irrigation, and/or sprinkler irrigation, and/or low energy spray irrigation, and/or cover crops, and/or mulching, and/or laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.
Amount of water conserved	Acre-Feet
b. I have data to support the above surface water use reductions due to conservation efforts.	

9. Water Quality and Wastewater Reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b. Amount of reduced diversion	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount shown as "used" may include months during which any permanent crop was not irrigated and/or months during which any annual crop was not in place. This is done to reflect the actual water used or lost from the land (including weeds) as per the UC Davis/CalPoly data on ET. This is done because any water "consumed" in this area is a net decrease in the Delta Pool. However, the amounts shown as diverted in each month reflects only actual diversions. Hence, the information submitted may show water use in months with no surface water diversion.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	John
Last Name	Herrick
Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: GLORIA A BACCHETTI
 Statement Number: S019076
 Date Submitted: 2013-06-26

1. Water is used under	Riparian Claim Pre-1914 Claim Other: overlying and statutory rights
2. Year of first use	1800

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used			
Month	Rate of diversion	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January		10.06	6.29
February		29.82	18.64
March		27.39	17.12
April		74.49	46.56
May		144.22	90.13
June		240.5	150.31
July		227.19	141.99
August		102.78	64.24
September		25.74	16.09
October		0	0
November		0	0
December		0	0
Total		882.19	551.37
Comments			

5. Water Diversion Measurement

a. Measurement	Direct measurement using a device listed in Section 1 is "not locally cost effective" for water directly diverted and/or diverted to storage	
b. Types of measuring devices used		
c. Additional technology used		
c. Description of additional technology used		
d. Who installed your measuring device(s)		
e. Make, model number, and last calibration date of your measuring device(s)		
f. Why direct measurement using a device	Other	

<p>listed in Section 1 is "not locally cost effective"</p>	
<p>Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"</p>	<p>The cost of acquisition, installation, maintenance (including vandalism and theft deterrence and remediation), collection and compilation of data from measuring devices is not locally cost-effective because the value of the local benefits of installing and maintaining meters is not greater than the value of the local cost of implementing that measure. There are no apparent grants available to otherwise cover costs of water meters and related actions. Moreover, the unique hydrogeological characteristics of the Delta (e.g., tides, seepage, interconnected channels, etc.) indicate that meters are not the best available technology in this region. Any water diverted in the Delta which is not consumed or evaporated is recycled to the Delta Pool for reuse. As further support for the conclusion that measuring devices are not locally cost-effective reference is made to the documentation on file with the SWRCB attesting to the lack of such cost-effectiveness submitted in connection with the SWRCB's July 21, 2011 "Water Measurement Workshop" and the SWRCB's follow-up solicitation of comments (due November 18, 2011) re the same.</p>
<p>Method(s) used as an alternative to direct measurement</p>	<p>Crop duty estimates/consumptive use estimates</p>
<p>9. Explanation of method(s) used as an alternative to direct measurement</p>	<p>Used ITRC REPORT 03-001 Etc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report Etc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.</p>

6. Purpose of Use

<p>Irrigation</p>	<p>237.5 Acres</p>
-------------------	--------------------

7. Changes in Method of Diversion

8. Conservation of Water

<p>Are you now employing water conservation efforts?</p>	<p>Yes</p>
<p>a. Describe any water conservation efforts you have initiated</p>	<p>Good water management and farming practices, and/or lined ditches, and/or pipelines, and/or drip irrigation, and/or sprinkler irrigation, and/or low energy spray irrigation, and/or cover crops, and/or mulching, and/or laser leveling. Any diverted water which is not consumed or evaporated is recycled to the Delta Pool. Credit is claimed for these water conservation efforts under section 1011 of the Water Code. A specific amount conserved is not reported due to the lack of a present method to precisely quantify that amount.</p>
<p>Amount of water conserved</p>	<p>Acre-Feet</p>
<p>b. I have data to support the above surface water use reductions due to conservation efforts.</p>	

9. Water Quality and Wastewater Reclamation

<p>a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?</p>	<p>No</p>
<p>b. Amount of reduced diversion</p>	

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Type of substitute water supply	
Amount of substitute water supply used	
I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjunctive Use of Surface Water and Groundwater	
a. Are you now using groundwater in lieu of surface water?	No
b. Amount of groundwater used	
I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks
The amount shown as "used" may include months during which any permanent crop was not irrigated and/or months during which any annual crop was not in place. This is done to reflect the actual water used or lost from the land (including weeds) as per the UC Davis/CalPoly data on ET. This is done because any water "consumed" in this area is a net decrease in the Delta Pool. However, the amounts shown as diverted in each month reflects only actual diversions. Hence, the information submitted may show water use in months with no surface water diversion.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	JOHN
Last Name	HERRICK
Relation to Water Right	Agent
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

August 5, 2014

Delivered Via E-mail: Barbara.Evoy@waterboards.ca.gov

Ms. Barbara L. Evoy
Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Evoy:

On July 23, 2014, the California Department of Water Resources and the United States Bureau of Reclamation (“Project Agencies”) submitted a letter (“Joint Letter”) to the State Water Resources Control Board (“State Water Board”). In the Joint Letter, the Project Agencies requested that the State Water Board use its authority to order those south and central Delta diverters claiming riparian and pre-1914 water rights to provide the State Water Board with certain information regarding the diverters’ claimed water rights and the quantity of their diversions.

The State Water Contractors (“SWC”) submit this letter to emphasize its support for the Joint Letter. As the Joint Letter demonstrates, current and projected natural flows at Vernalis are significantly less than the 1,334 cfs identified in D-1641 as the southern Delta diversion requirement for August. The difference between inflow and diversions strongly suggests that the deficit is being made up through illegal diversions of stored and transfer water by south and possibly central Delta diverters.

The SWC believe the information set forth in the Joint Letter provides a sufficient showing that stored and transfer water is being unlawfully diverted. On that basis, the SWC request that the State Water Board, through the Deputy Director, use the authority granted to her under the recently adopted Emergency Regulations, Title 23 to the California Code of Regulations, section 879(c), and order south and central Delta diverters claiming riparian and pre-1914 water rights to provide the State Water Board with information that (1) supports the basis of any asserted right or rights, and (2) reflects the quantity of water diverted and expected to be diverted.

Thank you in advance for your consideration.

Sincerely,



Terry L. Erlewine
General Manager

cc: Felicia Marcus, Chair, State Water Resources Control Board
Tom Howard, Executive Director, State Water Resources Control Board



DIRECTORS

Dan Flory
President
Antelope Valley-East Kern
Water Agency

Ray Stokes
Vice President
Central Coast Water
Authority

Douglas Headrick
Secretary-Treasurer
San Bernardino Valley MWD

Stephen Arakawa
Metropolitan Water District
of Southern California

Curtis Creel
Kern County Water Agency

Mark Gilkey
Tulare Lake Basin Water
Storage District

Joan Maher
Santa Clara Valley Water
District

Dan Masnada
Castaic Lake Water Agency

David Okita
Solano County Water Agency

General Manager
Terry Erlewine

San Luis & Delta-Mendota Water Authority



P.O. Box 2157
Los Banos, CA 93635
Phone: (209) 826-9696
Fax: (209) 826-9698

State Water Contractors



1121 L St., Suite 1050
Sacramento, CA 95814
Phone: (916) 447-7357
Fax: (916) 447-2734

August 6, 2014

Delivered Via E-Mail: Felicia.Marcus@waterboards.ca.gov

State Water Resources Control Board
c/o Chair Felicia Marcus
1001 I Street
Sacramento, CA 95814

Re: Unauthorized in-Delta diversions and compliance with Water Code Sec. 5103(e)(1)

Dear Ms. Marcus,

The State Water Contractors and San Luis & Delta-Mendota Water Authority (collectively, "Public Water Agencies") request that the State Water Resources Control Board ("State Water Board") revise its 2011 "Guidance For Complying With Water Diversion Measurement Requirements For Statement Holders" ("Guidelines"). The Guidelines have not produced the information intended by the Legislature when it imposed the water diversion measurement requirements.

Senate Bill 7X-8, which established the diversion measurement requirement now codified in California Water Code Section 5103, states:

(c) It has been estimated that there are over 1,800 agricultural, municipal, and industrial diversions in the Delta that, combined, divert 5 percent of the freshwater flows from the Delta watershed. However, because none of these in-Delta diverters are required to measure and report their water diversion and use, there is presently little data regarding the nature, extent, and location of these diversions.

(d) Given the well-known importance of water to the state's health, economy, and welfare, including to its ecosystems and natural resources, water measurement and reporting are required for most diversions.

As a result, the Legislature provided in Water Code Section 5103:

On and after January 1, 2012, [each diverter's statement shall include] monthly records of water diversions. The measurements of the diversion shall be made using best available technologies and best professional practices. Nothing in this paragraph shall be construed to require the implementation of technologies or practices by a person who provides to the [State Water Board] documentation demonstrating that the implementation of those practices is not locally cost effective.

In 2011, the State Water Board adopted the Guidelines. As the State Water Board considered the Guidelines, the Public Water Agencies expressed concern that the approach being developed would allow in-Delta water users to unilaterally determine the cost-effectiveness of measuring diversions. Public Water Agencies reasoned that by allowing in-Delta water users to unilaterally determine cost-effectiveness, little new water measurement information would be reported, which would result in a lack of new water measurement information thereby perpetuating the inability of the State Water Board to properly manage water usage.

Today, Public Water Agencies' concerns stand sadly realized. Although the Delta Watermaster has indicated 96 percent of diverters within the legal Delta have filed statements with the State Water Board as of September 2013, a review of many of those statements reveals that most do not provide any actual measuring data. Rather, and almost exclusively, they rely upon calculations of cropping patterns from some point in time multiplied by generic crop water usage to provide a rough estimate of actual usage amounts. This is exactly the same flawed information relied upon in the past, that has proven time and again to be inadequate to evaluate and manage water supply and quality conditions in the Delta, and that the legislation was intended to correct.

Claims asserting actual measurement are locally cost prohibitive come from a variety of diverters, many of whom own or control hundreds to thousands of irrigated acres. While the cost to adequately measure a diversion is dependent upon a number of factors, for most, reasonable measurement could likely be achieved for a couple thousand dollars – the cost of a few acre-feet of water. Some claims seem flatly evasive of the requirement. Consider the rationale provided by the Central Delta Water Agency in its November 18, 2011 letter¹ to the State Water Board in which it explained:

“We have concluded that installation of physical measuring devices is not locally cost effective. To be locally cost effective, we believe that the cost must be funded by others or there must be an identified savings in cost to the diverter which would offset the cost of measurement.”

To simply state, without substantiation, that even a penny spent to meet the requirements of the law “is not locally cost effective” is capricious, at best. The question should be whether the burden to implement the measure is unduly burdensome. A more rational reading of Section 5103 would conclude that the exception for “locally cost effective” apply to the implementation of “best available” – what type of measurement should be employed – as opposed to a de facto exemption from the measurement requirement itself.

Moreover, many of the statements assert multiple rights – riparian, post-1914 and pre-1914 – without indicating the basis for or the volume of water associated with the asserted water right. The State Water Board must not abdicate its responsibility to protect water rights by failing to ensure that the basis for asserted rights and measuring usage are substantiated by facts.

The extreme drought conditions we are experiencing this year highlight the inadequacies of the Guidelines. With current conditions, we believe many in-Delta water users are diverting water to which they do not have a right. Improved diversion reporting would have provided useful information for the State Water Board in carrying out its duties, including enforcement. Actual

¹ The letter is available at:
www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/cmmnt111811/cdwa.pdf.

measured diversion information would have documented diversion amounts and rates for different users and allowed improved assessment of in-basin demands, the actual needs for water, and the priority of those needs.

Based on the reasons identified above, the Public Water Agencies request that the State Water Board update the Guidelines. The updated Guidelines should:

1. Require actual measurement data be provided and that the classification (riparian, pre-1914 or post 1914) of each water right be provided for the amount of measured water;
2. Require measurement data be reported annually, as annual information will help the State Water Board carry out its duties, particularly in dry years;
3. Provide that, before any in-Delta water user can avoid using best available technologies and best professional practices, the State Water Board will (1) require the in-Delta water user to request the exemption, and provide documentation to support the request, and (2) issue a written determination whether the information provided demonstrates that the implementation of those practices is not locally cost effective.

For your convenience, we have attached the comment letter jointly submitted by the State Water Contractors and the San Luis & Delta-Mendota Water Authority in November 2011.

Sincerely Yours,



Daniel G. Nelson
Executive Director
San Luis & Delta-Mendota Water Authority



Terry L. Erlewine
General Manager
State Water Contractors

Attachment

cc: Dorene D'Adamo, Board Member, SWRCB
Tom Howard, Executive Director, SWRCB



San Luis & Delta-Mendota Water Authority

P.O. Box 2157
Los Banos, CA 93635
Phone: (209) 826-9696
Fax: (209) 826-9698



State Water Contractors

1121 L St., Suite 1050
Sacramento, CA 95814
Phone: (916) 447-7357
Fax: (916) 447-2734

November 18, 2011

Delivered Via E-Mail: rsatkowski@waterboards.ca.gov

State Water Resources Control Board
Division of Water Rights
1001 I Street, 2nd Floor
Sacramento, California 95814

Re: Comment Letter - Water Measurement

Dear Mr. Satkowski:

The San Luis & Delta-Mendota Water Authority ("Authority") and the State Water Contractors, Inc. ("SWC") appreciate the opportunity to comment on the State Water Resources Control Board's ("State Water Board") Guidance for Complying with Water Diversion Measurement Requirements for Statement Holders (including the draft Statement Form) ("Draft Guidance"). The Authority and the SWC appreciate the State Water Board effort to increase water use measurement and reporting through improvements in the Statements of Diversion and Use (Statements). However, the Draft Guidance is not consistent with the legal requirements.

The State Water Board has consistently recognized the importance of measurement and accurate reporting of water diversions in Statements. Most recently, it explained in its Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary:

Adequate measurement and reporting of agricultural water use is essential for establishing water policy and determining the effectiveness of water conservation strategies.

(Strategic Workplan, page 89.) A Blue Ribbon Task Force, in its Delta Vision Strategic Plan, made the same point and thus recommended:

The Legislature should enact, and the State Board should enforce, a law requiring universal, consistent reporting on water diversion and use by all water agencies and other substantial diverters.

This law should repeal all current exemptions to reporting, plus include reports on groundwater and pre-1914 and riparian users.

(Delta Vision Strategic Plan, p. 51). The California Legislature likewise appreciated the importance of measurement and reporting of water use in Statements and accepted the recommendation of the Blue Ribbon Task Force. In 2009, it adopted Water Code section 5103. Through this section, the Legislature refined the type of information required in Statements:

The measurements of the diversion shall be made using best available technologies and best professional practices. Nothing in this paragraph shall be construed to require the implementation of technologies or practices by a person who provides to the board documentation demonstrating that the implementation of those practices is not locally cost effective.

(Wat. Code, § 5103(e), emphasis added.) Unfortunately, the Draft Guidance does not meet these minimum legal requirements, and, if adopted, it would likely significantly undermine their purposes.

The Draft Guidance allows diverters to unilaterally determine that best available technologies/practices for direct measurement are not locally cost effective and simply report that determination to State Water Board, whereas the statute requires diverters to *demonstrate to the State Water Board* that they are not cost effective. To remain consistent with section 5103, the State Water Board must revise the Draft Guidance to reflect the presumption that direct measurement technologies/practices are locally cost effective. The Guidance must make plain: (1) a water user seeking an exemption must provide the State Water Board with documentation to support his/her position that technologies/practices are not locally cost effective, and (2) upon the filing of documentation, the State Water Board will determine if the documentation supports the water user's position. The State Water Board's determination should be based upon a comparison of the cost to directly measure with the economic value associated with the diversion.

The error in the Draft Guidance is reflected on page 2, under the hearing "Guidance." The Authority and SWC suggest the following revisions to that language to bring the guidance document in line with Water Code requirements.

The State Water Board intends to revise the (calendar year) 2012 Supplemental Statement online reporting form to include a new section that allows Statement holders to (1) ~~report on~~ identify their measuring device or (2) explain why they believe implementation of best available technologies and best professional practices to measure their water diversion is "not locally cost effective." In addition, if the Statement holder ~~determines~~ asserts that use of a measuring device is "not locally cost effective," ~~they can~~ he or she shall provide documentation supporting the assertion and describe the alternative measuring methods proposed to be used in lieu of measuring devices. The 2012 Supplemental Statement online reporting form will be due to the State Water Board on July 1, 2013. In addition, to assist Statement holders with the water diversion measurement requirements, the State Water Board has posted the following information on its Statement Website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/index.shtml:

1. examples of water measurement devices;
2. known vendors/suppliers of water measurement devices;
3. examples of alternative measurement methods;
4. definitions of key water measurement terms; and
5. frequently asked questions (FAQs).

To ensure conformity with legal requirements, the State Water Board will need to undertake three additional actions.

First, the State Water Board will need to establish a process for a water user to submit documentation substantiating a claim of “not locally cost effective”, and a State Water Board determination based thereon.

Second, the State Water Board will need to revise its website to make it explicit that alternative measurement methods may only be used when a person has provided documentation to the State Water Board and the State Water Board has made a determination that best available technologies and best professional practices to measure a water diversion are not locally cost effect for that person.

Finally, the State Water Board will need to revise the Supplemental Statement of Water Diversion and Use for 2012 to reflect the process described above. The Authority and SWC recommend the following edits to section 3¹:

**Section 3: Measurement of Water Directly Diverted is "Not Locally Cost Effective."
(and/or Section 4: Measurement of Water Diverted to Storage is "Not Locally Cost Effective")**

Direct measurement of diverted water is presumed to be locally cost effective. The presumption can be overcome by a water user demonstration and State Water Board determination that the cost of the device is high in relation to the economic value of the diversion.

e. Indicate the date on which the State Water Board ~~how you~~ determined that use of best available technologies and best professional practices to measure water diversions is “not locally cost effective:”

- ~~— Diversion is small or minimal in size.~~
- ~~— Diversions are infrequent.~~
- ~~— Cost of device is high in relation to the economic value of diversion.~~
- ~~— Other (Please describe below).~~

(text box)

¹ The State Water Board should change the form immediately. However, the Authority and SWC appreciate that the State Water Board has not yet developed a process to determine when best available technologies/practices for direct measurement are not locally cost effective. If that process cannot be implemented for 2012 reporting, the State Water Board, at a minimum, should recognize it is implementing an interim process because of the procedural impediments and that the State Water Board will develop and implement the process and make the changes in the form required by Water Code section 5103 for 2013 reporting.

Mr. Satkowski
November 18, 2011
Page 4

Thank you for the opportunity to comment. Should you have any questions, please contact Terry Erlewine, General Manager of the SWC at (916) 447-7357, or Daniel Nelson, Executive Director of the Authority at (209) 826-7878.

Sincerely,

Handwritten signature of Daniel G. Nelson in blue ink.

Daniel G. Nelson
Executive Director
San Luis & Delta-Mendota Water Authority

Handwritten signature of Terry L. Erlewine in black ink.

Terry L. Erlewine
General Manager
State Water Contractors

September 15, 2014

Delivered via email: commentletters@waterboards.ca.gov



Ms. Jeanne Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: September 24, 2014, Public Workshop on Central and Southern Delta
Water Availability and Use

Dear Ms. Townsend:

The State Water Contractors (“SWC”) submit the following comments regarding the September 24, 2014 workshop pursuant to the notice dated September 5, 2014.

On July 23, 2014, the Department of Water Resources (“DWR”) and the Bureau of Reclamation (“Reclamation”) sent a letter requesting the State Water Resources Control Board (“Water Board”) obtain additional water right information from south and central Delta pre-1914 and riparian diverters under section 879 of the emergency regulations. The request was made pursuant to the Water Board’s emergency regulations even though the Water Board has existing investigatory powers to obtain this information.

The SWC support DWR and Reclamation’s request because the Water Board indicated that it was unwilling to extend curtailments under the emergency regulations against pre-1914 and riparian water right holders because it had insufficient information. The SWC support efforts by the Water Board to obtain the information it believes is needed to uphold the water rights system and protect stored water. The information the Water Board does not have relates to the details and supporting documentation for riparian and pre-1914 water rights. The SWC and Westlands submitted a sample information request form to the Water Board outlining the information the Water Board should be seeking from central and south Delta pre-1914 and riparian water right holders. A copy is attached for your convenience. The original intent behind using the emergency regulations was to obtain the information the Water Board indicated it needed as quickly as possible. The SWC believe time is of the essence because water storage levels are not likely to be restored next year, even if it is a wet year.

DIRECTORS

Dan Flory
President

Antelope Valley-East Kern
Water Agency

Ray Stokes
Vice President

Central Coast Water
Authority

Douglas Headrick
Secretary-Treasurer

San Bernardino Valley MWD

Stephen Arakawa

Metropolitan Water District
of Southern California

Curtis Creel

Kern County Water Agency

Mark Gilkey

Tulare Lake Basin Water
Storage District

Joan Maher

Santa Clara Valley Water
District

Dan Masnada

Castaic Lake Water Agency

David Okita

Solano County Water Agency

General Manager

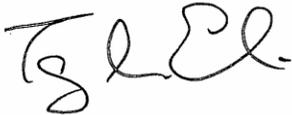
Terry Erlewine

Ms. Jeanne Townsend
State Water Resources Control Board
September 15, 2014
Page 2

In response to the July 23rd letter from DWR and Reclamation, several Delta landowners and water districts submitted letters raising a number of defenses against possible enforcement actions. The SWC believe the appropriate time for dealing with these defenses (partly referenced in Items 1 and 2 in the workshop notice) is when the Water Board pursues enforcement against specific water right holders or classes of water rights holders, and/or when a complaint is filed. It is not an efficient use of Water Board resources to try to scope potential defenses outside of an enforcement action. Once enforcement is pursued, the appropriate parties will identify for the Water Board the defenses that are most relevant to their rights, and the Water Board will have the ability to enforce against specific water right holders. Any such proceeding should be a hearing with the opportunity to present evidence and cross examine witnesses.

Thank you for your consideration. Should you have any questions please contact Terry Erlewine at (916) 447-7357.

Sincerely,

A handwritten signature in black ink, appearing to read 'TLE', with a stylized flourish at the end.

Terry L. Erlewine
General Manager

Attachment

State Water Resources Control Board
 Supplemental Information in Support of Investigation into Water Rights and Use

Diverter: _____

Parcel Number(s): _____

Total Parcel Acreage: _____

Check the box(es) which describe the type of claim(s) under which you are diverting water. Provide the basis for each claim asserted, as well as any supporting documentation.

1. I claim a Riparian right.

a. Identify all relevant information and/or documentation provided in support of your claimed Riparian right:

b. In support of my claimed Riparian right, I have attached information and/or documentation to demonstrate that:

The land on which water is used is riparian to the water course from which water is diverted.

Or

The land on which water is used is no longer riparian to the water course from which water is diverted but there was an intent at the time of severance to maintain a riparian right for the land.

The date the land was severed from the original riparian land was (day/month/year): ___/___/____.

c. State the purpose and amount of use under your claimed Riparian right (e.g. irrigation of 600 acres, domestic supply for 4 persons):

d. Under my claimed Riparian right, I have diverted the following amounts of water in 2014:

MONTH	AVERAGE MONTHLY RATE OF DIVERSION (enter cfs/acre-feet)	TOTAL MONTHLY AMOUNT DIRECTLY DIVERTED OR COLLECTED TO STORAGE (in acre-feet)
January		
February		
March		
April		
May		
June		
July		

State Water Resources Control Board

Supplemental Information in Support of Investigation into Water Rights and Use

August		
September		
October		
November		
December		
Total		

2. I claim a Pre-1914 Appropriative right.

a. Identify all relevant information and/or documentation provided in support of your claimed Pre-1914 Appropriative right:

b. In support of my claimed Pre-1914 Appropriative right, I have attached information and/or documentation to demonstrate:

Water was appropriated prior to 1914

For the pre-1914 appropriation:

Year of first use: _____

Quantity of water: _____

Period of use: _____

Point of diversion: _____

Place of use: _____

Purpose of use: _____

And

For appropriation since 1914 under my claimed Pre-1914 Appropriative right, I have attached information and/or documentation to demonstrate:

Point of diversion: _____

I own the land at the point of diversion

I do not own the land at the point of diversion. Owner of the land at the point of diversion: _____

Place of use: _____

c. State the purpose and amount of use under your claimed Pre-1914 Appropriative right (e.g. irrigation of 600 acres, domestic supply for 4 persons, etc.):

_____.

State Water Resources Control Board
 Supplemental Information in Support of Investigation into Water Rights and Use

- d. Under my claimed Pre-1914 Appropriative right, I have diverted the following amounts of water in 2014:

MONTH	AVERAGE MONTHLY RATE OF DIVERSION (enter cfs/acre-feet)	TOTAL MONTHLY AMOUNT DIRECTLY DIVERTED OR COLLECTED TO STORAGE (in acre-feet)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
Total		

3. I claim a right by Court Decree. In support of my claim, I have provided a copy of the decree.
4. I have a pending Appropriative Application with the State Water Resources Control Board.

The Application Number is: _____.

A copy of the Application is is not attached.

5. Other. I claim a right to divert water under a claim of right not otherwise provided for on this form.
- a. The right under which I claim to divert (e.g. pueblo right, transfer agreement, right of an irrigation company, etc.): _____.
- b. Identify all relevant information and/or documentation provided in support of your claimed Other right:

DRAFT DOCUMENT

State Water Resources Control Board
Supplemental Information in Support of Investigation into Water Rights and Use

I declare the foregoing and any supporting documentation to be true and accurate to the best of my knowledge, under penalty of perjury.

Signature: _____ Date: _____

Name: _____