

STATEMENT OF PRINCIPAL CONCLUSIONS

KERN RIVER HYDROLOGY

- The records of Kern River hydrology from the period 1894-2008 indicate that in nearly two-thirds of the years, the total annual natural flow at the First Point of Measurement is below average
- There exists an overall water deficiency in meeting existing water rights and water demands on the Kern River system

NORTH KERN JUDGMENT

- The *North Kern* judgment cannot create any new supply for existing rights holders not previously measured and considered in Decision D1196
- The baseline hydrologic conditions for the historical period 1964 through 2008 indicates that the Kern River system was in “Deficit” during 262 months out of the 270 forfeiture months analyzed
- The water released due to the *North Kern* judgment will, in all but flood control operations, be fully distributed to and used by the First Point, Second Point and Lower-River diverters under existing water right entitlements
- There are only three (3) years (1982, 1983 and 1984) out of 45 years where water released due to the *North Kern* judgment is not fully distributed to First Point, Second Point and Lower-River diverters under existing water right entitlements, and those years were when releases coincided with flood control operations
- The projected state of the Kern River stream system following the *North Kern* judgment remains in a “Deficit” condition
- The 2007 and 2008 Flow and Diversion Records substantiate the conclusion that water released to the Kern River due to the *North Kern* judgment will be used by First Point, Second Point and Lower-River diverters under existing water right entitlements
- The *North Kern* judgment does not support a finding that there is water available for appropriation from the Kern River