



# Fact Sheet

## *Frequently Asked Questions* on the Pre-1914 and Riparian Informational Order Response Review Summary

### How do Water Rights Work?

A water right allows the holder to divert and use surface water for beneficial purposes, such as agriculture, domestic and industrial use, recreation, and ecosystem support. Water right holders do not own the water, but they have a regulated right to use it.

Water rights have a priority system, based on seniority and the type of right. The general rule to the priority system is “first in time, first in right,” which determines who gets to use water in times of shortage.

### When Did the State Water Board Request this Delta Watershed Water Rights Information?

The State Water Board Division of Water Rights issued an Informational Order in February 2015 requiring large diverters claiming riparian and pre-1914 water rights in the Delta and its watersheds to submit information to the Board. This information was critical, because these senior water rights — which predate the State’s current administrative system — represent a significant demand for water in the Delta Watershed. In the fourth consecutive year of drought, water shortages had become so severe that even senior water rights faced potentially insufficient supply to meet their demands.

The Informational Order directed those claiming senior water rights, among other things, to submit documents supporting their claims. The Informational Order also directed claimants to provide information on the forecast volume of diversions, by month, in 2015 as well as the actual monthly diversion volumes. The full text of the Informational Order is available [here](#).

### Why Did the State Water Board Request this Information from Senior Water Right Claimants?

Information on the amount, timing, and priority of demand was needed to properly inform the Division’s water supply/demand availability analyses, which were issued, refined, and updated on a monthly basis throughout the 2015 irrigation season.



## Did the State Water Board Succeed in this Effort?

The Division received nearly 100 percent response to its information request within the Delta Watershed. At this juncture, the Board has received reliable information on more than 1,000 points of diversion, claimed by nearly 450 water right claimants in the Delta Watershed. This information presents the first comprehensive repository of senior water right claims in the critical Delta Watershed.

## What Did the State Water Board Do with this Information?

Forecasting supply and demand for water during the first part of the 2012-2015 drought was significantly handicapped by lack of data about how and when riparian and pre-1914 claimants were diverting water. Beginning in 2015, the Informational Order responses helped inform predictions of water availability, based on the riparian and priority system. In the longer term, by better understanding the basis and priority of senior claims, the State Water Board can more transparently administer the priority system in future water shortage conditions.

For example, the Division used data from the Informational Order responses — particularly the forecast of monthly diversions and the monthly “true ups” of actual diversion — to refine its supply/demand graphs throughout the 2015 irrigation season. Because of this near-real-time reporting, the Division was able to lift curtailments months earlier than if it had relied on longer-term estimates and annual reports of actual diversions.

## Why Is the Water Board Making this Information Available Now?

The Division is releasing both the responses to the 2015 Informational Order and a spreadsheet summary of its staff review of those responses. The spreadsheet helps to organize the responses to make the information more accessible and more useful. By putting this information in one easily accessible location on its [website](#), the State Water Board anticipates continually and transparently improving these data for its own use and for use by water managers as they make their own plans for managing in future shortages.

The Board is using a “crowd correction” approach, requesting that individual riparian and pre-1914 water right claimants review their 2015 submissions as well as the staff review summary to ensure accuracy and to fill in gaps in their information. Many water right claimants in the Delta Watershed are members of associations or districts, which provide valuable assistance both to their members and to the State Water Board in the Quality Assurance/Quality Control process.

Refinements to these data about senior water right claims will support not only the Division’s administration of the state’s water right system, but also drought planning by water users within the Delta Watershed and in areas dependent on that watershed for reliable water supplies.

## How Long Will the Board Keep Refining the Data?

While there is no specific time limit, the Office of the Delta Watermaster and the Division of Water Rights plan to update the State Water Board on the progress of the “crowd correction”

effort in the Fall of 2018. Going forward, these data are envisioned as an evolving and useful resource for water rights administration.

What Does the State Water Board Plan to Do with this Dataset?

Organizing, reviewing, correcting and supplementing responses to the Information Order will assist the Division and the Watermaster to prioritize deployment of resources, plan for responses to future shortages, and prioritize areas for further review.

When future drought conditions arise, the State Water Board will use the evolving dataset established from this preliminary review of Informational Order responses to help assess supply/demand balances and, when necessary, advise water users when lack of water supply may require them to curtail water use based on their relative priorities.

Water users are also expected to use the new data in developing voluntary cooperative agreements to avoid supply disruptions, facilitate transfers, or otherwise cope with future shortage conditions.

How Does the State Water Board Plan to Follow Up with Claimants whose Responses Do Not Provide Information Supporting all Elements of their Water Right Claims?

The release of the Informational Order responses and the spreadsheet summarizing the staff review is intended to transmit to the water user community the information currently available to support riparian and pre-1914 water right claims in the Delta Watershed.

The State Water Board encourages diverters whose 2015 responses lack information to fully support their water right claims to:

- Offer corrections to the staff review summary where appropriate;
- Provide additional information to support their claims; (*The Division has set up an email address where additional information can be submitted.*)
- Collect all available evidence to support their water right claims; and
- Enter into contracts to help ensure reliable delivery of water, particularly where the claimants' submitted information does not provide support for each element of the underlying claim.

How Will the State Water Board Use this New Dataset in the Future?

Organization and review of the Informational Order responses is part of the Division's and Watermaster's joint responsibility to consolidate and learn from recent drought experience.

However, beyond releasing these materials and following up with identified water right claimants, no further decisions have been made on how the State Water Board will use the improved database in future drought conditions. This information, though often dating from more than a century ago, is newly available based on claimants' responses to the

Informational Order. The Division and the Watermaster expect to continually improve the dataset through a transparent exchange of documents, maps, records and other materials between the State Water Board and riparian and water right claimants.

These data will assist in reducing the incidence of duplicate reporting of the same beneficial use of water under more than one water right claim. To the extent that, even following the “crowd correction” process, some water right claims are not adequately supported by available records, the Division and the Watermaster may eliminate such demands from future water supply/demand analyses. Finally, in circumstances where water right claims appear to lack substantial support, the State Water Board, either on its own motion or in response to a complaint, may undertake investigation and, when warranted, bring enforcement proceedings to deter unlawful diversions.

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