EXPLANATORY ATTACHMENT
to the SWRCB's Online Form Entitled:
"Informational Order Supporting Data"
(Due March 6, 2015)

Use of Water: If multiple Statement Numbers (i.e., "Points of Diversions") are used to irrigate the same field or parcel, the acreage of that field or parcel is divided evenly among those Statement Numbers and each Statement Number is reported as serving its fractional share.

Riparian Rights: The riparian patent date is the date of the patent from the United States to the State or from the United States to a private party as derived from the referenced Bureau of Land Management records website provided in the online form. If available, the patent date from the State to the private party is used in lieu of the patent date provided by that site. The date of priority for riparian lands is expected to relate back to the time of settlement prior to patent.

The online form has been marked "no" as to severance of riparian rights. The question on the form is compound but in any event the term "severance" reflects a legal conclusion which must be determined in a court adjudication.

Pre-1914 Rights: The Pre-1914 priority date and year that water was first used are based on the estimated time of settlement and use of water on the land where the Point of Diversion is located and/or where the Place of Use served by that Point of Diversion is located. Where available, Certificates of Purchase dates are used to support the estimates. In California, this requirement appears to have been satisfied only after the person had cultivated the land for three years. [Cal. Stats. Of 1886, Ch. 415, Section 42.] It is assumed therefore that the subject land did receive diverted water since the time of the Certificate of Purchase (or Patent). The reporting party reserves the right to support an even earlier date as more historical evidence is located.

The claim of continuous use is made until such time as a court adjudication has determined that such use was not continuous.

Monthly Diversions: The "Direct Diversion" amounts for 2014 are calculated from the Excel spreadsheets posted at sjwater.org and are based on consumptive use estimates multiplied by a multiple to account for additional water that is diverted but not consumed or evaporated. Additional water is also added to the foregoing to account for field flooding, if any. The consumptive use estimates are based on the following:

Central and South Delta, Zone 12: 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.

North or West Delta, Zone 14: Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 14 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Lodi West. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

The "Projected Direct Diversion" amounts for 2015 are derived in the same manner, and based on the same 2014 Excel Spreadsheets, as the amounts for 2014 except that the amounts for 2015 take into consideration any anticipated changes in acreage or crops compared to 2014.

Because the online form instructs: "Do Not report the same value for Riparian and Pre-1914," the amounts directly diverted are entered into the Pre-1914 boxes and the number one is inserted into the Riparian boxes. Until the Pre-1914 and Riparian rights are adjudicated they are overlapping rights that cannot be legally separated. Moreover, the claim of right for this Statement Number also includes overlying rights, statutory rights and rights derived from use for more than 120 years which can likewise overlap in various respects. (Note: these rights also overlap with any *post*-1914 and contract rights that may be applicable to the places of use at issue herein.)

Maximum Rates of Diversion: The maximum rates of diversion are determined by estimating head conditions and using the siphon and pump capacity graphs posted at sjwater.org. Fluctuation of water levels due to changes in river flows, tides and numerous other factors renders determination of maximum diversion rates somewhat inexact. The relevance of such a maximum rate determination is questionable in that in many cases the maximum rate is not used or only used for a limited period. To avoid double counting, the maximum rates are only entered into the Pre-1914 rights boxes (even though those rates likewise apply to the overlapping Riparian rights).