



CALIFORNIA
WATER FIX
RELIABLE. CLEAN. WATER.

DWR-3



SWP WATER RIGHTS



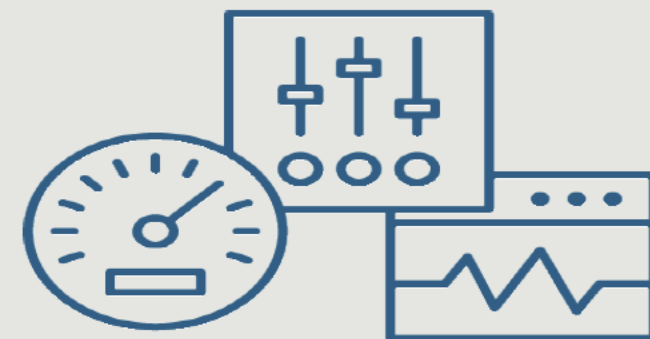
SWP WATER RIGHTS PERMITS

- **Four Permits provide primary water supply for SWP**
- **Significant storage releases for water quality and fisheries purposes**
- **Water supply derived from combination of unstored flow in Feather River, unregulated flow in the Delta and storage releases**
 - SWP appropriates water only after its regulatory requirements are met
 - Substantial restrictions on exports due to location of diversion in south Delta



SWP WATER RIGHTS PERMITS (CONT'D)

- **Operations coordinated with Reclamation**
- **SWP operated consistent with:**
 - Requirements contained in D-1641
 - 2008 USFWS and 2009 NMFS Biological Opinions
 - Corps of Engineers Permit
 - All other SWP regulatory requirements





DWR FEATHER RIVER/DELTA PERMITS

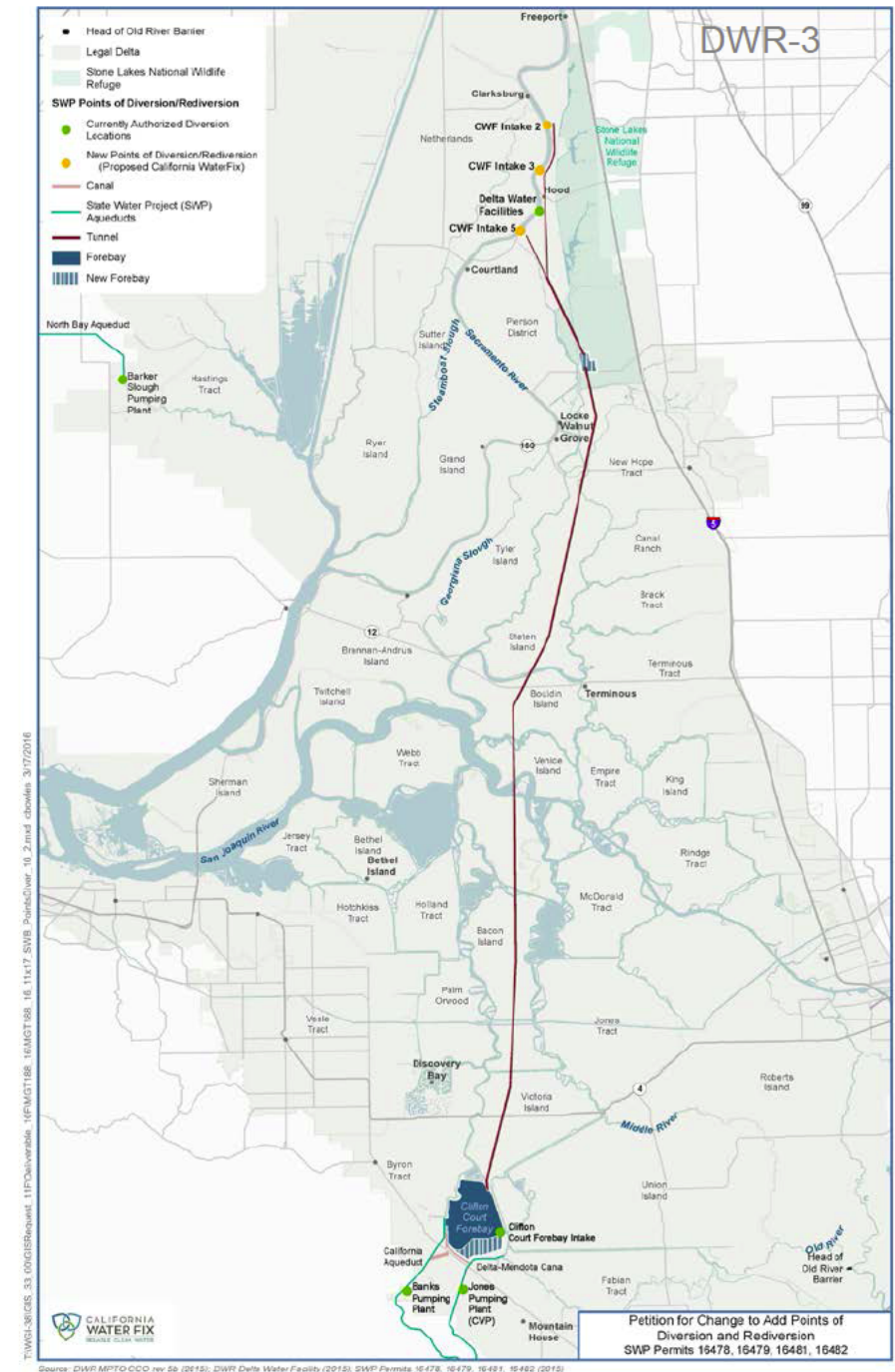
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| Application Number | Permit Number | Location of Diversion/Rediversion | Direct Diversion (CFS) | Diversion to Storage (AF) |
|--------------------|---------------|---|--------------------------------------|---------------------------|
| 5630 | PER 16478 | Source - Feather River, Oroville Dam rediversion- SWP facilities from Oroville thru Perris Dam | 1,400 | 380,000 |
| 14443 | PER 16479 | Feather River - Oroville Dam Sacramento-San Joaquin Delta channels rediversion- SWP facilities from Oroville thru Perris Dam | Feather – 1,360 Delta – 6,185 | 3,500,000 42,100 |
| 14445A | PER 16481 | Italian Slough, Old River Sacramento-San Joaquin Delta channels | 2,115 | 44,000 |
| 17512 | PER 16482 | Italian Slough, Old River Sacramento-San Joaquin Delta channels San Luis Creek | | 1,100,000 |



SWP POINTS OF DIVERSION

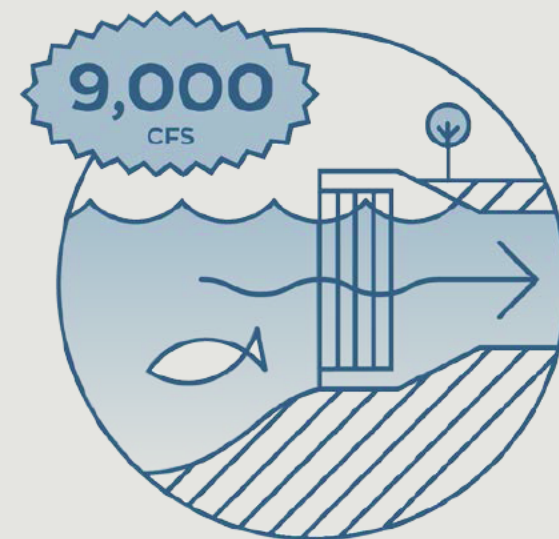
- **Existing Authorized Points of Diversion/Rediversion**
 - Oroville/Thermalito
 - North Bay Aqueduct
 - Delta Water Facilities (location near Hood)
 - Clifton Court Forebay (SWP Banks Pumping Plant)
 - CVP Tracy (Jones) Pumping Plant
- **Proposed New Points of Diversion**
 - 3 new intake locations in north Delta near Hood
- **Combined rate of maximum diversion/rediversion from Delta limited to 10,350 cfs under all four permits**





CWF PETITION FOR CHANGE

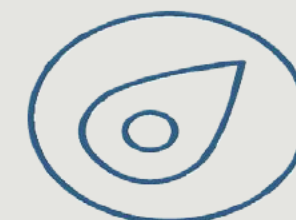
- **Add new points of diversion in north Delta near Hood**
 - Three intakes of maximum 3,000 cfs each
- **All other provisions of permits will remain unchanged**
 - Sources of water
 - Rate of direct diversion and diversion to storage, season of diversion
 - Maximum combined rate of diversion from Delta – 10,350 cfs
 - Place and purposes of use





NOT A NEW WATER RIGHT

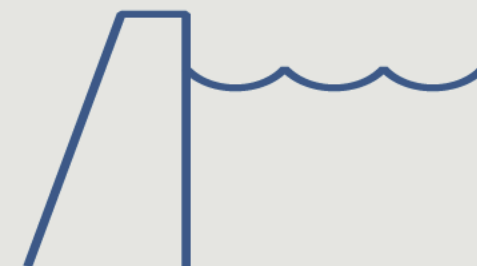
- **Water Code Section 1701 provides permittee or licensee may change point of diversion upon permission of State Water Board**
- **Consistent with WC § 1701 and reasoning in Water Right Order 2009-0061**
 - No increase in maximum rates of diversion
 - No change in season of diversion
 - No change in source of water to be diverted
- **WC § 1701 does not restrict number of diversions or diversion size if change is within existing limitations of water right**





NO INJURY TO OTHER LEGAL USERS

- **DWR and Reclamation divert water only after all their regulatory requirements are met**
- **All existing protections remain in place including D-1641**
- **CWF-specific requirements will be adopted**
- **CWF does not change upstream operational criteria**





NO INJURY TO OTHER LEGAL USERS (CONT'D)

- **Availability of unregulated flow to other legal users will not be diminished**
- **DWR and Reclamation have exclusive right to their storage releases**
- **DWR and Reclamation not required to maintain specific level of water quality better than WQCP implemented through D-1641**
 - State Water Board established objectives in WQCP to protect beneficial uses



TYPES OF AGREEMENTS/CONTRACTS WITH DWR

- **Long-term water supply agreements**
 - Agreement for share of SWP developed supply
- **Water rights settlement agreements**
 - Developed and executed as part of initial SWP development
 - Recognize but don't quantify preexisting water rights
- **General settlement agreements**
 - Primarily within Delta region
 - May contain water quality or water supply provisions or combination of both
- **DWR will continue to meet the terms of the long-term water supply contracts and the settlement agreements**





SWP LONG-TERM WATER SUPPLY CONTRACTS

- **SWP contractors served from water appropriated under Feather River/Delta Permits**
 - Table A amounts used to allocate share of available SWP supply
 - Current Combined maximum Table A: 4,170,076 AF for the contractors downstream of Oroville
 - No guarantee of specific quantity
 - No entitlement to particular operational scenario or end of season storage



FEATHER RIVER SETTLEMENT AGREEMENTS

- **Six settlement agreements with diverters downstream of Lake Oroville**
- **Defined water supply with contract deficiency provisions based on inflow to Oroville**
- **No entitlement to storage in Lake Oroville or end of season target storage**
- **DWR has sole discretion over Lake Oroville operations**



FEATHER RIVER SETTLEMENT AGREEMENTS^{DWR-3}

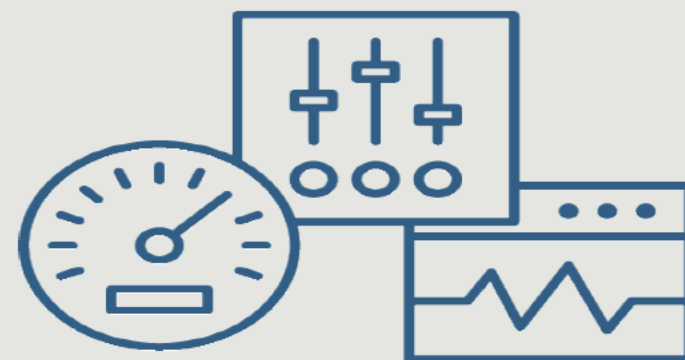
(CONT'D)

- **CWF criteria do not change existing upstream operational criteria**
- **No change in terms of settlement agreements**
- **DWR will continue to meet Feather River instream flow requirements**



DELTA AREA SWP SETTLEMENT AGREEMENTS

- **DWR has settlement agreements with five Delta entitles**
 - Contra Costa Water District
 - City of Antioch
 - North Delta Water Agency
 - Byron Bethany Irrigation District
 - East Contra Costa Irrigation District
- **Agreements address issues related to SWP operations**





CWF SETTLEMENT AGREEMENT

- CCWD/DWR Settlement for CWF CEQA effects (March 2016)
- CCWD water diverted at CWF or EBMUD Freeport facilities
- Amount varies each year (2 TAF– 50 TAF)
- Source of water CCWD, CVP contract, water transfers
- Agreement would not increase total annual Delta diversions
- Agreement would not increase maximum annual CWF diversions
- Will not affect other legal users





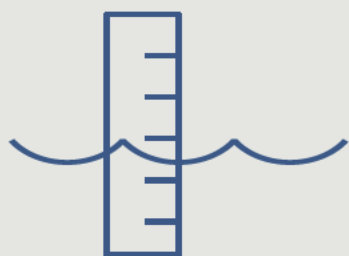
CONCLUSIONS

- **SWP with new facilities will continue to operate within existing permits and regulatory requirements**
- **No expansion of quantity, rate, timing, source, purpose or place of use of water authorized in existing water rights permits**
- **Not a new water right**
- **Information provided supports Board decision of no injury to other legal users**



CONCLUSIONS

The testimony allows the Board to find no injury to legal users due to:



Water Levels



Water Quality



Water Supply



Contractual
Obligations