



Water Resources ♦ Flood Control ♦ Water Rights

MEMORANDUM

DATE: September 20, 2019

TO: Tyson Zimmerman, Ironhouse Sanitary District

FROM: Kyle Knutson

SUBJECT: Water Right Summary

The purpose of this memorandum is to identify and summarize Ironhouse Sanitary District's (District) water rights. The District is located within Contra Costa County and has a service area which includes the City of Oakley, Jersey Island, Bethel Island and a portion of Holland Tract. Diversions by the District from Marsh Creek, Dutch Slough, Piper Slough, Taylor Slough, San Joaquin River and False River are made under riparian and pre-1914 claims, which are reported to the State Water Resources Control Board (State Water Board) under Statement of Water Diversion and Use (Statement) No. 18558 for use on the District's mainland property and Statement No. 23983 for use on Jersey Island.

In 2009, the Water Code was amended to require that diversions in the Delta under riparian and pre-1914 claims after January 1, 2009 be filed with the State Water Board under a Statement and that diversions be measured unless it was not locally cost effective. The District filed the two Statements identified above to comply with the requirement identified in the amended Water Code. Copies of these two Statements are included in Attachment 1. The initial Statements and corresponding Supplemental Statements of Water Diversion and Use establish a record of water use which can aid, for example, in the event of an adjudication of the source.

RIPARIAN CLAIM

The District is located within the Sacramento-San Joaquin Delta (Delta). The history and scope of water rights within the Delta has been well studied and documented. In issuing the U.S. Bureau of Reclamation's (Reclamation) permits for operating the Central Valley Project, the State Water Board relied on extensive research and information generated in a cooperative study program commonly referred to as the "1956 Cooperative Studies." This effort between Reclamation, the State of California, and Sacramento Valley water users involved years of research and technical studies to determine the amount of water available under existing water rights. The 1956 Cooperative Studies assumed that all of the lands within the Delta Lowlands were riparian to Delta channels. In 1964, Reclamation published several Delta Lowlands Service Area Investigations Reports, which compiled and summarized the field data regarding land ownership, water rights, and water supplies in the Delta Lowlands, including Jersey Island.

Riparian rights entitle the owner to use a correlative share of the water flowing past the property and these rights apply only to water which would naturally flow in the stream. Diversions of surface water for use upon riparian lands are limited to reasonable and beneficial use. Statement

No. 18558 identifies a riparian claim for diversions from Marsh Creek for use on the District's mainland property. Similarly, Statement No. 23983 identifies riparian claims for diversions from Dutch Slough, Piper Slough, Taylor Slough, San Joaquin River and False River for use on Jersey Island.

PRE-1914 CLAIM

The District claims a pre-1914 water right under Statement No. 23983 for diversions from Dutch Slough, Piper Slough, Taylor Slough, San Joaquin River and False River for irrigation on Jersey Island, overlapping the riparian claims. We have not performed exhaustive research regarding the extent of the pre-1914 claim at this time in order to identify the year water was first used on Jersey Island or to support the continuous use of water under the claim to the present day. Additional efforts and research would be needed to further support the pre-1914 claim.

OTHER

Reclamation District No. 830 (RD 830) provides flood control and levee maintenance for Jersey Island. RD 830 holds post-1914 appropriative water right License 1310 (Application 3768), which authorizes the diversion and use of surface water upon Jersey Island from about March 1 to about November 1. A copy of the license is included in Attachment 2. This license authorizes a direct diversion rate of 40.22 cubic feet per second from Dutch Slough, Dredger Cut, Taylor Slough, Piper Slough, San Joaquin River and False River along the shoreline of Jersey Island at movable siphons. The place of use under License 1310 fully overlaps with the place of use under Statement No. 23983. Post-1914 appropriative rights may be subject to revocation by the State Water Board upon five years or more of non-use, although this is not automatic. Therefore, because the places of use and points of diversion of License 1310 and Statement No. 23983 fully overlap, we recommend continuing to report surface water diversions under License 1310 first, up to the maximum quantities and season of diversion authorized by the license, prior to reporting diversions under Statement No. 23983. During periods of curtailment for License 1310, we recommend reporting all surface water diversions under Statement No. 23983.

SUMMARY

Based on today's regulatory environment, we believe the reliability of the water supply for use on the District's mainland property and Jersey Island is good, based on the documentation summarized in this memorandum. We recommend that the District and RD 830 continue to coordinate annually to report water use under License 1310 and Statement No. 23983.

Kyle Knutson

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Attachments: Attachment 1 – Statement of Water Diversion and Use Nos. 18558 and 23983
Attachment 2 – License 1310 (Application 3768)