



## **Press Release**

18 August 2014  
**For Immediate Release**

Contact: Bill Jennings, California Sportfishing Protection Alliance: 209-464-5067; cell 938-9053; email, [deltakeep@me.com](mailto:deltakeep@me.com); website, [www.calsport.org](http://www.calsport.org)

### **Complaint Filed Against DWR, USBR for Illegal Diversion of Water** *Also, petition filed for adjudication of Central Valley waters*

The California Sportfishing Protection Alliance (CSPA) has filed a formal complaint with the State Water Resources Control Board (Water Board) alleging that the California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (USBR) have been illegally diverting and exporting water for which they have no legal water right to divert and export. Additionally, the complaint alleges that USBR has been illegally diverting San Joaquin River riparian flow at its Friant Project. CSPA asked the Water Board to investigate and curtail these illegal diversions. CSPA also formally petitioned the Water Board to initiate a legal adjudication of the Central Valley's oversubscribed waters.

The source water fingerprinting analyses contained in the Bay Delta Protection Plan's (BDCP) EIR/EIS and DWR's own water-fingerprinting analyses reveal that a significant percentage of the water exported from DWR and USBR's Delta pumping facilities comes from the San Joaquin, Mokelumne, Cosumnes and Calaveras Rivers. Neither DWR nor USBR have legal water rights to divert and export any water from these rivers. In so far as water from these rivers is "abandoned" in the Delta, appropriative and riparian senior water rights holders in the Delta have first claim to these flows.

The CSPA complaint follows the 23 July 2014 letter from DWR and USBR to the Water Board accusing south and central Delta diverters of illegally diverting water belonging to the State Water Project (SWP) and Central Valley Project (CVP). In a series of response letters to the Water Board, Delta diverters denied they're illegally taking CVP/SWP water.

CSPA Executive Director, Bill Jennings, observed, "Contrary to DWR and USBR's claim that Delta farmers were illegally diverting water, it is DWR and USBR that have long been stealing water belonging to Delta farmers. USBR has also been illegally taking all of the riparian flow in the upstream San Joaquin River thus depriving Delta water users on the lower river of their fair share of riparian flows." "The State Water Board needs to step in and stop this massive theft of water," said Jennings.

CSPA also formally petitioned the Water Board to initiate a legal adjudication of Central Valley waters. The average annual unimpaired flow in Central Valley Rivers is approximately 28 million acre-feet (MAF), while the legal consumptive claims to that water is 153.2 MAF. Central Valley waters were oversubscribed long before the state and federal water projects were constructed. The last seventy years of California's water wars must be read in the light of junior water right claimants seeking to break in line and disenfranchise those who hold senior riparian and appropriative water rights.

“Politically powerful junior water rights holders have prevented the state from taking long-overdue action to bring legal rights to water into balance with actual water supplies,” said Bill Jennings, “Adjudication is an initial step in bringing water demand into balance with supply and is fundamental for ensuring California’s future prosperity.”

---

The California Sportfishing Protection Alliance (CSPA) is a 501(c)(3) non-profit public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife and fishery resources and their aquatic ecosystems and associated riparian habitats. [www.calsport.org](http://www.calsport.org)