

Watershed Law & Policy

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Committee on Water, Parks & Wildlife

California State Assembly

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Objectives

- History of Watershed Law & Policy
 - Challenging Issues for Watershed Policy
 - The Delta Challenge
 - Moving Forward
 - Practice Tips
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History – Overview

The Law

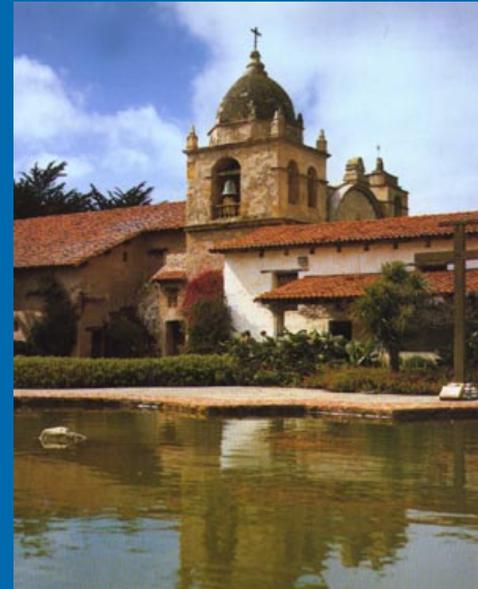
- Riparian Water Rights
- Pueblo Rights
- Appropriation Doctrine
- Public Trust Doctrine
- Racanelli Decision

The Policy

- Lord of the Manor
- Spaniards & Indians
- Gold Rush & Vast Federal Lands
- Environmental Values
- Delta As A System

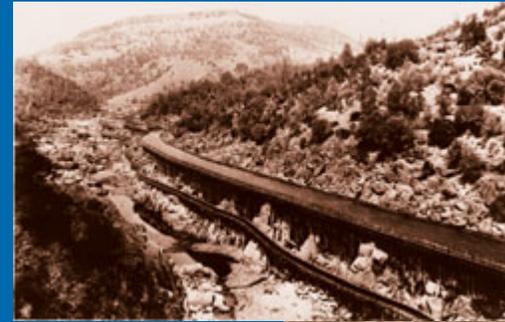
History – Pre-Statehood

- Roots In English Riparian Rights
- The Indians
- The Missions
- Pueblo Rights:
 - LA v. San Fernando, 14 Cal. 3d 199 (1975)



History – California Growth

- The Gold Miners
 - First In Time, First In Right
- Early Agriculture: Mutual
- Urban Water Projects
 - Owens Valley
 - Hetch Hetchy
- The Big Water Projects
 - Central Valley Project
 - State Water Project



History – Early Delta & Its Watershed

- Hydraulic Mining Ban:
 - *Woodruff v. North Bloomfield Gravel Mining Co.*, 18 F. 753 (1884)
- Early Disconnection:
 - *Antioch v. Williams Irr. Dist.* 188 Cal. 451 (1922)
- Feather River Project
- Delta Protection Act
- SWRCB D-1478
- Racanelli Decision



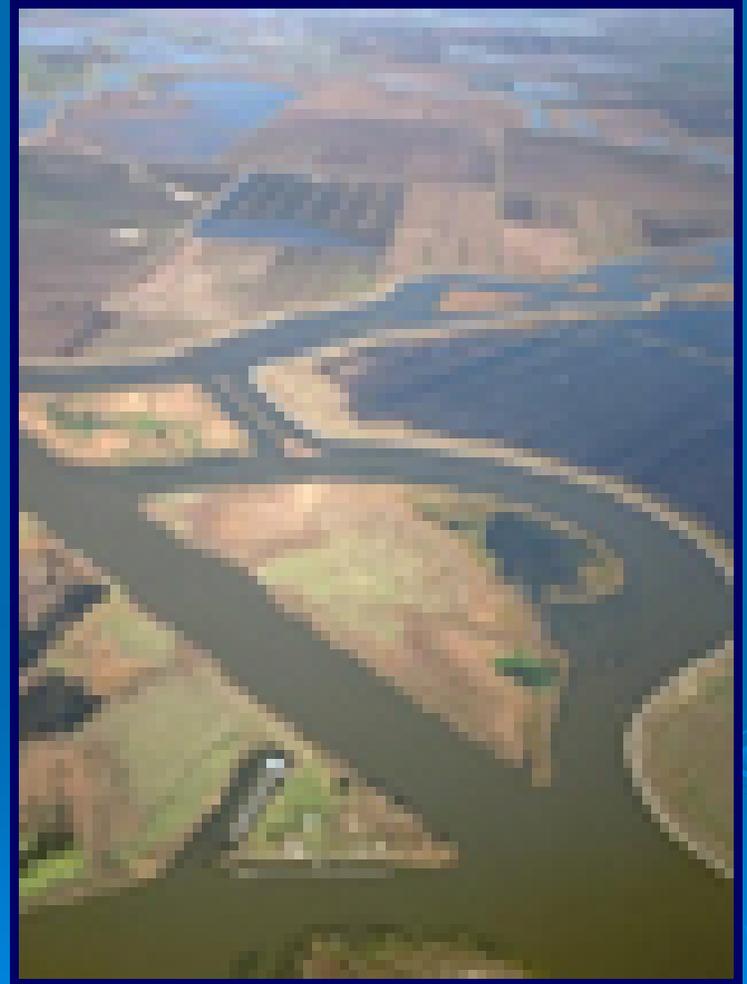
History – Environmental Values

- SWP – Delta Debate
- Quality: Porter-Cologne
- Federal Statutes
 - NEPA, CWA, SDWA, ESA
- Mono Lake Committee
- Public Trust Decision
- Racanelli Decision
 - 182 Cal.App.3d 82 (1986)



Delta – Recent History

- Delta Protection Act II
- “It’s the pumps, the pumps, the pumps.”
- or -
- “It’s all about the watershed!”
- The Bay-Delta Accord
- CALFED ROD
- The Changes



Integrated Regional Water Management Planning

- Origin: Conflicts
 - Issues
 - Regulation
 - Agencies
- Response: Integration
 - Issues
 - Region/Watershed
 - Agencies



Challenging Issues for Watershed Management

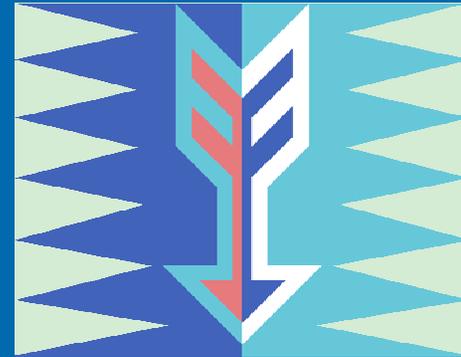
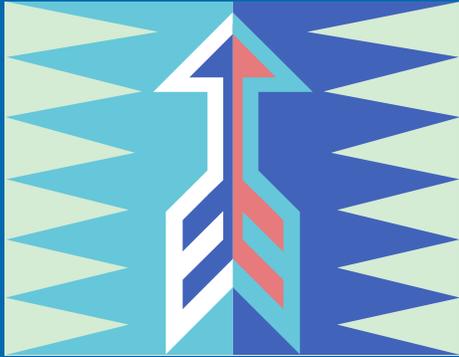
- Statewide Conflict & Resolution
 - The Delta and Everyone Else
 - The Blame Game
 - What are public trust values?
 - Local Disputes & Property Rights
 - Who “coordinates” watershed issues?
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The Delta Challenge



- Manmade System
- Multiple Demands
- System Complexity
- Connections
 - Land-Use
 - Tributaries
 - Watershed

Where To From Here?



- Watershed Management > Institution
- Bottom-Up: building the grass roots
- Top-Down: support for State leadership
- Coordination Among Watersheds

Practice Tips for Water Policy Advocates

- Education, Education, Education
 - The Role of Science In Policy
 - Allies & Enemies
 - Choosing Your Forum
 - Understanding Your Audience Interests
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