

**WATER RIGHTS CHALLENGES  
IN THE MOUNTAIN COUNTIES –  
EL DORADO IRRIGATION  
DISTRICT'S EXPERIENCE**

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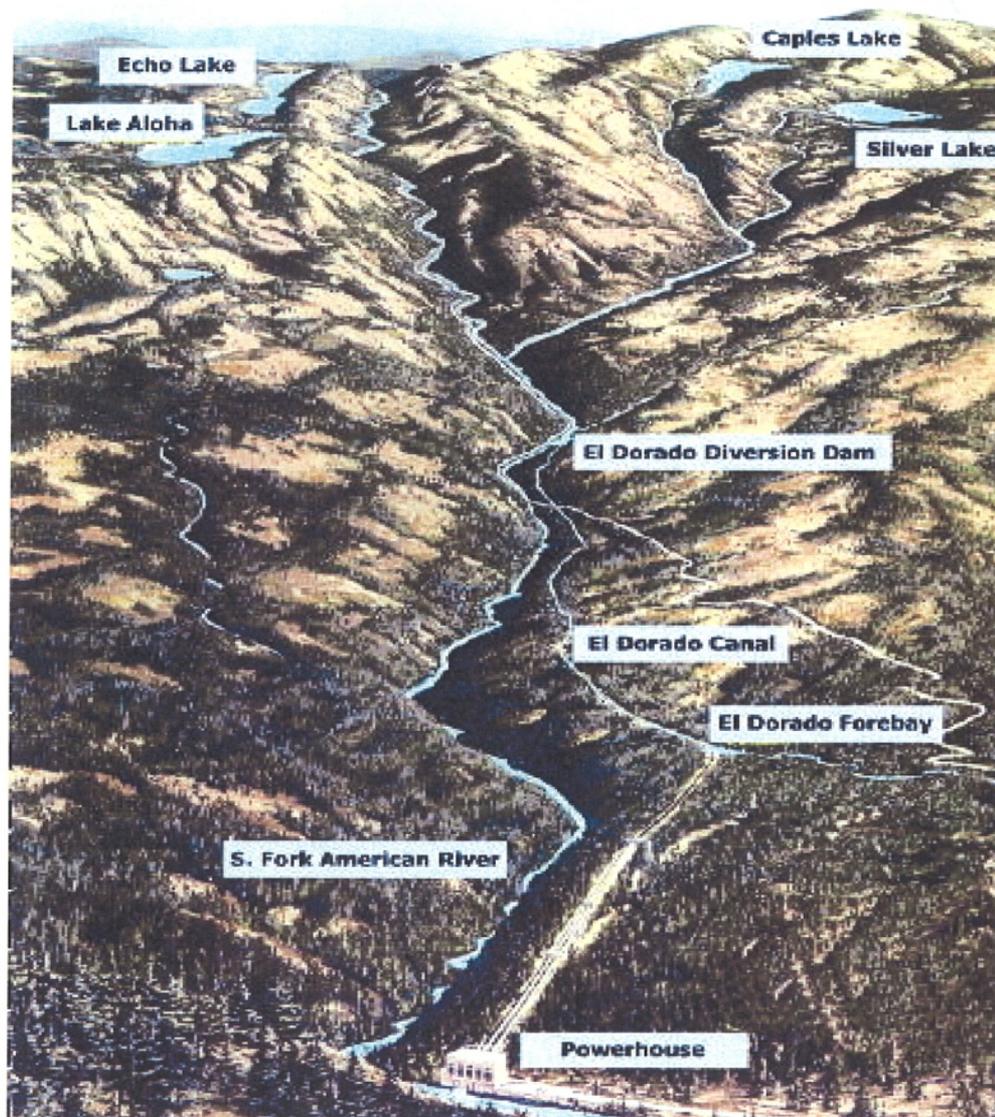
MAY 21, 2014

# EID's Primary Challenges

- Dependence on surface water supplies
- Antiquity of rights
- Complexity of rights
- Lack of local control
- Securing water for growth
- Climate change



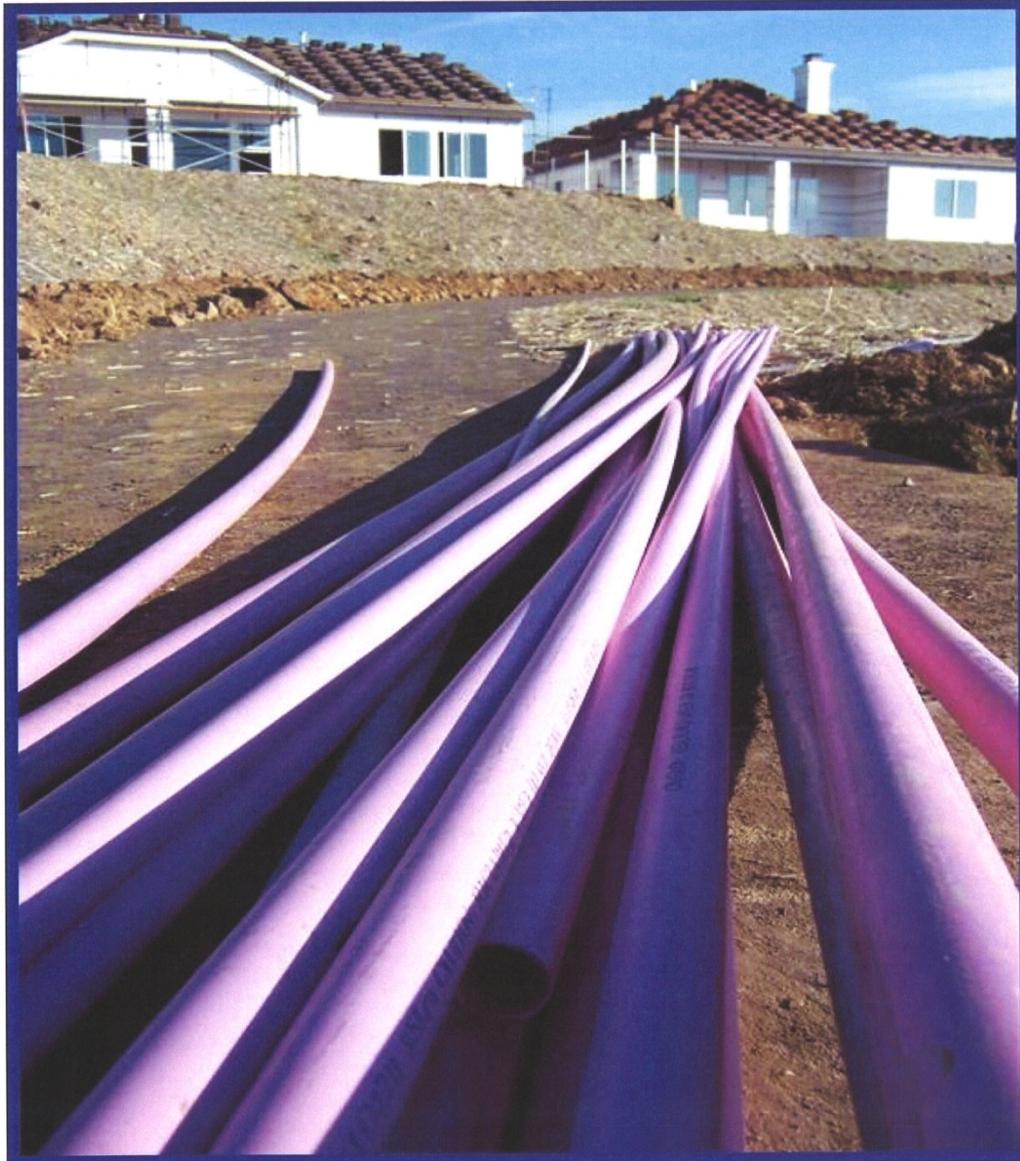
# Project 184



# Surface Water Dependence

- Fractured rock geology limits groundwater
  - Quantities, quality, reliability, banking
- No options for desal or urban stormwater
- Recycled water

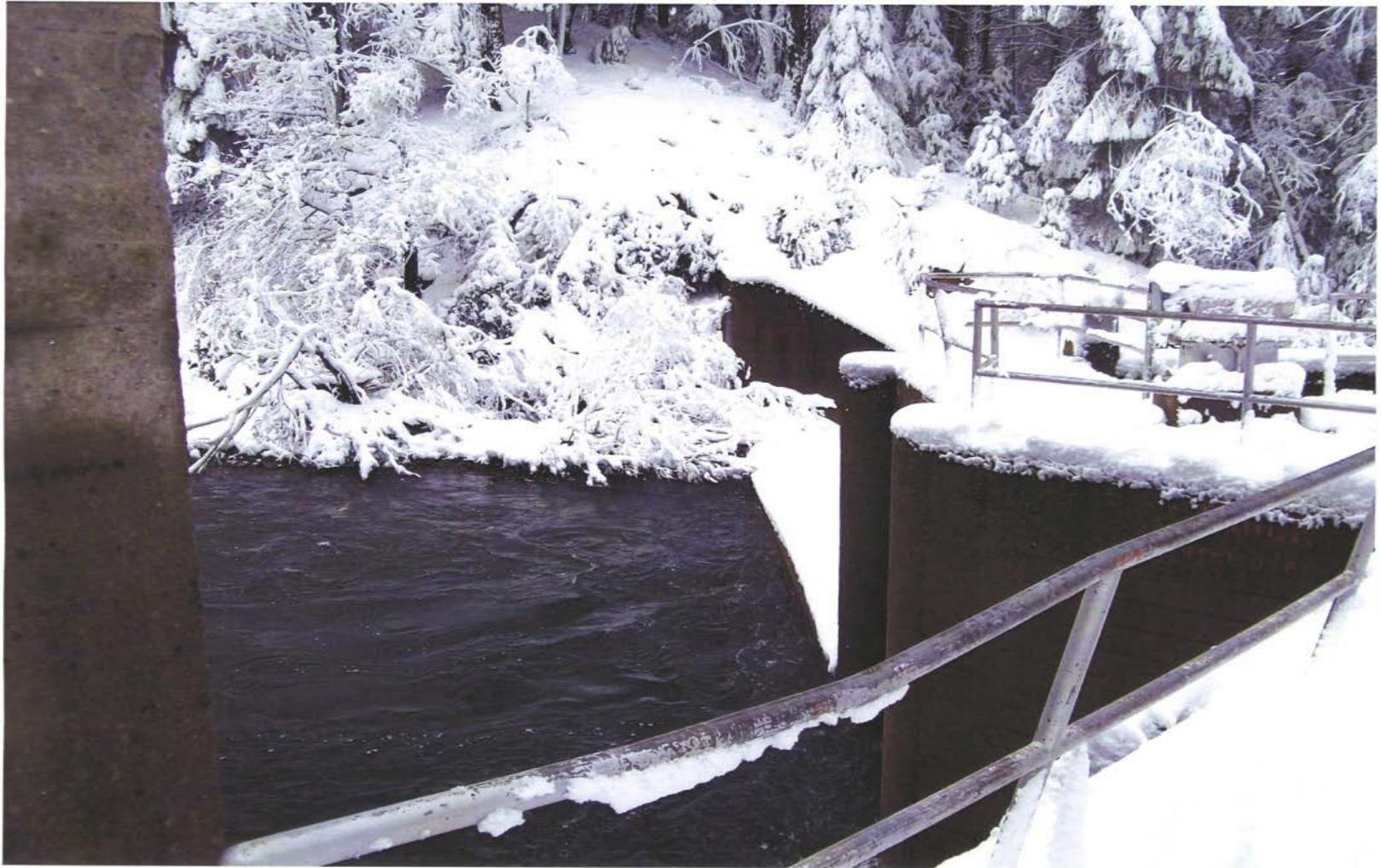
# Recycled Water



# Antiquity of Rights

- 1850s to 1920s seniorities are a blessing, but...
- Documenting continuous beneficial use is a challenge
- Beneficial use often spans mining, agricultural, modern eras
- Modernizing projects pose environmental issues
- Epic O & M challenges

# Camp Creek Diversion Dam



# Bull Creek Diversion



# Echo Conduit



# Weber Dam



# Complexity of Rights

- 33 different active appropriative rights
  - 24 pre-1914 rights
  - 7 licensed rights
  - 2 permitted rights
- 19 of the 33 pertain to Project 184 facilities

# Lack of Local Control

- Resources appropriated by outside interests
  - SMUD Upper American River Project
  - PG&E Project 184
  - USBR Jenkinson Lake
  - USBR Folsom Reservoir
- Project 184 acquired 1999
- Jenkinson Lake acquired 2003
- SMUD Cooperation Agreement 2005

# Water for Growth

- Permit 21112: Making area-of-origin promises a reality
  - Local land-use wars
  - Opposition from divested “juniors”
  - Vindicating seniority against Term 91
    - *EID v. SWRCB* (2006) 142 Cal.App.3d 937

# Climate Change – Dwindling Snowpack

- Reservoir filling
- Flow patterns for direct diversion, power generation
- Compliance with instream flow and minimum reservoir level mandates

# Thank You

