C-BT RETURN FLOWS
SPRING WATER USERS MEETING

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Northern Water
Presentation Outline

• An abbreviated history
• Why are we looking at Return Flows now?
• Amount of C-BT Return Flows
• Repayment Contract, Article 19 Principles
• Simple Example
• Northern Water’s priority
• Next Steps
An abbreviated history

- In general, transmountain return flows can be reused.
- While C-BT Allottees can only use C-BT water once, Northern Water’s deal with the federal government back in 1938 (Repayment Contract) states the federal government reserves C-BT Return Flows on behalf of Northern Water.
- The Repayment Contract (Article 19) requires Northern Water make the C-BT Return Flows available for irrigated land that existed in 1938. It gives Northern Water flexibility if there are additional C-BT Return Flows.
Why are we looking at Article 19?

- Irrigation ditch change cases within Northern Water – especially those moving water from District boundaries.
- New appropriations in Northern Water area.
- Potential new storage project(s) (e.g., SP Regional Water Concept).
Kersey Gage – Annual Summary

<table>
<thead>
<tr>
<th>Annual</th>
<th>C-BT RF In River</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median</td>
<td>67,942</td>
<td></td>
</tr>
</tbody>
</table>

(values ac-ft/year)
Kersey Gage – Monthly Summary

(values ac-ft/year)

<table>
<thead>
<tr>
<th>Kersey Gage</th>
<th>C-BT RF In River</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>854,782</td>
<td>67,942</td>
<td>8%</td>
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</table>

Average Monthly Flow (ac-ft)

- Jan: 8% Kersey Gage, 8% C-BT RF In River
- Feb: 7% Kersey Gage, 8% C-BT RF In River
- Mar: 6% Kersey Gage, 6% C-BT RF In River
- Apr: 6% Kersey Gage, 4% C-BT RF In River
- May: 3% Kersey Gage, 3% C-BT RF In River
- Jun: 12% Kersey Gage, 17% C-BT RF In River
- Jul: 20% Kersey Gage, 17% C-BT RF In River
- Aug: 14% Kersey Gage, 9% C-BT RF In River
- Sep: 9% Kersey Gage, 8% C-BT RF In River
- Oct: 9% Kersey Gage, 8% C-BT RF In River
- Nov: 9% Kersey Gage, 8% C-BT RF In River
- Dec: 8% Kersey Gage, 8% C-BT RF In River
Draft Principles Summary
(based on historical legal understanding confirmed by recent review)

1. Use of C-BT RFs outside the District prohibited.
2. C-BT RFs may only be used for purposes Northern Water authorizes.
3. Preferred Uses (lands irrigated since prior to 1938) have priority to C-BT RFs taken based on water right priority.
4. C-BT RFs in excess of Preferred Uses may be taken for Overplus uses (other Board approved uses) based on water right priority.
5. Board may change method of allocation of Overplus.
6. Historic use analysis for Water Court change case can’t include C-BT RFs.
7. Future diversions of changed water rights can’t include C-BT RFs to the extent Northern Water quantifies real-time C-BT RFs.
Example: C-BT RFs Not Considered

Example Simplifying Assumptions:
- No river gains or losses
- All land in District
- All land irrigated before 1938

<table>
<thead>
<tr>
<th>Kersey Gage</th>
<th>Flow (cfs)</th>
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<tbody>
<tr>
<td>Native</td>
<td>400</td>
</tr>
<tr>
<td>C-BT RFs</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
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<table>
<thead>
<tr>
<th>Ditch B</th>
<th>Diversion</th>
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<tbody>
<tr>
<td>1985 100 cfs</td>
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<tr>
<td>Recharge Right</td>
<td>50</td>
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<tr>
<td>C-BT Preferred</td>
<td></td>
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<tr>
<td>C-BT Overplus</td>
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<tr>
<td>Total Taken</td>
<td>50</td>
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</table>

<table>
<thead>
<tr>
<th>Ditch A</th>
<th>Diversion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1888 350 cfs</td>
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<tr>
<td>Irrigation Right</td>
<td>350</td>
</tr>
<tr>
<td>C-BT Preferred</td>
<td></td>
</tr>
<tr>
<td>C-BT Overplus</td>
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</tr>
<tr>
<td>Total Taken</td>
<td>350</td>
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Example: C-BT RFs Considered

Example Simplifying Assumptions:
- No river gains or losses
- All land in District
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Summary: This is a status quo situation. Users may not know that they are diverting C-BT RFs.
Northern Water will take appropriate actions to enforce Article 19 of the Repayment Contract consistent with its interpretation of Article 19. The first priority is to ensure that C-BT Return Flows are used within Northern Water boundaries. Northern Water will take additional actions to enforce Article 19 as circumstances require and the Northern Water’s ability to track and account for C-BT Return Flows evolves.
Next Steps

Introduce a Resolution for Northern Water Board’s consideration concerning C-BT Return Flows.
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