

**DRAFT**  
**Technical Information**  
**for Preparing Water Transfer Proposals**

**(Water Transfer White Paper)**

**Information for Parties Preparing**  
**Proposals for Water Transfers**  
**Requiring Department of Water Resources**  
**or Bureau of Reclamation Approval**

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## Appendix A Potential Water Transfer Effects on the Projects

Apart from the interest of the Project Agencies in promoting responsible water transfers, they have another important interest in transfers: one that underlies much of what this technical document is about. Transfers through the Delta or affecting Delta water supply in the summer and fall have the inherent potential to adversely affect the SWP and the CVP physically and from a water accounting perspective. If water that is transferred by others is not new water to the system, it will necessarily come instead out of Project supply. As described more generally below, that is impermissible “legal injury.”

The Projects together have the shared responsibility for meeting Delta water quality requirements and are junior to all lawful in-basin water diversions of natural flow under the watershed protection statutes. Because the Projects only export natural flow after all in-basin uses have been met, and must operate to meet Delta flow-related standards, transfers that do not provide new water to the system (or insufficient new water) will require the SWP and CVP to release water from storage or curtail diversions in order to maintain regulatory compliance. This is why the Projects must be assured that the water made available for transfer is new water that would not be in the system but for the transfer activity.

When the Projects contract to convey transferred water through their facilities, or otherwise weigh in on proposed transfers, they must be sure that the water supply to which their Project contractors are legally entitled is not unlawfully diminished by the transfer. If it is diminished, it is effectively an involuntary and uncompensated transfer of someone else’s water and constitutes legal injury.