

The Delaware in Conflict

The Good Faith Agreement has run its course

It's time to hit the reset button.

Equitable Apportionment Plan (EAP)

The EAP links Release and Diversion quantities to the anticipated available water quantity, based on:

- **Reservoir Level** – and refill requirements
- **Inflow Profile** – based on the hydrological conditions of the previous three months
- **Long-range hydrological forecast**

| EQUITABLE APPORTIONMENT PLAN | | | | | | | | | | | | |
|------------------------------|----------------------|-----------|-------|--------|-----|--------|-------|-----------|-------|-------|-----------|---------------|
| EAP | | | | | | | | | | | | |
| CANNONVILLE | | Winter | | Spring | | Summer | | | Fall | | | NYC DIV (mgd) |
| Zone | Inflow Profile (mgd) | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | |
| L1-a | 1,500 and up | 1,500 | 1,500 | 475 | 525 | 600 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 590 |
| L1-b | 1,400 - 1,499 | 700 | 700 | 475 | 525 | 600 | 600 | 700 | 700 | 700 | 700 | 575 |
| L1-c | 1,300 - 1,399 | 225 | 475 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 555 |
| L2-a | 1,200 - 1,299 | 225 | 350 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 540 |
| L2-b | 1,100 - 1,199 | 225 | 350 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 520 |
| L2-c | 1,000 - 1,099 | 225 | 275 | 325 | 475 | 525 | 525 | 525 | 475 | 350 | 225 | 505 |
| L3 | 900 - 999 | 225 | 225 | 275 | 325 | 400 | 400 | 400 | 400 | 325 | 225 | 480 |
| L4 | 800 - 899 | 225 | 225 | 235 | 250 | 270 | 270 | 270 | 270 | 250 | 225 | 480 |
| L5 | 700 - 799 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 480 |
| | 600-699 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 420 |
| | 500-599 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 360 |
| | 400-499 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 300 |

| EAP | | | | | | | | | | | | |
|----------|----------------------|-----------|-----|--------|-----|--------|-----|-----------|------|------|-----------|---------------|
| PEPACTON | | Winter | | Spring | | Summer | | | Fall | | | NYC DIV (mgd) |
| Zone | Inflow Profile (mgd) | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | |
| L1-a | 1,500 and up | 700 | 700 | 150 | 150 | 175 | 700 | 700 | 700 | 700 | 700 | 590 |
| L1-b | 1,400 - 1,499 | 500 | 500 | 150 | 150 | 175 | 175 | 500 | 500 | 500 | 500 | 575 |
| L1-c | 1,300 - 1,399 | 150 | 150 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 150 | 555 |
| L2-a | 1,200 - 1,299 | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 540 |
| L2-b | 1,100 - 1,199 | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 520 |
| L2-c | 1,000 - 1,099 | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 505 |
| L3 | 900 - 999 | 140 | 140 | 140 | 140 | 150 | 150 | 150 | 150 | 140 | 140 | 480 |
| L4 | 800 - 899 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 480 |
| L5 | 700 - 799 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 480 |
| | 600-699 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 420 |
| | 500-599 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 360 |
| | 400-499 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 300 |

| EAP | | | | | | | | | | | | |
|-----------|----------------------|-----------|-----|--------|-----|--------|-----|-----------|------|------|-----------|---------------|
| NEVERSink | | Winter | | Spring | | Summer | | | Fall | | | NYC DIV (mgd) |
| Zone | Inflow Profile (mgd) | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | |
| L1-a | 1,500 and up | 190 | 190 | 100 | 115 | 150 | 190 | 190 | 190 | 190 | 190 | 590 |
| L1-b | 1,400 - 1,499 | 125 | 110 | 100 | 115 | 150 | 150 | 150 | 150 | 150 | 125 | 575 |
| L1-c | 1,300 - 1,399 | 75 | 75 | 100 | 115 | 150 | 150 | 150 | 150 | 115 | 75 | 555 |
| L2-a | 1,200 - 1,299 | 75 | 75 | 100 | 115 | 140 | 140 | 140 | 140 | 115 | 75 | 540 |
| L2-b | 1,100 - 1,199 | 75 | 75 | 100 | 115 | 140 | 140 | 140 | 140 | 115 | 75 | 520 |
| L2-c | 1,000 - 1,099 | 75 | 75 | 100 | 115 | 130 | 130 | 130 | 130 | 115 | 75 | 505 |
| L3 | 900 - 999 | 75 | 75 | 75 | 90 | 110 | 110 | 110 | 110 | 90 | 75 | 480 |
| L4 | 800 - 899 | 75 | 75 | 75 | 75 | 85 | 85 | 85 | 85 | 75 | 75 | 480 |
| L5 | 700 - 799 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 480 |
| | 600-699 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 420 |
| | 500-599 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 360 |
| | 400-499 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 300 |

Normal Conditions

| EAP (NORMAL CONDITIONS) | | | | | | | | | | | | NYC DIV (mgd) |
|-------------------------|----------------------|------------|-------------|------------|------------|-----------|--------------|-------------|------------|------------|-----------|------------------|
| CANNONSVILLE | | Summer | | | Fall | | | Winter | | Spring | | |
| | | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | Dec - Mar | Apr | May | May | |
| Zone | Inflow Profile (mgd) | 6/1 - 6/15 | 6/16 - 6/30 | 7/1 - 8/31 | 9/1 - 9/15 | 9/16-9/30 | 10/1 - 11/30 | 12/1 - 3/31 | 4/1 - 4/30 | 5/1 - 5/20 | 5/21-5/31 | |
| L1-a | 1,500 and up | 600 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 475 | 525 | 590 |
| L1-b | 1,400 - 1,499 | 600 | 600 | 700 | 700 | 700 | 700 | 700 | 700 | 475 | 525 | 575 |
| L1-c | 1,300 - 1,399 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 475 | 475 | 525 | 555 |
| L2-a | 1,200 - 1,299 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 350 | 475 | 525 | 540 |
| L2-b | 1,100 - 1,199 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 350 | 475 | 525 | 520 |
| L2-c | 1,000 - 1,099 | 525 | 525 | 525 | 475 | 350 | 225 | 225 | 275 | 325 | 475 | 505 |
| L3 | 900 - 999 | 400 | 400 | 400 | 400 | 325 | 225 | 225 | 225 | 275 | 325 | 480 |
| L4 | 800 - 899 | 270 | 270 | 270 | 270 | 250 | 225 | 225 | 225 | 235 | 250 | 480 |
| L5 | 700 - 799 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 480 |
| | 600-699 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 420 |
| | 500-599 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 360 |
| | 400-499 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 300 |

PCN June-1 Reservoir Inventory
 Average Inflow Profile over last 3 months
 Long-range Forecast

100 %
 1,175 mgd
 Average
 Normal
 Normal
 Normal

June-1, 2012 Abnormal Condition 2

| EAP (ABNORMAL CONDITION 2) | | | | | | | | | | | | NYC DIV (mgd) |
|----------------------------|----------------------|------------|-------------|------------|------------|-----------|--------------|-------------|------------|------------|-----------|------------------|
| CANNONSVILLE | | Summer | | | Fall | | | Winter | | Spring | | |
| | | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | Dec - Mar | Apr | May | May | |
| Zone | Inflow Profile (mgd) | 6/1 - 6/15 | 6/16 - 6/30 | 7/1 - 8/31 | 9/1 - 9/15 | 9/16-9/30 | 10/1 - 11/30 | 12/1 - 3/31 | 4/1 - 4/30 | 5/1 - 5/20 | 5/21-5/31 | |
| L1-a | 1,300 - 1,399 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 475 | 475 | 525 | 555 |
| L1-b | 1,200 - 1,299 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 350 | 475 | 525 | 540 |
| L1-c | 1,100 - 1,199 | 600 | 600 | 600 | 525 | 375 | 225 | 225 | 350 | 475 | 525 | 520 |
| L2-a | 1,000 - 1,099 | 525 | 525 | 525 | 475 | 350 | 225 | 225 | 275 | 325 | 475 | 505 |
| L2-b | 900 - 999 | 400 | 400 | 400 | 400 | 325 | 225 | 225 | 225 | 275 | 325 | 480 |
| L2-c | 800 - 899 | 270 | 270 | 270 | 270 | 250 | 225 | 225 | 225 | 235 | 250 | 480 |
| L3 | 700 - 799 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 480 |
| L4 | 600-699 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 420 |
| L5 | 500-599 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 360 |
| | 400-499 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 300 |

| | | |
|---|---------|----------|
| PCN June-1 Reservoir Inventory | 99.4 % | Normal |
| Average Inflow Profile over last 3 months | 714 mgd | Very Low |
| Long-range Forecast | Average | Normal |

Due to the low Average Inflow Profile over the prior 3 months, a June-1 “available water quantity” adjustment was made to the EAP to reflect Abnormal Condition 2

| EAP AC-2 | | | | | | | | | | | | |
|--------------|--|-------------|------------|------------|-----------|------------|-------------|------------|------------|-----------|--------------|---------------|
| CANNONSVILLE | | Winter | | Spring | | Summer | | | Fall | | | NYC DIV (mgd) |
| | | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | |
| Zone | | 12/1 - 3/31 | 4/1 - 4/30 | 5/1 - 5/20 | 5/21-5/31 | 6/1 - 6/15 | 6/16 - 6/30 | 7/1 - 8/31 | 9/1 - 9/15 | 9/16-9/30 | 10/1 - 11/30 | |
| L1-a | | 225 | 475 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 555 |
| L1-b | | 225 | 350 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 540 |
| L1-c | | 225 | 350 | 475 | 525 | 600 | 600 | 600 | 525 | 375 | 225 | 520 |
| L2-a | | 225 | 275 | 325 | 475 | 525 | 525 | 525 | 475 | 350 | 225 | 505 |
| L2-b | | 225 | 225 | 275 | 325 | 400 | 400 | 400 | 400 | 325 | 225 | 480 |
| L2-c | | 225 | 225 | 235 | 250 | 270 | 270 | 270 | 270 | 250 | 225 | 480 |
| L3 | | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 225 | 480 |
| L4 | | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 420 |
| L5 | | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 170 | 360 |
| | | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 300 |

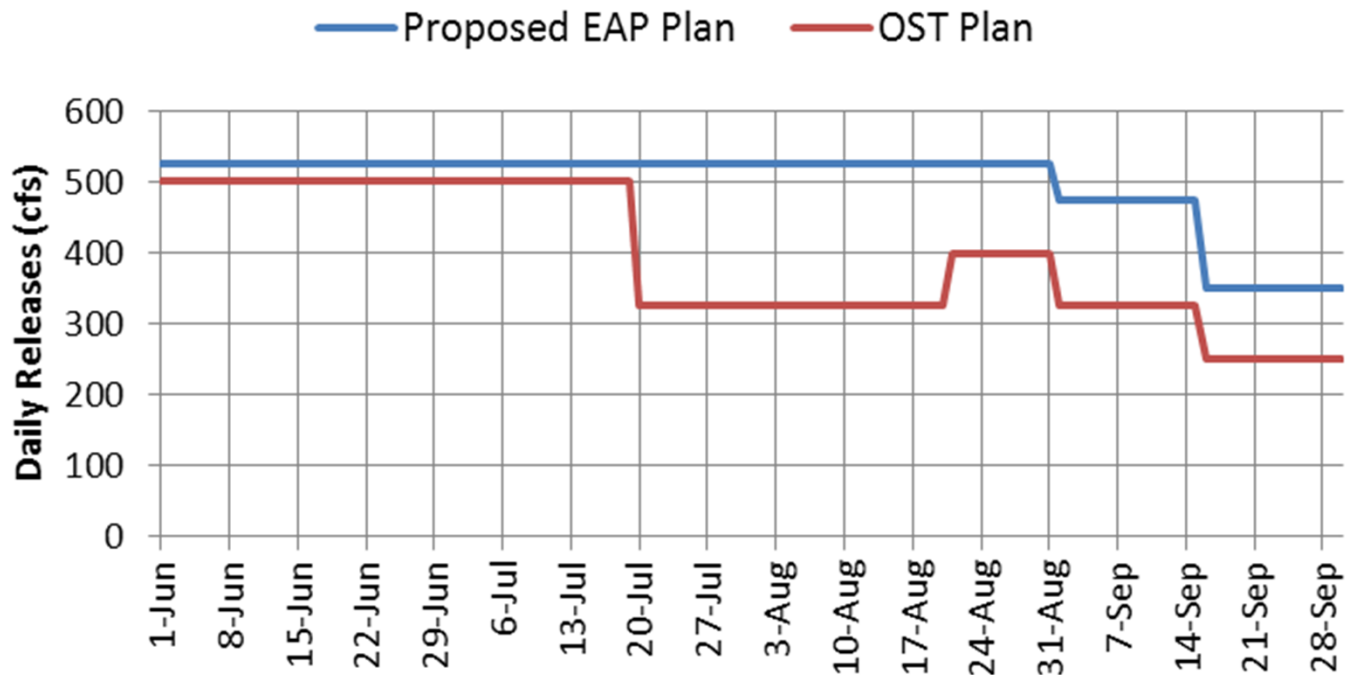
OST 500 500 325/400 325 250 125 660

| EAP AC-2 | | | | | | | | | | | | |
|----------|--|-------------|------------|------------|-----------|------------|-------------|------------|------------|-----------|--------------|---------------|
| PEPACTON | | Winter | | Spring | | Summer | | | Fall | | | NYC DIV (mgd) |
| | | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | |
| Zone | | 12/1 - 3/31 | 4/1 - 4/30 | 5/1 - 5/20 | 5/21-5/31 | 6/1 - 6/15 | 6/16 - 6/30 | 7/1 - 8/31 | 9/1 - 9/15 | 9/16-9/30 | 10/1 - 11/30 | |
| L1-a | | 150 | 150 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 150 | 555 |
| L1-b | | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 540 |
| L1-c | | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 520 |
| L2-a | | 140 | 140 | 150 | 150 | 175 | 175 | 175 | 175 | 150 | 140 | 505 |
| L2-b | | 140 | 140 | 140 | 140 | 150 | 150 | 150 | 150 | 140 | 140 | 480 |
| L2-c | | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 480 |
| L3 | | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 140 | 480 |
| L4 | | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 420 |
| L5 | | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 115 | 360 |
| | | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 300 |

OST 140 140 140 140 100 80 660

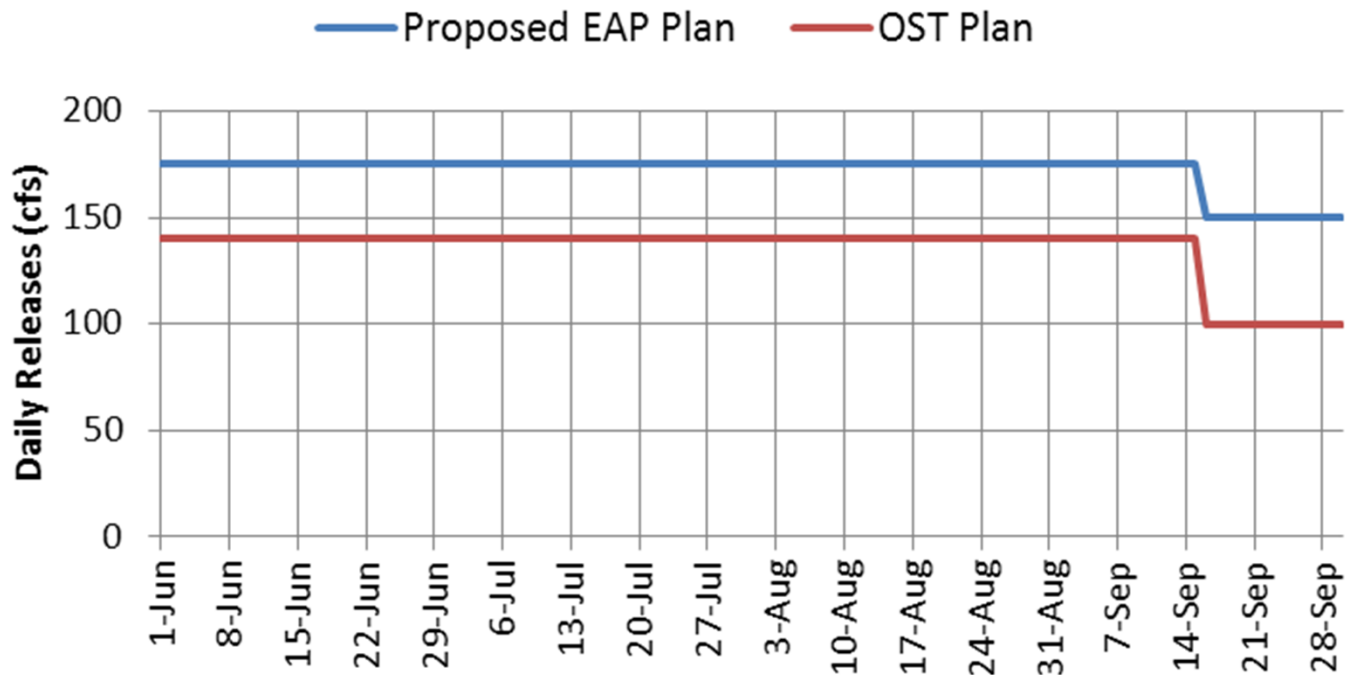
| EAP AC-2 | | | | | | | | | | | | NYC DIV (mgd) |
|------------|-------------|------------|------------|-----------|------------|-------------|------------|------------|-----------|--------------|-----|------------------|
| NEVER SINK | Winter | | Spring | | Summer | | | Fall | | | | |
| | Dec - Mar | Apr | May | May | Jun | Jun | Jul - Aug | Sept | Sept | Oct - Nov | | |
| Zone | 12/1 - 3/31 | 4/1 - 4/30 | 5/1 - 5/20 | 5/21-5/31 | 6/1 - 6/15 | 6/16 - 6/30 | 7/1 - 8/31 | 9/1 - 9/15 | 9/16-9/30 | 10/1 - 11/30 | | |
| L1-a | 75 | 75 | 100 | 115 | 140 | 140 | 150 | 150 | 115 | 75 | 555 | |
| L1-b | 75 | 75 | 100 | 115 | 140 | 140 | 140 | 140 | 115 | 75 | 540 | |
| L1-c | 75 | 75 | 100 | 115 | 140 | 140 | 140 | 140 | 115 | 75 | 520 | |
| L2-a | 75 | 75 | 100 | 115 | 130 | 130 | 130 | 130 | 115 | 75 | 505 | |
| L2-b | 75 | 75 | 75 | 90 | 110 | 110 | 110 | 110 | 90 | 75 | 480 | |
| L2-c | 75 | 75 | 75 | 75 | 85 | 85 | 85 | 85 | 75 | 75 | 480 | |
| L3 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 480 | |
| L4 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 420 | |
| L5 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 55 | 360 | |
| | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 300 | |
| | | | | OST | 110 | 110 | 110/100 | 90 | 75 | 50 | 660 | |

Cannonsville Base Releases 2012



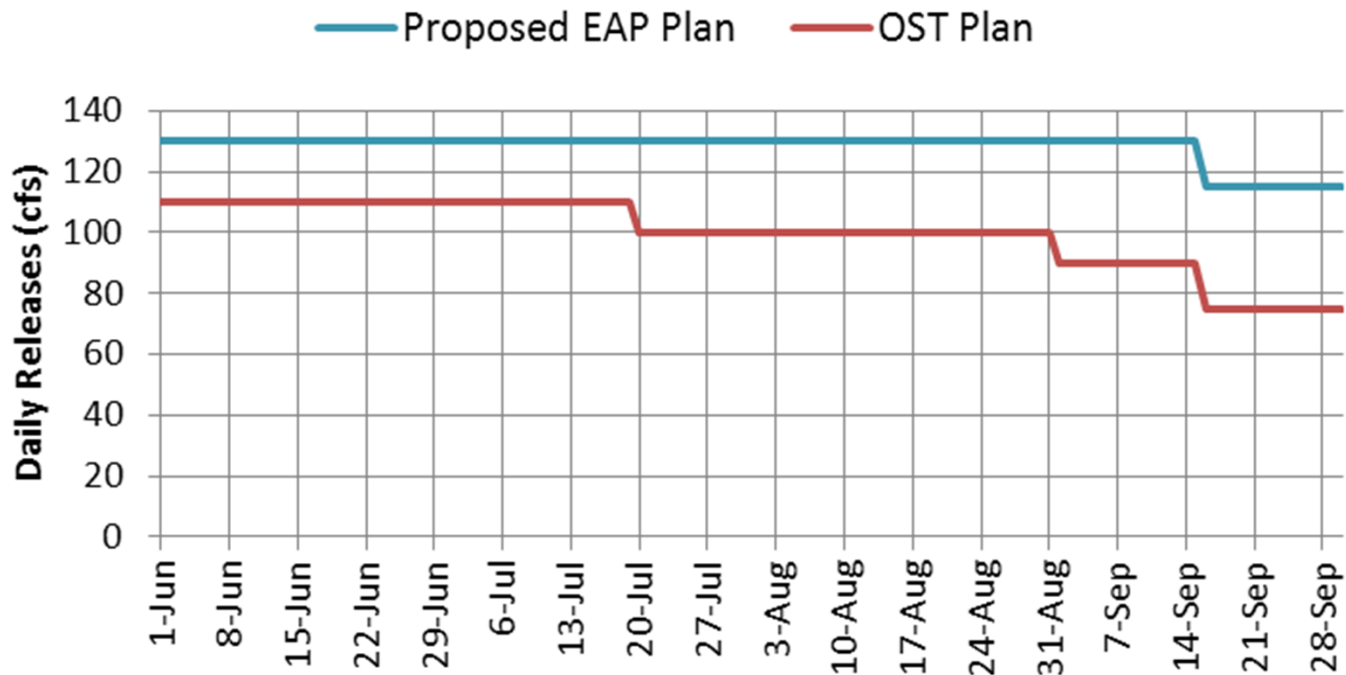
Cannonsville EAP and OST base releases from June thru mid-July would have been very similar; however from mid-July on, significant differences are evident. Due to the unusually hot Summer, neither plan on its own would have provided sufficient releases to protect the Main Stem from June-1 thru mid-July.

Pepacton Base Releases 2012



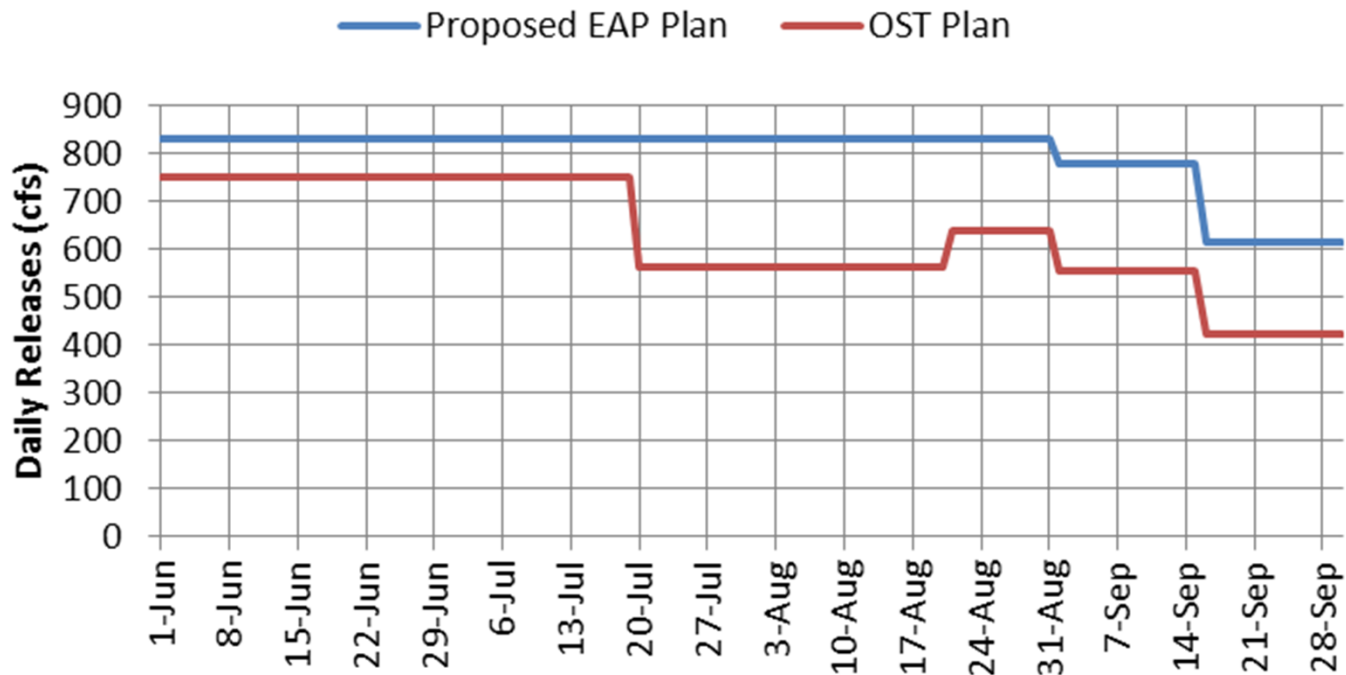
Pepacton base releases differed throughout the Summer by 35cfs. The 35cfs difference provided by the EAP, would have been sufficient to mitigate the majority of the high daytime temperatures and low flow conditions experienced by the East Branch during the Summer of 2012.

Neversink Base Releases 2012



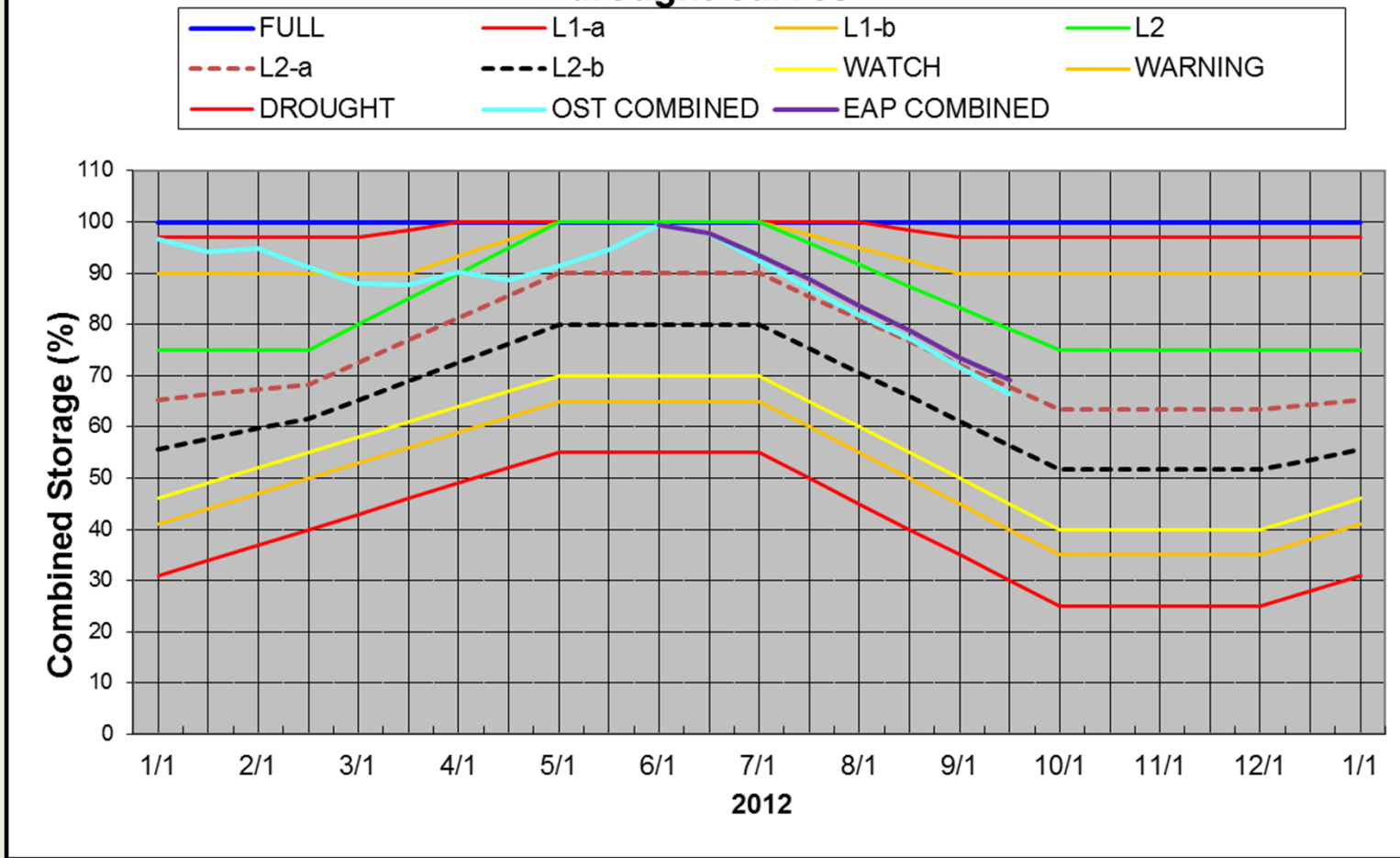
Neversink base releases differed initially by 20cfs to mid-July, and then by 35cfs thru Aug. The small differences provided by the EAP, would have been sufficient to mitigate the majority of the high day-time temperatures experienced at Bridgeville during the Summer of 2012.

Combined PCN Base Releases 2012



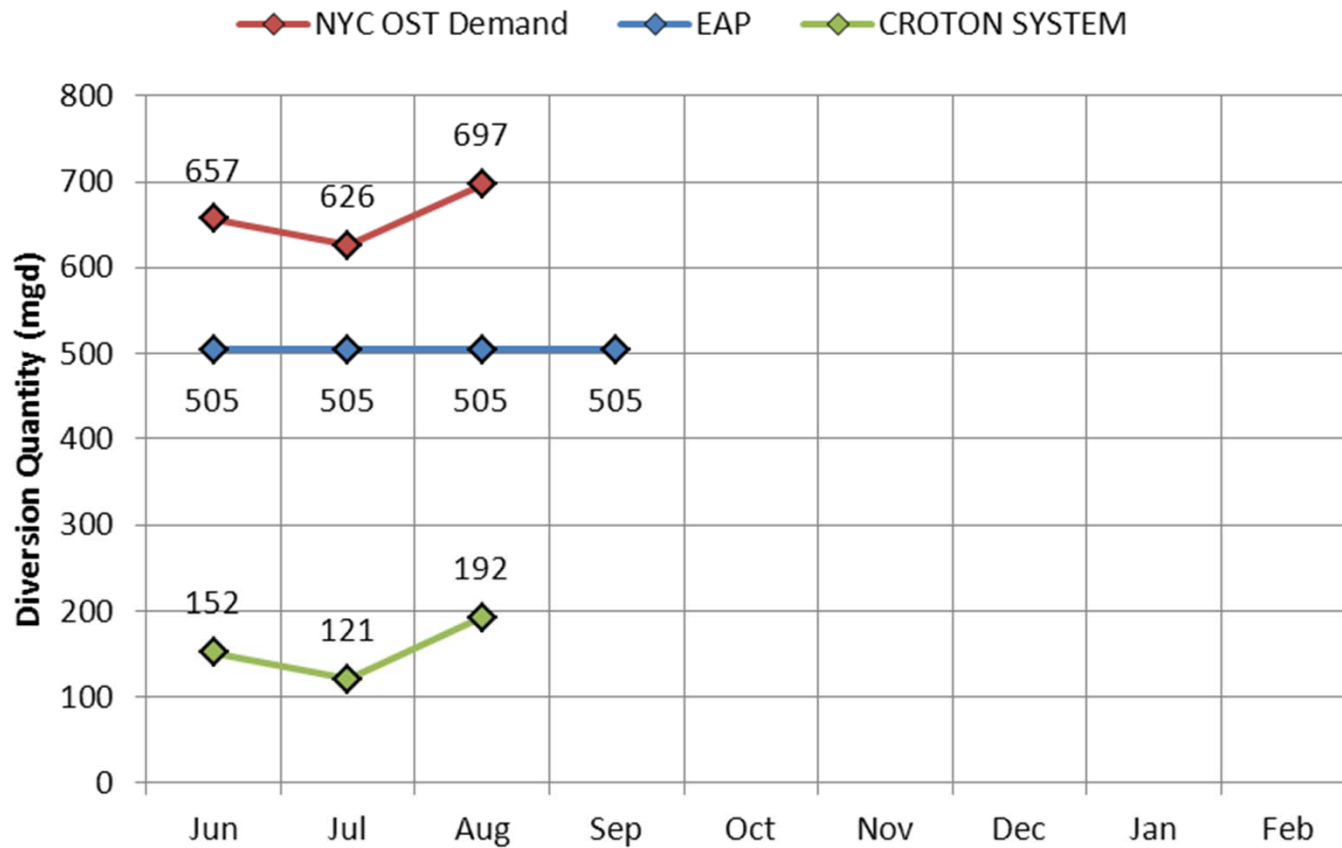
Combined PCN base releases differed initially by 80cfs to mid-July, and then by 265cfs thru Aug. The difference in releases provided by the EAP from mid-July thru Aug, would have been sufficient to limit the majority of the Main Stem's Lordville day-time high temperatures to 72°F (or below) during this period.

2012 UDR System Storage with OST & EAP usage and drought curves



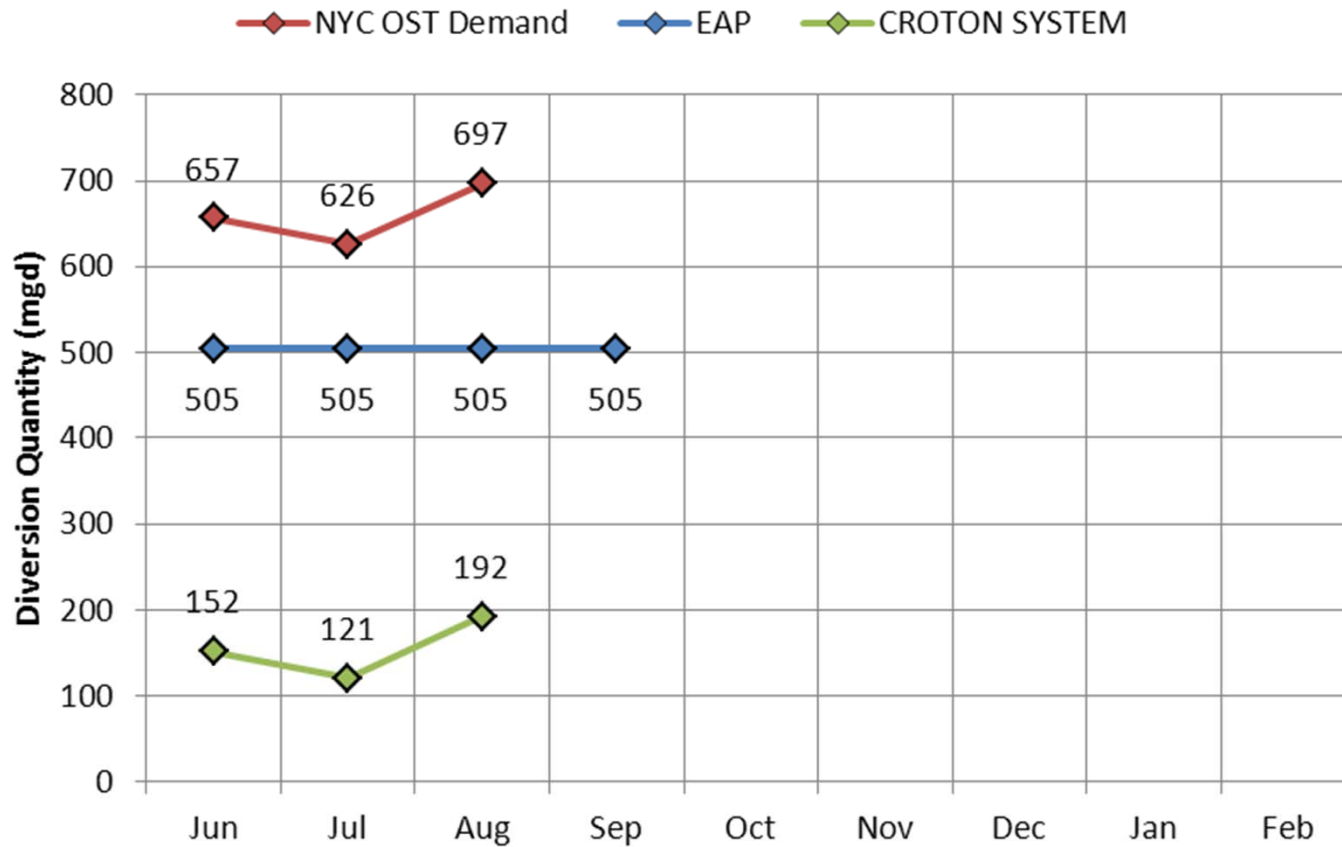
With the EAP operating in condition AC-2, EAP water usage would have been slightly less than the OST, remaining within zone L2-a thru Sept-15.

2012 NYC DIVERSIONS - EAP vs OST



The difference between the OST and EAP diversion quantities would have been drawn from the Croton System; and would have been well within the 290mgd capacity of the Croton Water Treatment Facility.

2012 NYC DIVERSIONS - EAP vs OST



Meanwhile, the Croton system has been dumping the following amounts of water into the Hudson:

June = 199mgd; July = 182mgd; August = 167mgd

The Bottom Line

The opportunity for the down-basin States to dispense with the 1980's "800mgd diversion" accommodation, and protect their future interests; will occur with the return to service of the Croton system in 2013.

It's time to hit the reset button.



QUESTIONS