



State Water Resources Control Board

JUNE 14, 2022

Water Right ID Login: «Application Number»
Password: «Reporting Identifier»

«Addressee»
«Street Address»
«City», «State» «ZIP»

ORDER REGARDING CURTAILMENT STATUS IN THE RUSSIAN RIVER WATERSHED PURSUANT TO «Water Right Type» «Water Right»

Enclosed with this letter is an Order directing «Addressee» to monitor the curtailment status list available at https://www.waterboards.ca.gov/drought/russian_river for potential requirements to cease or reduce diversions under «Water Right Type» «Water Right». You are responsible for immediately providing notice of this Order to everyone using water under «Water Right Type» «Water Right». The curtailments are currently not in effect; however, the status list will be updated on June 15 and will likely require curtailments for certain water rights.

This Order is issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board) on May 10, 2022, to address water supply shortages in the Russian River watershed. The Regulation is available at the above website.

Action Required: Monitor Updates to Curtailment Status List

You must monitor the curtailment status list on the State Water Board's website: https://www.waterboards.ca.gov/drought/russian_river/. The State Water Board will provide notice of any updates to the website through an email distribution list. Hard copy notices will not be provided. Updates to the curtailment status list are effective the day after they are posted to the Board's website and are considered binding orders from the State Water Board to curtail your diversions accordingly.

You are responsible for checking the State Water Board's drought announcements website and signing up for the email distribution list. To subscribe, visit the following website and subscribe to "Russian River Drought": https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Exceptions to Curtailment

If your water right is listed as curtailed, you may not divert under that water right unless it is pursuant to an authorized exception. Diverting water under a curtailed water right is a violation of the Regulation and may subject you to enforcement proceedings and penalties.

There are four available exceptions to curtailment included in the Regulation:

- An exception for “minimum human health and safety needs,” as defined in 877.1, subdivision (h).
- An exception to curtailment for water right holders who enroll in a State Water Board-approved voluntary water sharing agreement. More information in the voluntary water sharing agreement is available at https://www.waterboards.ca.gov/drought/russian_river/voluntary_program.html.
- An exception for certain non-consumptive uses.
- An exception for water rights authorized to divert less than 10 acre-feet per annum and which do not include a bypass requirement.

Certain water users with a permit, license, or registration in the Russian River Valley in Sonoma County that wish to redivert releases of stored water from Lake Mendocino after they are curtailed must first file a form documenting their claim to the stored water. If you are seeking an exception to curtailment, you must submit additional information to the Board using the forms available at: <https://public.waterboards.ca.gov/WRInfo>.

If you previously submitted an exception to curtailment in response to a Curtailment Order received during 2021, you do not need to resubmit, provided the information submitted is still current and accurate. If you need to provide updated information or wish to seek an exception under a different section of the Regulation than in the previously submitted form, you must submit a new form.

Enforcement:

Those who are found to be diverting water beyond what is legally available to them, or violating the enclosed order or the Regulation, may be subject to administrative fines, or a cease and desist order. The State Water Board may levy fines of up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code §§ 1052, 1055, 1846.) Additionally, if the State Water Board issues a cease and desist order, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.) Additional penalties may apply based on the specific circumstances of the violation.

Request for Reconsideration:

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed order. The process and grounds for reconsideration are provided by California Code of Regulations, Title 23, sections 769 through 771. A

JUNE 14, 2022

petition for reconsideration does not stay the effectiveness of the order: you must still comply with the Order pending the State Water Board's decision on the petition.

If you have any questions, please review the fact sheets and FAQs available at the websites listed above, or contact us at RussianRiverDrought@waterboards.ca.gov or (916) 341-5318.

Sincerely,

Erik Ekdahl, Deputy Director
Division of Water Rights

Enclosure: Order Regarding Potential Curtailment for Diversion of Water from the Russian River Watershed

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT «Water Right Type» «Water Right»
OF «Addressee»**

**ORDER REGARDING CURTAILMENT STATUS FOR DIVERSION OF WATER FROM
THE RUSSIAN RIVER WATERSHED**

ISSUED JUNE 14, 2022

FINDINGS:

1. On April 21, 2021, Governor Gavin Newsom issued an executive order declaring a drought State of Emergency in Mendocino and Sonoma counties due to severe drought conditions in the Russian River Watershed.
2. On March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22, recognizing that the drought emergency persists.
3. On May 10, 2022, the State Water Resources Control Board (State Water Board, or Board) adopted a revised Emergency Curtailment Regulation to Protect Water Supplies in the Russian River Watershed (California Code of Regulations, Title 23, sections 877 through 879.3) (Regulation). Resolution 2022-0016 adopting the Regulation describes the need for the Regulation and its intent; that resolution is hereby incorporated by reference into this Order. The Regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on June 1, 2022.
4. Under section 877.2 of the Regulation, when flows are insufficient to support all diversions, the Deputy Director of the Division of Water Rights (Deputy Director) or authorized designee may order the curtailment or reduction of water diversion under designated water rights and claims in order of water right priority by updating the curtailment status list, which posts the water rights that currently are required to cease or reduce diversions. This curtailment status list is published at the following website: https://www.waterboards.ca.gov/drought/russian_river/.

5. In accordance with section 877.2 of the Regulation, the Deputy Director has determined that flows in the Russian River Watershed will be insufficient to satisfy the needs of all diverters in the watershed.
6. Based on the water availability analysis described in the Regulation, the Deputy Director has concluded that water may be unavailable for «Water Right Type» «Application Number» and that issuance of this Order pursuant to the Regulation is necessary.

IT IS HEREBY ORDERED:

1. This Order shall be effective the day after issuance.
2. «Addressee» shall monitor the curtailment status list for the curtailment status for their water right(s).
3. Diversion of water pursuant to «Water Right Type» «Water Right» shall cease or be reduced as directed by the updated curtailment status list, except to the extent continued diversion is authorized by an express exception under the Regulation. Updates to the curtailment status shall be effective the day after they are posted.
4. You are responsible for immediately providing notice of this Order to all diverters exercising the water right covered by this Order.
5. All further updates to the curtailment status list or any other modifications to this Order will be sent to you by email or posted to the State Water Board's website at https://www.waterboards.ca.gov/drought/russian_river.
6. Violation of this Order shall be subject to enforcement and any applicable penalties, including but not limited to those pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846.
7. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law.

JUNE 14, 2022

8. Nothing in this Order shall excuse individual water right holders -from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement.

STATE WATER RESOURCES CONTROL BOARD

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: June 14, 2022