



State Water Resources Control Board

June 1, 2018

[Redacted recipient information]

Certified Mail No.: 7004 2510 0003 9150 [Redacted]

NOTICE OF IMMEDIATE CURTAILMENT
TERM 91 WATER RIGHT PERMIT [Redacted] (APPLICATION NO. A0 [Redacted])

Your Permit [Redacted] (A0 [Redacted]) contains a term (Standard Term 91) that prohibits diversion of water when Supplemental Project Water¹ from the Central Valley Project, operated by the U.S. Bureau of Reclamation, or the State Water Project, operated by the California Department of Water Resources, is being released to meet water quality standards and other in-basin entitlements in the Sacramento-San Joaquin Delta Watershed.

Curtailment of Term 91 Water Rights:

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) has determined that: (i) Supplemental Project Water is being released in the Sacramento-San Joaquin Delta Watershed, and (ii) the Delta is in Balanced Condition. With this notice, the State Water Board is invoking Term 91 and ordering you to immediately stop diverting water under the above water right. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water holders' needs or water quality objectives, or is water released from storage, that you are not entitled to divert under the above water right. You should not commence diversion under the above water right before being notified by the State Water Board that water is legally available for diversion under this priority of right.

Compliance Certification Required:

Curtailed Term 91 diverters should document receipt of this Notice by completing the Curtailment Certification Survey (Survey) on the Division's Water Right Form and Survey Submittal Portal. The web address for the Survey Portal is:

<https://public.waterboards.ca.gov/WRInfo>

To access the Survey Portal, use the same login credentials that you use when filing your annual reports of diversion and use. Please complete and submit the Survey online within seven (7) days of receipt of this Notice. The Survey confirms cessation of diversion under the

¹ Supplemental Project Water is defined as water imported by the Projects plus water released from Project storage which exceeds export diversions, Project carriage water, and Project in-basin deliveries.

specific water right (listed above) that includes Term 91, or, if applicable, either (i) identifies the alternative water supply to be used in lieu of the curtailed water right, or (ii) claims there is no hydraulic continuity between the surface water at the authorized point of diversion and the surface water in the Sacramento-San Joaquin Delta. A claim of no hydraulic continuity should be supported by photographs and additional information submitted/uploaded via the Survey website. Completion of the Survey and identification of alternate rights can avoid unnecessary enforcement proceedings. State Water Board staff may perform a field inspection to determine compliance with this Notice.

Status of Curtailment of Term 91 Water Rights:

To provide timely information on the status of curtailments under Term 91, the State Water Board posts and regularly updates information on the "Office of the Delta Watermaster" web page, under "Term 91." The web page will be maintained to provide important information related to the availability of water under permits and licenses that are subject to Term 91. The address for the "Office of the Delta Watermaster" web page is:

https://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/term91.html

Electronic notification of Term 91 curtailment going into effect or being lifted will be made to subscribers of the "Term 91 Updates" email list. To sign up for electronic notices, go to:

https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Potential Enforcement:

Those who are found to have diverted or used water beyond what is legally available to them or found to have violated a term of a permit or license, or other State Water Board order may be subject to administrative fines, Cease and Desist Orders, or prosecution in court. The State Water Board may levy fines of \$500 per day for each day on which the unauthorized diversion or use of water or the violation occurred. (Wat. Code, §§ 1052, 1055, 1846.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion or use of water, a violation of a term of a permit or license, or other State Water Board order, violation of the Cease and Desist Order can result in a fine of \$1000 per day. (Wat. Code, §§ 1831, 1845.)

We recognize the burden and loss this notice creates for you during the irrigation season, and we want to ensure that others do not illegally benefit from your curtailments. The State Water Board encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

<https://calepacomplaints.secure.force.com/complaints/Complaint>

No later than 30 days after issuance of this notice, any interested person may petition the State Water Board for reconsideration in accordance with Water Code section 1122 and sections 768 through 770 of the State Water Board's regulations. (Cal. Code Regs., tit. 23, §§ 768-770.)

If you have any questions concerning this notice, please contact Tomas Eggers of the Division of Water Rights at (916) 327-8039 or Tomas.Eggers@waterboards.ca.gov.

Sincerely,

Original signed by

Erik Ekdahl, Deputy Director
Division of Water Rights

ec: Jeffrey Rieker, Deputy Manager
Central Valley Operations Office
j.rieker@usbr.gov

Andy Chu, Chief Export Management Section
SWP Operations Control Office
Andy.Chu@water.ca.gov

Tracy Pettit, Chief Water Management Branch
SWP Operations Control Office
Tracy.Pettit@water.ca.gov

Michael George, Delta Watermaster
Office of Delta Watermaster
Michael.George@Waterboards.ca.gov