

DROUGHT INFORMATION & UPDATES



2022 Water Right Curtailments Fact Sheet

The State Water Board is monitoring six critical watersheds where worsening conditions may threaten water supplies, impair critical habitat, reduce recreational opportunities, and create uncertainty for all water users. Those watersheds include the Delta, Russian River, Scott River, Shasta River, Mill Creek, and Deer Creek. Curtailment status and reporting requirements for these watersheds are available at the Board's [Regional Drought Response Website](#).

How Water Rights Work

To use water in California, you need a water right. A water right gives the holder the legal right to use water for beneficial purposes such as fishing, swimming, farming, and more. Water right holders don't own the water but have the right to use it. Water rights are based on a priority system where seniority is determined by the type and age of right. When water supplies are limited, like during drought, the State Water Board can restrict water rights based on priority. The restrictions are called curtailments.

How Curtailments Work

Curtailment Orders: State Water Board staff evaluate water availability using current and forecasted hydrologic information, water use data from water right holders, environmental water needs, projected supplies, and more. When that evaluation shows there is not enough water to support all the known needs in a watershed, the State Water Board can send water right holders an order that prohibits water use. These orders are called Curtailment Orders. When there is only enough water for some water users, the most junior right holders are curtailed before more senior right holders. In addition to prohibiting water diversion in order of priority, Curtailment Orders may require water right holders to respond to information requests or fill out online forms to provide other necessary data.

Determining Who is Curtailed: The State Water Board adopts emergency regulations that outline the process for determining which water rights will be curtailed in a watershed based on priority of right. Because each watershed is different, this process may also be different.

Penalties for Not Complying: Water right holders who don't comply with a curtailment order may be subject to an Administrative Civil Liability or referred to the Attorney General for enforcement. Water use under a curtailed water right is considered an unauthorized diversion and a trespass against the state. An Administrative Civil Liability for an unauthorized diversion carries a fine of up to \$1,000 a day plus \$2,500 per acre-foot of water illegally diverted. If the matter is referred to the Attorney General, penalties may be imposed by the court, which could be significantly higher than the Administrative Civil Liability. You can report a potential unauthorized or illegal diversion to the [CalEPA Environmental Complain system](#).

Additional Resources

More information on curtailments can be found at the Board's [Drought Website](#).

