
State Water Resources Control Board

Amended – May 19, 2021

NOTICE OF A TEMPORARY URGENCY CHANGE PETITION FILED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE UNITED STATES BUREAU OF RECLAMATION REGARDING PERMITS AND A LICENSE¹ OF THE STATE WATER PROJECT AND THE CENTRAL VALLEY PROJECT

On May 17, 2021, the Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) (collectively referred to as the Petitioners) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board or Board) pursuant to California Water Code section 1435 et seq. in order to address critically dry conditions in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta). The TUCP requests that the State Water Board temporarily change the Petitioners' permit and license terms for the State Water Project (SWP) and Central Valley Project (CVP) (collectively the SWP and CVP are also referred to as the Projects). Specifically, the TUCP requests temporary changes to conditions imposed pursuant to State Water Board Revised Decision 1641 (D-1641) that requires the Petitioners to meet specified flow and water quality objectives established in the Bay-Delta Water Quality Control Plan (Bay-Delta Plan). Unless renewed, the changes sought by a TUCP may remain in effect for 180 days. The Petitioners are expected to submit an additional TUCP later this summer that will propose changes during the fall time period.

The May 17 TUCP seeks modifications to D-1641 requirements that apply from June through August 15 that, if approved, will: (1) change the minimum Net Delta Outflow Index (NDOI) in June and July from a monthly average of 4,000 cubic-feet per second (cfs) to an average of 3,000 cfs with a 14-day running average in June and a monthly average in July (7-day running average in July of no less than 2,000 cfs); (2) limit the combined maximum export rate in June and July to no greater than 1,500 cfs when Delta outflow is below 4,000 cfs, and allow the 1,500 cfs limit to be exceeded when the Petitioners are meeting Delta outflow requirements pursuant to D-1641 or for moving transfer water; and (3) change the Western Delta agricultural salinity requirement at Emmaton to a compliance location at Threemile Slough on the Sacramento River from

¹ The petition was filed for Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512 and 17514A, respectively) of the Department of Water Resources' State Water Project and License 1986 and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735, 16597, 20245, and 16600 (Applications 23, 234, 1465, 5638, 13370, 13371, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316, 14858A, 14858B, and 19304, respectively) of the United States Bureau of Reclamation's Central Valley Project.

June through August 15. According to the Petitioners, these changes would allow management of reservoir releases on a pattern that conserves upstream storage for fish and wildlife protection and Delta salinity control while providing critical water supply needs. To receive additional information related to this and future TUCP requests, interested persons or entities should subscribe to the State Water Board's Drought Updates email subscription list (appears in the "Water Rights" section) at: http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr.

Pursuant to California Water Code section 1438(d), any interested person or entity may file an objection to a TUCP request. Water Code section 1438 describes the procedures for addressing an objection. Any **objections filed in response to this notice should be submitted to the State Water Board and should be provided to the petitioners no later than 12 noon, on Friday Tuesday, June 4, 2021**. The State Water Board may take action on the TUCP request prior to receipt of any objections. The Board will give prompt consideration to any objections and may modify the TUCP order as appropriate. Copies of objections should be provided to Petitioners when they are submitted to the Board. Please file objections using the petition protest form, which can be downloaded at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_protest.pdf.

Send objections or correspondence to the following: 1) State Water Resources Control Board, c/o Erin Foresman (Erin.Foresman@waterboards.ca.gov) or Chris Carr (Chris.Carr@waterboards.ca.gov), P.O. Box 2000 Sacramento, CA 95812-2000; 2) Department of Water Resources, c/o James Mizell, P.O. Box 942836, Sacramento, CA 94236-0001 or via email at James.Mizell@water.ca.gov; 3) Regional Solicitor's Office, c/o Amy Aufdemberge, 2800 Cottage Way, Rm. E-1712, Sacramento, CA 95825 or via email at Amy.Aufdemberge@sol.doi.gov; and 4) U.S. Bureau of Reclamation, Kristin White, 3310 El Camino Ave., Rm. 300, Sacramento, CA 95821, or via email at knwhite@usbr.gov.

This notice, the Petitioners' TUCP, objections, correspondence and related project information may be viewed at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp.shtml.

Questions concerning this notice may be directed to Erin Foresman at Erin.Foresman@waterboards.ca.gov, or to Chris Carr at Chris.Carr@waterboards.ca.gov.

DATE OF NOTICE: MAY 18, 2021