

Statement by Tom Howard, Executive Director of the State Water Resources Control Board on January 31, 2014:

My name is Tom Howard, and I serve as Executive Director of the State Water Resources Control Board.

Today I am announcing two actions. First, I am approving a temporary urgency change order conditionally granting an adjustment in the flow releases required in the state and federal projects' water rights permits. Second the Water Board will start issuing curtailment notices to junior water right holders in the Central Valley because there is insufficient water to satisfy their demands.

Speaking first about the urgency change order - as Mark explained, this change was requested in a petition submitted by the California Department of Water Resources and the federal Bureau of Reclamation. The petition asked to adjust requirements to reflect what is in the best interest of the public to serve public safety, farming, and fish and wildlife needs while preserving the water we have in storage for use later in the year—or even beyond.

Typically, the Water Board requires that the state and federal water projects release water from their reservoirs in a certain amount at this time of year to ensure adequate freshwater flow through the Delta for the habitat and migration of native fisheries and to keep saltwater from intruding into the Delta. As others have explained, salt water intrusion endangers public water supply intakes, farms in the Delta, and water exported through pumps to users south of the Delta.

These water flows into the Delta are required by a Water Quality Control Plan for the Delta, and certain flow requirements are scheduled to kick in February 1, which is tomorrow. The temporary urgency changes I have approved adjust this required water flow through the Delta and allow more water to be held in reservoirs upstream from the Delta. If the temporary urgency changes were not granted, beginning tomorrow on February 1, reservoir water releases would be required that could otherwise be conserved for later in the drought season. Because implementation rules are set for more normal variations in yearly rainfall, our temporary urgency rules are designed to allow adjustment for extraordinary situations such as this. I have approved one other already this year, for the Russian River, which is similar to this, and I expect many more in other areas if the drought continues.

The changes that I have approved go into effect tomorrow, February 1, and include the following four measures:

- Reduction in Delta outflow requirements to the minimum amount necessary to protect the delta from saltwater intrusion. The water saved by this action will be retained in

storage and released later for drinking water supplies, fishery protections and other uses.

- Flexibility to open and close the Delta Cross Channel Gates both to provide more freshwater to the interior Delta and protect fish based on real-time observations.
- Limitations on Delta exports to human health and safety levels, approximately 800-1,500 cubic feet per second, so that there is adequate water for municipal and public health needs, including drinking water.
- Reporting requirements and a process to facilitate real-time management and decision-making based on new information.

Next steps in this process are that a notice of the order will be distributed and people have the right to file protests. Based on the protests I may change the order or the Board may decide to hold a hearing and amend the order.

This order will be in effect for 6 months and will be updated monthly or as frequently as needed to reflect feedback and changing conditions.

As Felicia mentioned, a public workshop will be held on February 18-19 in front of the full State Water Board to receive comments on what best serves the public interest with regard to this temporary order. The workshop will also discuss other actions to address the drought that can be by the Water Board. At that time, the Board may give staff direction, and may decide to hold a later hearing to amend the Order or take other action.

The second action I mentioned are the curtailment notices to water right holders, with supplies now exceeding demands in the Sacramento and San Joaquin systems, the State Water Board staff will next week begin to curtail more junior water right holders. Again, if dry conditions persist, more senior water right holders may not be far behind in receiving similar notices. The curtailment notices are going to post-1914 water right holders in the Sacramento and San Joaquin watershed. "Curtailment" means that a water right holder must cease diversions in favor of more senior water rights holders, which is how the state's water right system works by law. There will be exceptions for meeting public health and safety needs, like drinking water, sanitation, and fire suppression, so I want to be clear that this does not mean that the public's taps will be turned off.

The Petition, the Temporary Urgency Order, a notice of the Board's Public Workshop, and some fact sheets on the Order and on Curtailments will be posted on our website later this afternoon.