
State Water Resources Control Board

TERM 91 WATER AVAILABILITY AND CURTAILMENT FREQUENTLY ASKED QUESTIONS (FAQ) UPDATED NOVEMBER 30, 2018

What is Term 91?

Term 91 has been included in all permits and licenses, granted after 1965, for diversion and use of water in the Delta watershed. Term 91 requires that those holding such permits and licenses cease diverting water when the State Water Resources Control Board's Division of Water Rights (Division) gives notice that Term 91 is in effect. The Division also gives notice when Term 91 is no longer in effect.

Term 91 is designed to interrupt diversions under junior water rights when conditions in the Delta watershed threaten certain water quality objectives. When such conditions occur (generally in the hot and dry months of most years), the State Water Project (SWP) and the Central Valley Project (CVP) are required to release previously stored water from their upstream reservoirs in order to meet those water quality objectives.

The complex calculations to determine when conditions may trigger Term 91 are illustrated (in somewhat simplified form) in the graph available at the following link: [2019 Term 91 Curtailment Graph](#)

When is Term 91 in Effect?

As illustrated in the graph, dry conditions in the Delta watershed triggered Term 91, as usual in early summer, with curtailment notice issued by the Division on June 1, 2018. By late October, the combination of reduced irrigation demand and cooler conditions allowed the Division to "lift" the Term 91 curtailments, because meeting Delta water quality objectives no longer required the release of Supplemental Project Water (water previously stored in upstream reservoirs operated by the CVP and the SWP). Note, however, that almost as soon as curtailments were lifted dry conditions returned to the watershed.

Why was Term 91 Reinstated on November 16?

Because of warm and dry weather conditions (much later in the season than usually experienced), it again became necessary for the CVP and SWP to release previously stored water to maintain adequate water quality in the Delta. In order to allow those upstream reservoir releases to reach the Delta and meet the purpose of maintaining adequate Delta conditions, junior diverters in the watershed (those with Term 91 in their water right licenses) were ordered to refrain from taking water under those licenses. Thus, Term 91 went back into effect (diversions curtailed) as of November 16.

How Unusual is the Re-imposition of Term 91?

Generally, the return of cooler, wetter weather in the fall, along with the seasonal reduction of irrigation demand allows for Term 91 to be withdrawn, as it was on October 22, 2018. However, with the persistence of high temperatures, low humidity and desiccating down-slope winds (the same conditions that drove devastating wildfires beginning on November 8), Term 91 conditions returned to the Delta watershed. Although this is a departure from prior experience, climate change is predicted to bring shorter precipitation seasons, warmer temperatures, drier soil and vegetation, and greater reservoir stress than our water system has experienced in the past.

What does this Portend for the Current Water Year (October 1, 2018 through September 30, 2019)?

As noted, the current water year started warmer and drier than “usual.” However, there is no clear, long-term correlation between early dry periods and the overall level of precipitation experienced throughout the year. Nonetheless, volatility of weather conditions seems to be increasing, possibly as a side-effect of climate change. That volatility is reflected in the recent data the Division reviews when deciding whether Term 91 should be turned “on or off.” Thus, Californians need to continue to use water wisely as an on-going way of life and as a necessary precaution against drought conditions that occur frequently but unpredictably.

Why is Term 91 Being Lifted as of December 1?

Since even before the re-imposition of Term 91 on November 16, the Projects had started to make supplemental releases from storage. Then, intermittent precipitation that started in Northern California around Thanksgiving, began to naturally alleviate water quality concerns in the watershed through higher runoff and greater streamflow. While there remain some conflicting signals in the data, watershed conditions appear to have improved sufficiently to ease the burden of supplemental storage releases. **Therefore, on November 30, the Division lifted Term 91.** Notwithstanding recent precipitation, conditions could turn back to warm and dry, as they did in early November. Therefore, the Division monitors the Delta watershed on a daily basis so that Term 91 can be “imposed” or “lifted” as quickly as needed. The public can monitor conditions affecting Term 91 on the Division’s website [2019 Term 91 Curtailment Graph](#).