

ADVANCE NOTICE OF PROBABLE CURTAILMENTS UNDER STANDARD WATER RIGHT TERM 91

This email is to notify water right permit and license holders with Standard Water Right Term 91 (Term 91) and other interested parties that curtailments under Term 91 are likely to occur in the near future if hydrologic conditions and operations of the Central Valley Project and State Water Project (collectively Projects) remain on their current trajectory.

Permit and license holders having Term 91 as a condition of their water right must cease diversions under the permit or license when the State Water Resources Control Board (State Water Board) issues notice that Term 91 curtailments are in effect. Term 91 prohibits diversion under such petitions or licenses when (i) the Delta is in “Balanced Condition” and (ii) Supplemental Project Water (SPW) releases are being made by the Projects. The Delta is referred to be in “Balanced Condition” when the Projects are being operated to meet water quality and flow requirements in the Delta. SPW releases are releases of previously stored Project water to meet inbasin entitlements, including maintenance of Delta water quality and flow requirements. The Division of Water Rights (Division) is providing this advance notice to advise affected diverters of the probability of a water diversion curtailment under Term 91 in the near future if hydrologic conditions and Project Operations remain on their current trajectory. A graph depicting the status of SPW releases and whether the Delta is in Balanced or Excess Conditions is available on the Division’s website at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/term91graph.pdf.

Any permit or license holder having Term 91 as a condition of their water right who plans to use water during a Term 91 curtailment period must arrange to obtain an alternate source of water such as a more senior water right that is not under curtailment, ground water, or contract water purchased from entities with available water. When Term 91 diversion curtailments go into effect, the Division will issue notices by email to the State Water Board’s “Term 91 Updates” email list, and will provide notice on its website at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/term_91/

Notices related to Term 91, including notices of lifting of Term 91 curtailments, will only be provided by email to the “Term 91 Updates” email list and posted on the Division’s website. You will be responsible for subscribing to electronic notices and/or monitoring the Division’s website to determine when Term 91 curtailments are lifted and if they go back into effect after lifting this year in order to maintain compliance with Term 91. To sign up for electronic notices, please visit:

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

and subscribe to the “Term 91 Updates” email list found under the “Water Rights” section of the page. If you have any questions concerning this notice, please contact us by email at Bay-Delta@waterboards.ca.gov.