

## State Water Resources Control Board

June 20, 2025

### **NOTICE OF IMMEDIATE CURTAILMENT** **TERM 91 WATER RIGHT “INTERESTED PARTY”**

This notice is intended for water right holders whose Permit or License contains Standard Water Right Term 91 (Term 91). Holders of water rights containing Term 91 (Term 91 water right holders) are prohibited from diverting water within the Sacramento-San Joaquin River Delta (Delta) watershed under such rights when (i) the Delta is in “Balanced Condition” and (ii) Supplemental Project Water (SPW) releases are being made by the Central Valley Project (CVP) or State Water Project (collectively 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<sup>1</sup> are releases of imported and previously stored Project water to meet inbasin entitlements<sup>2</sup>, including maintenance of Delta water quality and flow requirements.

#### **Curtailment of Term 91 Water Rights:**

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) has determined that the Delta is in “Balanced Condition” and SPW releases are being made by the Projects.

With this notice, the State Water Board is invoking Term 91 and ordering Term 91 water right holders to immediately stop diverting water under affected water rights. This condition of curtailment will continue until SPW releases are no longer needed. Even if there is water physically available at a point of diversion, that water is necessary to meet senior water right holders’ needs or water quality objectives, or is water released from storage, that Term 91 water right holders are not entitled to divert under affected water rights. Term 91 water right holders should not commence diversion under the

<sup>1</sup> SPW is calculated as the net storage releases from Shasta, Folsom, and Oroville reservoirs, plus water imported to the Delta Watershed from the Trinity River CVP facilities, minus the sum of the Projects’ Delta exports, Project inbasin deliveries, and Carriage Water calculated from the Delta Export Index.

<sup>2</sup> Inbasin entitlements are defined as all rights to divert water from the Delta or streams tributary to the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

affected water rights before being notified by the State Water Board that water is legally available for diversion under their priority of right.

Please note that future 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 at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/term\\_91/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/term_91/)

Term 91 water right holders 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](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html), enter your email address, check the “Term 91 Updates” box under the “Water Rights” topic, and submit.

#### **Compliance Certification Required:**

Curtailed Term 91 diverters should document receipt of this Notice by completing the Term 91 Curtailment Certification (2025) survey on the Division’s Water Right Form and Survey Submittal Portal. The web address for the Survey Portal is:

<https://public.waterboards.ca.gov/WRInfo>

To access the Survey Portal, use the same login credentials used when filing annual reports of diversion and use. If you are unable to use your current credentials, please contact [RMS@waterboards.ca.gov](mailto:RMS@waterboards.ca.gov) for assistance. Please complete and submit the Survey online within seven (7) days of receipt of this Notice. The Survey confirms cessation of diversion under the specific water right that includes Term 91, or, if applicable, either (i) identifies the alternative water supply to be used in lieu of the curtailed water right, or (ii) claims there is no hydraulic continuity between the surface water at the authorized point of diversion and the surface water in the Sacramento-San Joaquin Delta. A claim of no hydraulic continuity should be supported by photographs and additional information submitted/uploaded via the Survey website. Completion of the Survey and identification of alternate rights can avoid unnecessary enforcement proceedings. State Water Board staff may perform a field inspection to determine compliance with this Notice.

#### **Status of Curtailment of Term 91 Water Rights:**

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

Term 91 water right holders who plan 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.

**Potential Enforcement:**

Those who are found to have diverted or used water beyond what is legally available to them or found to have violated a term of a permit or license, or other State Water Board order may be subject to administrative fines, Cease and Desist Orders, or prosecution in court. The State Water Board may levy fines of \$500 per day for each day on which the unauthorized diversion or use of water or the violation occurred. (Wat. Code, §§ 1052, 1055, 1846.)

Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion or use of water, a violation of a term of a permit or license, or other State Water Board order, violation of the Cease and Desist Order can result in a fine of \$1000 per day. (Wat. Code, §§ 1831, 1845.)

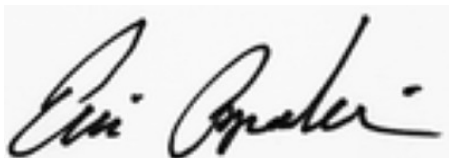
We recognize the burden and loss this notice creates for Term 91 water right holders during the irrigation season, and we want to ensure that others do not illegally benefit from Term 91 curtailments. The State Water Board encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, a complaint may be filed at: <https://calepacomplaints.secure.force.com/complaints/Complaint>

No later than 30 days after issuance of this notice, any interested person may petition the State Water Board for reconsideration in accordance with Water Code section 1122 and sections 768 through 770 of the State Water Board's regulations. (Cal. Code Regs., tit. 23, §§ 768-770.)

Any questions concerning this notice may be directed by email to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov).

Sincerely,

**ORIGINAL SIGNED BY:**

A handwritten signature in black ink, appearing to read "Eric Oppenheimer".

Eric Oppenheimer, Executive Director  
State Water Resources Control Board

This notice applies to the following water rights (application numbers):

A012842	A025715	A027781
A014858B	A025727	A027880
A016186	A025751	A027893
A019351	A025792	A028192
A020957	A025793	A028238
A021162	A025883	A028243
A022061	A025985	A028453
A022189	A025999	A028539
A022219	A026088	A028616
A022598	A026121	A028622
A022638	A026141	A028835
A022946	A026162	A028992
A023201	A026164	A029300
A023343	A026386	A029471
A023344	A026422	A029550
A023345	A026521	A029867
A023673	A026571	A030062
A023757	A026594	A030074
A023810	A026595	A030151
A023838	A026604	A030177
A023945	A026651	A030314
A023946	A026676	A030332
A024016	A026695	A030358
A024383	A026709	A030359
A024439	A026875	A030410
A024440	A026931	A030453
A024523	A026969	A030573
A024590	A027007	A030613
A024620	A027166	A030657
A024637	A027183	A030812
A024638	A027184	A030813
A024639	A027546	A030838
A024806	A027555	A030852
A024961	A027559	A031176
A024971	A027566	A031436
A025114	A027586	A031572
A025248	A027636A	A031859
A025616	A027636B	A031919
A025690	A027647	