



Fact Sheet

Questions and Answers on the Recent Order to Public Water Systems with Vulnerable Water Supplies

Why Are the Public Water Systems Receiving This Order?

As a result of the continuing unprecedented drought conditions, junior water right holders in the Sacramento, San Joaquin and Russian river watersheds were notified beginning in June that there was insufficient water available in our rivers and streams to satisfy all of the demands on the system and they were told to curtail their water diversions.

The more than 20 public water systems receiving the notice to curtail their water diversions had no other viable source of supply and have continued to divert to meet basic public health and safety needs. The Orders will bring these systems into compliance by imposing strict limitations on the use of water affected by curtailments until the public water system can demonstrate they have acquired alternative water sources with proven long-term reliability.

Why Aren't These Public Water Systems Able to Access Their Traditional Source Of Supply?

Water rights have a pecking order, based on seniority and the type of right. The water rights priority system is what determines who gets to use water in times of shortage. The communities affected by the Orders rely on junior water rights in watersheds where there is insufficient water to meet all demands in these times of shortage. Under California law, when there isn't enough water available to serve all water rights, more junior water right holders can be required to stop diverting water from rivers and streams to allow water to flow to more senior water-right holders, including those with claims of pre-1914 rights and those on land directly abutting a waterway.

Were Public Water Systems the Only Water Users Affected By Curtailments?

No, curtailments affected a wide spectrum of uses such agricultural, industrial, domestic and municipal uses. Those affected were required to cease their diversion under the curtailed post-1914 water rights. Many post-1914 water right holders had access to backup supplies, hold other more senior water rights, or were able to purchase water to supplement their supply. A portion of those curtailed, though, were public water supply systems that did not have access to other water sources.



Has The State Water Board Taken Enforcement Action Against Other Water Users?

The State Water Board has several tools available to ensure that the State's water rights system is administered properly. Using its water rights authority, the State has taken action against unlawful diversions in violation of a curtailment notice. In addition to complying with water rights law though, public water systems are also responsible for providing a safe and reliable water supply under the California Safe Drinking Water Act and that includes maintaining alternative sources of supply. The Orders to these 20 public water systems are to require compliance with that reliability standard. Specifically, the orders are based on failure to comply with Health and Safety Code, section 116555(a)(3) and Title 22, California Code of Regulations, section 64554. This section states that a public water system must ensure that it provides a reliable and adequate supply of pure, wholesome, healthful, and potable water at all times. The absence of a reliable alternative supply violates this requirement.

How do the Orders Protect Limited Supplies Without Jeopardizing Public Health And Safety?

The Orders allow these water systems to continue limited and minimal use of water to satisfy health and safety needs. However the Orders impose strict limitations on the use of water affected by curtailments until the public water system can demonstrate that it has acquired alternative water sources with proven long-term reliability. The Orders prohibit new water service connections to residences and businesses in the service area, require metering for all customers and establish a schedule to develop a reliable alternate source of supply. The prohibition is in effect until a new source of water is identified and established for regular water service to existing customers.

For More Information

Please visit the Division of Drinking Water [curtailment compliance order resources page](#) for more information.

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