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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

May 14, 2020

CERTIFIED MAIL

CERTIFIED MAIL NO: «Certified_Mail_No»

«First_Name»«Last_Name»
«Company_Name»
«Attention_Line»
«Address»
«City», «State» «Zip_Code»

To Whom It May Concern:

NOTICE OF PROBABLE CURTAILMENT OF WATER DIVERSION DURING 2020 (TERM 91) WATER RIGHT PERMIT/LICENSE NO. «Permit_ID_»«License_ID» (APPLICATION NO. «StatementApp_»)

You are receiving this notice because your Permit/License No. «Permit_ID_»«License_ID» (Application No. «StatementApp_») contains Standard Water Right Term 91 (Term 91) that prohibits diversion of water within the Sacramento-San Joaquin River Delta (Delta) watershed under specified conditions upon notification of curtailment of water diversions by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). The Division may issue notices of Term 91 curtailments 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 releases¹ are releases of previously stored Project water to meet inbasin entitlements,² including maintenance of Delta water quality and flow requirements. The 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 remain on their current trajectory.

¹ 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.

² 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.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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.

If you plan to use water during a Term 91 curtailment period, you 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 certified mail, 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/.

Following the initial Term 91 diversion curtailment notice this year, future notices related to Term 91 for the remainder of 2020, 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.

Due to the current COVID-19 emergency, most Division staff are working from home. Accordingly, if you have any questions concerning this notice, the best means of contact is by email to Bay-Delta@waterboards.ca.gov.

Sincerely,



Erik Ekdahl, Deputy Director
Division of Water

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