

State Water Resources Control Board

NOTICE OF STAFF WORKSHOP ON PROPOSED EMERGENCY CURTAILMENT AND REPORTING REGULATION FOR THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

NOTICE IS HEREBY GIVEN that State Water Resources Control Board (State Water Board or Board) staff will hold a workshop to provide information and receive public input on a proposed emergency curtailment and reporting regulation for the Sacramento-San Joaquin Delta (Delta) watershed. The proposed emergency regulation would require water right holders in the Delta watershed to curtail their diversions when water is found by the State Water Board to be unavailable based on the best information available to the Board. The emergency regulation would also allow the Board to require that water right holders provide additional information related to their diversion and use of water. During the workshop, staff will also provide an overview of the recent updates to the [Water Unavailability Methodology for the Delta Watershed](#), which is planned to be used to inform curtailment decisions as described in the draft regulation.

In accordance with the Governor's Executive Order (N-08-21) and the declared State of Emergency as a result of the threat of COVID-19, including all social distancing directives, this workshop will be held remotely. There will not be a physical location for this workshop. This is an informal stakeholder workshop where a quorum of the State Water Board may be present, but the State Water Board will take no formal action. Details of the public workshop are as follows:

**July 27, 2021
1:00 p.m. – 5:00 p.m.
Remote Participation Only**

Zoom Link:

<https://waterboards.zoom.us/j/97302505268?pwd=ekJJUEhMRTJYd1FvTFB0U0t3RG56Zz09>

Zoom Telephone Number: (669) 900-9128
Meeting ID: 973 0250 5268
Passcode: 242851

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

PARTICIPATION INFORMATION

If you wish to view the workshop only, a webcast will be available at: <https://video.calepa.ca.gov/> (closed captioning available). This option should be used for viewing the workshop UNLESS you intend to provide oral comments during the workshop.

If you wish to provide oral comments during the workshop, you should join the workshop using the Zoom information provided above.

BACKGROUND

On May 10, 2021, Governor Newsom issued a [Proclamation of a State of Emergency](#) due to drought for 41 counties, including those within the Delta watershed, where accelerated action is needed to protect the priority of senior water rights as well as public health, safety, and the environment. On July 8, 2021, the Governor expanded the [emergency declaration](#) to 9 additional counties and called on Californians to reduce their water use by 15 percent compared to 2020. The May 10, 2021 Proclamation directs the State Water Board to consider an emergency regulation to curtail water diversions in the Delta watershed when water is not available at water right holders' priority of right or to protect releases of stored water.

On June 15, 2021, the State Water Board issued notices of water unavailability to all post-1914 appropriative water right holders in the Delta watershed to inform them that the best information available to the Board indicates that water supply in the Delta watershed is insufficient to support lawful diversion under any post-1914 appropriative water right. The letter was also sent to pre-1914 appropriative and riparian claimants to warn them that water may also be found to be unavailable at their claimed priority of right in the near future. Under California's water right system, if there is insufficient water to supply all water rights, junior water right holders must cease diversions to satisfy the rights of more senior diverters, and riparian diverters must allocate any shortage of natural flow by correlatively reducing their diversions.

The proposed emergency regulation is tentatively scheduled to be considered at the State Water Board's regularly scheduled Board meeting on August 3, 2021. Interested parties will have an opportunity to provide comments in writing before the Board meeting and orally at the Board meeting. If adopted by the State Water Board, the emergency regulation would be submitted to the Office of Administrative Law (OAL) for an additional public comment period, as well as OAL review and approval. If adopted by the Board and approved by OAL, it is expected that the emergency regulation would become effective upon submittal to the Secretary of State as early as mid to late August. The emergency regulation would remain in effect for up to one year but could be repealed if hydrologic conditions improve, or readopted if drought conditions continue through next year.

CONTACT

Individuals who require special accommodations are requested to contact State Water Board staff at Bay-Delta@waterboards.ca.gov prior to the workshop. If you have any questions regarding this notice or related efforts, you may send an email to Bay-Delta@waterboards.ca.gov, or call the Delta Drought phone line at (916) 319-0960.

RESOURCES

To receive updates about drought activities in the Delta watershed, including possible emergency regulations, please subscribe to the State Water Board's [Delta Drought email list](#) (located on the Board's website under the Water Rights section). For more information on drought in the Delta watershed, visit the State Water Board's [Delta Watershed Drought Information webpage](#).

July 20, 2021
Date


Jeanine Townsend
Clerk to the Board