



Fact Sheet

Reference Guide on Emergency Regulation Reporting Requirements and Submission of Supporting Information in the Sacramento-San Joaquin Delta (Delta) Watershed

The State Water Board issued [Initial Orders Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed](#) (Orders) to water diverters in the Delta watershed on August 20, 2021. The Orders curtail certain water diversions and impose new and additional reporting requirements. This document provides information and guidance on the Orders' reporting requirements.

A separate reference guide, Reference Guide on the Emergency Regulation and Curtailment Orders in the Sacramento-San Joaquin Delta (Delta) Watershed, on the Orders and the [emergency regulation](#) that authorizes them is available on the [Delta Drought and Curtailment Information](#) webpage. It contains more general information regarding the emergency regulation and the curtailment and reporting orders.

1. General Questions

What do I need to submit, and where should I submit it?

All recipients of an Order must fill out a Compliance Certification Form, which is available on the State Water Board's online [Water Right Form and Survey Submittal Portal](#) (Survey Portal); completion is required by September 3, 2021. Section 2, below, contains additional information on the Compliance Certification Form. Some larger diverters are also required to submit a monthly Enhanced Reporting of Actual and Projected Demands Form; the first of these is due by September 10, 2021. Section 3 below contains additional information on the enhanced reporting form.

Where can I find my login information for the Water Right Form and Survey Submittal Portal?

The login and password needed to access the Survey Portal are provided in the Orders that were mailed to each water right holder and claimant in the Sacramento-San Joaquin Delta Watershed (Delta watershed) on August 20, 2021.

An individual Order was mailed to the designated mail receiver on record for each water right or claim in the Delta watershed. Water right holders and claimants with more than one right or claim will receive an Order for each unique right or claim. Each Order has a separate login and password, and water right holders and claimants must submit the



required forms for each of the rights or claims for which an Order was issued. Generally, the login is the water right ID (e.g., A123456) and the password is the reporting identifier used to access the State Water Board's Electronic Water Right Information Management System (eWRIMS) Report Management System for submission of annual reports of water diversion and use.

Which forms am I required to submit?

All water right holders and claimants in the Delta watershed are required to submit the Compliance Certification Form for each of their water rights and claims in the Delta watershed by September 3, 2021. See section 2 for specific questions regarding the Compliance Certification Form.

Water rights holders and claimants whose right or claims have a face value or reported diversions in 2018 or 2019 of 5,000 acre-feet or more per year are also required to complete the online form for Enhanced Reporting of Prior Diversions and Projected Demand (Enhanced Reporting Form) by September 10, 2021, with subsequent Enhanced Reporting Forms due monthly by the 10th day of each succeeding month. If you do not see the Enhanced Reporting Form when you log into the Survey Portal, you are not required to submit this form. If you see this form in the Survey Portal associated with your water right but believe you should not be required to complete the form because your water right is less than 5,000 acre-feet, please contact Division staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. See section 3 for specific questions regarding the Enhanced Reporting Form.

The Human Health and Safety Exception Form must also be completed if you claim an exception from curtailment because your water right or claim provides the only source of water to meet minimum human health and safety needs. (Cal. Code Regs., tit. 23, § 878.1). The form must be submitted by September 10, 2021, regardless of the current curtailment status of the water right or claim. If you do not plan to claim a human health and safety exception, you are not required to submit this form. See section 4 for specific questions regarding the Human Health and Safety Exception Form.

The Non-Consumptive Use Exception Form must be completed if you are claiming an exception from curtailment because diversion and use of water under your right or claim is non-consumptive and does not decrease downstream flows, such as direct diversions used for hydroelectric power generation where the water is returned to the source stream. The form must be submitted by September 10, 2021, regardless of the current curtailment status of the right or claim. If you do not plan to claim a non-consumptive use exception, you are not required to submit this form. See section 4 for specific questions regarding the Non-Consumptive Use Exception Form.

Can I submit a change to a form I have already submitted?

If the deadline to submit the form has not yet passed, you may log into the Survey Portal, open the form you would like to revise, and make the change. If the deadline to submit the form has passed and you need to submit a change, please email the State Water Board at Bay-Delta@waterboards.ca.gov with the following subject line: Request to Change [Insert Form Title] for Water Right ID [Insert Water Right ID]. You may also call the Delta Drought phone line at (916) 319-0960 for assistance.

Can I submit forms via email or hard copy mail?

No, all forms described in the Order must be submitted through the Survey Portal. Submissions via email or hard copy mail will not be accepted. The forms are accessible on multiple types of electronic devices, including computers, tablets, or smartphones.

2. Compliance Certification Form**What is the Compliance Certification Form and who needs to complete it?**

The Compliance Certification Form is an online form that the State Water Board is using to collect needed information to: (1) ensure compliance with the Order; (2) identify the water rights and claims for which an exception to curtailment and continued diversions for minimum human health and safety needs or a non-consumptive use will be claimed; and (3) identify any alternative sources of water that may be available to the diverter.

Every water right or claim covered by an Order requires completion of the Compliance Certification Form, even if the right or claim is not currently curtailed, and even if it is currently outside the season of diversion for that right or claim. A Compliance Certification Form for each applicable water right or claim must be submitted by September 3, 2021.

By completing the Compliance Certification Form, right holders, claimants, or agents of record certify, under penalty of perjury, that they will comply with the provisions outlined in the Order, including monitoring their curtailment status. Information on curtailment status is available by subscribing to the [Delta Drought email subscription list](#) (under Water Rights) or frequently checking the Delta Watershed Curtailment Status List maintained on the [Delta Drought](#) webpage.

What is a “diversion?”

A diversion is the redirection or impoundment of water from its natural course for the purpose of using that water for a beneficial use (e.g., irrigation, hydropower, municipal, fish and wildlife, etc.). With the exception of some fish and wildlife uses, most water rights and claims involve the diversion of water; methods of diversion can include large pumps, ditches that intersect a water course, or a small earthen dam causing a water

course to develop a pond where no pond previously existed. If you have received an Order from the State Water Board pursuant to the emergency regulation, it is because the Board has a record of a water right or claim for which you are the owner or agent of record; with a very limited number of exceptions, your right or claim involves the diversion and use of water from the Delta watershed.

Do I need to submit the Compliance Certification Form for each of my water rights and claims?

Yes. The Order requires that the Compliance Certification Form be completed for each of the water rights and claims for which the Order was issued, which includes all water rights and claims in the Delta watershed. You must complete a separate Compliance Certification Form for each of your water rights or claims in the watershed.

Am I required to submit the Compliance Certification Form if my water right or claim is not currently curtailed?

Yes, you must submit the Compliance Certification Form for each water right and claim for which the Order was issued by September 3, 2021, even if the water right or claim is not currently curtailed.

3. Delta Watershed Enhanced Reporting of Prior Diversions and Projected Demand Form

What is the Enhanced Reporting of Prior Diversions and Projected Demand Form, and who needs to complete it?

In addition to the Compliance Certification Form, large diverters (those with a water right/claim face value or 2018 or 2019 annual reported diversion of 5,000 acre-feet or more) are required to submit the Enhanced Reporting of Prior Diversions and Projected Demand Form (Enhanced Reporting Form). The Enhanced Reporting Form requires submission of additional information on past water diversions in 2021 and projected demand for the next three months from these large diverters.

Diverters subject to this reporting requirement received additional information in their Order describing the enhanced reporting requirements and how to access the Enhanced Reporting Form through the Survey Portal.

When is the Enhanced Reporting Form Due?

The Enhanced Reporting Form must be submitted through the Survey Portal by the 10th day of every month, with the first report due by September 10, 2021.

Why is the Board asking for prior diversion and projected demand data and what is it doing with that data?

Information on prior diversions and projected water demand for larger diverters (those with rights and claims having a face value or reported annual diversion in 2018 or 2019 of 5,000 acre-feet or more) will be used to refine future water unavailability determinations and inform the curtailment process.

4. Human Health and Safety and Non-Consumptive Use Exception Forms**What is the purpose of the Human Health and Safety and Non-Consumptive Use Exception Forms?**

Under the [emergency regulation](#), an exception to curtailment may be authorized if: 1) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as defined in section 878.1 of the emergency regulation; or 2) the water right or claim is used only for non-consumptive diversions and uses of water, as described in section 878 of the emergency regulation.

Any water right holder or claimant requesting an exception to curtailment for human health and safety or a non-consumptive use must complete the applicable form, either the Human Health and Safety or Non-Consumptive Use Exception Certification Form, by September 10, 2021.

My water right or claim is not currently curtailed, but the water I divert is used for human health and safety or a non-consumptive use. Do I need to fill out a Human Health and Safety or Non-Consumptive Use Exception Form?

Yes. Even if your right or claim is not currently curtailed, if you will claim a need to continue diverting to meet minimum human health and safety needs if curtailed or would only be diverting for non-consumptive uses in the event of future curtailment, you must submit the appropriate exception form(s) by September 10, 2021, in order to qualify for an exception from a current or future curtailment order.

My water right is used to meet minimum human health and safety needs, but I require more than 55 gallons per person per day or cannot quantify my diversion on the basis of gallons per person per day. How do I submit a petition to increase my human health and safety diversion limit?

To receive an exception from curtailment to meet minimum human health and safety needs in excess of 55 gallons per person per day, you must submit a petition demonstrating compliance with the requirements of section 878.1, subdivisions

(b)(2)(A)–(F) of the [emergency regulation](#) and the petition must be approved by the Deputy Director for the Division of Water Rights (Deputy Director).

Diversions to meet minimum human health and safety needs that cannot be quantified on the basis of gallons per person per day also require a petition and approval from the Deputy Director. Approval may be conditioned as appropriate to ensure that the diversion and use are reasonable and in the public interest.

Petitions to increase human health and safety diversions should be submitted, along with supporting information, to Bay-Delta@waterboards.ca.gov by September 10, 2021, with the following subject line: Petition for Increase to Human Health and Safety Diversions for Water Right ID [Insert Water Right ID].

5. Exceptions Based on Other Circumstances

What if my stream system is disconnected from the lower watershed, or I have another verifiable circumstance that makes curtailment of my right or claim inappropriate under the emergency regulation?

If you wish to seek an exception to curtailment because you do not believe curtailment is appropriate for a particular diverter or stream system due to verifiable circumstances, such as a system that has been adjudicated and is disconnected from the lower watershed and curtailment would not make water available to serve senior downstream water rights or claims (see section 876.1, subdivision (e) of the emergency regulation), you must submit a petition, along with supporting information, to Bay-Delta@waterboards.ca.gov with the following subject line: Petition for Curtailment Exception Due to [Reason] for [Insert Water Right ID or Stream System, as applicable].

6. Alternative Water Sharing Agreements

What is an Alternative Water Sharing Agreement and how can I submit one?

As an alternative to curtailment, water right holders and claimants in the Delta watershed subject to a curtailment order may propose alternative water sharing agreements that achieve the purposes of the curtailments pursuant to section 878.2 of the [emergency regulation](#).

Proposed alternative water sharing agreements may be submitted to the Deputy Director at any time. A proposal may be implemented when: 1) it is approved by the Deputy Director; or 2) it is pending review by the Deputy Director, but potentially affected water right holders and claimants, including but not limited to the Department of Water Resources and U.S. Bureau of Reclamation, concur with the proposal and no objections to the proposal are submitted to the Deputy Director.

Alternative water sharing agreements and supporting information should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov with the following subject line: Proposed Alternative Water Sharing Agreement for Water Right IDs [Insert Relevant Water Right IDs of all Parties to the Proposed Agreement].

7. Additional Information

How can I contact the State Water Board?

If you have any questions, please contact Board staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Calls and emails will be answered as quickly as possible.

Where can I find more information?

For additional information regarding the emergency regulation and curtailments in the Delta watershed, visit the [Delta Drought and Curtailment](#) webpage. For information on ongoing drought efforts in other regions of the state, visit the State Water Board's [Drought](#) webpage.

This Reference Guide was last updated on August 27, 2021.