

State Water Resources Control Board

June 2, 2015

In Regard to All Water Rights in the Deer Creek Watershed:

NOTICE OF DEER CREEK JUVENILE SALMONID PULSE FLOW SCHEDULED TO BEGIN IMMEDIATELY, FOLLOWED BY SUSPENSION OF ORDER WR 2015-0019-DWR: CURTAILMENT ORDER IN THE MATTER OF DIVERSION OF WATER FROM DEER CREEK TRIBUTARY TO THE SACRAMENTO RIVER IN TEHAMA COUNTY

The following State Water Resources Control Board (State Water Board) Notice of Deer Creek Pulse Flow and Suspension of Order WR 2015-0019-DWR (Notice) is effective immediately and affects all water rights within the Deer Creek watershed.

Based on existing hydrologic and climatic conditions and the lack of presence of adult Central Valley spring-run Chinook salmon (CV SR salmon) and California Central Valley steelhead (CCV steelhead), Deer Creek adult salmonid base flows are immediately suspended.

Hydrologic and climatic conditions, and significant decrease in juvenile salmonid abundance, in the Deer Creek watershed are unlikely to support juvenile CV SR salmon or CCV steelhead in the immediate future. As a result, the State Water Board, in coordination with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS), has scheduled a **Deer Creek juvenile salmonid pulse flow event to begin immediately and continue through June 3, 2015 at 8:00 PM**. The pulse flow will help to pass any remaining salmonids through and out of the watershed before water quality conditions deteriorate further.

As described in Order WR 2015-0019-DWR, all diverters on Deer Creek are curtailed and must cease diverting to ensure that the pulse flow of 100 cubic feet per second (cfs) or full flow without diversions, whichever is less, is bypassed at their point of diversion. A pulse flow ramp-down period may begin on June 3, 2015 at 8:00 AM. CDFW has been working with water right holders in Deer Creek to implement a ramp-down flow schedule. During the ramp-down period, each adjustment in flow reduction shall not exceed 10 cfs, with a minimum three-hour period between adjustments until the base flow below the Stanford Vina Ranch Irrigation Company (SVRIC) diversion dam is 20 cfs or higher at 8:00 PM on June 3, 2015 (when the Order is suspended). If diverters have reason to believe the ramp-down flow schedule cannot be achieved, the diverters may, in coordination with and upon CDFW approval, implement an alternative ramp-down flow schedule.

All Deer Creek flow requirements specified under Order WR 2015-0019-DWR are suspended on June 3, 2015 at 8:00 PM, following the cessation of the Deer Creek juvenile salmonid pulse flow event. Water right diverters are encouraged to continue the ramp-down

schedule of no more than 10 cfs per three-hour period following suspension of the Order, as appropriate, to put any additional water needed to beneficial use.

Water right holders or agents of record who receive this Notice are responsible for immediately providing this Notice to all diverters exercising a water right on Deer Creek. Water right holders who provide water via their diversion infrastructure are responsible for immediately providing this Notice to all water right holders to which they provide water.

Please note that the May 1, 2015 Notice of Unavailability of Water and Immediate Curtailment for those Diverting Water in the Sacramento River Watershed with a Post-1914 Appropriative Right remains unchanged, even though Order WR 2015-0019-DWR is suspended beginning June 3, 2015 at 8:00 PM. These curtailments of post-1914 appropriative water rights remain in effect until further notice.

Summary of Past Actions:

On April 17, 2015, the State Water Board issued the Order to all water right holders in Deer Creek under California Code of Regulations, title 23, section 877 (Regulation), which is available at:

http://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2015/wro2015_0019_dwr.pdf.

The Order curtailed all diversions from Deer Creek as necessary to obtain and maintain a minimum flow of 50 cfs or full flow without diversions, whichever is less, in Deer Creek as required under section 877, subdivision (c)(2)(A).

On April 24, 2015, the State Water Board, in coordination with CDFW and the NMFS, scheduled a pulse flow event on Deer Creek of 100 cfs or full flow without diversion, whichever is less, from April 27 at 5:00 PM until April 29 at 8:00 PM. On May 13, 2015, the State Water Board, in coordination with CDFW and NMFS, scheduled a second Deer Creek pulse flow event of 100 cfs or full flow without diversions, whichever is less, from May 15 at 5:00 PM until May 17 at 5:00 PM.

Presence of Central Valley spring-run Chinook salmon and California Central Valley steelhead in Deer Creek and Hydrologic Conditions:

In a memo dated June 1, 2015, CDFW informed the State Water Board that CDFW's latest snorkel survey showed a significant decrease in juvenile salmonid abundance relative to previous surveys. In addition, CDFW has reviewed Deer Creek video data at the SVRIC diversion dam through May 25, 2015, and adult CV SR salmon have not passed since May 21, 2015. CDFW references these observations, as well as uncharacteristically high temperatures and low flows to determine that the pertinent adult migration period has ended. CDFW also relies on these observations and hydrologic and climatic conditions to determine that the conditions will imminently no longer support juvenile migration, and recommends a pulse flow and ramp-down schedule for juvenile salmonids.

Based on existing hydrologic and climatic conditions, and lack of presence of adult CV SR salmon and CCV steelhead in lower Deer Creek, Deer Creek adult base flows are immediately suspended.

Based on existing hydrologic and climatic conditions, and a significant decrease of presence of juvenile CV SR salmon and CCV steelhead in lower Deer Creek, conditions in the Deer Creek watershed are unlikely to support juvenile CV SR salmon or CCV steelhead in the immediate future. A pulse flow is necessary to help pass any remaining juvenile salmonids through and out of the watershed before water quality conditions deteriorate. In accordance with section 877, subdivision (c)(2)(B) a juvenile salmonid pulse flow has been scheduled to begin immediately and continue through June 3, 2015 at 8:00 PM.

Effective June 3, 2015 at 8:00 PM, Order WR 2015-0019-DWR is suspended, in accordance with section 877, subdivision (c)(2)(E).

Curtailment for those diverting water in the Sacramento River watershed, including Deer Creek, under a post-1914 appropriative right¹ remain in effect.

Continuance of Emergency Regulation:

While no minimum base flow will be required as of June 3, 2015 at 8:00 PM, drought emergency minimum base flows of 50 cfs for adult CCV steelhead migration may be required again in Deer Creek under section 877, subdivision (c)(2)(C) on or after October 15, 2015 if adult CCV steelhead are present.

Protocols for Further Notice:

This Notice and any further curtailment orders and minimum flow modifications will be posted on the State Water Board website and can be accessed at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/milldeerantelope_curtailment_info.shtml.

You can get immediate e-mail updates from the State Water Board about this Order and associated notices by subscribing to "Mill Deer Antelope Creek Curtailments" at:
http://www.waterboards.ca.gov/resources/email_subscriptions/.

The Regulation requires that you either subscribe to the email notification list above or regularly check the State Water Board website to receive notices prior to re-commencing diversion of water from the affected streams.

If you have questions regarding this notice, please call our Curtailment Hotline at (916) 341-5342, contact us by e-mail at: SWRCB-curtailment-certification@waterboards.ca.gov, or review our drought year webpage at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml.

Sincerely,


Barbara Evoy, Deputy Director
Division of Water Rights

¹ The May 1, 2015 Notice of Unavailability of Water and Immediate Curtailment for those Diverting Water in the Sacramento River Watershed with a Post-1914 Appropriative Right is available online at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/sac2015_post14curtail.pdf.