

SUBJECT: Revised Order on Temporary Urgency Change Petition

This is a message from the State Water Resources Control Board.

NOTICE OF MODIFICATIONS TO ORDER APPROVING A TEMPORARY URGENCY CHANGE IN WATER RIGHT LICENSE AND PERMIT TERMS AND CONDITIONS OF THE DEPARTMENT OF WATER RESOURCES AND U.S. BUREAU OF RECLAMATION REQUIRING COMPLIANCE WITH DELTA WATER QUALITY OBJECTIVES IN RESPONSE TO DROUGHT CONDITIONS

Date: February 28, 2014

On January 29, 2014, the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) jointly filed a Temporary Urgency Change Petition (TUCP) that requested the State Water Resources Control Board (State Water Board) to temporarily modify water right permit and license terms for the Central Valley Project and the State Water Project (Projects). Specifically, the TUCP requested temporary modification of Delta Outflow and Delta Cross Channel Gate requirements imposed pursuant to State Water Board Decision 1641 (D-1641).

On January 31, 2014, the Executive Director, acting under delegated authority, issued an Order approving the temporary change that does the following:

- Allows a reduced level of Delta outflow so that DWR and Reclamation can conserve water in upstream reservoirs;
- Requires that water saved as a result of this action remain in storage to release later in the season for health and safety and ecosystem protection;
- Requires DWR and Reclamation to report flows, storage, and water deliveries;
- Provides flexibility to DWR and Reclamation to operate the Delta Cross Channel gates to conserve water and to minimize salinity intrusion from San Francisco Bay; and
- Allows limited water exports from the Delta for public health and safety needs.

The State Water Board exercises continuing supervision over temporary urgency change orders, which are subject to modification or revocation at any time. Based on discussions with DWR and Reclamation, on February 7, 2014, the Executive Director modified the Order to provide that if precipitation events occur that enable DWR and Reclamation to comply with the Delta outflow and Delta Cross Channel gate closure requirements contained in D-1641, then D-1641 requirements shall be operative, except that any State Water Project and Central Valley Project exports greater than 1500 cubic feet per second shall be limited to natural and abandoned flow. Essentially, this allows DWR and Reclamation more flexibility to pump and store water when storms add more water to the system.

Responding to the State's continuing unprecedented dry conditions, DWR and Reclamation requested an extension of the Order through March on February 27, 2014. The extension, which the Executive Director approved today, continues the modified Delta Outflow requirements into March to conserve stored water that will be needed to maintain water supplies, improve water quality, and protect fishery resources later in the year. In order to be fully considered, comments on this modification to extend the Order must be submitted within 10 days of this notice.

The Executive Director intends to make additional revisions to the Order no later than March 7, 2014, based on public comments, the most recent hydrology following the current precipitation event, and water balance estimates prepared by DWR and Reclamation per condition 5 of the Order. These revisions will include:

- Clarification on the allowable uses of water pumped under the health and safety export provisions of the Order, and a requirement to report where this water is delivered and how it is used.
- A requirement to record the quantity of water that is stored in Project reservoirs as a result of changes allowed under the Order.
- A requirement to maintain a minimum quantity of water in Project reservoirs at the end of September sufficient to meet health and safety needs in the event of continued drought next year.

The current drought is unprecedented in California history. The Executive Director and staff of the State Water Board will work collaboratively with partner agencies and stakeholders, reevaluate their actions based on updated information, and consider alternative approaches as conditions evolve. Accordingly, additional changes to the Order are anticipated.

To view additional Project information, please visit the Division of Water Rights State and Federal Water Project Temporary Urgency Change Petition web page at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp.shtml.