
State Water Resources Control Board

TO: Members of the Board

FROM: 
Thomas Howard
Executive Director

DATE: June 4, 2014

SUBJECT: NATIONAL MARINE FISHERIES SERVICE AND CALIFORNIA DEPARTMENT OF FISH AND GAME VOLUNTARY DROUGHT AGREEMENT ON DEER CREEK

The National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) have entered into a Voluntary Drought Agreement (Agreement) with the Deer Creek Irrigation District (DCID) in the Deer Creek watershed towards the goal of providing minimum flows necessary to allow for adult and juvenile fish migration on lower Deer Creek. DCID's allocated portion of Deer Creek flows, however, is not substantially all of the water diverted in the watershed.

DCID has an adjudicated right to approximately 33 percent of the flow of Deer Creek for irrigation. Stanford Vina Ranch Irrigation Company, with points of diversion located downstream of DCID, has an adjudicated right to 66 percent of the flow from Deer Creek. The remaining approximately one percent of flows is allocated to Sheep Camp Ditch.

Based on the Agreement and the State Water Board's available water right information, it appears that the NMFS and CDFW Agreement with DCID does not, by itself, cover substantially all of the water diverted in the watershed. Accordingly, California Code of Regulations, title 23, section 877 shall immediately go into effect on Deer Creek and the Deputy Director for Water Rights shall consider whether issuance of curtailment orders is necessary to protect the identified drought emergency minimum flows on Deer Creek.

Should additional voluntary agreements be reached, such that NMFS or CDFW determine that the agreements provide watershed-wide protection for the fishery that is comparable to or greater than that provided by the flows in California Code of Regulations, title 23, section 877(c)(2), then the diverters may request approval under California Code of Regulations, title 23, section 878.2 to implement the agreement in place of curtailment orders that will be issued imminently. The Deputy Director shall approve such a request as long as other users of water are not injured.

cc: Barbara Evoy, Deputy Director
Division of Water Rights

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR