



State Water Resources Control Board

June 24, 2014

In Regards to All Water Rights in Deer Creek Watershed:

NOTICE OF IMMEDIATE SUSPENSION OF ORDER WR 2014-0022-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 Suspension of Order WR 2014-0022-DWR (Notice) is effective immediately and affects all water rights within the Deer Creek watershed. Based on existing hydrologic and climatic conditions and lack of presence of juvenile or adult juvenile Central Valley spring-run Chinook salmon (CV SR salmon) and California Central Valley steelhead (CCV steelhead), this Notice suspends all minimum base flow requirements on Deer Creek until further notice is provided.

Water rights 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 rights holders to which they provide water.

Please note that the May 27, 2014 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 2014-022-DWR has been suspended. These curtailments of post-1914 appropriative water rights remain in effect until further notice.

Summary of Past Actions:

On June 6, 2014, the State Water Board issued Water Rights Order WR 2014-0022-DWR (Order) to all water right holders in Deer Creek under California Code of Regulations, title 23, section 877, which is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/mill_deer_antelope_creeks/2014_0523_05e.pdf.

The Order curtailed all diversions from Deer Creek as necessary to obtain and maintain minimum flow of 50 cfs in Deer Creek as required under section 877, subdivision (c)(2)(A). On June 11, 2014, the State Water Board, in coordination with the California Department of Fish and Wildlife, scheduled a pulse flow event on Deer Creek of the lesser of 100 cfs or full flow

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

without diversions as required under section 877, subdivision (c)(2)(A)(ii) and (c)(2)(B)(i), which was performed from June 12, 2014 at 5:00 p.m. until June 14, 2014 at noon. After cessation of the pulse flow, the minimum baseflow requirement was reduced to 20 cfs for juvenile CV SR salmon and CCV steelhead out-migration as required under section 877, subdivision (c)(2)(D). Notification of the pulse flow requirement and subsequent reduction in base flow to 20 cfs was made via the Lyris e-mail list and forwarded to interested parties and posted on the State Water Board's website.

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

California Department of Fish and Wildlife (CDFW) staff informed State Water Board staff that one juvenile CCV steelhead was observed in lower Deer Creek during snorkel surveys the week of June 9, 2014, and three juvenile CCV steelhead the week of June 16, 2014. These observations, while by no means comprehensive, confirmed the presence of CCV juvenile steelhead in Deer Creek. On June 24, 2014, CDFW staff reported that they did not observe any adult or juvenile CV SR salmon or juvenile CCV steelhead in lower Deer Creek during a snorkel survey conducted on June 23, 2014. Adult and juvenile CV SR salmon and juvenile CCV steelhead migration can occur through July during typical years in Deer Creek.

Based on existing hydrologic and climatic conditions and lack of presence of juvenile or adult CV SR salmon or juvenile CCV steelhead in lower Deer Creek, this Notice, effective immediately, hereby suspends Order WR 2014-0022-DWR, 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 Right remain in effect.

Continuance of Emergency Regulations:

While there are no minimum base flow requirements at this time, 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) as early as October 1, 2014 if adult CCV steelhead are present.

Protocols for Further Notice:

This Notice and any future 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 these orders and notices by subscribing to "Mill Deer Antelope Creek Curtailments" at:

http://www.waterboards.ca.gov/resources/email_subscriptions/

The Regulations require that you either subscribe to the notice list above or regularly check the State Water Board website to receive notices prior to commencing diversions of water from the affected streams.

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The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent impacts to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, 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