
State Water Resources Control Board

May 27, 2014

In Regards to Water Right(s):

NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER FROM THE RUSSIAN RIVER WATERSHED UPSTREAM OF THE RUSSIAN RIVER'S CONFLUENCE WITH DRY CREEK, AND WITH A POST-1914 APPROPRIATIVE RIGHT HAVING A PRIORITY DATE OF FEBRUARY 19, 1954 OR LATER

On January 17, 2014, Governor Edmund G. Brown, Jr. proclaimed a State of Emergency (Proclamation) to address the record dry conditions around the State. On the same day, as directed by the Proclamation, the State Water Resources Control Board (State Water Board) issued a statewide notice of water shortages and potential for future curtailment of water right diversions.

Curtailment of Junior Post-1914 Water Rights:

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the State Water Board has determined that the existing water supply in the Russian River watershed is insufficient to meet the needs of all water rights holders. With this notice, the State Water Board is notifying holders of post-1914 appropriative water rights within the Russian River watershed upstream of the confluence of Dry Creek with a priority date of February 19, 1954 or later (Application A015743 or higher), of the need to immediately stop diverting under their junior post-1914 water rights, with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs or is water released from storage that you are not entitled to divert. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right.

Permission to initiate diversions during or following significant rainfall events may be posted at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices. You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: http://www.waterboards.ca.gov/resources/email_subscriptions/

Compliance Certification Required:

Curtailed junior post-1914 diverters are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply to be used in lieu of the curtailed water right. Completion of the Form and identification of alternate rights can avoid unnecessary enforcement proceedings.

Please complete the Form for each post-1914 water right identified through this curtailment at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/

If you are unable to complete the form online, you should download the Form at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/curtailment_certification_form.pdf
and email your response to: SWRCB-Curtailment-Certification@waterboards.ca.gov.

Warning of Potential Future Curtailment of Senior Rights:

You may have received this notice because the State Water Board's records show you divert water under a riparian, a pre-1914, or senior post-1914 water right. As such, it is important that you conserve water due to declining supplies. If current conditions persist, the State Water Board may curtail all remaining senior post-1914 water rights and some riparian and pre-1914 water rights in the near future. If you are a senior post-1914, riparian or pre-1914 water right holder located downstream of a major reservoir operation which is releasing water from storage and you do not have a contract or transfer order authorizing diversion of the released water, you are not permitted to divert the released water quantity.

Exceptions to Curtailment:

If your junior post-1914 diversion is your only source for human health and safety purposes, you may contact the State Water Board with information supporting that there is no other available supply and maximum conservation has been implemented. The State Water Board may be able to assist with identifying alternatives on a case-by-case basis. Additionally, if your diversion is for hydroelectric generation and all water diverted is returned to the stream, you may continue to divert under your junior post-1914 permit or license. If you continue to divert under either of the above circumstances, you must identify that on the Form and provide the information requested.

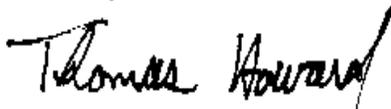
Potential Enforcement:

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

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 email 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,



Thomas Howard
Executive Director