



Water Rights News

State Water Board Reissues Water Unavailability Notification Letters Following Court Action

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Today the State Water Board partially rescinded and reissued a water supply availability notice to more than 4,600 holders of over 9,300 junior and senior water rights to clarify that although previous notices were only advisory, diverting water where none is legally available could result in significant penalties.

Due to the ongoing drought, the State Water Board previously issued notices to some water rights holders advising of the drought and the resulting lack of surface water availability to serve those rights. In response to a recent Sacramento Superior Court ruling, today's notice clarifies the following:

- Based on supply and demand information available to the Board, water is unavailable to serve the priority of rights identified in the notices.
- There is no order to stop taking water, but diversions when there is no available water for groups of diverters under their priority of rights are unauthorized and subject to enforcement by the State Water Board.
- Water right holders may voluntarily provide information about any domestic water system directives for the Board's consideration.

The Board also emphasized that the recent court ruling explicitly upheld the State Water Board's authority to enforce the Water Code. The court ruling states: "To be clear, [the Water Board and its staff] are free to exercise their statutory authority to enforce the Water Code as to any water user, including these Petitioners, if it deems them to be in violation of any provisions of the Water Code, so long as the bases for said action are not the Curtailment Letters."

Here are the relevant background documents, including the Revised Notice and a Questions and Answers document:

[Court's Order](#)

[July 10 Water Board Response](#)

[Revised Notice](#)

[Questions and Answers on Revised Notice](#)

For more information on availability of water and the State of California's response during this fourth year of drought, please visit the [Drought Year Information](#) page.

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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