



# News Advisory

## **Deer Creek Tributary Water Rights Curtailed to Provide Minimum Flows for Migratory Fish**

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**Contact:** George Kostyrko

916-341-7365

The State Water Resources Control Board has issued curtailment orders to all water right holders on Deer Creek, a significant Sacramento River tributary, to ensure minimum flows for migratory fish.

The orders are mailed pursuant to an emergency fish flow regulation adopted by the State Water Board on May 21. The regulation went into effect on June 2 and established drought emergency minimum flow requirements for the protection of specific runs of federal- and state-listed fish that ascend rivers from the sea for breeding, in Mill Creek, Deer Creek and Antelope Creek. These three tributaries were identified as most at-risk in the state, by state and federal fish agencies which testified at the May 21 meeting.

In a letter sent to water right holders on this tributary, "based upon the most recent stream gauge readings for Deer Creek, along with forecasts for future precipitation events," the Deputy Director for the Division of Water Rights has determined that flows in Deer Creek are likely to be reduced below the drought emergency minimum flows specified in the regulation and that curtailments are required of all water right holders in that tributary. Users must immediately stop diverting, according to the curtailment letter.

The regulation provides the State Water Board's authority to curtail water diversions as needed to drought emergency minimum flows in Mill Creek, Deer Creek and Antelope Creek for some of the last naturally produced salmon and steelhead populations as the flows began to decline in the face of warming weather. No curtailment notices have been issued for Mill Creek or Antelope Creek because substantial voluntary agreements with State and Federal fish agencies have been finalized.

This year, migrating Chinook salmon and Central Valley steelhead face particular harm from the State's ongoing drought conditions and are at high risk because water flows will be too low and temperatures too high unless a minimum amount of water is made available to them during critical passage periods. These three tributaries were identified by State and Federal fish agencies as the top endangered fishery resources to protect immediately.

The regulation complements an initiative by the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the California Department of Fish and Wildlife (CDFW) that encourages voluntary agreements among water users to coordinate water diversions or share water. While this



initiative remains in effect, the curtailment order was necessary on Deer Creek because there was insufficient participation in voluntary agreements by water right holders in that tributary

Fish agency representatives will be in the watershed conducting field surveys during the curtailment and making recommendations based on those surveys. The regulations require that the State Water Board take action to lift curtailments within one day of receiving recommendations from the fish agencies that the fish are no longer migrating through the system.

In January, the State Water Board put water users in certain watersheds on [notice](#) that water curtailments would likely be issued due to lack of water in the state's rivers. Late season rains delayed the necessity for curtailments, but continued dry conditions now increase their likelihood.

When there is not enough water to meet all water right holders' needs, State law requires that junior water rights holders stop diverting water so that there is water available to more senior water-right holders: those with rights dating to before 1914 (pre-1914) and those on riparian land directly abutting a waterway. Diverting water when it is not available under a specific water right priority violates State law.

In this specific curtailment, all water right holders along this tributary are subject to curtailment. A list of those being sent letters can be found [here](#). Information on the Deer Creek curtailment notices can be found [here](#).

Conditions in this and other watersheds continue to be monitored and curtailment notices for other watersheds may be imminent.

In April, the State Water Board launched a web page to assist water right holders in several important watersheds to plan for possible limits on water supply availability. The web page, titled "[Watershed Analysis](#)," details projected water supply, demand and availability for the watersheds most likely to face restrictions during the drought as demand outstrips available water supply.

A [Curtailment Fact Sheet](#) provides additional details on the curtailment process. Please visit our [curtailment notification website](#) to see what watersheds have received curtailment letters.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste – visit [SaveOurH2O.org](#) to find out how everyone can do their part, and visit [Drought.CA.Gov](#) to learn more about how California is dealing with the effects of the drought.