

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

IMPLEMENTING STANDARD TERMS 91 AND 93
FOR THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

The State Water Board has included Term 91 in permits and licenses issued after August 16, 1978 that authorize the diversion of water within the Sacramento-San Joaquin River Delta (Delta) watershed at a rate greater than one cubic foot per second or authorize the collection to storage within the Delta of more than 100 acre-feet of water per year. There are 115 active water right permits and licenses that include Term 91.

Standard Term 91 prohibits holders of certain water right permits and licenses from diverting water in the Delta watershed during times when the Central Valley Project and State Water Project (collectively, the Projects¹) are required to release Supplemental Project Water² to meet water quality objectives in the Delta watershed. Curtailments made under Term 91 protect the releases of Supplemental Project Water and ensure the released water will be bypassed through the Delta to improve water quality.

The State Water Board consults with the U.S Bureau of Reclamation and the California Department of Water Resources to determine when to curtail water rights subject to Term 91. The State Water Board may order the curtailment of water right permits and licenses with Term 91 when the following conditions exist:

- The Projects are releasing previously stored Supplemental Project Water to meet water quality objectives and inbasin entitlements in the Delta.³
- The condition of the Delta is declared to be “Balanced” by the U.S Bureau of Reclamation and the California Department of Water Resources. The condition of the Delta is generally declared to be “Balanced” when water quality objectives and inbasin entitlements are only being met because of the release of previously stored Supplemental Project Water. When there is sufficient flow through the Delta to meet water quality objectives and inbasin entitlements without requiring the release of Supplemental Project Water, the condition of the Delta is declared to be “Excess.”⁴

The Division of Water Rights is responsible for mailing diversion curtailment notices when required by Standard Water Right Term 91. The affected water right holders are sent a “Notice of Probable Curtailment” (if time permits) followed by a “Notice of Curtailment of Water Diversion” by certified mail at the beginning of the diversion curtailment period. The diversion curtailments are managed on real-time basis by reviewing calculations of the Supplemental Project Water releases. The start date and end date of the curtailment period will vary from year to year. If a water right holder plans to continue the use of water during the curtailment period, the holder must use an alternative source of water such as groundwater or contract (purchased) water.

A similar water right term, Standard Term 93, applies to 104 permits or licenses with the San Joaquin River watershed. Term 93 prohibits the diversion of water when: (i) in order to maintain water quality in the San Joaquin River at Vernalis at a level of 500 parts per million (ppm) Total Dissolved Solids (TDS), the Bureau is releasing stored water from New Melones Reservoir or is curtailing the collection of water to storage, or (ii) during any time of low flows when the TDS level exceeds 500 ppm. If the Division notifies a water right holder that one of these conditions has occurred, they must immediately discontinue water diversion under the specified water right until August 31, unless notified earlier. If water quality conditions justifying continuing the Term 93 curtailment continue into September, a “Notice of Continued Curtailment of Water Diversion” will be sent at the end of August. IF the water right holder still needs water, the holder must use an alternate water supply such as groundwater or contract (purchased) water.

¹ The Central Valley Project is operated by the U.S. Bureau of Reclamation and the State Water Project is operated by the California Department of Water Resources

² Supplemental Project Water is the amount of water released from Shasta, Oroville and Folsom reservoirs, plus water imported to the Delta watershed from the Trinity River through Central Valley Project facilities when the sum of such releases is in excess of total exports of water for beneficial use south of the Delta (including the so-called "carriage water" needed to accomplish those exports).

³ The source used to determine if Supplemental Project Water is being released into the Delta is:
<http://www.usbr.gov/mp/cvo/vungvari/term91.pdf>

⁴ The source used to determine if the condition of the Delta is "Balanced" or "Excess" is:
<http://www.usbr.gov/mp/cvo/vungvari/coanew.pdf>