

## State Water Resources Control Board

June 30, 2014

### **NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE WITH POST-1914 WATER RIGHTS DIVERTING WATER IN THE NORTH FORK EEL RIVER, MAINSTEM EEL RIVER, AND THE VAN DUZEN TRIBUTARY**

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 Post-1914 Water Rights:**

Based upon the most recent water availability and water demand projections, the State Water Board has determined that the existing water supply in the North Fork Eel River, Main Stem Eel River, and the Van Duzen tributary is insufficient to meet the needs of senior water rights holders. With this notice, the State Water Board is notifying all holders of Post-1914 water rights (Permits, Licenses, Registrations and Certificates issued by the State Water Board) within the North Fork Eel River, Main Stem Eel River, and the Van Duzen tributary of the need to immediately stop diverting under their water rights, with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there may be water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs that you are not entitled to divert. If precipitation occurs in the following 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](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/](http://www.waterboards.ca.gov/resources/email_subscriptions/).

#### **Compliance Certification Required:**

Curtailed diverters are required to complete an online Curtailment Certification Form (Form) within seven days of receipt of this notice. The Form confirms cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply that may 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 water right identified through this curtailment at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/](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](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.

**Power Use Exception or Claim of Sole Source of Water:**

If your post-1914 diversion is for hydroelectric generation and all water diverted is returned to the stream, you may continue to divert under your post-1914 water right. If your post-1914 diversion is your only source of water 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.

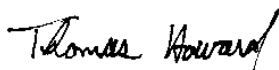
If you continue to divert under either of the above circumstances, you must identify that on the Form and provide the information requested. If you check the *Sole Source of Water for Human Health & Safety* box on the curtailment form, you should also fill out and return to the State Water Board the *2014 Curtailed Water Rights Human Health and Safety Claims Form* that is attached with this letter.

**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](mailto: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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml).

Sincerely,



Thomas Howard  
Executive Director

Attachment