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## State Water Resources Control Board

June 26, 2015

San Francisco Public Utilities Commission  
City and County of San Francisco  
525 Golden Gate Avenue  
San Francisco, CA 94102

Dear Sir or Madam:

### CLARIFICATION NOTICE OF UNAVAILABILITY OF WATER FOR STATEMENTS OF WATER DIVERSION AND USE S002637, S014379, S018734 AND S018735 OF CITY AND COUNTY OF SAN FRANCISCO

On June 12, 2015, the State Water Resources Control Board (State Water Board) issued a notice of unavailability of water and need for immediate curtailment for those diverting water in the Sacramento-San Joaquin watersheds and Delta with a pre-1914 appropriative claim commencing during or after 1903. The notice is available at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/docs/pre14curtailmentjun2015.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/pre14curtailmentjun2015.pdf).

The City and County of San Francisco (San Francisco) did not receive the notice for any of its Statements of Water Diversion and Use (Statements) that claim pre-1914 appropriative rights within the San Joaquin River watershed. The State Water Board's records show that San Francisco claimed a 1901 priority date for Statements S002635, S002636 and S002638 on its information submitted to comply with Order WR 2015-0002. Statements 2637, 14379, 18734 and 18735, also owned by San Francisco, were not subject to the Order.

When updating San Francisco data, State Water Board staff changed the priority date of Statements 2637, 14379, 18734 and 18735 to 1901 because these Statements do not identify a priority date, or a year of first use prior to 1914. We have re-evaluated this issue and determined that we cannot assign a 1901 priority date without verification that this is appropriate. Our records indicate the following: S002637 year of first use was 1925; S014379 year of first use was 1918; S018734 no data on year of first use; and S018735 year of first use was 1927. For curtailment purposes, we are considering the priority dates for the water rights underlying these Statements to be no earlier than 1914. Therefore, this Notice is to inform San Francisco that water is unavailable for diversion under these Statements (Statements 2637, 14379, 18734 and 18735) and diversions under the associated water right claims should stop to avoid potential unauthorized diversion of water. This Notice is not an order, but the State Water Board is currently in the field to determine if unauthorized diversions are actually taking place.

San Francisco is required to file an online Curtailment Certification Form for each of these statements within 7 days. The Form is available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

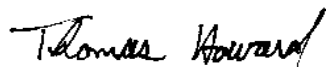
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1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

We also request that San Francisco voluntarily provide information supporting these claims consistent with the information required by Order WR 2015-0002. Voluntary submittal of the information is preferred and eliminates any necessity of the State Water Board using its authority to issue an informational order for this information. .

Any questions on this matter may be referred to Program Manager Kathy Mrowka. Ms. Mrowka can be contacted at (916) 341-5363 or by email at [kathy.mrowka@waterboards.ca.gov](mailto:kathy.mrowka@waterboards.ca.gov). Written correspondence should be addressed to Ms. Mrowka at the following address: State Water Resources Control Board, Division of Water Rights, attn: Kathy Mrowka, P.O. Box 2000, Sacramento, CA 95814.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a prominent initial "T".

Thomas Howard  
Executive Director