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## State Water Resources Control Board

April 30, 2015

CERTIFIED MAIL NO.

Term 91 Right Owner's Name  
Street Address  
City, State Zip Code

### **NOTICE OF IMMEDIATE CURTAILMENT** **TERM 91 WATER RIGHT PERMIT/LICENSE NO XX (APPLICATION NO. XX)**

Your Permit/License No. XX (Application No. XX) contains a term (Standard Term 91) that prohibits diversion of water under specified conditions. These conditions occur when Supplemental Project Water<sup>1</sup> from the Central Valley Project operated by the U.S. Bureau of Reclamation or the State Water Project operated by the California Department of Water Resources is being released to meet water quality standards and other in-basin entitlements in the Sacramento-San Joaquin Delta Watershed.

#### **Curtailment of Term 91 Water Rights:**

The State Water Board has determined that: (i) Supplemental Project Water is being released in the Sacramento-San Joaquin Delta Watershed, and (ii) the Delta is in Balanced Condition. With this notice, the State Water Board is invoking Term 91 and therefore directing you to immediately stop diverting water under the above water right. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water holders' needs or is water released from storage that you are not entitled to divert. 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.

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

Curtailed Term 91 diverters are required to document receipt of this Notice by completing the enclosed Curtailment Certification Form (Form). The completed Form should be returned to the Division of Water Rights within seven (7) days of receipt of this Notice. The Form confirms cessation of diversion under the specific water right that includes Term 91, and, if applicable, either (i) identifies the alternative water supply to be used in lieu of the curtailed water right, or (ii) claims there is no hydraulic continuity between the surface water at the authorized point of diversion and the surface water in the Sacramento-San Joaquin Delta. A Form that includes a claim of no hydraulic continuity should be accompanied by photographs and additional information to support the claim. Completion of the Form and identification of alternate rights can avoid unnecessary enforcement proceedings. State Water Board staff may perform a field inspection to determine compliance with this Notice.

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<sup>1</sup> Supplemental Project Water is defined as water imported by the Projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project in-basin deliveries.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

**Status of Curtailment of Term 91 Water Rights:**

To provide more timely information on the status of curtailments under Term 91, the Division will be posting and updating information on our drought web page under "Water Rights with Term 91". The web page will be maintained to provide important information related to the availability of your water supply under a permit or license subject to Term 91. The address for the drought web page is:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/water\\_availability.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/water_availability.shtml)

Electronic notification of Term 91 curtailment going into effect or being lifted will be made to subscribers of the Drought Web notifications. To sign up for electronic notices, go to:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#dwr](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr).

**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 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.)

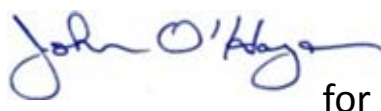
The State Water Board encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

[http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm).

We recognize the burden and loss this notice creates for you during the drought, and we want to assure that others do not illegally benefit from your curtailments.

If you have any questions concerning this notice, please contact Paul Wells of the Division of Water Rights at (916) 323-5195 or [paul.wells@waterboards.ca.gov](mailto:paul.wells@waterboards.ca.gov).

Sincerely,



for

Barbara Evoy, Deputy Director  
Division of Water Rights

cc: Please see next page.

cc: Paul Fujitani, Deputy Manager  
Central Valley Operations Office  
Bureau of Reclamation, Suite 300  
3310 El Camino Avenue  
Sacramento, CA 95821

Andy Chu, Chief Export Management Section  
SWP Operations Control Office  
Department of Water Resources  
3310 El Camino Avenue, Suite 300  
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Tracy Pettit, Chief Water Management Branch  
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Michael George, Delta Watermaster  
Office of Delta Watermaster  
State Water Resources Control Board  
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Sacramento, CA 95812-0100