

Temporary Urgency Change Order Process Invoked

Responding to record dry conditions and diminishing water supplies, a Temporary Urgency Change Petition (Petition), was submitted on January 29 by the California Department of Water Resources (Department) and United States Bureau of Reclamation (Reclamation). The Petition requests changes in the required amount of outflow into the Delta, enabling water to be conserved in reservoirs in case of continued drought. The petition also requests flexible operation of the Delta Cross Channel gates, which will enable greater protection against salt water intrusion to the interior portion of the delta while protecting fish populations.

Using a process for accomplishing urgent changes to water right permit requirements, the State Water Board's Executive Director issued an Order approving the Petition (Order) on Jan. 31 to allow the Projects to conserve water in response to ongoing drought conditions in California and to provide flexibility to operate the gates based on changing water quality and fish migration information.

Specifics of This Order:

The Order will be updated on an as-needed basis as conditions change. As a result of the Order, approximately 150,000 acre feet of water will be preserved in February. If dry conditions persist, and the Order is amended, an additional 150,000 acre feet of water will be preserved in March and an even greater amount in April. An acre foot of water is generally the amount of water that two suburban households will use in one year.

What the Order does:

- Allows a reduced level of Delta outflow;
- Requires that water saved as a result of this action remain in storage to release later in the season for health and safety and as well as ecosystem protection;
- Requires the Department and Reclamation to update data on flows, storage, and water deliveries, and to communicate this to the State Water Board;
- Provides flexibility to the Department and Reclamation in the operation of the Delta Cross Channel Gates to ensure fresh water supplies are maintained and to minimize salinity intrusion from the San Francisco Bay system, and
- Limits Delta water exports strictly for public health and safety needs.

Legal Authority

California water law allows the approval of urgent changes to water rights permits and licenses in advance of public noticing. Due to the severity of the current drought situation, the State Water Board staff expedited their determination on the Petition to preserve diminishing reservoir storage.

The Governor's proclamation allowed for the suspension of the California Environmental Quality Act and the Water Code section which requires state agencies to comply with water quality control plans. The suspensions apply only in certain narrow and specific circumstances. The purpose of those suspensions is to make sure that CEQA and the Water Code provisions do not prevent, hinder, or delay actions to mitigate the effects of the drought. (*Water Code section 13247 and Division 13 (commencing with section 21000) of the Public Resources Code*)

Other Impacts

With reduced releases of water from state and federal water project reservoirs following approval of the Temporary Urgency Change Order, there will be insufficient natural flow in the system to support many water right holders. Curtailment notices, based on supply/demand information, are necessary to protect the most senior water right holders along both the Sacramento and San Joaquin rivers. Curtailment notices are expected to be issued beginning with the first week of February.

How the Process Works

The Temporary Urgency Change Order process starts with a petition filed with the State Water Resources Control Board. Approval may be delegated to the State Water Board's Executive Director to expedite the process, and the Order may be issued prior to public notice, based on the urgency.

If approved, an Order can be in effect for as long as 180 days, and may be renewed. The temporary change must be noticed and interested persons are given an opportunity to file an objection. The State Water Board must consider any objections and may hold a hearing.

For the State Water Board to approve a Temporary Urgency Change Order, the Board must find that there is an urgent need for the change; there will be no injury to other lawful water users; there will be no unreasonable effect on fish or wildlife, and the change will be in the public interest.

For the Order announced today, interested persons have until **March 3, 2014** to file an objection. The State Water Board will be holding a workshop on February 18, continuing if necessary on February 19, 2014 to receive input on the Petition, Order and other related matters. The State Water Board may hold a hearing at a later date.

The purpose of these provisions is to allow the State Water Board and the Department of Water Resources to react quickly to a very serious water shortage, for the purpose of protecting water quality, supply, and the environment.

Additional Resources:

Information on the [water rights process](#).

Information on what the State Water Board is doing in response to [drought conditions](#).

(This fact sheet was last updated January 31, 2014)