

Session #2: Drought Related Water Right Curtailments



SWRCB

WATER RIGHTS CURTAILMENTS

- **Scott River – April 23rd**
Affected all Decreed Surplus Class Rights and Post-1914 rights
- **Sacramento River and Delta – May 1st**
Affected all Post-1914 rights (concurrent term 91 curtailment)
- **San Joaquin River – April 23rd**
Affected all Post-1914 rights
- **Deer Creek – April 17th**
Affected all rights, curtailed post-1914 rights (with limited exceptions) and required other right holders to provide specified fishery flows
- Antelope Creek – April 3rd**
Affected all rights

- **Total of 8,942 water rights curtailed.**

SWRCB FIELD INVESTIGATIONS TO CHECK COMPLIANCE

Inspections prioritized based on:

- Non- Response to Curtailment Certification Form
- Size of Diversion
- Season of Diversion is currently active
- Geographic Location
- Flow Conditions
- Inspections began on May 1, 2015

FUTURE CURTAILMENTS

- San Joaquin River watershed pre-1914 rights
– approx. May 22
- San Joaquin River watershed riparian rights
– by June 15
- Sacramento River watershed and Delta pre-1914 rights – under review

SPECIAL CIRCUMSTANCES

Hydropower: If diversion is for hydroelectric generation by direct diversion only and all water diverted is returned to the same stream system, continued diversion is allowed.

All Diverters: Water collected to storage prior to curtailment may still be beneficially used.

Compliance with Directives issued by the Division of Drinking Water, or local health or drinking water regulation to provide water to meet human health and safety needs are evaluated on a case-by-case basis. There is no exception for health and safety needs.

Federal Energy Regulatory Commission (FERC)

Drought Related Variances

- Licensees have requested temporary variances to the conditions in their water quality certifications* for affected FERC projects
 - Most variance requests are to reduce minimum instream flows
 - Increasing water in storage benefits summer peak power generation, and helps satisfy water supply and maintain instream flow releases later in the year

* Section 401 of the federal Clean Water Act

FERC Variances (continued)

- Additional drought-related variances anticipated
- Variances are normally approved by Executive Director and in some cases Deputy Director for Water Rights
- Some variances are occurring without the State Water Board's approval as there is no certification in place for the project

Governor's Hydropower Working Group

- Multi-Agency Coordination
- 2015 Projection: Grid reliability remains good overall
- Drought impacts offset by:
 - Additional capacity from new generation
 - Transmission upgrades
 - Increase reserve margins to meet peak summer conditions
 - Moderate load growth

Questions or Comments