

NORTH DELTA WATER AGENCY

910 K Street, Suite 310, Sacramento, CA 95814
(916) 446-0197 Fax (916) 446-2404 www.northdeltawater.net

Melinda Terry, Manager

Board of Directors

Steve Mello, Chairman

Carel van Löben Sels, Vice-Chairman

Kenneth A. Ruzich, Secretary/Treasurer

Tom Hester, Director

Henry N. Kuechler IV, Director

TO: NORTH DELTA LANDOWNERS

FROM: North Delta Water Agency

DATE: MAY 22, 2015

RE: State Water Board Curtailment Update

The purpose of this communication is to clarify the rights and responsibilities of water users within the North Delta Water Agency with respect to recent actions (and anticipated future actions) by the State Water Resources Control Board (SWRCB) to curtail the exercise of certain water rights.

Recently the SWRCB issued a notice of curtailment of post-1914 water right permits and licenses in the Sacramento and San Joaquin River watersheds based on the very dry conditions currently existing in California. We anticipate that the SWRCB will soon issue similar notices of curtailment for pre-1914 appropriative water rights and possibly for riparian rights. As you may be aware, lacking the certainty of having an alternative water supply guaranteed through a contract with the state or federal government, agricultural water users within the South and Central Delta recently submitted a proposal to the SWRCB to allow voluntary reductions in water use of 25 percent in order to avoid deeper water right curtailments and enforcement actions for participating riparian water users in the Delta. The SWRCB has approved the voluntary water use cut back proposal in exchange for assurances that participating diverters would not be subject to further riparian curtailment during the June-September growing season.

The 1981 Contract between the State of California Department of Water Resources and NDWA provides, in effect, that the water supplies of the State Water Project will backstop the water rights of water users within NDWA during periods of drought. In other words, the Contract serves as a drought insurance policy for lands within NDWA. As a practical matter this means that water users within NDWA may continue to divert and use water pursuant to the 1981 Contract notwithstanding any water right curtailment notices issued by the SWRCB for pre-1914, post-1914 or riparian rights. As a result, there would be no practical benefit for participation in the proposed program by lands within the NDWA.

If you receive a curtailment notice for your individual water rights it is important that you follow the procedures established by the SWRCB and report your continued diversion and use of water under the alternative water supply assurances provided by the State in the 1981 DWR-NDWA Contract. If you have questions about how to report your continued use of water under the 1981 Contract, please check the NDWA website at www.northdeltawater.net or contact Agency staff.