



MANAGER MEMORANDUM

TO: North Delta Landowners (> 50 acres)
FROM: Melinda Terry, Manager
DATE: August 16, 2021
RE: SWRCB Curtailment Notice and NDWA Water Quality Advisory

NOTICE OF CURTAILMENT

On May 10, 2021 Governor Gavin Newsom issued a Proclamation of a State of Emergency for 41 counties due to severe drought conditions. On July 8, 2021 the Governor asked all Californians to reduce their water usage by 15% through implementation of voluntary conservation measures.

The State Water Resources Control Board (SWRCB) sent notices of water unavailability to water right holders in the Sacramento-San Joaquin Delta watershed in March and July 2021. On August 4, 2021, the SWRCB adopted emergency regulations that authorize the curtailment of water diversions in the Delta watershed. This curtailment authority is intended to protect senior diverters, prevent salinity intrusion, protect releases of previously stored water, and to ensure availability of water supplies necessary to meet minimum human health and safety needs.

Once these regulations become effective and enforceable between today and the end of August, approximately 5,700 water right holders in the Delta watershed could be ordered to curtail diversions and required to submit additional water diversion and use information to assist the SWRCB predict future demands and ensure compliance with the emergency regulations. Those who hold senior water rights such as pre-1914 or riparian rights could be subject to curtailment in certain tributaries of the Delta watershed or if conditions worsen in the future.

RIGHT TO DIVERT UNDER NDWA CONTRACT

The North Delta Water Agency (NDWA/Agency) holds a *Contract Between the State of California Department of Water Resources and North Delta Water Agency for the Assurance of a Dependable Water Supply of Suitable Quality* executed on January 28, 1981 (1981 Contract). Under this contract, DWR is obligated to furnish water from the State Water Project to meet the reasonable and beneficial uses on lands within the NDWA, to the extent water may not be available under the water users' own water rights. **This means that even if a landowner or reclamation district's water rights are curtailed by the SWRCB, NDWA landowners may continue to divert water for all reasonable and beneficial uses pursuant to the 1981 Contract.**

If you receive a curtailment order for your individual water right, it is important that you follow the water diversion and use reporting procedures and requirements established by the SWRCB. Further, you

should identify that your continued diversion and use of water is occurring under the alternative water supply assurances provided by the State in the 1981 Contract.

WATER QUALITY ADVISORY

The 1981 Contract includes specific salinity criteria, based on a 14-day running average of the mean daily electrical conductivity (EC), that DWR is obligated to maintain at seven monitoring locations within the Agency's boundaries. Since mid-May, the Agency's engineer has held weekly phone calls with State Water Project (SWP) operations staff to discuss water quality conditions and compliance with the 1981 Contract salinity criteria.

Diverters within NDWA should be aware that salinity levels exceeded the water quality criteria specified in the 1981 Contract from June 28, 2021 thru July 8, 2021 at the Rio Vista monitoring location and from June 28, 2021 through July 13, 2021 at Three Mile Slough location. Water quality at the other five monitoring locations specified in the 1981 Contract have remained within the contract criteria. The enclosed memorandum from MBK Engineers, dated July 9, 2021 provides further details regarding these exceedances, as well as the communications by NDWA to DWR regarding these exceedances and the actions implemented by DWR to achieve compliance with contract criteria. (Visit NDWA website at www.northdeltawater.net to see entire 12-page MBK Memo with inclusion of referenced water quality graphs and map/table.)

Because EC levels vary significantly on a real-time basis, it is recommended that farmers time their diversions for irrigation to coincide with lower salinity conditions, typically following lower tides.

Accordingly, all water users are advised to monitor salinity data on the CDEC website:

<http://cdec.water.ca.gov/queryDaily.html> for daily data or <http://cdec.water.ca.gov/queryQuick.html> for real-time/hourly data.

Due to the severe drought conditions within the Delta watershed and the potential for these conditions to continue into next year, water users are encouraged to collaborate with other water users on water conservation measures that can be implemented within your local communities.

INFORMATIONAL DROUGHT BRIEFING

On **Wednesday, August 25, 2021**, the NDWA will hold a remote Special Board Meeting at **9:30 a.m.** to provide an informational drought briefing. Speakers will review current reservoir storage conditions compared to prior droughts, discuss regulatory actions taken to address drought conditions, and describe the drought provisions in the NDWA 1981 Contract; including the right to continue diverting during State-ordered curtailment and the potential implementation of a Special Contract Claims Process designed to compensate NDWA water users for loss of net income during a drought emergency. The Delta Watermaster, Michael George, will present information on the issuance of curtailment orders and answer questions regarding the obligation of landowners to submit water diversion and use information to the SWRCB.

Following is information on how to participate in the August 25th remote online meeting:

Join Zoom Meeting

<https://us06web.zoom.us/j/83030331809?pwd=RFFrQVpOZm5yR3d0eldmNVNKYTh2QT09>

Meeting ID: 830 3033 1809

Passcode: 032663

888 475 4499 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us06web.zoom.us/j/83030331809?pwd=RFFrQVpOZm5yR3d0eldmNVNKYTh2QT09>