

**Sent: Tuesday, February 21, 2023 4:58 PM**

**To: [Delta Drought Email Subscription List](#)**

**Subject: February 21 Update – All Delta Watershed Emergency Regulation Curtailments Remain Temporarily Suspended**

**This email contains important information about the curtailment status of water rights and claims of right within the Sacramento-San Joaquin Delta (Delta) watershed** pursuant to Initial Orders Imposing Water Right Curtailment and Reporting Requirements in the Delta Watershed ([Order for water rights/claims under 5,000 acre-feet](#) and [Order for water rights/claims over 5,000 acre-feet](#)).

**All curtailments of water rights and claims of right imposed pursuant to [California Code of Regulations, title 23, section 876.1](#) within the Delta watershed remain suspended.** The State Water Board will continue to closely monitor forecasted precipitation and hydrologic conditions to determine if, when, and to what extent reimposition of curtailments may be appropriate. Notice of any reimposed curtailments will be provided by email and web posting at least 48 hours prior to going into effect.

Although the [Water Unavailability Methodology for the Delta Watershed](#) indicates that local water supplies may be insufficient to satisfy all water rights in multiple headwater subwatersheds, curtailments based on the subwatershed-scale analysis could affect several reservoirs that generally have more junior storage rights in the subwatersheds. Curtailing those users would not make water available to senior upstream diverters and could result in the requirement to bypass needed storage as the snowpack melts and additional forecasted precipitation occurs in the next week. Accordingly, based on watershed-scale analysis of water supplies (i.e., not subwatershed-scale analysis) and consistent with both [Executive Order N-3-23](#) and the Board's direction to consider opportunities and needs to replenish stored water supplies, the Deputy Director for Water Rights has determined in the exercise of his discretion under section 876.1, subdivision (d) of the Drought Emergency Regulation to continue to suspend all curtailments in the Delta watershed.

Today's update considers observed water supply data and forecasts from the California Nevada River Forecast Center (CNRFC) that were updated on February 21, 2023. The 50 percent exceedance water supply forecast was selected to consider curtailments at this time. Demand data informing today's curtailment status update are based on reported diversions from 2018 and reported projections of demands submitted under the enhanced reporting provisions of the emergency curtailment and reporting regulation for the Delta watershed. Both 2018 diversion data and projected demand data submitted via enhanced reporting are reviewed and adjusted through an ongoing QA/QC process. For more information on enhanced reporting in the Delta watershed, please visit the [Enhanced Reporting Webpage](#).

Suspension of curtailments pursuant to section 876.1 does not affect any applicable curtailment pursuant to other separate bases and should not be construed as a validation of water right claims or an authorization to divert. Existing reporting requirements and constraints on water right permits and licenses, such as seasonal

diversion restrictions and bypass flow requirements, remain in effect. In addition, all water right holders and claimants may only divert under valid water rights and are not authorized to divert if it would result in injury to other water users. If water right holders or claimants believe their water rights are being impacted by the continued suspension of curtailments, they may notify the State Water Board by emailing [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov) with specific details regarding their concern, or they may file a formal complaint with the [Division of Water Rights Enforcement Program](#).

Water right holders and claimants are responsible for monitoring their curtailment status online on the [Delta Watershed Curtailment Status List](#). Notice of changes to curtailment status will not be mailed. For those with limited internet access, a pre-recorded curtailment summary can be heard on the Delta Curtailment Status phone line at (916) 323-4643.

The data used to support curtailments and other relevant information are available on the State Water Board's [FTP site](#). To access the documents posted on the FTP site, please email [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov) to obtain login credentials.

For more information about drought in the Delta watershed, please visit the [Delta Drought webpage](#). For more information about curtailment compliance and responses to the Initial Orders Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed, please visit the [Curtailment Compliance and Responses webpage](#). The Curtailment Compliance and Responses tracker is updated regularly and can be filtered to see the latest changes. If you have any questions, you may send an email to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov) or call the Delta Drought phone line at (916) 319-0960.