



Fact Sheet

2022 Delta Watershed Emergency Regulation

Frequently Asked Questions

In the midst of a third consecutive dry year, the State Water Resources Control Board (State Water Board or Board) revised and readopted the emergency curtailment and reporting regulation for the Sacramento-San Joaquin Delta (Delta) watershed on July 20, 2022. The readopted emergency regulation will allow the Board to continue to efficiently administer the State's water rights priority system to protect senior water right holders, prevent illegal diversions, and ensure minimum human health and safety needs are met. Due to exceptionally low precipitation since January 2022, low storage levels in most major reservoirs, and extreme drought in the Delta watershed, the Board anticipates the need for continued curtailments until significant precipitation occurs in the fall and winter. The regulation as revised and readopted is expected to take effect after approval by the Office of Administrative Law, on or about August 11, 2022, and will remain in effect for one year unless modified, rescinded, or readopted by the Board.

Changes

The Board made changes to the emergency regulation that clarify requirements, refine analyses, and address stakeholder feedback. Changes include:

- Expanded potential use of self-reported diversions to include 2021 when determining water right demand projections.
- A new provision that protects water unused by the Sacramento River Settlement Contractors or Feather River Contractors in accordance with an operations plan for the Central Valley Project or State Water Project designed to conserve stored water supplies for the following critical purposes:
 - Temperature management for salmon and steelhead (cold water pools);
 - Improve water quality;
 - Protect stored water supplies; and
 - Ensure minimum human health and safety water supplies.
- Elimination of a submission deadline for proposals to correct water right priority date and proposals that curtailment is inappropriate.
- Various administrative improvements.



Frequently Asked Questions

About the Readopted Regulation

1. Will I receive a new curtailment order in the mail?

No. The State Water Board will not mail new curtailment orders following the readoption and approval of the emergency regulation. The initial orders imposing water right curtailment and reporting requirements previously sent to all water right holders and claimants in the Delta watershed remain valid under the readopted emergency regulation. Water right holders and claimants must [subscribe](#) to the Delta Drought email list and/or frequently check the curtailment status of their water right or claim on the [Delta Drought website](#). Right holders and claimants are responsible for checking for curtailment updates and ceasing diversions when their water right or claim is curtailed.

2. How often will curtailments be updated?

Board staff monitor current watershed conditions and available forecasts and provide regular curtailment status updates. This typically occurs weekly but can happen more frequently when conditions change more rapidly, such as before, during, and after significant precipitation events. Updates are provided solely via email to subscribers of the Delta Drought email list and on the [Delta Drought website](#).

3. How do I know if my water right is curtailed?




The State Water Board maintains a curtailment status list on the [Delta Drought website](#) and provides emails to subscribers of the Delta Drought email list when curtailment statuses are updated. To subscribe to the Delta Drought email list, please visit the [Delta Drought website](#), scroll to the “Stay Informed” section at the bottom of the page, and provide the requested information in the “Email Subscription List” box. Refer to the images below.

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Sacramento-San Joaquin Delta Watershed Drought & Curtailment Information

The Sacramento-San Joaquin Delta (Delta) watershed is a crucial source of water for much of California for people and the environment. The Delta watershed comprises approximately 20 percent of California's land mass and constitutes the state's largest source of surface water supplying a portion of the water supply to two-thirds of Californians and millions of acres of farmland. The Delta is also home to numerous fish, wildlife, and plant species of very high ecological, economic, and cultural importance.

The Delta watershed and all of California is experiencing a second consecutive year of dry conditions, which has resulted in drought or near-drought conditions throughout the state. The combination of unusually low precipitation, warm temperatures, and dry soils have resulted in unprecedented low runoff from the Sierra-Cascade snowpack, resulting in significant reductions in water supplies and extreme low reservoir storage levels. In recognition of these dry conditions, on May 10, 2021, Governor Newsom declared a drought emergency for 41 counties, including those within the Delta watershed, outlining various actions that the State Water Board and other agencies should take or consider, including curtailments to prohibit diversions when water is not available at a water right holder's or claimant's priority of right.

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Announcements

Stay informed

<h4>Email Subscription List</h4> <p>Subscribe to the Delta Drought email list to receive notifications and the latest updates.</p> <p>Email Address: <i>(required)</i> <input style="width: 100%;" type="text"/></p> <p>Your Full Name: <i>(required)</i> <input style="width: 100%;" type="text"/></p> <p><i>(e.g. John Smith)</i> SUBSCRIBE</p> <p>Check your email account for a confirmation email to complete your subscription.</p>	<h4>Contact Us</h4> <ul style="list-style-type: none"> Email: Bay-Delta@waterboards.ca.gov Phone: (916) 319-0960
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4. Do I need to submit a new Compliance Certification Form?

No. If you already submitted the compliance certification form, you do not need to submit a new form. However, if you have not submitted this form, please do so as soon as possible to avoid potential enforcement actions. To submit the form, log in to the [Survey Portal](#) using the username and password provided on your curtailment order. If you are unsure of your username or password, please email Bay-Delta@waterboards.ca.gov. If you are unsure whether you submitted a form, please visit the [Curtailment Compliance and Responses webpage](#), then click on the “See Details on Certifications” button on the interactive compliance tracker to check the status of your submission.

5. Are there still curtailment exceptions?

Yes. The revised, readopted emergency regulation continues to allow for the following exceptions to curtailments:

- If the water is the diverter's only feasible supply for meeting minimum human health and safety needs (as defined in section 877.1, subdivision (h)).¹ See section 878.1 for additional information on this exception.
- If the water is used only for a non-consumptive use (that is, direct diversions where all water is returned to the source stream on a timestep that does not impact downstream water rights or claims). See section 878.
- The stream system is disconnected from the lower watershed, and curtailment would not make water available to serve senior downstream water rights or claims. See section 876.1, subdivision (e).
- Water users may also propose alternative water sharing agreements that achieve the purposes of the curtailment process. See section 878.2.

All the above exceptions require a diverter to submit a curtailment exception certification or request to the State Water Board. If you previously submitted a curtailment exception request, and your circumstances have not changed, you do not need to submit a new one.

6. Do I need to request a new exception to curtailment?

No. You do not need to resubmit exception certifications or requests you already filed. This includes exceptions for minimum human health and safety and non-consumptive uses. Board approvals issued previously under the emergency regulation remain valid.

General Curtailment Information

7. What is a curtailment order?

A curtailment order is a directive from the State Water Board that prohibits diversions under a specific water right or claim when supply is insufficient to meet all needs. Curtailment orders are subject to enforcement under the Water Code. Refer to this [fact sheet](#) for more information.

8. How do curtailments relate to the terms and conditions of my license or permit?

Diversers must comply with the most stringent requirements that apply to their right or claim, whether based on permit or license terms or curtailment order. The

¹ Unless otherwise noted, references are to title 23 of the California Code of Regulations.

emergency regulation (section 879.1, subdivision (a)) specifically provides that compliance with curtailment orders is a condition of all Delta watershed permits and licenses.

9. How does the State Water Board determine which rights are curtailed?

The Board uses the Water Unavailability Methodology for the Delta Watershed to identify rights and claims that lack sufficient supplies for diversion. For more information, please visit the [Delta Watershed Water Unavailability Methodology webpage](#).

10. How can I report an unauthorized diversion?

The State Water Board relies on the public to help identify unauthorized diversions, including diversions in violation of curtailment orders, diversions in violation of permit or license conditions, and diversions without a valid basis of right. Please use the [CalEPA Complaint System](#) to report an unauthorized diversion.

More Information

To learn more about the Delta watershed emergency regulation, visit the [Delta Drought website](#), email Bay-Delta@waterboards.ca.gov, or call (916) 319-0960.

This fact sheet was last updated on August 1, 2022.