



# Napa County

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## Legislation Text

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**TO:** Napa County Flood Control and Water Conservation District  
**FROM:** Richard Thomasser - District Manager  
**REPORT BY:** Christopher Silke - Engineering Manager-Water Resources  
**SUBJECT:** State Water Project Update

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### **RECOMMENDATION**

District Manager will provide an update regarding the State Water Project and recent curtailment actions by the State Water Resources Control Board affecting the North Bay Aqueduct.

### **EXECUTIVE SUMMARY**

Staff will provide an update regarding the status of water supplies that are contracted for with the Department of Water Resources, including the current status of curtailment actions that occurred in March 2022 affecting the North Bay Aqueduct.

### **FISCAL IMPACT**

Is there a Fiscal Impact? No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

On the afternoon of Friday, March 25, 2022, District staff were contacted by the State Department of Water Resources (DWR) by e-mail with a request to meet over video for a briefing on the Notice of Water Unavailability Notice (curtailment) ordered by the State Water Resources Control Board. District staff, Solano County Water Agency management and DWR officials agreed to a Monday, March 28, 2022 video

informational exchange regarding the SWRCB curtailment action brought upon State Water Project Legal Delta junior water rights. What staff learned during the DWR meeting was as follows: 1) Water Boards curtailment affected Lindsey Slough Appropriative Water Right A017514A held by DWR, which permits Delta diversions from North Bay Aqueduct to member cities in Napa and Solano counties, 2) the curtailment was retroactive to March 2, 2022, 3) while Lake Oroville was filling from snowpack melt runoff building storage there would be no Table A water released for NBA delivery, 4) DWR personnel filed an exception petition with SWRCB Deputy Director under the Human Health and Safety provisions of Drought Emergency Rulemaking Regulations promulgated in August 2021. DWR and NBA Water Contractors agreed to reconvene on Friday, April 1, 2022 after each party had an opportunity to bring local awareness to this unprecedented action on Municipal and Industrial (M&I) urban water use.

Understanding the ramifications for Napa County and urgency to involve SWP City Members in the discussions District staff promptly called for a caucus on the matter. Staff also conferred with legal counsel (including external water rights experts) for assistance in preparing a response to DWR on behalf of the District. A letter outlining the District's curtailment concerns and impacts disrupting water supply to industrial / commercial customers was electronically submitted to DWR on April 8, 2022. After multiple days of deliberations and communications with City Members and attorneys a list of thirteen (13) questions was composed seeking more detailed clarification on the Lindsey Slough Water Right and the technical basis by which the Water Board acted on determining there was no water available for the NBA. The document was forwarded to DWR Deputy Director and Operations Manager ahead of the April 1, 2022 follow-up video meeting. In the April 1 proceedings, DWR representatives decided to pause any further transition into the Health & Safety exception criteria for NBA water deliveries until the State Water Board could respond to the curtailment order challenge brought by the District and Solano County Water Agency. DWR engaged the State Water Board in dialogue over the following week and reported on April 11, 2022 that there might be a change on water availability at the North Bay Aqueduct because forecasted supply into the Sacramento / San Joaquin basins was improving from multiple rain events. The State Water Board lifted the curtailment on the Lindsey Slough Appropriative Water Right A017514A the evening of April 11, 2022. District staff was alerted to the change in curtailment status the next morning and will continue reporting to the Board as a permanent remedy is sought collaborating with DWR and State Water Contractors, Inc. The Water Unavailability Methodology tool that underpins the State Water Board's Priority Date curtailment decisions is influenced by public stakeholders and subject to revisions in conjunction with their rulemaking. Staff will provide additional updates to the Board as appropriate and will likely recommend an expert be retained for SWP water rights and Delta water unavailability methodology consultation in the future.