Term 91 is in Effect

Current Status (February 6, 2026)

The Delta was in Balanced conditions as of February 5th, 2026, with 9,127 cubic feet per second (cfs) of Supplemental Project Water (SPW) releases. Diverters should continue to monitor updates to this web posting. Also, notices related to Term 91 are provided by email; to sign up for email notices, visit https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html and subscribe to the "Term 91 Updates" email list under the "Water Rights" section of the page.

Explanation

Permit and license holders having Term 91 as a condition of their water right must cease diversions under the permit or license when the State Water Board issues notice that Term 91 curtailments are in effect. Term 91 prohibits diversion under such permits or licenses when (i) the Delta is in "Balanced Condition," and (ii) the satisfaction of inbasin entitlements including maintenance of Delta water quality and flow requirements require releases of SPW by the Projects. The Delta is referred to as in Balanced Condition when the Projects are being operated to meet water quality and flow requirements in the Delta. Inbasin entitlements include (i) priority rights to divert water from the Delta Watershed for use within the basins of origin, (ii) natural losses (e.g., surface evaporation, consumption by riparian vegetation and contributions to groundwater), and (iii) flows required for maintenance of water quality and the needs of fish and wildlife. SPW is calculated as the net storage releases from Shasta, Folsom, and Oroville reservoirs, plus water imported to the Delta Watershed from the Trinity River CVP facilities, minus the sum of the Projects' Delta exports and Carriage Water calculated from the Delta Export Index.

Term 91 defines inbasin entitlements as "all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Board (State Water Board) for maintenance of water quality and fish and wildlife." If the Projects resume SPW releases to meet inbasin entitlements as defined by Term 91, and the Delta remains in balanced conditions, then the State Water Board will reimpose Term 91 curtailments.

The graph shown below plots a daily calculation of SPW and depicts Delta conditions (with the previous water year's daily calculation of SPW plotted as a reference). For permits and licenses with Term 91, diversions may be curtailed pursuant to Term 91 when the plotted value is positive and is expected to remain positive for the near future. However, at this time, the Projects are not releasing SPW to meet inbasin entitlements.

CALIFORNIA Water Boards

TERM 91

In Effect

