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## State Water Resources Control Board

October 15, 2021

<<MAIL\_RECEIVER\_NAME>>  
<<ATTN\_C/O\_LINE>>  
<<BOTTOM\_ADDRESS\_LINE>>  
<<CITY>>, <<STATE>> <<ZIP>>

### **INFORMATION ORDER AND REPORTING REQUIREMENTS ON WILLOW, JULIAN, AND YREKA CREEKS, TRIBUTARIES IN THE SHASTA RIVER WATERSHED (ORDER WR 2021-0091-DWR)**

This letter and the enclosed Order have important information about surface water rights diverted from the subwatersheds of Willow, Julian, and Yreka creeks in the Shasta River watershed and used on the parcel(s) listed in Attachment A (at the end of the Order), that are owned by <<PRIMARY OWNER NAME>> (or their successor in interest). Most surface water rights on the Willow, Julian, and Yreka Creeks are listed in the Shasta Adjudication.<sup>1</sup> But, unlike other areas in the Shasta Adjudication, these tributaries are not under the Scott Valley and Shasta Valley Watermaster District's (Watermaster District's) service. Because the area is not covered by the Watermaster District, and the majority of water rights holders have not filed timely reports with the State Water Resources Control Board (State Water Board or Board), the Board does not have up-to-date contact information for water rights on these tributaries in the Shasta River watershed. If you have filed your annual water use report with the Board in 2021, thank you for keeping your records up-to-date; you do not have to provide your use information again, but you will need to provide limited information in response to this Order.

**You are receiving this letter as the owner of record for the land parcel(s) listed in Attachment A.** This letter:

- Describes information and reporting requirements necessary for compliance with the attached Order.
- Describes who must submit an online information form.
- Describes the timeline to submit the required information.

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<sup>1</sup> Judgement and Decree entered on December 29, 1932 in Siskiyou County Superior Court Case No. 7035, In the Matter of the Determination of the Relative Rights, Based Upon Prior Appropriation, of the Various Claimants to the Waters of Shasta River and its Tributaries in Siskiyou County, California.

- Includes the login and password information needed to submit required information. Attachment A provides a Login and Password, as well as a list of parcel(s) to facilitate the necessary reporting requirements.
- Describes the current curtailment order for the Shasta River watershed for the most junior water right holders in the Shasta River, as described in Section 875.5, subdivision (b)(1)(A) and (b)(1)(B) of the Emergency Regulation.

**You may already be curtailing water use and/or be unable to divert water due to dry conditions. Even if you are currently not diverting water, you must respond to this Order if you have or claim a surface water right from the Willow, Julian, and Yreka Creeks area. You may disregard this Order if you have already received a curtailment order for post-adjudicative water right(s) on these tributaries and you do not have or claim additional surface water rights.**

It is highly recommended that all water users in the watershed sign up to receive notifications on the State Water Board's "Scott-Shasta Drought" email distribution list (see instructions in last paragraph of this letter). You may also visit the State Water Board's [Scott River and Shasta River Watersheds Drought Response webpage](#)<sup>2</sup> frequently for updates. All future updates on curtailments will be provided through electronic communications via the email distribution list or posting to the webpage. Signing up for this email list is the best way to stay informed about implementation of the regulation, including changes to curtailments.

### **Emergency Regulation**

On August 17, 2021, the State Water Board adopted an emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds (hereinafter "Regulation" or "Emergency Regulation"). (Cal. Code Regs., tit. 23, §§ 875-875.9.) The Regulation was reviewed and approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 30, 2021. The Regulation remains in effect for one year, but could be repealed earlier if water supply conditions improve. The State Water Board may readopt the Regulation if drought conditions continue into next year. The [Regulation](#) is available online.<sup>3</sup>

### **Information Request**

The primary purpose of this Order is to update the State Water Board's records with current contact information and other basic water right information for surface water diversions, including adjudicated water rights on Willow, Julian, and Yreka creeks in the Shasta River watershed. These water rights are not under the Watermaster District's service. Water right ownership can change over time, and it is important that the Board's Division of Water Rights has updated information to inform water users of curtailment status and other aspects of Regulation implementation. Data collected under information orders will improve the State Water Board's understanding of the

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<sup>2</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

<sup>3</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/klamath\\_reg\\_searchable.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/klamath_reg_searchable.pdf)

potential total water demand for various uses at different times, water right priorities, and diversions in the Shasta River watershed.

The Division of Water Rights has created a web portal through which each landowner subject to the Information Order can enter required information on their water diversion(s) into an online form, which is described below. If you divert surface water pursuant to an adjudicated water right, you must identify which adjudicated right(s) you are using and update basic water right information as directed in the Shasta Tributaries Information Order Form (Information Order Form). The Information Order Form contains a [list of adjudicated water rights](#)<sup>4</sup> in Willow, Julian, and Yreka Creeks for your reference. Ownership, points of diversion, and places of use have likely changed since the decree was issued. The decree and additional maps that contain historical information on the adjudicated rights are available on [Watermaster District's webpage](#)<sup>5</sup>. Division of Water Rights staff will provide telephone and e-mail support for landowners in completing the Information Order Form. The web portal also has resources to assist with completion of the form.

Under the Regulation (specifically Section 875.8), the Deputy Director may issue information orders to landowners, diverters, or other water right holders in the Scott River and Shasta River watersheds, requiring them to provide additional information related to water use as relevant to implementing the Regulation.

### **Curtailment of Water Rights in Shasta River Watershed**

The State Water Board is requiring certain water right holders in the Shasta River watershed to stop diverting under their water rights until water supply conditions improve in the watershed and there is no longer a risk to minimum flow requirements, to water supplies for minimum human health and safety needs (including firefighting), to minimum livestock needs, or for injury to senior diverters. On September 10, 2021, the State Water Board issued a curtailment order ([Order WR 2021-0082-DWR](#)) to the most junior water right holders in the Shasta River. This included curtailing post-Adjudication appropriative surface water and groundwater rights, as well as water rights in the Shasta Adjudication with priority dates later than November 1912.<sup>6</sup>

Order WR 2021-0082-DWR did not address Shasta Adjudication water diversions from the Willow, Julian, and Yreka tributaries to the Shasta River as diversions were likely not occurring due to water unavailability, and the lack of up-to-date contact information. This Order addresses the problems related to lack of information; however,

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<sup>4</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/willow-julian-yreka-adj-rights.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/willow-julian-yreka-adj-rights.pdf)

<sup>5</sup> <https://www.sswatermaster.org/>

<sup>6</sup> Please note that appropriative groundwater diversions established after November 1912 are also curtailed. Selling groundwater to be hauled and used at a different location is an appropriative use and must cease immediately (subject to exceptions), if the use started after November 1912. See [Order WR 2021-0082-DWR](#) for information on groundwater rights.

separate curtailment orders may be issued in the future for some surface water rights in these tributaries.

### **Required Response – Information Order Form**

Within 21 calendar days of issuance of this Order, all water right holders or their agents receiving this Order are required to submit an online Information Order Form identifying surface water rights used on the parcel(s) listed in Attachment A (if any) and providing information on the nature of those water rights. The Order also requires reporting if you have or claim a surface water right, even if you are not currently diverting water. If you do not report, the State Water Board will assume that you do not have or claim a surface water right and we can remove your parcel(s) from future correspondence related to surface water diversions. Your Login and Password are provided in Attachment A of the Order. You can access and complete the form at: <https://public.waterboards.ca.gov/WRIInfo>.

Timely and accurate completion of the required form can help you avoid unnecessary enforcement proceedings. Staff are available to answer questions or otherwise assist with completing the form by email to: [ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov) and via our phone message line at: (916) 327-3113.

### **Request for Reconsideration**

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration must be filed with the State Water Board no later than **30 DAYS FROM ORDER ISSUANCE DATE**. To ensure timely consideration, any petition for reconsideration should be emailed to: [ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov).

### **Reporting and Measurement Requirements**

All surface water users are required to periodically report on their water usage (with a limited exception for small springs). Many people have not been following these requirements. This means that the State Water Board's records are incomplete. For areas with a lot of non-compliance, this can interfere with local efforts to manage limited supplies during drought and the Board's ability to properly administer the water rights system.

If you have a surface water right, including an adjudicated surface water right in the Shasta River watershed *that is not subject to the Watermaster District's service*, you are subject to reporting and measurement responsibilities that exist independent of the Emergency Regulation that you may not be aware of. Board staff can direct you to appropriate information and resources to help you comply with existing reporting requirements. Additional information is available on the State Water Board's [Annual](#)

[Water Diversion and Use Reporting Help webpage](#)<sup>7</sup> and on the website for the [Division of Water Rights: Statement of Water Diversion and Use Program](#)<sup>8</sup>.

Please note that a response to this Information Order does not meet any separate reporting obligations related to water rights or claims, or constitute a legal claim to water.

**Questions, Resources, and How to Stay Informed**

Please review resources on the [Scott River and Shasta River Watersheds Drought Response webpage](#) ([https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)) if you have questions. You may also contact staff by email at:

[ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov) or leaving a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113. Please be aware that calls and emails will be responded to as soon as possible in the order received. Staff will try to return calls within 24 hours, but responses may take longer depending on call volume.

**We highly encourage you to sign up for the “Scott-Shasta Drought” Email Subscription List under “Water Rights”.**<sup>9</sup> **This is the best way to stay informed about changes to the curtailments and other important information related to the regulation.**

Sincerely,

Erik Ekdahl, Deputy Director  
Division of Water Rights

Enclosure: Information Order and Reporting Requirements on Willow, Julian, and Yreka Creeks, Tributaries in the Shasta River Watershed, including Attachment A

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<sup>7</sup> [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_diversion\\_reporting/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_diversion_reporting/)

<sup>8</sup> [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/index.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/index.html)

<sup>9</sup> [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER WR 2021-0091-DWR**

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**IN THE MATTER OF WATER RIGHT(S) ASSOCIATED WITH PROPERTIES OF  
<<PRIMARY OWNER NAME>><sup>1</sup> AND LISTED IN ATTACHMENT A**

**INFORMATION ORDER AND REPORTING REQUIREMENTS ON WILLOW, JULIAN,  
AND YREKA CREEKS, TRIBUTARIES IN THE SHASTA RIVER WATERSHED**

**ISSUED OCTOBER 15, 2021**

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**FINDINGS:**

1. On August 17, 2021, the State Water Resources Control Board (State Water Board or Board) adopted an emergency regulation, titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Order Authority in the Klamath River Watershed (hereinafter "Regulation" or "Emergency Regulation").
2. Under the Emergency Regulation, the Deputy Director for the Division of Water Rights may issue an information order to some or all landowners in the Scott River and Shasta River watersheds, requiring them to provide information related to diversion and use of water relevant to implementing the regulation. (Cal. Code Regs., tit. 23, sec. 875.8.) The primary purpose of this Order is to update the State Water Board's records with current contact information, water right, and water use information for the surface water diversions, including adjudicated water rights, on Willow, Julian, and Yreka Creeks in the Shasta River watershed to inform curtailment decisions and to effectively communicate regulation requirements with water diverters in these tributaries. These tributaries do not receive watermaster service, and the State Water Board does not have up-to-date records for these areas regarding changes to water rights ownership or regarding changes in exercise

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<sup>1</sup> You are receiving this Order as the owner of record for the land parcel(s) listed in Attachment A. This Order applies to you and all agents, successors in interest, grantees, and assigns thereto.

## PRIMARY OWNER

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of water rights in the approximately 90 years since the Shasta Adjudication<sup>2</sup> was issued.

3. In order to reach most of the likely surface water diverters on Willow, Julian, and Yreka Creeks, while also limiting the number of Order recipients who were unlikely to have surface water diversions, staff identified three types of parcels as having the highest likelihood of surface diversions. First, staff identified parcels where surface water is used from the California Department of Water Resources' 2010 maps of land-use survey database. Second, staff identified parcels that include a place of use or point of diversion in the Shasta Adjudication. Finally, staff identified parcels within 50 meters of a stream (generally Level 3) using the United States Environmental Protection Agency's National Hydrography Dataset Plus, version 2. Then, for parcels receiving municipal water service, staff removed parcels smaller than five acres, as smaller parcels that receive municipal water deliveries are less likely to have supplemental water sources.
4. The Division of Water Rights has created a web portal through which each landowner subject to the Information Order can enter required information on their water diversion(s) and use(s) in a Shasta Tributaries Information Order Form (Information Order Form). Web-based reporting will allow the State Water Board to process the information efficiently during this drought emergency.
5. The Regulation includes California Code of Regulations, title 23,<sup>3</sup> sections 875, 875.8, and 875.9, which establish the circumstances under which the State Water Board may request information in the Shasta River watershed.
6. The Regulation provides curtailment authority throughout the Klamath River Watershed, and establishes minimum instream flow requirements and information order authority in the Scott River and Shasta River watersheds. State Water Board [Resolution No. 2021-0029](#) adopted the Regulation, and describes the need for the Regulation and its intent. State Water Board Resolution No. 2021-0029 is incorporated by reference into this Order. The Regulation went into effect on August 30, 2021, when it was approved by the Office of Administrative Law and filed with the Secretary of State. On September 10, 2021, the State Water Board issued a curtailment order ([Order WR 2021-0082-DWR](#)) to the most junior water right holders in the Shasta River, as described in Section 875.5, subdivision (b)(1)(A) and (b)(1)(B) of the Emergency Regulation. This included curtailing post-Adjudication

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<sup>2</sup> Judgement and Decree entered on December 29, 1932 in Siskiyou County Superior Court Case No. 7035, In the Matter of the Determination of the Relative Rights, Based Upon Prior Appropriation, of the Various Claimants to the Waters of Shasta River and its Tributaries in Siskiyou County, California.

<sup>3</sup> All subsequent section references in this order are to California Code of Regulations, title 23 unless otherwise noted.

appropriative surface water and groundwater rights, as well as surface water rights in the Shasta Adjudication with priority dates later than November 1912.

9. Order WR 2021-0082-DWR did not include curtailment of adjudicated water rights in Willow, Julian, and Yreka creeks, tributaries to the Shasta River, because water was not available for diversion in these tributaries and diversions were not occurring. Also, the State Water Board does not have up-to-date contact information for water rights on these three tributaries to the Shasta River. The State Water Board is issuing this Order now to update its records. The Board will issue separate curtailment orders as appropriate in these tributaries in order of priority.

**IT IS HEREBY ORDERED:**

1. This information order shall be effective on October 15, 2021.
2. Attachment A of this Order includes a Login and Password that can be used to complete the online Information Order Form. The Information Order Form may be accessed and completed via the following website link:  
<https://public.waterboards.ca.gov/WRInfo>.
3. By November 5, 2021, each recipient of this Order who has or claims an adjudicated water right or diverts surface water at a point of diversion on, or for use on the parcel(s) in Attachment A shall submit, under penalty of perjury, the information described in this paragraph. Landowners shall provide the following information on each surface water source serving their parcel(s) or used to provide water supply:
  - i) Contact information (including contact information for any representatives completing the online Information Order Form), and any applicable address or contact information corrections.
  - ii) If water is diverted or used on the parcel(s) listed in Attachment A, under an adjudicated water right(s) listed in the Shasta Adjudication:
    - a. Identification of the specific adjudicated water right(s) using the [list of adjudicated water rights](#) available within the Information Order Form or online at:  
[https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/willow-julian-yreka-adj-rights.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/willow-julian-yreka-adj-rights.pdf), and
    - b. Basic water right information: point(s) of diversion, place(s) of use, purpose(s) of use, and estimated amount(s) of water used as further described in (iv) below.
  - iii) If water is diverted and used on the parcel(s) listed in Attachment A under a surface water right(s) not listed in the Shasta Adjudication:



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- a. Identification of the type of water right, (e.g., riparian, stockwater certificate, federal reserved right, etc.), and
  - b. Basic water right information: point(s) of diversion, place(s) of use, purpose(s) of use, and estimated amount(s) of water used as further described in (iv) below.
- iv) Specify the amount of water used in 2020 (by month), including amount for direct diversion, the season(s) of diversion, and whether water is diverted to storage if not already timely reported to the State Water Board. If the exact amount of water used is unknown, the landowner may submit an estimate to the best of their knowledge or through communication with State Water Board staff through the phone line and e-mail address provided in the cover letter for this Order, or other appropriate method(s) as documented in the online Information Order Form.
  - v) Indicate whether a Statement of Diversion and Use or report under a water rights permit, license, or registration has been filed with the State Water Board's Division of Water Rights. If the water right(s) is already reported to the State Water Board, the landowner must provide the applicable Statement of Water Diversion and Use or Water Right Identifier.
4. Violation of this Order shall be subject to enforcement and any applicable penalties pursuant to Water Code sections 1058.5 and 1846.
  5. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
  6. Nothing in this Order shall excuse individual water right holders from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A sections 1531 to 1544).

## STATE WATER RESOURCES CONTROL BOARD

Erik Ekdahl, Deputy Director  
Division of Water Rights

Dated: October 15, 2021

