

## State Water Resources Control Board

July 5, 2016

«Property Owner»  
«agent»  
«address1»  
«address2»

IN REGARDS TO JUNIOR WATER RIGHT(S) (SCHEDULE-DIVERSION POINT-MAP NUMBER); «Junior Priority Class Water Right (Diversion # - Map # - Schedule #)», AS SPECIFIED IN THE SCOTT RIVER ADJUDICATION IN THE SCOTT RIVER WATERSHED

### **NOTICE OF UNAVAILABILITY OF WATER FOR THOSE DIVERTING WATER UNDER A JUNIOR PRIORITY CLASS RIGHT IN THE SCOTT RIVER WATERSHED SUBJECT TO DECREE NO. 30662**

#### **Unavailability of Water for Junior Class Water Rights:**

State Water Resources Control Board (State Water Board) staff has been monitoring the flow conditions in the Scott River watershed. Due to limited precipitation and snowpack, the current flows are insufficient to satisfy diversion demands under senior rights. State Water Board records show you hold a junior priority class right identified in the Scott River Adjudication Decree No. 30662 (Decree) as either: (1) a Priority 2 Class Right in Schedule D-4 of the Decree, (2) a Post-1914 Appropriative Right in Schedule E of the Decree, or (3) a Surplus Class right<sup>1</sup>.

This notice is being issued to ensure that diverters with a junior priority class right: (a) are aware of the declining flow conditions of the river; (b) have reliable information regarding the amount of water available for their priority of right; and (c) understand that even though water may be physically available at their location, that water should serve senior priority class rights. During or following significant rainfall events, if water becomes available for junior priority class rights State Water Board staff will use the email notification system to notify you. You can subscribe to receive email updates about these notices by subscribing to the Water Rights “Drought Updates” at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

#### **Water Unavailability Information Form Request:**

We request that you complete a Water Unavailability Certification Form (Form) to advise State Water Board staff whether you are diverting water under other priority class rights, or if you stopped diverting. Your timely response helps us better manage limited water supplies and staff resources. A simple online form is available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/scottcertform.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/scottcertform.php).

<sup>1</sup> You may also have interest in a senior priority class right of the Decree. If so, this notice applies only to the junior portion of your rights, and not to the senior priority class rights. Please note that the Decree assigns senior rights to most domestic diversions, and assigns all claimants senior rights for stockwatering, firefighting, wildlife, and recreational domestic diversions.

**Potential Enforcement Upon Finding of Unauthorized Diversion:**

Should further analysis and evidence indicate a diversion of water beyond what is authorized by the Decree exist, you may be subject to administrative fines, cease and desist orders, or prosecution in court. During drought emergencies, the State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.)

**Statement of Diversion and Use Law:**

Water Code section 5101 requires, with minor exceptions, that a person who diverts water from a surface stream, spring or subterranean stream must report that diversion by filing an Initial Statement of Water Diversion and Use (Statement) with the State Water Board, followed thereafter by Supplemental Statements, unless the diversion is covered by a permit, license or registration issued by the Division of Water Rights (Division) or the diversion is included in other approved reporting documents submitted to the State Water Board. Because the Scott River Decree area does not employ watermaster services, except Wildcat Creek, it is likely all of your diversions of surface water require a Statement<sup>2</sup>. Information regarding the Statement program and a link to obtaining the necessary form can be found at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

You should note that statement holders are also now subject to the new measurement regulation adopted by the State Water Board on January 19, 2016. You will be required to comply with this new regulation so it is important that you review the requirements at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/measurement\\_regulation/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/).

The State Water Board encourages diverters to work together to consider appointing a watermaster for the entire Scott River Decree area. Court appointment of the watermaster provides the watermaster to regulate and monitor the diversions under the Decree and to do the reporting of all diversions. If the watermaster files an annual report with the State Water Board that includes your diversion, you would not be required to file a Statement with the State Water Board or install measuring devices pursuant to the new regulation. Local diverters can also reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent impacts to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call Kevin Porzio at (916) 323-9391, contact us by email at: [SWRCB-Drought-Availability@waterboards.ca.gov](mailto:SWRCB-Drought-Availability@waterboards.ca.gov), or review our drought year webpage at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml)

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist State Water Board staff, you may file a complaint at:

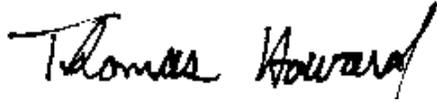
<https://oag.ca.gov/environment/contact>.

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<sup>2</sup> The failure to file a Statement or Supplemental Statement is subject to enforcement and the State Water Board may administratively impose a civil liability in the amount of \$1,000, plus an additional \$500 per day if the person fails to file within 30 days after notice of the violation.(Water Code § 5107, subd. (c) (1)).

We recognize the burden and loss that California's historic drought is causing, and want to assure that others do not illegally benefit from your compliance with the Water Code.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

Thomas Howard  
Executive Director

cc: See next page.

Notice of Unavailability of Water  
for the Scott River

- 4 -

cc: Ms. Patricia A. Grantham  
Forest Supervisor  
U.S. Department of Agriculture  
Klamath National Forest  
1711 S. Main Street  
Yreka, CA 96097-9518

The Honorable Jared Huffman  
U.S. House of Representatives  
1630 Longworth House Office Building  
Washington, D.C. 20515

Mr. Buster Attebery  
Council Chairman  
Karuk Tribe  
P.O. Box 1016  
Happy Camp, CA 96039

Mr. Harold Bennett  
Tribal Chairperson  
Quartz Valley Indian Reservation  
13601 Quartz Valley Road  
Fort Jones, CA 96032

Mr. Ray A. Haupt  
District 5 Supervisor  
Siskiyou County Board of Supervisors  
9216 Smokey Lane  
Fort Jones, CA 96032

Natural Resources Specialist  
Siskiyou County  
P.O. Box 750  
Yreka, CA 96097

Mr. Tom Menne, Chair  
Scott Valley Groundwater Advisory Committee  
4647 Scott River Road  
P.O. Box 608  
Fort Jones, CA 96032

Mr. Preston Harris  
Executive Director  
Scott River Water Trust  
P.O. Box 591  
Etna, CA 96027

Ms. Carolyn Pimental  
District Manager  
Siskiyou County Resource Conservation District  
450 Main Street  
Etna, CA 96027

Ms. Betsy Stapleton, Chair  
Scott River Watershed Council  
P.O. Box 268  
Etna, CA 96027

Ms. Lisa Vanatta  
Assistant Regional Administrator  
National Marine Fisheries Service  
NOAA Fisheries West Coast Region  
1655 Heindon Road  
Arcata, CA 95521

Ms. Jenny Ericson  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
1829 S. Oregon Street  
Yreka, CA 96097

Mr. Chuck Bonham, Director  
California Department of Fish and Wildlife Service  
1416 9th Street, Room 1205  
Sacramento, CA 95814

Mr. Jim Patterson  
District Conservationist  
USDA Natural Resources Conservation Service  
215 Executive Court, Suit A  
Yreka, CA 96097-2629

Mr. Matthias St. John  
Executive Officer  
North Coast  
Regional Water Quality Control Board  
5550 Skylane Blvd Ste A  
Santa Rosa, CA 95403-1072

Konrad Fisher, Executive Director  
Klamath Riverkeeper  
P.O. Box 751  
Somes Bar, CA 95568

ec: Michael Lauffer  
[Michael.Lauffer@waterboards.ca.gov](mailto:Michael.Lauffer@waterboards.ca.gov)

Bryan McFadin  
[Bryan.Mcfadin@waterboards.ca.gov](mailto:Bryan.Mcfadin@waterboards.ca.gov)

Caitlin Bean  
[Caitlin.Bean@wildlife.ca.gov](mailto:Caitlin.Bean@wildlife.ca.gov)

Neil Manji  
[Neil.Manji@wildlife.ca.gov](mailto:Neil.Manji@wildlife.ca.gov)

**PARTIES ISSUED A NOTICE OF UNAVAILABILITY OF WATER  
SORTED BY OWNER**

<u>Property Owner</u>	<u>Junior Priority Class Water Right (Diversion # - Map # - Schedule #)</u>
2004 JENNER FAMILY LIMITED PARTNERSHIP	B25-445-7
2005 HURLIMANN FAMILY LIMITED PARTNERSHIP	D3-290-7, D3-293-7
4T RANCH LLC	B25-446-7
ALBERT NEWTON III	E-37-14 (A024550)
ALBERT NEWTON JR	E-34-14 (A024549)
ANDRUS KIRK G & QUINCY C TRUST	B6-46-16
ANITA MERLO	E-201a-13 (A024907), E-70-11 (A016711)
BARNES RICHARD G & NANCY J TRUST	B14-204-13, D2-193 - 13, D2-196 - 13, D2-198-13
BATISTICH LANCE ALEXANDER & CHRISTINA	B25-446-7
BENNETT DAVID A & ROBIN M TRUSTEE	B25-445-7
BIVENS LORIN JR	D4-690-4
BLACK KENNETH R & SHELLEY M	B25-446-7
CALLAHAN WATER DISTRICT	E-116-17 (A012929), E-116-17 (A023635)
COOK WANDA PICKRELL	B6-58-16
COSTA ARLAND E	B29-517-5, B29-525-5, B29-527-5
COSTELLO PATRICK J & TERRY B TRUST	B29-525-5
CRAIG S CHENOWETH REVOCABLE TRUST DATE 11/6/96	E-235-10 (A024150), E-236-10 (A024148)
CRAMER DOROTHY	D1-185-15
DAMROW PATRICIA TRUST	B25-445-7
DANA SIMPSON	E-620-2 (A010789)
DAVID BENNETT	E-406-7 (A024458)
DAVIDSON CRAIG T & SHANNON N	B25-446-7
DENNIS JENSEN	E-594-2 (A023362)
DONALD MURPHY	E-216-13 (A024149)
DUBOSE MARY K TRUST	B6-46-16
EARNEST ARLEEN RAE	B22-401-7
ELDEN BINGHAM	E-190-13 (A024466)
EPPLER JERRY TRUST	B25-446-7
ERNEST BURTON	E-533-5 (A021767)
FAMILY TRUST OF GILBERT N STAFFORD JR & MYRNA F STAFFORD	E-696-4 (A022521)
FARMERS DITCH COMPANY	D1-183-15
FASHING JOHN V & MICHELE S TRUST	B3-57-16, B6-46-16
FINLEY BROS PROPERTIES, LLC	E-476-4 (A016536), E-576-4 (A011463)
FISHER CAROLEE TRUSTEE	D2-193 - 13
FISHER LAWRENCE E & CAROL L TRUST	D4-633a-4
FORT JONES WATER CO	E-573-4 (A024495)
FRIDEN RANCH	E-608b-7 (C000900)
FRUIT GROWERS SUPPLY COMPANY	E-550-3 (A024249)

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<u>Property Owner</u>	<u>Junior Priority Class Water Right (Diversion # - Map # - Schedule #)</u>
G EVANS	E-672-4 (A024435)
GEORGE KASOLAS	E-500-8 (A024153), E-501-8 (A024153)
GILLOCK JACK C TRUST	B35-622-4
GLENDENNING SHERRY TRUSTEE	B25-446-7
GLENN GRAHAM	E-92-17 (A015613)
GOUGH LAURISSA ANNE	B8-120-17
GRAY EMORY A & HEIDE D TRUST	D4-679a-4, D4-680-4, D4-688a-4
GREGG RANCH FOUNDATION THE	B5-3-14, B5-4-14
HAMILTON MILDRED	B4-68-18, B4-84-15, B4-85-15, B4-86-15
HARLAN WHITE	E-316b-5 (A024737)
HARRY WALKER	E-249-13 (A021903)
HAYDEN NERVA MALCOLM III TRUSTEE	B22-400-7
HAYDEN RANCH FAMILY LIMITED PARTNERSHIP	B4-75-16, B4-76-16
HAYDEN RANCH FAMILY LIMITED PARTNERSHIP	B4-68-18, B4-69-16, B4-78-16, B4-83-18, B4-87-15, B7-67-16, B7-81-15
HAYDEN RANCH FAMILY LP	E-66-16 (A001492)
HAYDEN RICHARD V JR & MARIAN TRUST	B9-122-15, B9-131-15
HAYDEN RICHARD V JR & MARIAN TRUST	B7-82-15
HEATHER KEENEY	E-560-4 (A024162)
HILTON ANNE E	B11-173-15
HOFFMAN TED TRUST	B25-446-7
HOGGE TYSON & SANDRA	B29-525-5
HOWELL DONALD R TRUST	D4-577-4
HURLIMANN MARK	D3-310-7, D3-311-7
JAFAM CORPORATION	E-234-13 (A024180)
JENNIFER GREENE	E-628-4 (A022466)
JERRY CROW	E-605-7 (A021890)
JOAL MILES	E-640-4 (A024179), E-641-4 (A024179)
JOHN JENNER	E-443c-7 (A024778)
JOHN STACHER	E-339-10 (A024430)
JOHNSON CATHERINE M TRUSTEE	B25-445-7
JOHNSON DAVID BRIEN	B25-445-7
JOHNSON JAMES M & CLARA L	B25-445-7
JOHNSON MARGARET A TRUST	B25-445-7
JOHNSON MARK B & SHELENE R	B25-445-7
JOHNSON TIM J & MICHELE L	B25-445-7
KAST DEBORAH E TRUSTEE	D4-706-4
KATHERINE SMITH-FOGLE	E-442-7 (A022553)
KEITH MCCAMMON	E-318a-5 (A024177)
KIRK ANDRUS	E-60-16 (A017651)
KUBOTA SUE TRUST	D4-706-4
KUTZER KATHY ANN	B3-55-16, B6-39-16, B6-40-16, B6-41-16, B6-42-16, B6-44-16, B6-45-16

**PARTIES ISSUED A NOTICE OF UNAVAILABILITY OF WATER  
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<u>Property Owner</u>	<u>Junior Priority Class Water Right (Diversion # - Map # - Schedule #)</u>
LAWRENCE FISHER	E-632-4 (A024154)
LEFKO ALBERT J & PATRICIA L TRUST	B29-525-5
MARCH ROBERT E & RITA ALICE TRUST	B25-445-7
MARSHALL KATHLEEN JUNE	D4-706-4
MARTIN CARL DOUGLAS	B6-46a-16
MARTIN CHARLES D & MARLENE N	B25-446-7
MARTIN GEORGE P & HOOPAS SHARON LEE TRUSTEE	B25-445-7
MC FADDEN JAMES J & VIRGINIA R TRUST	B25-446-7
MENNE FAMILY PARTNERS	B35-624-4, D4-618-4, D4-625a-4
MERLO ANITA	D2-193 - 13
MICHAEL CRAMER	E-516-5 (A024454)
MICHAEL GILLETT	E-696-4 (A022411)
MONTREUIL FAMILY TRUST	E-571-4 (A024303)
NEWMAN NICHOLAS	D4-706-4
NEWTON ALBERT H III	B1-13-14, B1-1b-14, B2-30-14, B2-32-14, B3-36-14, B5-14-14, B5-15-14, B5-16-14, B5-17-14, B5-18-14, B5-19-14, B5-1a-14, B5-20-14, B5-21-14, B5-23-14, B5-24-14, B5-6-14
NEWTON MICHAEL P	B3-38-14, B6-42-16
OBRIKAT FRED & PATSY TRUSTEE	B29-525-5
OTTITIEWA TRUST	E-186-13 (A024417)
PHELPS RAELENE M TRUST	B3-63-16, B6-59-16
PHILIP GUASCO	E-248-13 (A012738)
PLANK EDMUND GARETH TRUSTEE	D2-223-13
RICHARD BARNES	E-179-15 (A015769), E-205-13 (A024437)
ROBINSON CANDACE M TRUST	B25-446-7
ROLZINSKI RICHARD J TRUST	B29-525-5
ROY MCEWEN	E-130-15 (A024424)
SADIE STARR	E-228a-10 (C000248)
SALUCCI ROBERT H JR	B6-46-16
SCARFACE INVESTMENTS LLC	E-483-8 (A024413)
SCARFACE INVESTMENTS LLC	E-486-8 (A024414)
SCHUYLER CLARK W & BARBARA TRUSTEE	B25-446-7
SCOTT VALLEY IRRIGATION DISTRICT	E-223-13 (A000512)
SHIKARA THURMAN	E-681-4 (A024407)
SIMENTAL JOSE	B9-125-15
SMITH MARILYN M TRUSTEE	D4-602-4
STARKEY RUTH	B25-445-7
TAULBEE EARL D & TAFFY M	D4-706-4
TIMBERVEST PARTNERS CALIFORNIA LLC	E-101-17 (A024291), E-31-14 (A024547), E- 33-14 (A024546), E-98-17 (A015212)

**PARTIES ISSUED A NOTICE OF UNAVAILABILITY OF WATER  
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<u>Property Owner</u>	<u>Junior Priority Class Water Right (Diversion # - Map # - Schedule #)</u>
TIMBERVEST PARTNERS CALIFORNIA LLC	B8-100-17, B9-112a-17, B9-113-17
TOBIAS FAMILY TRUST	E-179-15 (A015770), E-201-13 (A024450), E-206-13 (A024438)
TOBIAS LAND COMPANY LLC	B14-207-13
TOBIAS LAND COMPANY LLC	D2-193 - 13
TURNER JESSE L & DEBBIE	B8-96-17
US BUREAU OF LAND MANAGEMENT	E-200-11 (A016916)
US KLAMATH NATL FOREST	E-243-12 (A016304), E-579-1 (A018457)
USA KLAMATH NATIONAL FOREST	B11-163-15
VICK DAVID & VALERIE TRUSTEE	D4-706-4
WALTER KRELL	E-312a-7 (C001973), E-312b-7 (C001970), E-312c-7 (C001971), E-312d-7 (C001969), E-312e-7 (C001972)
WEINBERG JASON L & TARA	D4-692-4
WENGER BEVERLY J & FRED A	D4-691-4
WESTFALL TOM & MARCIA TRUST	B29-525-5
WHITENTON DAVID L & LAURIE A	D4-706-4
WILENKEN RICHARD N & JENNIFER C TRUSTEE	B6-46-16
WILLIAM A & JO ANNE CUNHA TRUST	E-627-4 (A024451)
WILSON JAMES & CHRISTINE TRUSTEE	D4-706a-4
WILSON JAMES P & NIKKI D TRUSTEE	B25-446-7
WISHNER NANCY T TRUST	B6-40-16
YARNELL BEN JOHNSON & SHIRLEY GRANT TRUST	D4-600-4
YOUNG STEPHEN C & CONNIE D TRUST	B29-525-5