



# Quartz Valley Indian Reservation

Date: October 15<sup>th</sup>, 2014

To: Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board

From: Crystal Robinson, Environmental Director  
Quartz Valley Indian Reservation

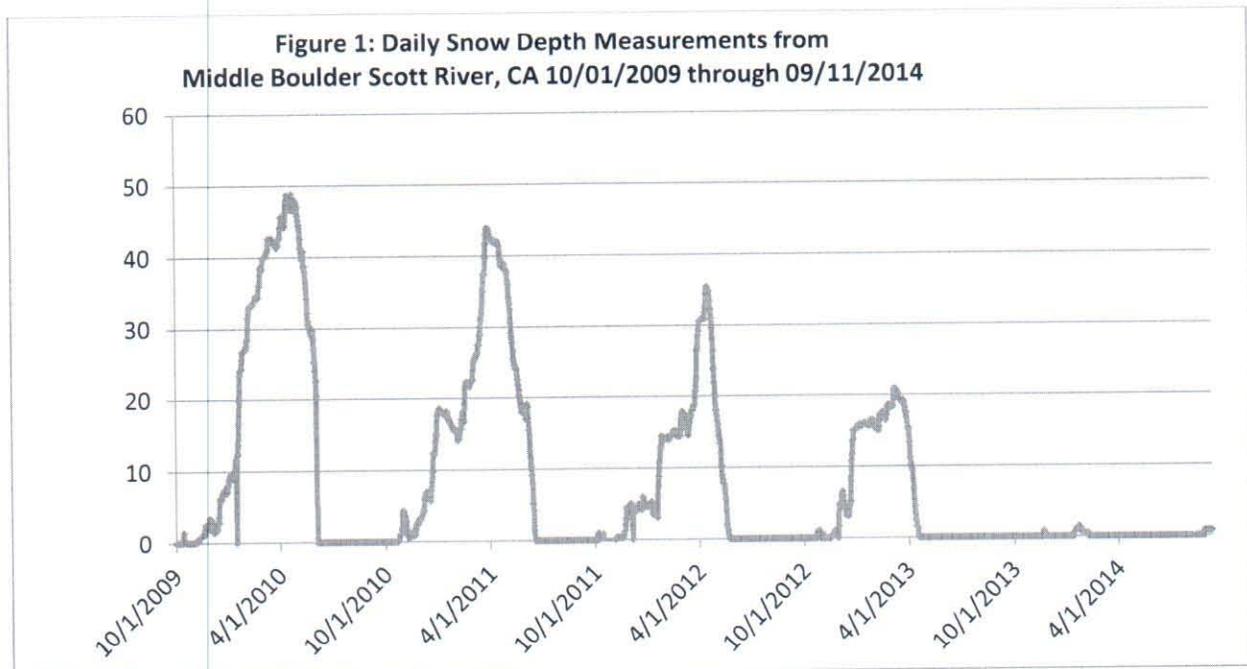


**RE: Dry Year Report Comments**

State Water Resources Control Board,

We would first like to thank you for your efforts to maintain flows this summer in the midst of one of the worst droughts we have seen in the Scott River basin. We would also like to thank you for recognizing that the enforcement of the water right curtailments is really the crux of achieving the goals the curtailment was implemented to obtain. We are very interested in helping to develop the mechanisms by which the SWRCB can implement and enforce this program in future drought years and would very much like to meet with staff and other agencies to discuss this further.

I would first like to draw your attention to Figure 1 which depicts snow depth data from the headwaters of the Scott for the past 5 years. Last winter's snow fall/pack was ten times lower than the worst year in the five year record.



Recognition that all water rights in the Scott would not be met was definitely warranted. How many water rights could not be met is a harder number to estimate, especially given the large amount of groundwater extraction that occurs in the basin. We are certain there is a more scientific approach to determining an estimate of how much water could be diverted based on snow pack, stream flow, water quality, groundwater elevation and the priority amounts listed in the three adjudications (Scott, French and Shackleford Creek). The Scott River and its tributaries have a vast amount of data being collected which lends itself to great possibilities of understanding proper water resource management.

Public meetings discussing curtailment and the enforcement approach could have improved the process greatly. I personally was asked by landowners how they would even know if they were taking the proper amount or not. Many landowners have multiple water rights and priorities with varying amounts. Without a water master on the mainstem Scott or individual flow meters, the amount of water diverted was based on the subjective call of the irrigator. This left irrigators feeling nervous they could be fined.

Enforcement actions were not transparent, if they occurred at all, it is unknown. If enforcement was real it should have been made aware to all irrigators, especially those who were blatantly ignoring the SWRCB's curtailment letters. Outside agency assistance is most necessary to effectively implement curtailment in a location like the Scott River which is 4.5 hours from Sacramento SWRCB Water Rights office. Developing a list of cooperating agencies would be a good starting point followed by a meeting to discuss the resources to achieve implementation each has to offer. A diverse mix of tribal, local, state and federal agencies will be needed to create accuracy and transparency of program implementation. It will also facilitate more dialogue about specifics related to the protection of public trust resources, health, safety and tribal trust resources. Attempting to understand, on a local level, the impacts and measures needed for protection will be greatly appreciated by all stakeholders. Monitoring collaboration by each entity will be essential along with data sharing. Due to funding restraints, budget cuts and lack of personnel, curtailment cannot be effective without a collaborative monitoring network developed.

The SWRCB eWRIMS database system is a great tool, See Figure 2 photo of the Scott River, CA and the associated water diversions. These images can facilitate landowner outreach as well as monitoring program design. This should be central to a public meeting with landowners as well as the multi-agency coordination meeting on implementation, monitoring and enforcement.

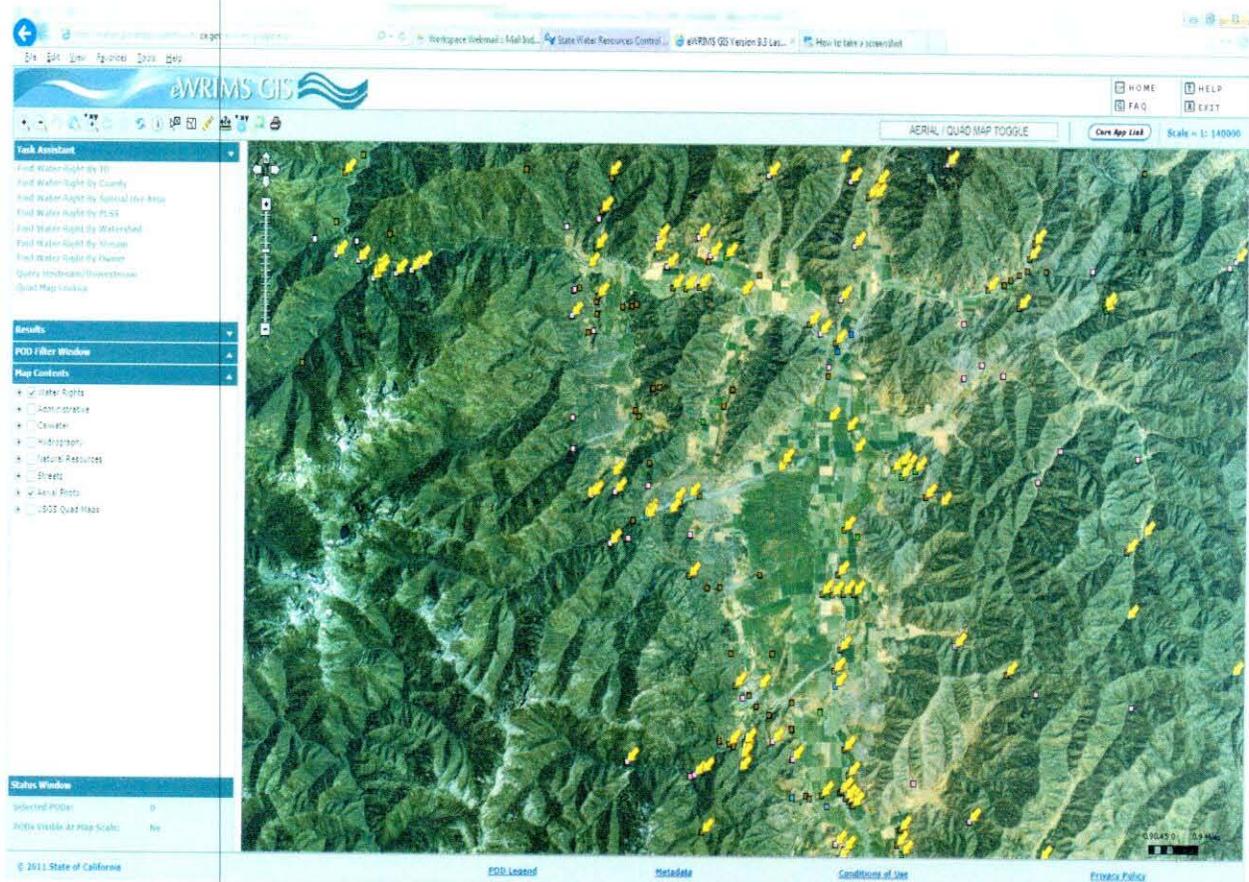


Figure 2: SWRCB eWRIMS GIS database, image of Scott Valley, CA with associated water rights.

Through existing tools and local interest this program has the potential to be effective. However, repercussions for not obeying curtailment must be real and timely. Irrigators must understand the balance we all are trying to achieve and without effective enforcement of laws there is really no incentive to work with surrounding stakeholders. The timeline for responding to complaints, on the ground investigation and enforcement needs to be quick, transparent and conveyed to irrigators at the beginning of the curtailment decision. This could possibly be a shared responsibility with other agencies that have relevant laws related to flows and endangered species, such as the US & CA Dept. of Fish and Wildlife.

Investigation and experimentation of alternative crops using less water would also be a worthy investment for future drought year planning. Financial and technical assistance to landowners in the Scott River basin is essential and stakeholder driven planning sessions would be advantageous. Through analysis of past and present scientific data, irrigators could plan accordingly: crop type, planting times, crop rotation and appropriate irrigation practices to satisfy their agricultural needs. UC Davis and NRCS are great resources for developing and implementing such plans, respectively.

So, to summarize the following actions would lead to a more effective curtailment program:

1. Development of a local group of stakeholders, agencies and tribes aiding in the planning of implementation and monitoring

2. Public meetings on program planning and implementation to create transparency and recruit other interested parties
3. Development of crop alternatives for drought years
4. Development, transparency and outreach on the curtailment enforcement action timeline

If the SWRCB does not seek the help and assistance of outside entities, curtailment goals cannot be achieved effectively. Simply mailing curtailment letters without follow-up was not effective last summer. Soliciting comments and not bringing together collaborators in the basin into one room for dialogue and discussion has never proven to be effective in the Scott River either.

We hope these comments are useful to the SWRCB, water resources and proper water management in the Scott is important to the Tribe each and every year. We hope this program can be the beginning of something larger focused on water management in the Scott River and the protection of cultural resources.

If there are any questions or comments regarding this letter please contact, Crystal Robinson, QVIR Environmental Director at 530-469-5907 ext 318. We look forward to a face-to-face meeting in the future.

Sincerely,



Crystal Robinson  
Environmental Director  
Quartz Valley Indian Reservation

Cc: QVIR Tribal Chairman, Harold Bennett