



State Water Resources Control Board

June 7, 2024

CERTIFIED MAIL

<<PRIMARY OWNER>>
<<ADDRESS>>
<<CITY>>, <<STATE>> <<ZIP>>

CERTIFIED MAIL NO: <<CERTIFIED MAIL NO>>

Dear <<PRIMARY OWNER>>:

NOTICE OF INFORMATION ORDER AND REPORTING REQUIREMENTS FOR THE CLEAR LAKE WATERSHED

AVISO DE ORDEN DE INFORMACIÓN Y REQUISITOS PARA REPORTAR PARA LA CUENCA DE CLEAR LAKE

(Para obtener más información en español (formularios y otra información), nos puede llamar al (916) 341-5355 o enviar un mensaje a ClearLakeHitch@waterboards.ca.gov.)

This letter requires your immediate attention. You are receiving this letter because you own, occupy, or are responsible for the properties listed at the end of this letter. As such, you are required to comply with the enclosed Information Order (Order) from the State Water Resources Control Board (State Water Board or Board). The Order is being issued under the authority of the Emergency Information Order Regulations for the Clear Lake Watershed (Regulations). This letter explains why the Order is needed, when and how to comply with the Order, and where you can find more information.

In early 2024, the State Water Board attempted to mail the Order to the owner of this property(s); however, the original Order was returned, or it isn't clear if the Order was received. To accommodate this delay, we have extended the compliance deadlines in the Order for this property(s). You are required to meet the extended deadlines, NOT the original deadlines noted in earlier Orders.

Please email questions to ClearLakeHitch@waterboards.ca.gov or call 916-341-5355.

Where to Access Reporting Platform and Resources

All information related to the Order is available on the State Water Board's Clear Lake Information Order webpage, which is located at bit.ly/CLHOrder. This webpage includes links to the Board's online reporting platform, guidance documents, and more. Select resources are included with this letter.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

What You Need to Do

- (1) **Report Two Times:** If you have used water for commercial irrigation or industrial purposes within the last five years, you must submit two reports to the State Water Board that provide information related to diversion, extraction, and/or use of water relevant to the Board's Clear Lake hitch protection efforts. Report 1 is due **within 14 days of receiving the Order**. Report 2 is due by **August 31, 2024**.

To submit Report 1, visit bit.ly/CLH_report1 and use the access code **ClearLake**. The link for Report 2 submissions will be available on the Clear Lake Information Order webpage no later than **August 1, 2024**. The information you must provide in each report is enclosed with this letter. Additional resources and guidance are available on the Clear Lake Information Order webpage.

- (2) **Measure Groundwater Extractions:** If you use water for commercial irrigation or industrial purposes, you are required to measure and record weekly groundwater extractions by well from **March 1, 2024**, through **July 31, 2024**, using a method acceptable to the Board.

A meter is not necessary to meet this requirement. For a list of acceptable measurement methods and templates for collecting measurements, please visit the Clear Lake Order webpage. If you do not have records of groundwater extractions, prior to receiving the Order, you may estimate volumes. You will report these measurements in Report 2.

Property Information

You are receiving this letter as the owner of record of the land parcel(s) listed below. The Order applies to you and all agents, successors in interest, grantees, and assigns thereto. If someone else extracts, diverts, or uses water on your property, you are expected to notify that person of the Order. As the recipient of the Order, you are ultimately responsible for compliance with the Order.

As noted above, these deadlines differ from previous deadlines. You are only required to follow the deadlines listed in this letter and the enclosed Order. Even if you are not currently pumping groundwater or diverting surface water, you must comply with the Order. If you fail to comply with the Order, you may be fined or subject to other enforcement action. This Order does not replace any other reporting requirements. Please continue to comply with all reporting requirements you may be subject to.

<<PRIMARY OWNER>>

June 7, 2024

All requirements in the Order pertain to all parcels identified in the following list:

Assessor Parcel Numbers (APNs): <<APNS>>

Sincerely,

A handwritten signature in black ink, appearing to read 'JB' with a flourish.

Jessica Bean
Assistant Deputy for Drought and Water Rights Modernization
Division of Water Rights

Enclosure: 1. Order 2024-0003-DWR: Information Order and Reporting Requirements
 in the Matter of Water Use in the Clear Lake Watershed
 2. Frequently Asked Questions
 3. Information Required in Reports 1 and 2
 4. Items to Gather Before You Begin Report 1

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

DIVISION OF WATER RIGHTS

ORDER 2024-0003-DWR

**INFORMATION ORDER AND REPORTING REQUIREMENTS IN THE MATTER OF
WATER USE IN THE CLEAR LAKE WATERSHED**

<<PRIMARY OWNER OFFICIAL>>

Diversion, extraction, or water use related to the following Assessor Parcel Numbers
(APNs): <<APNS>>

FINDINGS:

1. On March 24, 2023, Governor Newsom issued Executive Order N-5-23, which directs the State Water Resources Control Board (State Water Board or Board) and California Department of Fish and Wildlife to evaluate minimum instream flows and other actions needed to protect the Clear Lake hitch (hitch); work with water users, Native American Tribes, and other parties on voluntary measures; and consider emergency regulations to establish minimum instream flows to mitigate the effects of drought.
2. On December 6, 2023, the State Water Board adopted the Emergency Information Order Regulations for the Clear Lake Watershed (Emergency Regulations or Regulations).¹ Board Resolution 2023-0044 adopted the Emergency Regulations and describes the need for the Regulations and their intent; that resolution is hereby incorporated by reference into this Order. The Regulations were approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on January 22, 2024.
3. The Emergency Regulations authorize the Deputy Director for the Division of Water Rights (Deputy Director) to issue, to some or all water users in the Clear Lake Watershed,² an order requiring them to provide information related to diversion, extraction,³ or use of water relevant to the Board's Clear Lake hitch protection efforts, including groundwater well location and depth, beneficial uses of diverted or extracted water, place of use of diverted or extracted water, volume and timing of

¹ California Code of Regulations, title 23, section 875.8.

² The Clear Lake Watershed as defined by California Code of Regulations, title 23, section 875.8.

³ Diversion and extraction are defined in California Code of Regulations, title 23, section 1050, subdivisions (c) & (d).

diversions or extractions, the basis of right with supporting documents or other evidence, parcel information, or any other information. The information collected under these orders will inform the Board's evaluation of how groundwater pumping and other water uses may influence creek flows that are critical for hitch spawning and migration and will assist the Board's efforts to protect the hitch population as well as other reasonable and beneficial diversions and uses of water in the watershed.

4. The Deputy Director has determined that information related to diversion, extraction, or use of water relevant to the Board's Clear Lake hitch protection efforts is needed from properties located within the Big Valley Groundwater Basin; within approximately 1,000 feet of Rodman Slough, Middle Creek, Lyons Creek, Clover Creek, Tule Lake, Blue Lakes, Scotts Creek, Adobe Creek, Kelsey Creek, Cole Creek, Manning Creek, and/or McGaugh Slough; upstream of hitch spawning habitat that may have substantial surface water diversions; and/or in areas where groundwater may be connected to key hitch spawning habitat.

IT IS HEREBY ORDERED:

1. This Order shall take effect the day after issuance.⁴
2. "Recipients of this Order" means the owner of record or persons responsible for the land parcel(s) listed on page 1 of this Order and includes all agents, successors in interest, grantees, lessees, tenants, and assigns thereto. Recipients of this Order are responsible for collecting the information needed to respond to this Order.
3. "Clear Lake Order webpage" means the State Water Board webpage located at the following web address: waterboards.ca.gov/clearlakehitch/order.
4. Recipients of this Order shall submit to the State Water Board two reports using the Board's online reporting platform as discussed in paragraph 5. Report 1 shall be submitted **within 14 calendar days of receiving the Order**. Report 2 shall be submitted no later than **August 31, 2024 or within 14 calendar days of receiving the Order, whichever date is later**. The information required in these reports is available at the Clear Lake Order webpage.
5. The Board's online reporting platform can be accessed through the Clear Lake Order webpage. The platform requires the following access code: **ClearLake**.
6. Recipients of this Order shall measure and record their weekly groundwater extraction volumes by well from **March 1, 2024**, through **July 31, 2024**, using a method approved by the Board. Recipients of this Order shall identify the method

⁴ Recipients of this Order may submit a petition within 30 days of the date of the Order to request that the State Water Board reconsider the Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition for reconsideration should be emailed to ClearLakeHitch@waterboards.ca.gov.

they will use to obtain these measurements as part of Report 1. Recipients shall report the actual measurements as part of Report 2. Acceptable measurement methods for the purposes of this Order are available at the Clear Lake Order webpage. If records are not available for groundwater extractions that occurred prior to receiving this Order, estimations are permitted.

7. Recipients of this Order shall provide the requested information within the deadlines specified in the Order. The Deputy Director or delegee may grant additional time for submission of information upon substantial compliance with the specified deadline and a showing of good cause.
8. The Division may issue additional requests pursuant to this Order, if necessary, to clarify or complete the initial information request and response as necessary. Any updates or modifications to this Order will be sent by email or posted online on the Clear Lake Order webpage.
9. Violation of this Order shall be subject to enforcement and any applicable penalties, including but not limited to those authorized pursuant to Water Code sections 1052, 1058.5, and 1846. Pursuant to Water Code section 1846, failure to comply with an information order is subject to a penalty of up to five hundred dollars (\$500) per day.
10. 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.
11. Nothing in this Order shall excuse individual water right holders or water users from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement.

STATE WATER RESOURCES CONTROL BOARD



*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: June 7, 2024