



State Water Resources Control Board

November 15, 2022

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INFORMATION ORDER FOR STATEMENTS OF WATER DIVERSION AND USE IN THE SCOTT RIVER ADJUDICATION AREA (STATE WATER BOARD ORDER WR 2022-0163-DWR)

The enclosed Information Order (Order) requires submittal of information regarding Statements of Water Diversion and Use and adjudicated water rights in the Scott River Adjudication Area¹. The purpose of this Order is to obtain, update, or confirm limited information regarding adjudicated water rights for the purposes of implementing curtailments during the irrigation season in accordance with water rights priorities.

You are receiving this letter as the owner of record for the water right(s) listed in Table A on Enclosure 1. You are required to use the online portal to provide information regarding these water rights as described in this Order.

Required Response – Scott Adjudication Statement Information Form

By December 9, 2022, all water right holders or their agents receiving this Order are required to submit the Scott Adjudication Statement Information Form for **each** water right listed in Table A. Login information is provided in Table A at the end of this document. You must access and complete the form online at:

<https://public.waterboards.ca.gov/WRIInfo>

If you believe you have received this Order in error, please contact staff by email at: **ScottShastaDrought@waterboards.ca.gov** or by leaving a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113.

Timely and accurate completion of the required form(s) can help you avoid unnecessary enforcement proceedings. 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.

¹ For the purposes of this Order, the Scott River Adjudication Area is the area defined as the “Scott River Stream System” in Paragraph 2 of the **Scott River Adjudication** (https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/scotriver_jd.pdf). The Scott River Stream System as defined in the Scott River Adjudication does not encompass the entire Scott River Watershed.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Background and Emergency Regulation

On June 21, 2022, the State Water Board readopted an emergency regulation, with amendments, 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 amended Regulation went into effect on July 29, 2022. The Regulation is available online.²

Many of the points of diversion in the Scott River Adjudication have changed since 1980, when the original decree was entered, as properties have changed hands, users have switched from surface water to groundwater, and fish screens have been installed. The Board is seeking additional information so that it can implement the emergency regulation more precisely and fairly throughout the watershed.

Information Order

Under section 875.8 of the Regulation, the Deputy Director may issue information orders to landowners or water right holders in the Scott River and Shasta River watersheds, requiring them to provide information related to water use as needed to implement the Regulation.

This information will help ensure fair implementation of the Regulation and will help prevent unnecessary curtailments. Your compliance with this Order is greatly appreciated, and the resulting information will be critical for local approaches for water management in the watershed.

Request for Reconsideration

You may submit a petition within 30 days of the date of the Order 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 for reconsideration should be emailed to:

ScottShastaDrought@waterboards.ca.gov.

Questions, Resources, and How to Stay Informed

Please review the enclosed Scott Statement Information Order Help Guide. This help guide and other resources can be found on the **Scott River and Shasta River Watersheds Drought Response webpage**³. You may also contact staff by email at: **ScottShastaDrought@waterboards.ca.gov** or by leaving a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113. 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.

² https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/klamath_reg_searchable.pdf

³ https://www.waterboards.ca.gov/drought/scott_shasta_rivers/

We encourage you to sign up for the “Scott-Shasta Drought” Email Subscription List under “Water Rights”.⁴ 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 1: Information Order for Statements of Water Diversion and Use in the Scott River Adjudication Area, including Table A

Enclosure 2: Scott Statement Information Order Help Guide

⁴ https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

«Primary_Owner»

November 15, 2022

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER WR 2022-0163-DWR

**IN THE MATTER OF WATER RIGHT(S) OF
«Primary_Owner»¹**

**INFORMATION ORDER FOR STATEMENTS OF WATER DIVERSION AND USE IN
THE SCOTT RIVER ADJUDICATION AREA**

ISSUED NOVEMBER 15, 2022

FINDINGS:

1. The Scott River Adjudication² was completed in 1980. The adjudication included all surface water rights in the Scott River Adjudication Area, all rights supporting underflow, and all groundwater rights in a specific area³, includes rights in enumerated paragraphs, as well as in various schedules. The text, tables, maps, and schedules in the Scott River Adjudication provide information regarding the relative priorities of the water rights, as well as information regarding the place of use, the purpose of use, and the point of diversion for those water rights. Many of the points of diversion in the Scott River Adjudication have changed since 1980, when the original decree was entered, as properties have changed hands, users have switched from surface water to groundwater, and fish screens have been installed. However, the Scott River Adjudication has not always been updated to reflect such changes, and as a result there is no longer sufficient information to validate or verify many of the water rights listed in Scott River Adjudication.
2. Water Code section 5101 requires diverters statewide to submit statements of water diversion and use (subject to certain exceptions not relevant here). Water Code section 5103 describes the information required in such statements. It does not

¹ You are receiving this Order as the owner of record for the water right(s) listed in Table A. This Order applies to you and all agents, successors in interest, grantees, and assigns.

² "Scott River Adjudication" shall refer to the Decree entered on January 30, 1980 in Siskiyou County Superior Court Case No. 30662, *In the Matter of Determination of the Rights of the Various Claimants to the Waters of Scott River Stream System, Except Rights to Water of Shackleford Creek, French Creek, and all Streams Tributary to Scott River Downstream from the U.S. Geological Survey Gaging Station, in Siskiyou County, California.*

³ Groundwater rights were only adjudicated for a specific portion of the Scott River watershed. The adjudicated area is described in Paragraph 4 of the Scott River Adjudication and is referred to as "Interconnected Ground Water" in the Scott River Adjudication.

require submission of information linking the statement to a specific diversion in a water right decree. As a result, most statements from tributaries to the Scott River cannot be linked to specific rights under the Scott River Adjudication and the priorities set forth therein.

3. On July 29, 2022, amendments to 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”) went into effect.
4. Among other items, 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.
5. Section 875.5, subdivision (a), of the Emergency Regulation sets forth the water right priority order in which curtailments will go into effect in the Scott River watershed. Section 875.5, subdivision (a)(1)(A)(viii), or “Group 8” in the Emergency Regulation describes surface diversions located on tributaries to the Scott River (with the exception of certain junior rights not at issue here). “Group 8” includes Schedule B and various non-scheduled water rights in the tributary watersheds in the Scott River Adjudication. “Group 8” also includes water rights with various priorities under the Scott River Adjudication.
6. The Division of Water Rights uses information from the Scott River Adjudication, information reported in Statements of Water Diversion and Use, and other available information to develop demand projections for implementing the Emergency Regulation. In some cases, these different sources of unlinked data cause double counting of the same water use.
7. The Division of Water Rights requires limited additional information about the specific water rights in Table A in order to link the demand information from Statements of Water Diversion and Use to the various priorities in Group 8 under the Emergency Regulation.
8. The primary purpose of this Order is to obtain, update, or confirm limited information regarding Statements of Water Diversion and Use for the purposes of implementing curtailments during the irrigation season in accordance with water rights priorities. Under the Emergency Regulation, the Deputy Director for the Division of Water Rights (Deputy Director) 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 water diversion and use of water relevant to implementing the Regulation. (Cal. Code Regs., tit. 23, sec. 875.8.) The Deputy Director, in determining whether and the extent to which to impose information orders under this subdivision, will consider the need for the information and the burden of producing it, and will take reasonable efforts to avoid requiring duplicative reporting of information that is already in the State Water Board’s possession. The Deputy Director will prioritize information orders for larger diverters and landowners or water right holders with the

- highest potential to impact surface flows. (Cal. Code Regs., tit. 23, §875.8, subd. (a).)
9. This information is otherwise not readily obtainable because it depends on knowledge of various changes and transactions since 1980, including potential changes in ownership, diversion source, and points of diversion, and because these water rights are not water mastered.
 10. Water right holders are best situated to have information on these transactions. (See, e.g., State Water Board Order WR 2006-0001, at p. 14 [discussing, in the context of pre-1914 rights, that, as a matter of “reasonable prudence,” water right holders should have documentation of their rights at hand].)
 11. To the extent that diverters do not have the information regarding adjudicated rights at hand, or require assistance, Division of Water Rights staff are available assist.
 12. The Division of Water Rights has created the Scott Adjudication Statement Information Form which shall be accessed and completed via the following website link: <https://public.waterboards.ca.gov/WRIInfo>. **Submittal of this form is required by December 9, 2022.** Timely reporting will allow the State Water Board to process the information efficiently during this drought emergency. The Deputy Director may grant additional time for the submission of information regarding water diversion and use of water upon a showing of good cause. Each recipient of this Order is responsible for immediately providing notice of this Order to any or all agents, successors in interest, grantees, and assigns thereto required to provide complete information.

IT IS HEREBY ORDERED:

1. This Order shall be effective on November 15, 2022.
2. The Scott Adjudication Statement Information Form must be completed and submitted for each water right listed in Table A. Table A lists the Water Right Identifier(s) and Password(s) to be used to provide the information. The Scott Adjudication Statement Information Form shall be accessed and completed via the following website link: <https://public.waterboards.ca.gov/WRIInfo>. The Scott Adjudication Statement Information Form must be submitted **by December 9, 2022.**
3. Each recipient of this Order shall submit, under penalty of perjury, the information described on the Scott Adjudication Statement Information Form, as described below:
 - i) Contact Information for the person completing the form, and any applicable address or contact information corrections.
 - ii) For each water right exercised at the point of diversion associated with the listed Statement(s) of Water Diversion and Use, please provide, as applicable:

- a. For paragraph-listed rights in the Scott River Adjudication: The numbered paragraph where the right is described.
 - b. For scheduled rights in the Scott River Adjudication: The Adjudicated Water Right ID.
 - c. For all water rights associated with the Scott River Adjudication: Any changes in the exercise of the water right that differ from description in the Adjudication, including, but not limited to:
 1. Point of Diversion; and
 2. Place of Use.
 - d. Whether groundwater is used to irrigate the same place of use as the place of use identified in the Statement of Water Diversion and Use.
 - e. If your water right(s) are not associated with the Scott River Adjudication: Provide the alternative basis of right (e.g., riparian, pre-1914).
- iii) List any adjudicated water rights you own that are not reported under a Statement of Water Diversion and Use.
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. This Order applies to the water right(s) listed in Table A.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl
Deputy Director
Division of Water Rights

Dated: November 15, 2022

Table A. Water Rights Subject to Information Order

The Water Right ID and Password are provided below. Please use this information to complete the Scott Adjudication Statement Information Form, which is available online at: <https://public.waterboards.ca.gov/WRIInfo>. When available, information related to the potential associated adjudicated water right is provided. The Order recipient shall provide the requested information and/or confirm whether this information is correct and provide updated information, as applicable.

Water Right ID	Password	Potential Associated Adjudicated Water Right¹
«WR1»	«Pass1»	«Decree1»
«WR2»	«Pass2»	«Decree2»
«WR3»	«Pass3»	«Decree3»
«WR4»	«Pass4»	«Decree4»
«WR5»	«Pass5»	«Decree5»
«WR6»	«Pass6»	«Decree6»
«WR7»	«Pass7»	«Decree7»
«WR8»	«Pass8»	«Decree8»
«WR9»	«Pass9»	«Decree9»
«WR10»	«Pass10»	«Decree10»
«WR11»	«Pass11»	«Decree11»
«WR12»	«Pass12»	«Decree12»
«WR13»	«Pass13»	«Decree13»

¹ Division of Water Rights staff reviewed Initial Statements of Water Diversion and Use data to determine if Adjudicated Water Right IDs were provided as part of the statement. If such data are available, it is listed in the third column.

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Enclosure 2: Scott Statement Information Order Help Guide

Overview and Background

The purpose of this Help Guide is to provide background information regarding the **Scott River Adjudication**¹. This information may be helpful to understand Scott River water rights as related to responding to the Information Order and submittal of the information required in the Scott Adjudication Statement Information Form.

Statements of Water Diversion and Use

Every surface water diversion in the state of California must annually report their water diversion and use. Most surface water diverters report this information to the State Water Resources Control Board (State Water Board) Division of Water Rights². Some types of water rights (for example, if you have a pre-1914 appropriative right or a riparian right) comply with annual reporting requirements by first filing an Initial Statement of Water Diversion and Use (**Statement**)³ with the Division of Water Rights.

The purpose of this Information Order is to connect adjudicated water rights in the Scott River watershed with Statements on file with the Division of Water Rights. In general, if you have filed a Statement for a diversion in the Scott River watershed, you should have an adjudicated water right associated with that Statement. However, there are exceptions, and because records were not always updated within the Adjudication, the State Water Board is seeking additional information to help link statements and diversions with adjudicated rights listed in the Scott River Adjudication.

If you are unfamiliar with your Statement, please review the Initial Statement that you or the previous owner of your property filed with the State Water Board. To see your Initial Statement:

1. Go to the **Water Rights Record Search** at this link:
<https://ciwqs.waterboards.ca.gov//ciwqs/ewrims/EWMenuPublic.jsp>
2. Go to the **Water Rights Record Search** at this link:
<https://ciwqs.waterboards.ca.gov//ciwqs/ewrims/EWMenuPublic.jsp>

¹ The formal reference for the “Scott River Adjudication” is the Decree entered on January 30, 1980 in Siskiyou County Superior Court Case No. 30662, *In the Matter of Determination of the Rights of the Various Claimants to the Waters of Scott River Stream System, Except Rights to Water of Shackleford Creek, French Creek, and all Streams Tributary to Scott River Downstream from the U.S. Geological Survey Gaging Station, in Siskiyou County, California*.

² If a surface water diversion is under watermaster service, the watermaster reports to the State Water Board on the diverters behalf.

³ An Initial Statement is not a confirmed water right; it is a statement made by the person or organization who diverted and used the water and indicates the claimed basis of right. An Initial Statement describes how and where water is being diverted and used. Diverters report their annual water diversion and use in Supplemental Statements filed online. For more information about Statements please visit: https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/index.html

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3. Enter your Water Right ID (provided in Table A at the end of the Information Order) into the “Application ID” search field.
4. Your search result should return a table. Under the “Appl ID” field, click on the blue underlined link, which should be a link with the text of your Water Right ID.
5. The next screen should be a summary page for your Statement. Click the “View Document” link next to the Application ID field to access your Initial Statement of Water Diversion and Use.

Scott River Adjudication

An adjudication is a formal proceeding that quantifies and prioritizes all water rights and integrates them into a comprehensive court judgment. In the Scott River watershed, the adjudication began in 1971 and concluded in 1980 with the issuance of the 1980 Scott River Adjudication. A copy of the [**Scott River Adjudication**](#) can be found online (https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/scottriver_jd.pdf). In this help guide, page numbers cited will refer to page numbers written in the Adjudication and not of the online version unless otherwise indicated.

The Scott River Adjudication addresses almost all rights in the Scott River watershed, but there are a few categories of rights that it does not cover. Water rights that are **not** defined in the Scott River Adjudication consist of:

1. Surface water rights in the French Creek sub-watershed (adjudicated in a prior [**1958 decree**](#))
https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/frenchcreek_jd.pdf.
2. Surface water rights in the Shackleford Creek sub-watershed (adjudicated in a prior [**1950 decree**](#)):
https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/shacklefordcreek_jd.pdf.
3. Surface water rights on tributaries to the Scott River that are located downstream of the [**United States Geological Survey Fort Jones gage**](#), which is located in Scott River Canyon.
4. Groundwater rights for wells located outside of the Interconnected Groundwater Zone as defined in the Scott River Adjudication.
5. Water rights in the Scott River watershed that were issued to diverters after the Scott River Adjudication (or the French Creek or Shackleford adjudications, in those tributary watersheds).

Scott River Adjudication Organization

The adjudicated water rights include all surface water rights, all rights to underflow, and all rights to “interconnected groundwater” (Paragraph 1, Scott River Adjudication). The Scott River Adjudication assigns most diversions a three-part number or Adjudicated Water Right ID. The structure of the Adjudicated Water Right ID is: **Point of Diversion Number – Map Sheet Number – Schedule Number**. For example, the City of Etna’s Adjudicated Water Right ID is 250-13-B17. The three elements of the Adjudicated Water Right ID are explained in more detail below:

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- Point of Diversion Number
 - (a) Each diversion is given a Point of Diversion Number between 1 and 726 that tracks the diversion in the text and maps of the Scott River Adjudication.
 - (b) For example, the City of Etna's water right is associated with Point of Diversion Number 250. The place of use associated with Diversion 250 is in Schedule 1 (pg. 32), the point of diversion coordinates can be found in Schedule 2 (pg. 68), and the quantity and priority associated with Diversion 250 is in Schedule B17 (pg. 97).
- Map Sheet Number
 - (a) The Scott River Adjudication includes 20 maps sheets showing property boundaries in 1980 and points of diversion, places of use, and stream locations.
 - (b) The map sheets are posted online [here](https://www.sswatermaster.org/scottmaps) (<https://www.sswatermaster.org/scottmaps>) or starting on pg. 169 of the Scott River Adjudication online version.
 - (c) For example, the City of Etna's Diversion 250 is shown on map sheet 13.
- Schedule Number
 - (a) The Scott River Adjudication places water rights into different lettered schedules. The schedules describe the source of water, the type of water right, and the priority and quantity of each water right. A summary of these schedules is provided in Table 1.
 - (b) For example, Schedule B17 on page 97 of the Scott River Adjudication lists the City of Etna as having a 2.40 cubic feet per second (cfs) right in 1st priority.

Table 1. Scott River Adjudication Schedules

Scott River Adjudication Schedule (pages)	Description of Schedule	Notes
Schedule 1 (pgs. 25 – 65)	Descriptions of Places of Use	This schedule describes the places of use for all of the water rights listed in the other schedules.
Schedule A (pg. 75)	Special Class Rights (e.g., small springs)	These are typically diversions from small springs that do not flow to streams and are mostly used for domestic and small irrigation.
Schedule B1-B40 (pgs. 76 – 131)	Independent Tributary Streams	Each schedule (e.g., B1, B2...) refers to separate tributaries or reach of tributary. There are priority rights set in the schedule.

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Scott River Adjudication Schedule (pages)	Description of Schedule	Notes
Schedule C (pgs. 132 – 135)	Groundwater Interconnected with the Scott River	The Scott River Adjudication delineates an interconnected groundwater zone and allows as much water as is reasonably required to irrigate the acreage to be pumped.
Schedule D1-D5 (pgs. 136 – 144)	Natural Flow of Scott River (i.e., Mainstem of Scott River)	Each schedule (e.g., D1, D2...) refers to a separate reach of the mainstem. The location of each D reach is described at the top of each schedule.
Schedule E (pgs. 145 – 152)	Post-1914 Appropriative Rights	Post-1914 appropriative rights that are located throughout the Scott River watershed. These are rights that have permits or licenses with the State Water Board.

A small number of water rights in the Scott River Adjudication are listed or described in the various numbered paragraphs of the adjudication, rather than in the schedules. These “Special Provisions” start on paragraph 36 (page 9 of the Adjudication).

Determining Your Scott River Adjudication Water Right ID

If you do not know what adjudicated water rights you own, you may need to research the water rights underlying your water right claim. The Scott River Adjudication shows ownership of water rights in the Scott River watershed in 1980. Unless otherwise indicated, ownership of water rights is presumed to transfer with changes in ownership of the place of use of the water right. If you presently own property that is listed as a place of use for a water right in the Scott River Adjudication, you are likely to own the water right associated with that place of use.

There are multiple ways to determine your Adjudicated Water Right ID:

- (1) Review your Initial Statement of Water Diversion and Use. The Adjudicated water right may be mentioned there.
- (2) Review your property and related purchase records to see if there are water rights mentioned. Adjudicated water rights may be mentioned in a deed or other types of property transfer documents.
- (3) If you know who owned your property in 1980, you can look up their name in Schedule 1 (pg. 26-65) of the Scott River Adjudication in to see the water rights associated with that owner. For example, the City of Etna rights are listed on page 32 of the Scott River Adjudication in the alphabetical “E” section. Remember that the water right information in the Scott River Adjudication is often listed in **Point of Diversion Number – Map Number – Schedule Number** format.

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- (4) If you do not know who owned your property in 1980, you may locate your property on the Scott Adjudication Map Sheets. The “Index to Sheets” map (pg. 169 of the online version) is an important reference to help you figure out what map sheet your property is located on. Once you find the right map sheet to look at, you will see 1980 parcel boundaries indicated in bold black dashed lines. Each circle on the map sheet shows the Point of Diversion Number and Schedule Number. For example, the City of Etna diversion is shown on Map Sheet 13 as a circle with 250 (point of diversion number) and B17 (schedule number). In this example, you can look to Schedule B17 at diversion 250 to find that this water right was owned by the City of Etna in 1980.
- (5) Once you have found the Schedule number (for example B17 for City of Etna) on the map sheet or by looking at the alphabetical list in Schedule 1, then you can go to that schedule in the Scott River Adjudication to view more information about that water right. For example, the City of Etna water right can be found on page 97 of the adjudication in Schedule B17.
- (6) Another good source of information is the Table of Contents in the Scott River Adjudication (pgs. ii- iii) where you can find which streams in the watershed are related to which schedules. If you know which stream you own land on you can look to the table of contents to find the correct schedule to refer to in completing the Scott Adjudication Statement Information Form.

If you cannot link an Adjudicated Water Right ID to your property and your water use is non-consumptive, timber harvesting, road building, road maintenance, or domestic you may be able to claim a water right under the “Special Provisions” set in paragraph 39, 40, or 42 (see pgs. 10-11 in the Scott River Adjudication).

Scott River Adjudication and Maps

The Scott River Adjudication and Maps are posted [here](#) (https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/scottriver_jd.pdf). The Maps start on page 169 of the online version of the document.

Assistance and Contact Information

If you need assistance following review of this Help Guide, you may contact staff by email at: ScottShastaDrought@waterboards.ca.gov or by leaving a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113. 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.

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