

Scott River and Shasta River Curtailment Response Assistance Webinar

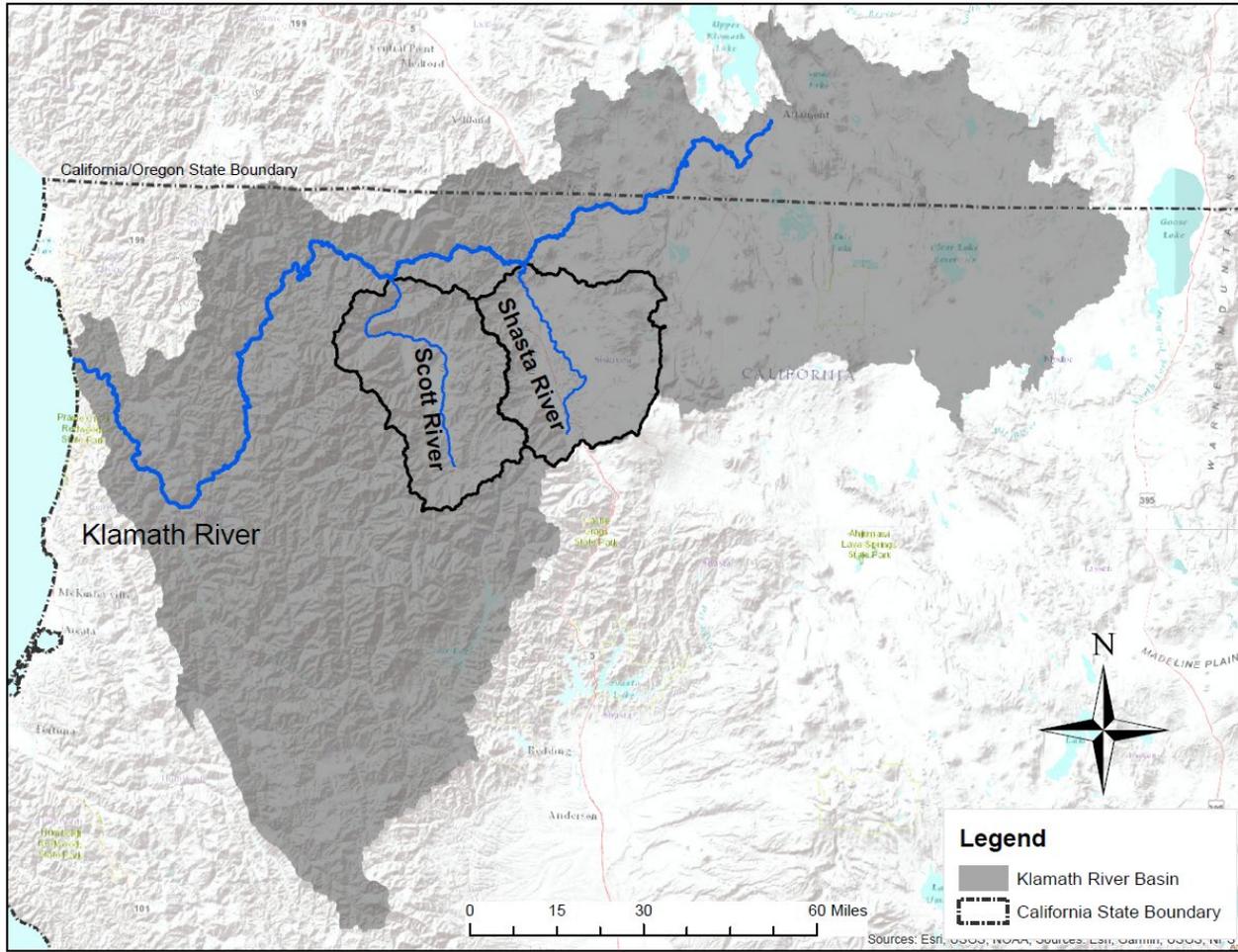
September 23, 2021



Webinar Logistics and Housekeeping

- Recording will be posted on the [Scott River and Shasta River Watershed Drought Response webpage](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/) at:
https://www.waterboards.ca.gov/drought/scott_shasta_rivers/
- How to ask questions during presentation:
 - Type your question into the **Zoom chat** at any time
 - **Send email** to: ScottShastaDrought@waterboards.ca.gov with subject line “9/23 Webinar Question”

Klamath River Watershed



Presentation Outline

- **Overview:**
 - Emergency Regulation
 - Four Curtailment Orders
 - Responding to Curtailment Orders
- **Tutorial and Q&A**
 - Curtailment – Known Water Diversions
 - Curtailment – Parcel Order
 - Human Health and Safety
- **How to Stay Up-to-date**

*Six Rivers
National
Forest*



D3 - Extreme Drought



Siskiyou County



D4 - Exceptional Drought

*Modoc
National
Forest*

Scott and Shasta River watersheds have had two consecutive years of below-average precipitation and snowpack.

Redding

Emergency Regulation

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

- Emergency Curtailment in order of Priority to Protect Fish
- Exceptions
 - Minimum Health and Safety Needs
 - Minimum Diversions for Livestock Watering
 - Non-consumptive Uses
- Prohibits Inefficient Livestock Watering
- Local Cooperative Solutions
- Reporting Requirements:
 - Curtailment
 - Other Information





Scott River - Drought
Emergency Minimum
Flows (875c.1.A.)

As measured in cubic feet per second at the Fort Jones Gage:

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
200	200	200	150	150	125	50	30	33	40	60	150



Shasta River - Drought
Emergency Minimum
Flows (875c.2.A.)

As measured in cubic feet per second at the Yreka Gage:

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
135	135	135	70	50	50	50	50	50	125	150	150

Curtailment Order Reporting § 875.6



REPORT

- **Must Certify One or More of Following:**
 - Diversion Ceased
 - Continued Use Is:
 - Under Other Water Rights Not Subject To Curtailment
 - Only for Instream Purposes
 - Diversions Continue Only Under An Exception:
 - Minimum Human Health and Safety
 - Minimum Livestock Watering
 - Non-Consumptive Use
- Diversions above the exception requirements following approval of a Petition



Minimum Human Health and Safety Needs §875.2(a)

- Amount of Water Necessary for Prevention of Adverse Impacts to Human Health and Safety, With No Feasible Alternate Supply
 - Indoor Domestic Use – 55 gal/person/day
 - Critical Energy Sources
 - Fire Prevention or Recovery
 - Air Quality Protection
 - Prevention of Public Health or Safety Threats
 - Other Uses Necessary for Human Health and Safety, including Reforestation-related Efforts



Minimum Diversions for Livestock Watering § 875.3

Minimum Diversions for Livestock

- Self Certification to Board that -
 - Necessary for livestock
 - Conveyed without seepage (pipes, wells, lined ditches)
 - Does not exceed provisions of 23 Article 5 § 697
- Petitions must be submitted to State Water Board to request amounts in excess of 23 Article 5 § 697



Non-Consumptive Uses §875.1

- Hydropower Diversion
- Water Rights Dedicated to Instream Uses
- Substitutions of Water
- Other Direct Diversions Solely for Non-Consumptive Uses
- Must File Certification with State Water Board
 - Describes non-consumptive use, and
 - Includes supporting evidence that use does not decrease downstream flows

Prohibition of Inefficient Livestock Watering § 875.7



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- Prohibits Inefficient Livestock Watering
 - September-January: cannot divert more than 10 times reasonable amount (§ 697)

Compliance and Penalties § 875.9

- Failure to Meet Regulation Requirements or Comply with Orders Constitutes Violation and Infraction of Water Code
- Total liability: Up to \$1,000/Day of Violation

Notable Dates Related to Regulation Response

- August 30, 2021: Effective date of regulation
- September 10, 2021: Four curtailment orders mailed for Scott River and Shasta River watersheds
- Curtailment goes into effect the date it is received
- Water right holder, agent of record, or landowner is responsible for immediately notifying all diverters exercising the water right
- Reporting Requirements are 10 - 14 days later

What does THAT mean?

- **Adjudication/Decree** – A court decision that defines water rights and priorities for a given area
 - **Post-adjudication water rights** – Issued after the adjudication
- **Appropriative Groundwater** – When diverter: 1) does not own land overlying the basin, 2) owns overlying land but uses the water on non-overlying land, or 3) sells or distributes the water to another party
- **Curtailment Order** – An order that requires diverters to cease diversion of water
- **eWRIMS** – State Water Boards water rights database
- **Water Right** – Legal surface water or groundwater diversions

What curtailments are in effect now?

Scott River Watershed

- All surface water and groundwater diversions

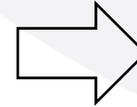
Shasta River Watershed

- Appropriative groundwater, post-adjudicated surface water, and adjudicated surface water post-November 1912

Scott River Watershed: Three Curtailment Orders



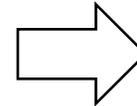
ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS FOR **REPORTED WATER RIGHTS IN THE SCOTT RIVER WATERSHED**



KNOWN SURFACE WATER RIGHTS (For those that report to eWRIMS or Watermaster)



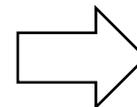
ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS FOR **ADJUDICATED GROUNDWATER RIGHTS IN THE SCOTT RIVER WATERSHED** (ORDER WR 2021-0083-DWR)



ADJUDICATIVE GROUNDWATER RIGHTS



ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SCOTT RIVER WATERSHED FOR **WATER RIGHT(S) ASSOCIATED WITH THE PARCEL(S)** LISTED IN ATTACHMENT A AND NOT OTHERWISE CURTAILED (ORDER WR 2021-0084-DWR)



LANDOWNERS NOT SERVED BY MUNICIPAL WATER SERVICES

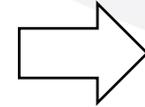
Scott Watershed Parcel Order: When You Don't Need to Report

- 1) If you do not divert surface water or use a groundwater well
- 2) Divert less than 2 acre-feet per year of groundwater; or
- 3) Already reported in response to other orders

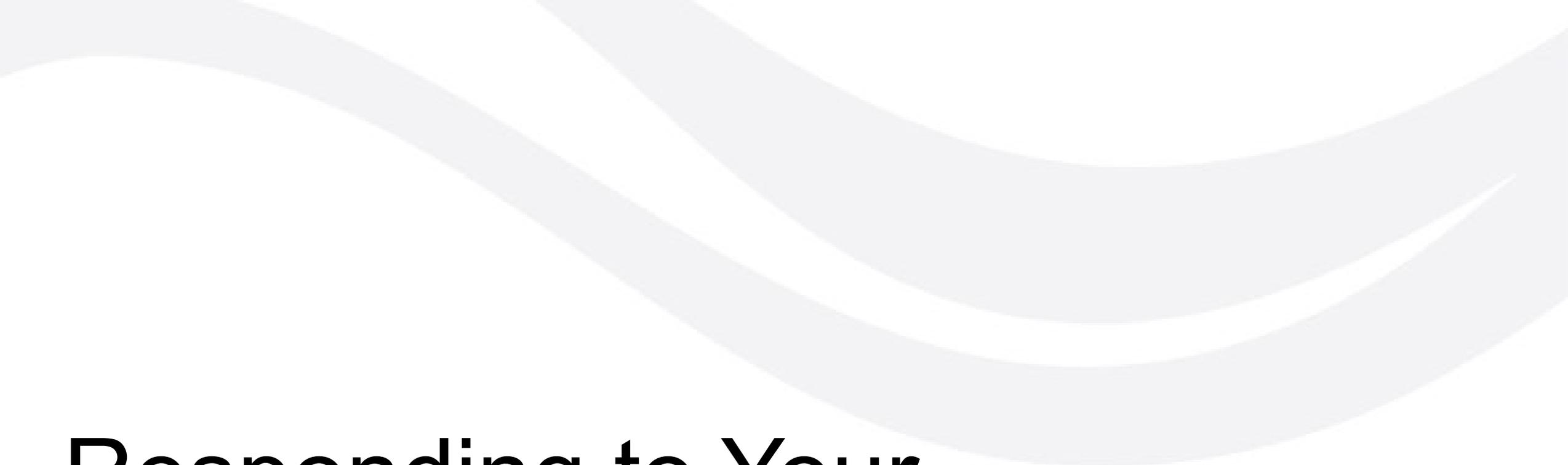
Shasta River Watershed: One Curtailment Order



ORDER IMPOSING WATER RIGHT
CURTAILMENT AND REPORTING
REQUIREMENTS IN THE
SHASTA RIVER WATERSHED
(ORDER WR 2021-**0082**-DWR)



APPROPRIATIVE GROUNDWATER,
POST-ADJUDICATED SURFACE WATER,
&
ADJUDICATED SURFACE WATER TO
1912



Responding to Your Curtailment Order(s)

After receiving a Curtailment Order...

1. Stop all diversions associated with water right(s)

2. Complete Applicable Curtailment Certification Form using Survey Submittal Portal – visit <https://public.waterboards.ca.gov/WRInfo>
 - A. Your login and password are provided in **Attachment A** of Curtailment Order
 - B. Complete **“Scott Shasta Curtailment Certification”** form or **“Scott Parcel Curtailment Cert. & Diversion Info.”** form
 - C. Upon survey completion, you may download a PDF copy by selecting "Show as PDF" at bottom of form
 - D. Form(s) confirm you stopped diverting or indicates you are pursuing an exception

After receiving a Curtailment Order ...

(continued)

3. Take steps to secure an alternative water supply, if needed
4. Determine if you need an exception and submit the applicable form(s) to continue diverting for:
 - Human Health and Safety
 - Livestock Watering
 - Non-consumptive Uses

After receiving a Curtailment Order...

(continued)

Must complete the “**Scott-Shasta Health and Safety Needs Certification**” Form if:

- You plan to continue diverting for minimum human health and safety under 55 gallons per person per day
- You plan to **petition** to divert more than 55 gallons per person per day for minimum human health and safety

After receiving a Curtailment Order...

(continued)

Must complete the “**Scott-Shasta Minimum Livestock Diversion Cert.**” Form if:

- You plan to continue diverting for livestock at amounts less than those established in Article 5, Section 697
- You plan to **petition** to divert more than allowed under Article 5, Section 697

Minimum Livestock Watering Amounts (Cal. Code Regs., tit. 23 § 697)

- Range Cattle and Horses: 15 gallons per day per head
- Hogs and Goats: 2.5 gallons per day per head
- Sheep: 1.5 gallons per day per head
- Poultry, Rabbits, etc.: 0.25 gallon per day per head
- Milch Cows: 30 gallons per day per head
- Hosing out Dairy Barn: 35 gallons per day per head

After receiving a Curtailment Order...

(continued)

Must complete the “**Scott-Shasta Non-Consumptive Use Certification**” Form if:

- You plan to continue diverting for non-consumptive uses, such as:
 - Small hydropower where discharge is immediately returned to stream and water is not held in storage
 - Instream uses for benefit of fish and wildlife such as a Water Code section 1707 dedication
 - A substitution of releases of either stored water or groundwater into stream for benefit of fish and wildlife (if substitution has been approved by Deputy Director of the Division of Water Rights, California Department of Fish and Wildlife, and Executive Officer of the North Coast Regional Water Quality Control Board)

After receiving a Curtailment Order...

(continued)

5. You may resume diversions once **certification submitted** or **petition approved**

6. Stay informed about the status of curtailments

- Sign up online for State Water Board's email “**Scott-Shasta Drought**” distribution list under “**Water Rights**”

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

- Posted to [Scott River and Shasta River Watersheds Drought Response website](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

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

Request for Reconsideration

- If you believe curtailment order is in error, you may submit a petition for reconsideration
 - Within 30 days of the curtailment order date
- California Code of Regulations, title 23, sections 769 through 771
- Must comply with a curtailment order while petition is pending

Please submit questions during this 10-minute break

If joining via **Zoom** – type your question into the chat

If joining via phone – email your question to ScottShastaDrought@waterboards.ca.gov with subject line “**9/23 Webinar Question**” or

Raise Hand by entering *9

Circumstance specific questions will not be answered during this webinar. Please email them to ScottShastaDrought@waterboards.ca.gov so staff can best respond.



Question and Answer Session

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Self-Certification for Compliance with Curtailment Tutorial

Scott-Shasta Curtailment Certification Form

- Scott River Known Water Rights
- Scott River Adjudicative Groundwater Rights (Order WR 2021-0083-DWR)
 - Shasta River Curtailment Order (Order WR 2021-0082-DWR)

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Self-Certification for Compliance with Curtailment Tutorial

**Scott Parcel Curtailment Cert. & Diversion Info. Form
(Order WR 2021-0084-DWR)**

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Self-Certification for Human Health and Safety Exception Tutorial

Scott-Shasta Health and Safety Needs Certification

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Tutorials for Curtailment & Exception Forms

- Available Online at: [Scott River and Shasta River Watersheds Drought Response website](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)
https://www.waterboards.ca.gov/drought/scott_shasta_rivers/

Resources – Contact the State Water Board

Email:

ScottShastaDrought@waterboards.ca.gov

Scott-Shasta Drought Phone Line:

(916) 327-3113 - Leave a message; staff will return your call as soon as possible

Webpage:

[Scott & Shasta Rivers Drought Response](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

Webpage:

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

Scott/Shasta Email Subscription List:

https://www.waterboards.ca.gov/resources/email_subscriptions/

Email Subscription List

Subscribe to the Scott Shasta Drought email list to receive notifications and the latest updates.

Email Address: *(required)*

Your Full Name: *(required)*

(e.g. John Smith)

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Check your email account for a confirmation email to complete your subscription.