

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