
State Water Resources Control Board

January 7, 2022

Primary Owner
Address Line 2
Address Line 3

INFORMATION ORDER FOR LIVESTOCK DIVERSIONS IN THE SCOTT AND SHASTA RIVER WATERSHEDS (Order WR 2022-0052-DWR)

This letter and the enclosed Order impose requirements to provide information regarding winter surface water diversions for livestock watering. The purpose of this Order is to collect information to better understand the need for prohibitions on certain water diversions for livestock, whether this prohibition is needed in the future, and to assess compliance with Cal. Code Regs., tit. 23, § 875.7 – Inefficient Livestock Watering. This section of the regulation limits the amount of water that can be diverted for livestock watering between September 1 and January 31, regardless of water right curtailment status.

You are receiving this letter as the owner of record for the surface water right(s) listed in Table A. You are required to fill out each attached form(s) even if you did not divert or use surface water for livestock watering between September 1 and January 31.

Emergency Regulation

On August 17, 2021, the State Water Board adopted an emergency regulation 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 Regulation went into effect on August 30, 2021. It remains in effect for one year but could be repealed earlier if water supply conditions improve or readopted if drought conditions continue into next year. The **Regulation** is available online.¹

Information Order

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

¹ https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/klamath_reg_searchable.pdf

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*.

Required Response – Information Order Form

Within **15 calendar days** of the issuance of this Order, all water right holders or their agents receiving this Order are required to submit the attached form(s). Timely and accurate completion of the required form(s) can help you avoid unnecessary enforcement proceedings.

Questions, Resources, and How to Stay Informed

Please review resources on the **Scott River and Shasta River Watersheds Drought Response webpage**² if you have questions. You may also contact staff by email at: **ScottShastaDrought@waterboards.ca.gov** or 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.

We highly encourage you to sign up for the “Scott-Shasta Drought” Email Subscription List under “Water Rights”.³ 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: Information Order for Winter Surface Water Rights in the Shasta and Scott River Watersheds

² https://www.waterboards.ca.gov/drought/scott_shasta_rivers/

³ https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

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

DIVISION OF WATER RIGHTS

ORDER WR 2022-0052-DWR

**IN THE MATTER OF WATER RIGHT(S) OF
Primary Owner¹**

**INFORMATION ORDER FOR WINTER SURFACE WATER RIGHTS IN THE SHASTA
AND SCOTT RIVER WATERSHEDS**

ISSUED JANUARY 7, 2022

FINDINGS:

1. On August 17, 2021, the State Water Resources Control Board (State Water Board or Board) adopted 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”). The Regulation went into effect on August 30, 2021, when it was approved by the Office of Administrative Law and filed with the Secretary of State. State Water Board [Resolution No. 2021-0029](#) adopted the Regulation, and describes the need for the Regulation and its intent.
2. 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. The Regulation also finds that during the fall migration season for fall-run Chinook and coho salmon (September through January), excessive surface water diversions for a small amount of water delivered for livestock watering beneficial use are not reasonable in light of the alternatives available and needs of the fishery. Inefficient surface water diversions for livestock watering are those that divert, as measured at the point of diversion, more than ten times the amount of water needed to support the number of livestock and reasonable water quantities set forth in Article 5, section 697. (Cal. Code Regs., tit. 23, § 875.7.)

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

3. Under the Emergency Regulation, the Deputy Director for the Division of Water Rights 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 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).)
4. The primary purpose of this Order is to assess compliance with Cal. Code Regs., tit. 23, § 875.7, which limits the amount of water that can be diverted for livestock watering between September 1 and January 31. Recipients of this Order include surface water diverters that are likely for the purpose of stockwatering. The information requested is tailored to provide the State Water Board information needed to determine compliance with the inefficient stockwater prohibition, including amounts diverted in the relevant time period (September-January), number of livestock, and any alternative stockwater sources available. This information is otherwise not readily obtainable.
5. In addition, if all curtailments are suspended, the Emergency Regulations provide an option to lift the inefficient stockwater prohibition early if certain findings can be made pursuant to section 875.7, subdivision (b). A decision on whether to suspend all curtailments and lift the prohibition requires timely submitted information for active stockwater diversions.
6. The Division of Water Rights has created an Information Order Form (attached) by which each landowner subject to the Information Order can enter required information on their water diversion(s) and use(s), and other information requested. Submittal of this form is requested as soon as possible but no later than fifteen (15) days from the effective date of this Order. 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 diversion and use of water upon a showing of good cause. Each landowner is responsible for immediately providing notice of any information order(s) to all water users associated with the parcel of land related to the information order.

IT IS HEREBY ORDERED:

1. This Information Order shall be effective on January 7, 2022.
2. The attached Information Order Form(s) must be completed and submitted by mail or email **within fifteen (15) days from the effective date of this Order** for the water right(s) listed in Table A below. The Information Order Form must be submitted by: January 22, 2022.

3. Each recipient of this Order shall submit, under penalty of perjury, the information described in the enclosed Information Order Form(s). Landowners shall provide the following information on each surface water source serving their parcel(s) or used to provide water supply:
 - i) Contact information (including contact information for any representatives completing the online Information Order Form), and any applicable address or contact information corrections.
 - ii) If water is currently being diverted or used pursuant to the water right(s) listed in Table A, and basic water right information: point(s) of diversion, place(s) of use, purpose(s) of use, and estimated amount(s) of water used as further described below.
 - iii) Specify the amount of water used daily, including amount for direct diversion, and whether water is diverted to storage. If the exact amount of water used is unknown, the landowner may submit an estimate to the best of their knowledge or through communication with State Water Board staff through the phone line and e-mail address provided in the cover letter for this Order, or other appropriate method(s) as documented in the Information Order Form.
 - iv) Number of livestock served by each water right.
 - v) Whether alternative methods for livestock watering are available, and if so, list these sources or methods.
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) in Table A

Table A. Water Rights Subject to Information Order

Adjudicated Water Rights Under Watermaster Service					
Present Owner	Decreed Owner	DWR Tract Number	Winter Right (cfs)	Paragraph Number	Point of Diversion Number

