

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

DIVISION OF WATER RIGHTS

ORDER WR 2024-0045-DWR

IN THE MATTER OF WATER USE ON THE PROPERTIES OF

4T RANCH LLC¹

**INFORMATION ORDER FOR WATER USE IN THE SCOTT RIVER WATERSHED
ISSUED NOVEMBER 5, 2024**

FINDINGS:

1. On December 19, 2023, the State Water Board adopted the Scott River and Shasta River Watersheds Drought Emergency Requirements (hereinafter “Regulation” or “Emergency Regulation”) which went into effect February 1, 2024. The Emergency Regulation provides curtailment authority in the Scott and Shasta watersheds, establishes minimum instream flow requirements, and provides information order authority in the Scott River and Shasta River watersheds. The minimum instream flow requirements were established to protect fall-run Chinook salmon, threatened Southern Oregon/Northern California Coast coho salmon, and culturally significant steelhead. Resolution No. 2023-0047 adopted the Emergency Regulation and describes the need for the Emergency Regulation and its intent.
2. 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.)

¹ You are receiving this Order as the owner of land parcel(s) listed in Attachment A. This Order applies to you and all agents, successors in interest, grantees, and assigns thereto.

3. On July 24, 2024, the Deputy Director for the State Water Board Division of Water Rights (Division) issued the Order Imposing Water Right Curtailment and Requiring Reporting for Adjudicated Groundwater Rights and Known Groundwater Diversions in the Scott River Watershed.
4. On August 9, 2024, the Deputy Director issued “Addendum To Attachment A: Groundwater Rights In The Scott River Watershed Associated With Order WR 2024-0025-DWR: Water Right Curtailment And Requiring Reporting For Groundwater Rights In The Scott River Watershed” (Parcel Addendum). This Addendum updated Attachment A of the Order and clarified the parcels subject to curtailment. No additional diverters were included in the Parcel Addendum.
5. On August 23, 2024, “Addendum 1 – Temporary and Conditional Suspension to Scott River Curtailments Orders” (Addendum 1) to Order WR 2024-0024-DWR and Order WR 2024-0025-DWR was sent ahead of an expected storm event suspending curtailments upon flows reaching, and maintaining, a rate of 35 cfs. Should flows have met this condition, diverters were directed to notify the State Water Board of their diversions and update the diversion amounts daily. However, the storm event did not result in increased flows above 35 cfs, and therefore diversions remained curtailed.
6. On September 6, 2024, “Addendum 2 – Scott River Groundwater Curtailment Suspension and Required Information for Potential Future Surface Water Diversions” (Addendum 2) was sent to Scott River water right holders. Curtailments were conditionally suspended for groundwater diverters upon the diverter contacting State Water Board staff indicating they are diverting and upon the Drought Emergency Minimum Flows being met at the USGS Fort Jones gage.
7. On September 17, 2024, “Addendum 3: Update to Scott River Surface Water Curtailments for Farmer’s Ditch Company” (Addendum 3) was sent to Scott River water right holders. The addendum applies only to Farmer’s Ditch Company, as that was the only surface water diverter that submitted a request to the State Water Board under the provisions of Addendum 2. Addendum 3 allowed only Farmer’s Ditch Company to divert under certain conditions set to expire at 11:59 pm on September 30, 2024.
8. On September 27, 2024, “Addendum 4: Update to Scott River Surface Water Curtailments for Farmer’s Ditch Company and Scott Valley Irrigation District” (Addendum 4) was sent to Scott River water right holders. Addendum 4 applied only to Farmer’s Ditch Company and Scott Valley Irrigation District, as they were the only surface water diverters that submitted a request to the State Water Board under the provisions of the previous addenda. Addendum 4 further states, “If you did not

submit a request under the addendum (issued September 6, 2024 and September 17, 2024), your surface water right(s) remains curtailed (unless you have a local cooperative solution or meet an exception to curtailment like human health and safety or minimum livestock watering)." Addendum 4 expired on September 30, 2024 at 11:59pm.

9. 4T Ranch LLC (Respondent) is the owner of parcels APNs [REDACTED] [REDACTED] [REDACTED] associated with Water Right ID(s) SG003335 and SG003055. Order No. WR 2024-0024-DWR and Order No. WR 2024-0025-DWR curtailed all surface water rights and groundwater extraction (with limited exceptions) effective July 25, 2024, including SG003335 and SG003055.
10. On August 29, 2024, Division Enforcement staff observed active irrigation occurring within the Respondent's place of use from a public right of way. The Respondent's fields were green and recently cut, and piles of hay were visible, indicating additional days of irrigation likely occurred. Division staff also reviewed data available from Sentinel Aerial Imagery and found that several fields on the Respondent's property were likely irrigated after August 9, 2024. The Respondent's diversions, however, had been curtailed since July 24, 2024. On September 6, 2024 to September 30, 2024, curtailments for groundwater diversions were lifted as long as the respondent reported his diversion to the Division as required by Addendum 2. The Respondent did not notify the Division of any diversion occurring during that time period. The purpose of this Information Order is to obtain information about additional days of diversion that may have occurred in violation of curtailment orders.
11. This information is otherwise not readily obtainable because it depends on knowledge of water use on various land parcels.
12. On June 2, 2023, the Respondent was issued Order WR 2023-0029-DWR, a cease-and-desist order (CDO) that included the requirement to "maintain, and provide to the Division upon request, records of all interconnected groundwater diversions." Failure to comply with the CDO is subject to administrative civil liability of up to ten-thousand dollars (\$10,000) for each day the violation occurs if the violation occurs in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions. If the violation occurs at other times, then failure to comply with the CDO is subject to administrative civil liability of up to one-thousand dollars (\$1,000) for each day the violation occurs.

13. The Division of Water Rights has created the Scott River Watershed Water Use Information Form which is attached to this Order. You must complete and return the form by email or US Postal Service to the address below:

State Water Resources Control Board
Division of Water Rights ATTN: Lee Barclay - Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000
Lee.Barclay@waterboards.ca.gov

14. Submittal of the Form is required within fourteen (14) days from the effective date of this Order. 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 use upon a showing of good cause. Each recipient of this Order is responsible for immediately providing notice of any information order(s) to any or all agents, successors in interest, grantees, and assigns thereto required to provide complete information.

IT IS HEREBY ORDERED:

1. This Information Order shall be effective on November 5, 2024
2. By November 19, 2024 you must submit, under penalty of perjury, the information described in this paragraph. Provide the following information on each water source serving their parcel(s) or used to provide water supply from **July 25, 2024 through the date of receiving this Information Order:**
 - I. Information on all Surface Water Points of Diversion
 - a. Coordinates identifying the location of each surface water point of diversion for which you have not already filed an Initial Statement of Diversion and Use
 - b. For each surface water point of diversion, describe the following:
 - i. Diversion maximum flow rate;
 - ii. Date(s) water was diverted;
 - iii. Quantity of water diverted;
 - c. Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage;

- d. If any water is used for a purpose not described in (b), describe the purpose and the amount used;
- e. Capacity of reservoir in acre feet.

II. Information on all Groundwater Points of Diversion

- a. Coordinates identifying the location of each groundwater well for which you have not already filed an Initial Statement of Diversion and Use;
- b. For each date the wells operated:
 - i. Diversion maximum flow rate.
 - ii. Date(s) water was diverted
 - iii. Quantity of water diverted;
- c. Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage;

III. For irrigated acres from **July 25, 2024**, through date of receiving this Information Order:

- a. The parcel(s) where irrigation has occurred;
 - b. Date(s) of irrigation on each parcel;
 - c. Source(s) of water for irrigation;
 - d. Approximate number of irrigated acres per crop type; and,
 - e. Amount of water used for irrigation on each parcel.
3. The Division may follow-up with additional information requests pursuant to this Order if necessary to clarify or complete the initial information request and response as necessary.
 4. Violation of this Order is subject to enforcement and applicable penalties pursuant to Water Code section 1846. Failure to provide information required under WR 2024-0045-DWR is subject to enforcement and applicable penalties pursuant to Water Code section 1845.
 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. Nothing in this Order shall excuse individual water right holders from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A sections 1531 to 1544).

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: November 5, 2024