

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

DIVISION OF WATER RIGHTS

ORDER WR 2024-0052-DWR

IN THE MATTER OF WATER USE ON THE PROPERTIES OF

[Primary Owner]

INFORMATION ORDER FOR WATER USE IN THE SCOTT RIVER WATERSHED

ISSUED December 16, 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 (Division) 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.)
3. On July 23, 2024, the Deputy Director issued the Order Imposing Water Right Curtailment and Requiring Reporting for Surface Water Rights in the Scott River Watershed (Order WR 2024-0024-DWR).

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

4. On July 24, 2024, the Deputy Director issued Order Imposing Water Right Curtailment and Requiring Reporting for Adjudicated Groundwater Rights and Known Groundwater Diversions Associated with Parcels Listed in Attachment A in the Scott River Watershed (Order WR 2024-0025-DWR). This imposed curtailments on adjudicated groundwater rights and groundwater rights associated with parcels in the Scott River watershed outside of municipal service areas.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. On October 15, 2024, "Addendum 5: Update to Scott River Surface Water Curtailments for Farmer's Ditch Company and Scott Valley Irrigation District" (Addendum 5) was sent to Scott River water right holders. Addendum 5 applies 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 5 further states, "Surface water diverters that have not submitted the requested information identified in Addendums 2 and 3 (issued September 6, 2024, and September 17, 2024, respectively) and received approval from the Board to divert under this addendum remain curtailed." Addendum 5 expired on October 31, 2024, at 11:59pm.
11. On November 13, 2024, "Addendum 6 – Full Suspension of Curtailments in Scott River Watershed" was sent to Scott River water right holders. Based on the current flow and upward trend of flows at the United States Geological Survey (USGS) Fort Jones gage, precipitation and flow forecasts, and low-water-demand in this season, this addendum provides for the suspension of surface water and groundwater curtailments in the Scott River watershed.
12. [Primary Owner] (Respondent) is the owner of parcel(s) listed in Attachment 1. 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.
13. Division Enforcement staff reviewed aerial imagery of the Respondent's property from August, September, and October 2024 and parcels listed in Attachment 1. Based on that review, we believe it is possible that the property was irrigated after curtailments were issued. The Respondent does not have an approved Local Cooperative Solution.
14. This information is otherwise not readily obtainable because it depends on knowledge of water use on various land parcels.
15. The Division 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: [Staff Name] - Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000
[Email Address]

16. Submittal of the form is required by January 6, 2025. 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 December 16, 2024.
2. By January 6, 2025, you must certify that the information provided in response to this Order is, to the best of your knowledge, true, accurate, and correct. Submit the following information on each water source serving your parcel(s) from **July 25, 2024 through October 31:**

2.1 Information on all Surface Water Points of Diversion

2.1.1 Coordinates identifying the location of each surface water point of diversion

2.1.2 For each surface water point of diversion, describe the following:

- (a) Diversion maximum flow rate;
- (b) Date(s) water was diverted;
- (c) Quantity of water diverted;

2.1.3 Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage;

2.1.4 If any water is used for a purpose not described in (c), describe the purpose and the amount used;

2.1.5 Capacity of reservoir in acre feet.

2.2 Information on all Groundwater Points of Diversion

2.2.1 Coordinates identifying the location of each groundwater well for which you have not already filed an Initial Statement of Diversion and Use;

- 2.2.2 For each date the wells operated:
- (a) Diversion maximum flow rate.
 - (b) Date(s) water was diverted
 - (c) Quantity of water diverted;

- 2.2.3 Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage;

2.3 For irrigated acres

- (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. You must certify that the information provided in response to this Order is, to the best of your knowledge, true, accurate, and correct.

4. 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.

5. Violation of this Order is subject to enforcement and applicable penalties pursuant to Water Code section 1846.

6. 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.

7. 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).

A handwritten signature in black ink, appearing to read "Erik Ekdahl", with a long, sweeping horizontal stroke extending to the right.

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: December 16, 2024