

**08/17/21 BD MEETING - ITEM #4
CHANGE SHEET #1 (CIRCULATED 08/16/2021)**

This change sheet provides proposed updates to the Draft Resolution and Proposed Regulation that were released on August 6, 2021 for Agenda Item #4 of the Board's August 17, 2021 State Water Resources Control Board meeting. Added text is shown in **bold-underline** text and deletions are shown in ~~**bold-strikethrough**~~.

On page 2 of the Draft Resolution, modify Whereas 5 as follows:

5. The Klamath River watershed has experienced two consecutive extremely dry years. Precipitation to date is approximately half of normal across much of the Klamath Basin. The Scott River and Shasta River watersheds, which are tributaries to the Klamath River, are experiencing one of the most severe droughts on record. Water Years 2019-2020 and ~~2020~~-2021 are the driest two-year period on record for the Scott River and Shasta River watersheds. The Scott River is experiencing one of the three driest years on record, with flows in the lowest four percent of the historical record. Flows in the Scott River are expected to remain at record low levels through the fall, and the Scott River has become disconnected during July in the past two dry years, and ~~are~~ **is** expected to remain at near record low levels through fall of 2021. The current water year is the **second** driest on record (**1933-present**) for the Shasta River, **and the driest in the last 30 years**. Flows are in the lowest one percent of the historical record, and have on multiple occasions dropped to historic lows, and reached recorded high temperatures. Flows in the Shasta River are also expected to remain at these record low levels through the fall.

On page 2 of the Draft Resolution, modify Whereas 6 as follows:

6. Due to extreme drought conditions, there is not enough water for all users or uses in most streams, and diversions under junior water rights will need to be curtailed to preserve flows for senior water right holders. On June 1, 2021, the State Water Board issued [notices of water unavailability](#) to 102 water right holders in the Scott River watershed, urging them to stop diverting amid worsening hydrologic conditions. In addition, some streams that provide habitat and migration corridors for federally- and state-listed endangered species will not maintain the minimum flows for these species to survive unless water diverters curtail use. There is an urgent need to address severe water shortages in the Scott **River** and Shasta River watersheds to protect minimum flows for critical fish species, as well as to meet human health and safety needs, and preserve minimum water supplies for livestock watering.

On pages 3-4 of the Draft Resolution, modify Whereas 12 as follows:

12. The flows recommended by CDFW reflect minimum flows during this drought emergency, based on the best available science. However, during the effective period of even this temporary drought emergency regulation, new information regarding minimum drought flow needs may be developed. Additionally, it may be possible to further refine these flows based on the observed presence of particular life-stages of SONCC coho and fall-run Chinook salmon in particular areas of the

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watersheds. In light of the vital importance of water for all uses during an extreme drought, it is important to provide ~~for~~ CDFW with the ability to adjust the minimum drought flow recommendations, if possible, to make more water available for other uses.

On pages 4-5 of the Draft Resolution, modify Whereas 15 as follows:

15. It is further necessary to prevent excessive diversions for stockwatering during the time when such water is needed instream for adult salmon migration. A number of diversions in the Scott River and Shasta River watersheds involve surface diversions of water through unlined, ~~porous~~ ~~ditches for a long distance~~ in order to provide for relatively small amounts of water for stock. This can result in removing ~~several times the amount~~ orders of magnitude greater amounts of water from the stream than is actually used for stock at the time when the water is required throughout the watershed to enable adult salmon migration. While it can be costly over the long term, it is possible to divert water to trucks for delivery to stock on a short-term basis during the adult salmon migration season. There are also financial resources available that may assist ranchers in implementing long-term water conservation solutions for post-irrigation-season stockwatering, such as developing wells, purchasing heated troughs, lining ditches, or switching to piped diversions. In light of the severe drought, the fisheries need, and the alternatives available, it is not reasonable to divert more than 10 times the amount of water livestock require for drinking, as described in the reasonable water quantities for water rights applications, during the adult salmon migration season. the use of irrigation ditches for stockwatering that result in a 50 percent or greater loss of water is not reasonable during this time;

On page 6 of the Draft Resolution, modify Whereas 20 as follows:

20. Both the Scott River and Shasta River watersheds have groundwater that is closely interconnected with surface flows. Because of this, it is necessary to address both groundwater and surface water in a curtailment regulation. Where groundwater and surface waters are interconnected, the “common source” doctrine applies, integrating the water rights and applying priorities without regard to whether the diversion is from surface water or groundwater. (*Hudson v. Dailey* (1909) 156 Cal. 617, 627–628.);

On page 7 of the Proposed Regulation, modify section 875(f)(4)(D)(ii)(2) as follows:

2. A monthly reduction of 30 percent in the July 1 through October 31 time period, as compared to the prior year or to 2020.

On page 7 of the Proposed Regulation, modify section 875(f)(4)(D)(iii)(2) as follows:

2. A monthly reduction of 15 percent in the June 1 through September 30 time period, as compared to the prior year or to 2020.