
State Water Resources Control Board

December 17, 2021

Subject: Order WR 2021-0082-DWR, Addendum 4: Conditional Temporary Suspension of Curtailment to Priority Date of July 30, 1923, including Permit Nos. 2452 (A003544) and 2453 (A003555) based on Modified Flow Recommendation for December in Shasta River Watershed

To: Montague Water Conservation District and Interested Parties on Scott-Shasta Drought E-mail List

As further described below, this Addendum amends Order WR 2021-0082-DWR to allow for diversion under Permit Nos. 2452 and 2453 so long as flows are at or above 135 cubic feet per second (cfs) at the Yreka United States Geological Survey (USGS) gage.

On September 10, 2021, the State Water Resources Control Board (State Water Board) issued a curtailment order (Order WR 2021-0082-DWR) to the most junior water right holders in the Shasta River, including post-Adjudication appropriative surface water and groundwater rights, as well as surface water rights in the Shasta Adjudication with priority dates later than November 1912. Based on forecasted precipitation and other factors, the State Water Board issued addenda to Order WR 2021-0082-DWR on September 23, October 21, and October 29, 2021 that partially suspended curtailment of some water rights in order of priority contingent on the required minimum flow at the Yreka USGS gage. Addendum 3, issued on October 29, 2021 provides for the partial suspension of the curtailment of both Montague Water Conservation District's (MWCD's) permitted water right No. 2452 (A003544) from the Shasta River and its water right No. 2453 (A003555) from Parks Creek, conditioned on the required November and December drought emergency flow requirement of 150 cfs being met at the Yreka USGS gage.

Order WR 2021-0082-DWR and addenda were issued in order to meet the required drought emergency minimum flows specified in the [Emergency Regulation](#) adopted by the State Water Board that became effective on August 30, 2021. (Cal. Code Regs., tit. 22, §§ 875-875.9.) Section 875, subdivision (c)(2)(B) provides that the California Department of Fish and Wildlife (CDFW), after coordination with the National Marine Fisheries Service (NMFS), may notify the Deputy Director of the Division of Water Rights (Deputy Director) that lower alternative flows at the Yreka USGS gage provide equal or better protection for the pertinent species' relevant life stage. Using this information, the Deputy Director may determine not to issue curtailment orders, to issue curtailment orders to a smaller priority grouping described in section 875.5, or to

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suspend curtailment orders already issued in order of priority as described in section 875.5, as applicable.

On December 17, 2021, the State Water Board received a memorandum from CDFW stating that a preliminary assessment of newly available scientific information regarding winter flows indicates that flows as low as 125 cfs may be sufficiently protective of fisheries in the Shasta River watershed. An adjustment in flow would also provide an opportunity to increase storage in Lake Shastina for important beneficial uses later in the year, including human health and safety water, environmental releases, and irrigation. CDFW's memorandum indicates that, while longer term assessment and further consultation are required for assessing whether a change in minimum flows would be warranted in the winter months, a temporary reduction in the minimum flows for the remainder of December from 150 cfs to 135 cfs would provide equal protection to fisheries. CDFW consulted with NMFS on this proposed change.

Based on a review of CDFW's memorandum, the coordination with NMFS, current hydrologic conditions, the benefits of increased storage in Lake Shastina, and in accordance with section 875 (c)(2)(B) of the Emergency Regulation, the State Water Board is amending Order WR 2021-0082-DWR to adjust curtailments for the remainder of December to a minimum flow of 135 cfs at the Yreka USGS gage.

In addition, this decision is consistent with and follows the direction provided in Resolved No. 6 of [State Water Board Resolution No. 2021-0029](#) (Resolution), adopting the Emergency Regulation. The Resolution directed staff to continue to work with CDFW to evaluate and refine the drought emergency minimum flows if new scientifically-defensible information becomes available.

Accordingly, the State Water Board is issuing a **temporary suspension of curtailment in the Shasta River to the priority date of July 30, 1923, contingent on 135 cfs being sustained at the Yreka USGS gage.** This provides for the partial suspension of the curtailment of the MWCD's permitted water right No. 2452 (A003544) from the Upper Shasta River and water right No. 2453 (A003555) from Parks Creek. MWCD may divert water to storage under its water right permits so long as the 135 cfs minimum flow requirement is sustained. The temporary suspension will expire at 11:59 pm on January 31, 2021 unless otherwise extended or curtailments are reimposed **and requires flows of at least 135 cfs at the Yreka gage for diversions under this temporary suspension of curtailments.**

MWCD has generally demonstrated its ability, in coordination with the Scott Valley and Shasta Valley Watermaster District (Watermaster), to manage its diversion to storage in Lake Shastina in real time and make adjustments as necessary to ensure that the required drought emergency minimum flow at the Yreka USGS gage is being met. This has allowed and can continue to allow MWCD to maximize diversions to storage to the extent allowable under the Emergency Regulation. As CDFW continues to evaluate whether lower flows may be scientifically supported in the winter months, parties are encouraged to discuss and effectuate commitments proposed by MWCD's November 11, 2021 correspondence with CDFW to manage flow and habitat upstream

of the Yreka USGS gage for coho salmon, and as appropriate, environmental commitments starting in January.

MWCD shall monitor and report, at least monthly or as requested by the State Water Board, to the Watermaster and State Water Board the amounts of water diverted to storage and/or bypassed in both the Upper Shasta River and Parks Creek during this time period, as well as the amount of water released from Lake Shastina.

The State Water Board will be monitoring weather forecasts and stream gages to determine if suspensions should be extended and expanded in the future, or if additional curtailments are needed. **Parties are reminded that the [Emergency Regulation](#) contains a prohibition against inefficient livestock watering during September through January (the adult salmon migration period). This prohibition applies whether or not your water right is curtailed. (Cal. Code Regs., tit. 23, § 875.7.)**

To stay informed on future updates related to curtailments and the ongoing Emergency Regulation effort in the Scott River and Shasta River watersheds, please:

1. Monitor your email if you have subscribed to the **[“Scott-Shasta Drought”](#)** email list under “Water Rights”; and/or
2. Visit our **[Scott River and Shasta River Drought Response website](#)** (https://www.waterboards.ca.gov/drought/scott_shasta_rivers/) If an email list notice is issued on the weekend, the website will not be updated until the following Monday due to limitations on implementing such updates.

If you have questions regarding this email, please contact staff by email at: **ScottShastaDrought@waterboards.ca.gov** or leave a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113.

Sincerely,



Erik Ekdahl, Deputy Director
Division of Water Rights