

State Water Resources Control Board

«PARCEL_OWN»
«ADDRESS_1»
«ADDRESS_2»

NOTICE OF POTENTIAL CURTAILMENT OF DIVERSION OF WATER UNDER CERTAIN WATER RIGHTS WITHIN THE SCOTT RIVER WATERSHED IN SISKIYOU COUNTY

The records of the Siskiyou County Assessor's Office and the State Water Resources Control Board's (State Water Board) Division of Water Rights (Division) show that you own property (Assessor Parcel Number «PARCEL») that may have a water right determined by the Superior Court of Siskiyou County in the Scott River Adjudication Decree No. 30662 (Decree). Water rights identified in the Decree have been given a priority that determines who has the right to divert water based on the available supply of water. Lower priority diverters do not have a right to divert when less water is available. Essentially, this means that those parties with a higher priority of water right can take their water first and parties with a lower priority of right can divert water only after higher priority diverters have been satisfied. Based on current weather patterns, there is a substantial likelihood that 2014 will be a dry year. The Scott River is a vital resource to the region and supports many important uses including domestic supply, irrigation supply and fishery needs. As we head into another potentially dry year, this letter is to remind you of effect of the adjudication on when water can be diverted by those holding rights recognized in the Decree.

State Water Board staff has determined that you may have a "junior priority class right" identified as either: (1) a Priority 2 Class Right in Schedule D-4 of the Decree, (2) a Post-1914 Appropriative Right in Schedule E of the Decree, or (3) a "Surplus Class" right in the Decree¹. If you believe you have been contacted in error, please telephone the Division at the number provided below so that we can update our ownership records. If you are a junior priority class right holder, please read this notice carefully because you may need to plan for future water shortages.

A review of the United States Geological Survey's (USGS) historical stream flow records for the stream gage below Fort Jones indicates that average flows of the Scott River during the summer months have decreased significantly when compared to the historical average. Multiple factors may be the cause of this change, including weather conditions. However, an increase in the use of water from the River and groundwater could also be significant causes. The Scott River is an important watershed that supports many uses including anadromous fish that have been listed under the federal Endangered Species Act. Minimum stream flows to protect these anadromous fish were identified in the Decree as *"necessary to provide minimum subsistence-level fishery conditions including spawning, egg incubation, rearing, downstream migration, and summer survival of anadromous fish, and can be experienced only in critically dry years without resulting*

¹ You may also have interest in a senior priority class right of the Decree. If so, this notice applies only to the junior portion of your rights, and not to the senior priority class rights. Please note that the Decree assigns senior rights to most domestic diversions, and assigns all claimants senior rights for stockwatering, firefighting, wildlife, and recreational domestic diversions.

in depletion of the fishery resources." (Italics added.) Unfortunately, over the last decade, the USGS stream flow records show that minimum instream flows specified in the Decree have not been satisfied during the summer months. The Decree recognized a water right to instream flows with a priority that is higher than junior priority class rights.

The State Water Board has the duty to administer water rights and to protect the instream beneficial uses of water. The State Water Board recognizes and appreciates the local actions taken to protect fishery resources, but so far these efforts have not yet provided the flows required by the Decree during the summer months.

As an initial step, the State Water Board is providing you with this notice of the potential for curtailment of your junior priority class water right² during the months of April through October for the year 2014, based on water right priority. Unless there is a significant increase in rainfall or a decrease in demand on Scott River water, an actual curtailment notice will likely be sent by April 1, 2014 (the start of the irrigation season recognized in the Decree). Diversions for irrigation prior to April 1 are not authorized under the Decree. Given the trend in recent years towards severely diminished flows as compared to the historical record, it is likely that additional curtailment notices will be issued in future years until flow conditions improve to meet the senior priority class rights of the Decree. This notice is being provided well in advance of the anticipated curtailment period so that you have time to plan your 2014 irrigation season. Please note that if a curtailment notice is issued and you continue to divert water under your junior priority class rights for uses other than Domestic and/or Stockwatering purposes, such diversion would be unauthorized, and subject to fines.

If you have any questions, please contact the Division's Enforcement Section at (916) 341-5342. Written correspondences should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
Attention: Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000.

Sincerely,



Barbara Evoy, Deputy Director
Division of Water Rights

² While most domestic use diversions are senior rights, any diversion of water for Domestic purposes under Post-1914 Appropriative Water Rights will not be subject to the curtailment, as a matter of enforcement discretion.

Notice of Potential Curtailment
for the Scott River

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January 22, 2014

cc: Ms. Patricia A. Grantham
Forest Supervisor
U.S. Department of Agriculture
Klamath National Forest
1711 S. Main Street
Yreka, CA 96097-9518

The Honorable Jared Huffman
U.S. House of Representatives
1630 Longworth House Office Building
Washington, D.C. 20515

Mr. Buster Attebery
Council Chairman
Karuk Tribe
P.O. Box 1016
Happy Camp, CA 96039

Mr. Harold Bennett
Tribal Chairperson
Quartz Valley Indian Reservation
13601 Quartz Valley Road
Fort Jones, CA 96032

Ms. Marcia Armstrong
District 5 Supervisor
Siskiyou County Board of Supervisors
9216 Smokey Lane
Fort Jones, CA 96032

Mr. Ric Costales
Natural Resources Specialist
Siskiyou County
P.O. Box 750
Yreka, CA 96097

Mr. Tom Menne, Chair
Scott Valley Groundwater Advisory Committee
4647 Scott River Road
P.O. Box 608
Fort Jones, CA 96032

Mr. Preston Harris
Executive Director
Scott River Water Trust
P.O. Box 591
Etna, CA 96027

Ms. Carolyn Pimental
District Manager
Siskiyou County Resource Conservation District
450 Main Street
Etna, CA 96027

cc: Ms. Marilyn Seward, Chair
Scott River Watershed Council
P.O. Box 268
Etna, CA 96027

Ms. Irma V. Lagormarsino
Assistant Regional Administrator
National Marine Fisheries Service
NOAA Fisheries West Coast Region
1655 Heindon Road
Arcata, CA 95521

Ms. Erin Williams
Field Supervisor
U.S. Fish and Wildlife Service
1829 S. Oregon Street
Yreka, CA 96097

Mr. Chuck Bonham, Director
California Department of Fish and Wildlife Service
1416 9th Street, Room 1205
Sacramento, CA 95814

Mr. Jim Patterson
District Conservationist
USDA Natural Resources Conservation Service
215 Executive Court, Suit A
Yreka, CA 96097-2629

North Coast
Regional Water Quality Control Board
5550 Skylane Blvd Ste A
Santa Rosa, CA 95403-1072

Konrad Fisher, Executive Director
Klamath Riverkeeper
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