



## State Water Resources Control Board

July 23, 2024

### DELIVERY CONFIRMATION

<<MAIL\_RECEIVER\_NAME>>

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<<Delivery\_Confirmation\_No>>

### ORDER IMPOSING WATER RIGHT CURTAILMENT AND REQUIRING REPORTING FOR SURFACE WATER RIGHTS IN THE SCOTT RIVER WATERSHED (ORDER WR 2024-0024-DWR)

**THIS ORDER DOES NOT CURTAIL DIVERSIONS NEEDED TO SUPPORT FIREFIGHTING EFFORTS**

**TIMELINES EXTENDED FOR THOSE UNDER EVACUATION ORDERS OR WARNINGS**

This letter and the enclosed Order contain information regarding the immediate curtailment of the water right(s) listed in Attachment A (at the end of the Order), that are owned by «Name» or their successor in interest. This letter also describes a certification (online form) that you or your agent of record, are required to submit by **August 8, 2024; this timeline is extended for anyone under an evacuation order or warning.** You will need the Login(s)/Water Right Identification Number(s) and Password(s)/Reporting Identifier(s) in Attachment A<sup>1</sup> to complete the required forms.

**The State Water Resources Control Board (State Water Board) is aware of the active Shelly Fire in the Scott Valley watershed. This Order does not limit diversions for firefighting purposes.** On, July 15, 2024, the State Water Board announced that it would temporarily refrain from adopting a curtailment order, despite

<sup>1</sup> If you already report to the State Water Board yourself, Attachment A contains the identification number(s) you normally use to enter information into the State Water Board’s electronic Water Rights Information Management System (eWRIMS). If the Scott River and Shasta River Watermaster District normally reports to the State Water Board on your behalf, Attachment A has a unique identification number that starts with the letters “SG.” Please note that the assigned “SG” numbers are the same “SG” numbers assigned to you in previous Orders.

indications that flows were at risk of falling below 50 cfs, in light of the uncontained nature of the fire and the challenges evacuation orders and warnings presented for the community. Instead, the Board called for voluntary measures by those not impacted by the fires. July 22, 2024, updates on the California Department of Forestry and Fire Protection website<sup>2</sup> show the Shelly Fire is now 48% contained, little to no growth is anticipated within the fire's current perimeter and evacuation orders are being rescinded for areas in Scott River watershed.

The State Water Board adopted an emergency regulation establishing emergency minimum flows in the Scott River and Shasta River watersheds. (Cal. Code Regs., tit. 23, §§ 875-875.9.) The regulation went into effect on February 1, 2024, and will remain in effect for one year. The [emergency regulation](#)<sup>3</sup> is available online. A similar, prior emergency regulation expired on July 31, 2023. The current emergency regulation re-establishes minimum flow requirements and requires curtailment of diversions, when necessary, to meet those flows. Flows at the [United States Geological Survey \(USGS\) Fort Jones gage](#) have been decreasing since May 17, 2024, and dropped below the emergency minimum flow at the Fort Jones gage on July 21, 2024. With higher temperatures, no snowpack, and no precipitation forecast for the watershed, without curtailment, flows are anticipated to remain below the minimum flow requirement and cessation of diversions is needed to support the minimum flow requirement.

The enclosed Order establishes and details the following requirements:

- Required reporting on receipt of and compliance with the Order (Curtailment Certification);
- Curtails all surface water diversions in the Scott River watershed;
- Describes exceptions to curtailments and the reporting (certifications or petitions) that must be completed for limited uses (i.e., minimum human health and safety **(including for firefighting needs)**, livestock needs, non-consumptive instream uses).

**You or your agent of record are responsible for immediately notifying all parties that divert water under the water right(s) identified in Attachment A of the enclosed Order and its requirements.**

Many people throughout the watershed have taken steps to reduce water use during the past years. Many surface water diverters may already be curtailing water use and/or be unable to divert water due to dry conditions. **Even if you are currently not diverting water, you must respond to this Order. (As noted earlier, if you are under an evacuation order or evacuation warning you have additional time to respond to this Order.)**

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<sup>2</sup> <https://www.fire.ca.gov/incidents/2024/7/3/shelly-fireFIRE>

<sup>3</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/2024/scott-shasta-reg-2024.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2024/scott-shasta-reg-2024.pdf)

### **Curtailment of Water Rights in Scott River Watershed**

The State Water Board is requiring certain water right holders in the Scott River watershed to cease diversions under their water rights until water supply conditions improve in the watershed and there is no longer a risk to minimum flow requirements, to water supplies for minimum human health and safety needs (including firefighting), to minimum livestock needs, or for injury to senior diverters.

The regulation follows the water right priorities in the Scott River, French Creek, Shackleford Creek, and Shasta River adjudications, and adds in rights that are not addressed under those adjudications (e.g., post-adjudication rights, some groundwater rights). The regulation does not change the adjudications or affect the authority of the Scott Valley and Shasta Valley Watermaster District to implement the adjudications, or of the Siskiyou County Superior Court to administer or otherwise retain and exercise jurisdiction over the adjudications. Section 875.5(a) of the regulation describes the order of priority for curtailments in the Scott River watershed.

The State Water Board is issuing an additional order addressing groundwater diversions in the Scott River watershed, and a curtailment order was issued for the Shasta River watershed on June 7, 2024. If you receive or have received one of these other curtailment orders, you must report information for those water rights separately.

The State Water Board will provide all future updates to curtailments (when suspended, reinstated, or rescinded) on the State Water Board's [Scott River and Shasta River Watersheds Emergency regulation webpage](#)<sup>4</sup> and through emails sent out to individuals that have signed up for the "[Scott-Shasta Drought](#)" [Email Subscription List](#) under "Water Rights."<sup>5</sup> Signing up for this email list is the best way to stay informed about implementation of the regulation, including changes to curtailments. All water users are highly encouraged to sign up for the list.

### **Allowances for Continued Limited Diversions**

The regulation has exceptions for certain types of diversions that may continue even after you receive a curtailment order, if the appropriate form(s) is submitted to the State Water Board (see more on this below). These are:

- **Non-consumptive Diversions.** This exception applies if your diversion is not consumptive, meaning that it does not use up water or change the time the water is available to others (e.g., run-of-river hydropower with returns entering the same stream, instream use).
- **Minimum Human Health and Safety Diversions.** This exception applies if a curtailed diversion is your only water source for minimum human health and safety purposes, like drinking, cooking, washing, or meeting the state's critical infrastructure needs. **Please note that diversions for firefighting may continue under this exception.**

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<sup>4</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

<sup>5</sup> [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

- Minimum Livestock Watering Diversions. This exception applies if a curtailed diversion is your only source for minimum livestock watering needs. See section 875.3 in the [Emergency Regulation](#) for more information on minimum livestock watering.

**If you want to continue diverting using one of the above exceptions, you must submit additional information to the State Water Board using the applicable form(s) available at: <https://public.waterboards.ca.gov/WRInfo>.**

### **Required Response – Curtailment Certification Form**

Within 15 calendar days of issuance of this curtailment order, water right holders or their agents receiving this Order are required to submit a Scott Water Right Curtailment Certification Form. **If you are under an evacuation order or warning, this timeframe is extended until fifteen (15) days after the lifting of any evacuation order or warning affecting the place of use of water for the rights in Attachment A or affecting your access to necessary information or the ability to log on for reporting.** The Deputy Director may further extend the deadline for good cause, and the State Water Board recognizes that protection of life and property in these active fire areas may prevent a response within the timelines described in the State Water Board's curtailment orders. If you need further extension of the timeframe for curtailment response, please contact us at the information below once it is possible for you to do so.

The online Scott Curtailment Form must be filled out to acknowledge your water right has been curtailed and whether you are pursuing an exception to continue limited diversions under the curtailment order as described above. Your Login(s)/Water Right ID(s) and Password(s)/Water Right Identifier(s) are provided in Attachment A of the enclosed Order. You can access and complete the form online at: <https://public.waterboards.ca.gov/WRInfo>.

Staff are available to answer questions or otherwise assist with completing the form. (See the Questions section below for contact information.)

### **Potential Enforcement**

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention. Diverting water in violation of the enclosed Order or the regulation risks administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion. Decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation. (Wat. Code, §§ 1052, 1055, 1846.)

Please note that the State Water Board's Division of Water Rights (Division) evaluates the location of each diverter relative to ongoing or recent fires before proceeding with any enforcement or investigation, and carefully considers what type of follow-up is appropriate. If you are severely impacted by wildfire and receive an enforcement-related notice or order, please contact us when conditions are safe, and you are able to do so.

Please also note that intentional misstatements, or intentionally claiming fire risk or impacts when none are present, are subject to legal actions and fines.

**Request for Reconsideration**

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. To ensure timely consideration, any petition for reconsideration should be emailed to: [ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov).

**Questions, Resources, and How to Stay Informed**

**Questions.** You can contact staff by email to: [ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov) or a message left at our dedicated Scott River and Shasta River Emergency Regulation phone line at: (916) 327-3113. Please be aware that calls and emails will be responded to as soon as possible in the order received. Staff will try to return calls within 24 hours, but responses may take longer depending on call volume.

**Online Resources.** Additional information on the regulation and related items is available on the [Scott River and Shasta River Watersheds Emergency Regulation webpage](#) (see footnote 3 for webpage address).

**How to Receive Email Updates.** We highly encourage you to sign up for the “[Scott-Shasta Drought](#)” Email Subscription List under “Water Rights” (see footnote 4). **This is the best way to stay informed about changes to the curtailments and other important information related to the regulation.**

Sincerely,



Erik Ekdahl, Deputy Director  
State Water Resources Control Board

Enclosure: Order WR-2024-0024-DWR, In the Matter of Water Right(s) Listed in Attachment A of <<PRIMARY\_OWNER\_NAME>> Order Imposing Water Right Curtailment and Requiring Reporting for Surface Water Rights in the in the Scott River Watershed



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

**DIVISION OF WATER RIGHTS**

**ORDER WR 2024-0024-DWR**

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**IN THE MATTER OF WATER RIGHT(S) OF LISTED IN ATTACHMENT A OF**

**«PRIMARY\_OWNER\_NAME»<sup>1</sup>**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REQUIRING REPORTING  
IN THE SCOTT RIVER WATERSHED**

**ISSUED JULY 23, 2024**

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**FINDINGS:**

1. On December 19, 2023, the State Water Resources Control Board (State Water Board or Board) adopted an emergency regulation, titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Order Authority in the Scott River and Shasta River Watersheds (hereinafter “[Regulation](#)”). The Regulation establishes minimum instream flow requirements, minimum livestock-watering efficiency limits, curtailment authority, and information order authority in the Scott River and Shasta River watersheds. The State Water Board [Resolution No. 2023-0047<sup>2</sup>](#), adopted the Regulation. State Water Board Resolution No. 2023-0047 and the Board’s [Findings of Emergency Regulation Digest<sup>3</sup>](#), dated January 2024 describe the need for the Regulation and its intent. State Water Board Resolution No. 2023-0047 and the Findings of Emergency Regulation and Informative Digest are incorporated by reference into this Order. The Regulation went into effect on February 1, 2024, when it was approved by the Office of Administrative Law and filed with the Secretary of State. The [Regulation](#) establishes minimum instream flows for the Scott River, as measured in cubic feet per second (cfs) at [United States Geological Survey gage no. 11519500](#) located downstream of the city of Fort Jones at the northern end of Scott Valley (Scott River Mile 21) (USGS Fort Jones gage), as:

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<sup>1</sup> You are receiving this Order as the owner of record for the water right(s) listed in Attachment A. This Order applies to you and all agents, successors in interest, grantees, and assigns thereto.

<sup>2</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/2023/adopted-resolution-2023-0047.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2023/adopted-resolution-2023-0047.pdf)

<sup>3</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/2024/ssd-digest-01122024.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2024/ssd-digest-01122024.pdf)

Jan	Feb	Mar	Apr	May	Jun 1-23	Jun 24-30	Jul	Aug	Sept	Oct	Nov	Dec
200	200	200	150	150	125	90	50	30	33	40	60	150

2. The Regulation includes California Code of Regulations, title 23,<sup>4</sup> sections 875, 875.1, 875.2, 875.3, 875.5, 875.6, 875.7, 875.8, and 875.9, which establish the circumstances under which the State Water Board may issue curtailments in the Scott River watershed to maintain minimum flows for fish, as well as exceptions to curtailments and curtailment reporting requirements.
3. Flows in the Scott River are influenced by precipitation, snow melt, surface water and groundwater demands, and groundwater basin levels. In Winter 2023 and Spring 2024, Scott Valley received an average amount of precipitation and snowmelt. Since early May the watershed has had no recordable precipitation, and no significant snow cover remains in the Scott River watershed. Flows have been steadily decreasing in the Scott River, as measured at [the USGS Fort Jones gage \(no. 11519500\)](#), and on July 21 at 6:00 a.m. dropped below the minimum flow requirement for July of 50 cfs. Flows at the USGS Fort Jones gage as of July 22 at 10:00 a.m. are 46.1 cfs. Based on similar water year flow trends, temperature forecasts, no precipitation and no remaining snowpack, increased diversions for firefighting associated with the Shelly Fire, flows are anticipated to remain below the minimum flow requirement, without curtailment or precipitation.
4. The Scott River watershed has experienced higher than average temperatures throughout the summer, and these are forecasted to continue through July 24, 2024. Over the weekend of Friday, July 5 to Sunday, July 7, 2024, Scott River watershed experienced record maximum air temperatures. Historically such high temperature events result in an increase in irrigation and livestock demand and pose an increased risk for wildfires.
5. On July 3, 2024, a wildfire started near Shelly Lake, in the Klamath National Forest. As of July 15, 2024, the Shelly Fire affecting the Scott River watershed, had grown to 15,232 acres with only 3% containment. The Board announced on July 15, 2024, that it would refrain from issuing curtailments for the next week and monitor the situation. The announcement requested that those unaffected by the fire reduce diversions. As of July 22, fire crews were able to slow the spread and begin containing the burn area. The fire has grown to 15,477 acres and is now 48% contained. Evacuation orders are being rescinded for certain areas in the watershed and California Department of Forestry and Fire Protection expects little to no growth within the Shelly Fire’s current perimeter. There have been diversions over the last

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<sup>4</sup> All subsequent section references in this order are to California Code of Regulations, title 23 unless otherwise noted.



week to support firefighting and fire prevention. This increase in demand is expected to continue while the fire persists and threatens communities.

6. During July through October, surface water and groundwater demand is high and water supply is limited resulting in the disconnection of tributaries from the mainstem Scott River and typically in the disconnection of the Scott River itself. Low flows and stream disconnection result in habitat fragmentation and delays in fall migration. Precipitation events are needed to support increased flows and connection of tributaries and mainstem. Curtailment of surface water and groundwater water rights supports higher ground water levels and improved streamflow and connection in the fall when precipitation returns.
7. Based on information provided by UC Davis, the average groundwater level in Scott Valley for May is at its highest level in the last four years. This improved groundwater condition can be attributed to a number of factors including average and slightly above average precipitation (in the form of rain and snow) in 2023 and 2024, curtailments, and water-use reductions associated with groundwater local cooperative solutions. Higher flows in winter 2024 also provided for increased diversions for intentional groundwater recharge compared to prior years that may have contributed to the higher average groundwater level of Scott Valley this year. The active groundwater recharge project has shown local groundwater improvement, and the effect and extent of the project is being studied. Based on comparisons of this year's flows with historical data, the higher average groundwater level in the watershed does not seem to affect the decreasing rate of flows at the USGS Fort Jones gage. However, as seen in 2023, the higher groundwater level is expected to help flows rebound with less precipitation in the fall.
8. Based on a comparison of this year's hydrology to similar historical hydrographs, without curtailment, flows are expected to stay below the 50 cfs July flow requirement. The Deputy Director for the Division of Water Rights (Deputy Director) has determined that curtailment as described in the Regulation of all surface water in the Scott River watershed, is needed to support rebound to the extent possible and to maintain the minimum flows specified in section 875, subdivision(c)(1)(A) until the irrigation season concludes and precipitation resumes in the Scott River watershed.
9. Ongoing assessment of water supply and demand projections remain pertinent to the management of curtailments. If the river responds more quickly to curtailment than anticipated, such that the flow requirements at the USGS Fort Jones gage can be met and sustained through summer, the Deputy Director can lift curtailments in the order of priority.
10. The wildfire season in Northern California is highly active, and communities across the state, including Siskiyou County, have been periodically at risk. Significant portions of Scott Valley are currently being impacted by the Shelly Fire. Preparation of homes and properties to best survive imminent wildfire requires the upmost attention of residents, and evacuations can present immense logistical challenges.

Protection of life and property in these active fire areas may still prevent a response within the timelines required in the State Water Board's curtailment order. To provide for critical preparations and in recognition of the burden placed on evacuees during active fires, this Order provides an automatic extension of the reporting requirements under the Order where the affected diversions, properties, or reporters are affected by evacuation orders.

11. The State Water Board will provide all future updates to curtailments (e.g., the status of curtailment, including when suspended, reinstated, or rescinded) on the State Water Board's [Scott River and Shasta River Watersheds Emergency Regulation webpage](#)<sup>5</sup> and through emails sent out to individuals that have signed up for the "[Scott-Shasta Drought](#)" [Email Subscription List](#)<sup>6</sup> under "State Water Resources Control Board" and then "Water Rights". Signing up for this email list is the best way for those subject to this curtailment order to stay informed about implementation of the regulation, including changes to curtailments.

### **IT IS HEREBY ORDERED**

1. This curtailment order shall be effective on July 24, 2024.
2. Diversion of water in the Scott River watershed pursuant to the water rights listed in Attachment A shall cease on July 24, 2024, or upon delivery of this Order, whichever is later. Diversions under this right may be permitted to continue only if authorized under an exception to curtailment as described by sections 875.1, 875.2, and 875.3 of the Regulation.
3. In accordance with section 875, subdivision (d)(1) of the Regulation the water right holder or agent of record who receives this Order is responsible for immediately providing notice of this Order to all diverters exercising water right(s) associated with this Order.
4. <<PRIMARY OWNER NAME>> or their agent or successor is required, by August 8, 2024, to submit an online Scott Water Right Curtailment Certification form (Curtailment Certification) in accordance with section 875.6 subdivision (a) for each water right listed in Attachment A. Attachment A lists the Login(s)/Water Rights ID(s) and Password(s)/Water Right Identifier(s) to be used for the required reporting. The Curtailment Certification shall be accessed via the following website link: <https://public.waterboards.ca.gov/WRInfo>. Where the diversion or place of use for the water right(s) listed in Attachment A is in an area subject to a wildfire evacuation order, or where such an evacuation order inhibits the ability of <<Primary Owner Name>> or their agent or successor to access the necessary information to complete the Curtailment Certification or to log on to complete the form, the deadline

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<sup>5</sup> [https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

<sup>6</sup> [https://www.waterboards.ca.gov/resources/email\\_subscriptions/](https://www.waterboards.ca.gov/resources/email_subscriptions/)

is automatically extended until fifteen (15) days after the lifting of the evacuation order.

5. If an exception(s) to curtailment is needed to continue diverting for non-consumptive uses, minimum human health and safety needs, or minimum livestock watering needs, as authorized by Regulation sections 875.1, 875.2, and 875.3, respectively, «Name» or their agent or successor shall complete and submit either a self-certification or a petition using the forms available at: <https://public.waterboards.ca.gov/WRInfo> in addition to completing the Curtailment Certification.
6. All subsequent modifications to this Order, including curtailment suspensions, reinstatements, rescission, or other modifications to the Order, shall be noticed through electronic means, including through the State Water Board's "Scott-Shasta Drought" email distribution list and will be posted to the [State Water Board's Scott River and Shasta River Watersheds Drought Response webpage](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/) ([https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)). <<PRIMARY OWNER NAME>> is responsible for [signing up](#) for the "Scott-Shasta Drought" e-mail subscription list and/or for checking the webpage referenced in this paragraph to receive such notice.
7. Violation of this Order shall be subject to enforcement and any applicable penalties pursuant to Water Code, sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this curtailment order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
8. 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.
9. 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

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: July 23, 2024



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