

State Water Resources Control Board

October 21, 2021 (Updates made November 5, 2021, in yellow highlights)

Property Owner
Address Line 2
Address Line 3

INFORMATION REGARDING DROUGHT REGULATION FOR STOCKWATER DIVERSIONS IN SCOTT RIVER AND SHASTA RIVER WATERSHEDS

Dear Property Owner:

On August 30, 2021, a drought emergency regulation for the Scott River and Shasta River watersheds went into effect that, among other things, provides the State Water Resources Control Board (State Water Board) with curtailment authority to protect minimum instream flows, establishes minimum health and safety and livestock watering provisions, and limits diversions for livestock during the September through January timeframe. **The emergency regulation has two main rules about livestock watering.** This letter provides information on these two rules because diversions in your area shift to livestock watering, starting in late October and early November.

Livestock Watering Limits During September through January Period
This rule applies to everyone who diverts surface water for livestock during September through January (the adult salmon migration period). (Cal. Code Regs., tit. 23, § 875.7.) **This rule applies whether or not your water right is curtailed.**
Under this rule:

- You cannot divert more than 10 times the estimated amount that livestock drink. The diversion limit can be calculated using the following formula and the Estimated Livestock Needs listed in Table 1 below:

$$\text{Diversion Limit} = \# \text{ of livestock} * \text{Estimated Livestock Need} * 10$$

- Table 1. Estimated Livestock Needs (Cal. Code Regs., tit. 23 § 697)

Type of Stock	Quantity
Range cattle and horses	15 gallons per day per head
Hogs and goats	2.5 gallons per day per head
Sheep	1.5 gallons per day per head
Poultry, rabbits	0.25 gallons per day per head
Milch cows	30 gallons per day per head
Hosing out dairy barn	35 gallons per day per head

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- Example Calculation: For a ranch with 300 cattle, the calculation is as follows:

$$\text{Diversion Limit} = 300 \text{ head of cattle} * 15 \frac{\text{gallons}}{\text{per day per head}} * 10$$

$$\text{Diversion Limit} = 45,000 \frac{\text{gallons}}{\text{day}} = 0.07 \text{ cubic foot per second (cfs)}$$

$\text{Conversion Factor: } \frac{646,317 \text{ gallons}}{\text{day}} = 1 \text{ cfs}$

- Bottom Line:
 - For this example, you may not divert more than 0.07 cfs to water 300 range cattle.
 - The quantity of water is measured at the point of diversion.

If your livestock diversions exceed the amounts allowed, as of September 1, 2021, it is necessary to immediately reduce your diversions to the allowed amounts, and/or find an alternative water supply that complies with the emergency regulation.

For example, if you normally divert water in a long, ditch with a lot of seepage, or if you rely on ditch or pipe flow to prevent freezing, you may need to take steps like: switching to groundwater (your own or a neighbor's); purchasing a trough; purchasing a warming element for a trough; or trucking in water during this timeframe.

Livestock Watering for Those that Receive Curtailment Orders

This rule for livestock watering applies only to people who have received a curtailment order. This rule allows you continue to divert a **minimum** amount of surface water or groundwater for livestock, even if your rights are curtailed for other purposes. **The curtailment exception for minimum livestock watering amounts DOES NOT allow for the diversion of 10 times the amounts listed in Table 1: it requires a reduction to the amounts listed in Table 1 or other minimum amount approved by the Deputy Director for the Division of Water Rights.** Under this rule:

- If you received a curtailment order for a **surface water diversion or groundwater diversion**, but need to continue to divert for livestock, you must immediately reduce diversions to estimated amounts necessary to sustain livestock, shown in Table 1, above. For example, if you have 100 range cattle, you must immediately reduce your diversions to **1,500** gallons per day.
- You may also submit a **Scott-Shasta Minimum Livestock Diversion Certification form** to the Division of Water Rights that certifies the diversion is necessary, is conveyed without seepage, and does not exceed the reasonable livestock watering quantities in Table 1. Diversions that do not result in seepage losses may include pipes, groundwater wells, or lined ditches.

- If you are unable to reduce diversions to the minimum amounts in Table 1 you must submit a petition to the Division of Water Rights¹. **It is possible to petition for additional amounts greater than those permitted in Table 1, but you will need approval from the Deputy Director for the Division of Water Rights in order to divert the greater amount.** The petition must:
 - (1) Describe the specific circumstances that make the requested diversion amount necessary to meet minimum livestock watering needs.
 - (2) Estimate the total amount of water needed.
 - (3) Certify that the water supply will be used only for the stated need.
 - (4) Describe any other additional steps taken to reduce diversions and consumption.
 - (5) Provide the timeframe in which the petitioner expects to reduce usage to no more than the reasonable livestock watering quantities specified in Table 1 (Article 5, section 697), or why minimum livestock needs will continue to require more water.

Potential Enforcement

A water right holder or claimant who diverts water in violation of this regulation may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and 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.)

Drought Funding Assistance

Information on possible funding assistance for drought-related or water conservation projects is available on the State Water Board's [Scott- River and Shasta River Watersheds Drought Response website](#)². Information is available under the drop-down menu titled: *Funding Opportunities*. Of particular interest for immediate actions, the *Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program* can provide reimbursement for increased drought costs for livestock watering, where the watering does not take place on irrigated lands.

The State Water Board encourages you and your neighbors to consider using the above-referenced drought-related funding opportunities to find long-term alternatives to reduce late fall and early winter livestock diversions. This can benefit migrating fish, and help protect your operations against future fluctuations in water availability.

¹ Petitions may be submitted through the [Water Right Form and Survey Submittal Portal](#) (<https://public.waterboards.ca.gov/>). If you have questions, please contact staff using the email address or phone line in the Questions section of this letter.

² https://www.waterboards.ca.gov/drought/scott_shasta_rivers/

Questions

Questions can be directed by e-mail to: ScottShastaDrought@waterboards.ca.gov, or you can call the dedicated message line at: (916) 327-3113. Staff make every effort to respond to all inquiries within one business day.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl". The signature is written in a cursive style with some loops and flourishes.

Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resource Control Board