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## State Water Resources Control Board

OCTOBER 20, 2023

Scott Valley Irrigation District  
Attn: Jim Morris



### **NOTICE OF VIOLATION - FAILURE TO COMPLY WITH MEASUREMENT REGULATIONS AND POTENTIAL VIOLATION OF TERMS AND CONDITIONS OF WATER RIGHT ID A000512**

Dear Scott Valley Irrigation District:

#### **Measurement Regulations**

The State Water Resources Control Board (Board), Division of Water Rights (Division) has reviewed your Report of Licensee (Report) for October 1, 2021 to September 30, 2022. While it appears that the Scott Valley Irrigation District (SVID) has a measurement device installed, no data files were uploaded with the Report. Because SVID has a water right for more than 1000 acre-feet a year, SVID must record diversion data on an hourly or more frequent basis. Because SVID diverts more than 30 cubic feet per second (cfs) between June 1 through September 30<sup>th</sup>, SVID must comply with the telemetry requirements in the water measurement regulations (Cal. Code Regs., Title 23, § 933 (b) (4)). Each week, SVID must provide diversion data via a public website that displays the data on at least a daily basis.

#### **Violation**

The Division of Water Rights has reviewed your Water Diversion and Use Reports and found that SVID failed to submit data collected from the measurement device and the diversion data is not telemetered and uploaded to a public website. This is a violation of Cal. Code Regs., Title 23, § 933 (b) (2) (A) and § 933 (b) (4), respectively. These violations may be enforced in accordance with Water Code section 1846 which grants the Board the authority to impose an Administrative Civil Liability of five hundred dollars (\$500) for each day of violation and section 1831 which grants the authority to issue Cease and Desist Orders.

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

## Potential Violation of Terms and Conditions of Water Right

The pond (Figure 1) on Siskiyou County APN [REDACTED] ([REDACTED]) appears to be filled by water from the SVID ditch.

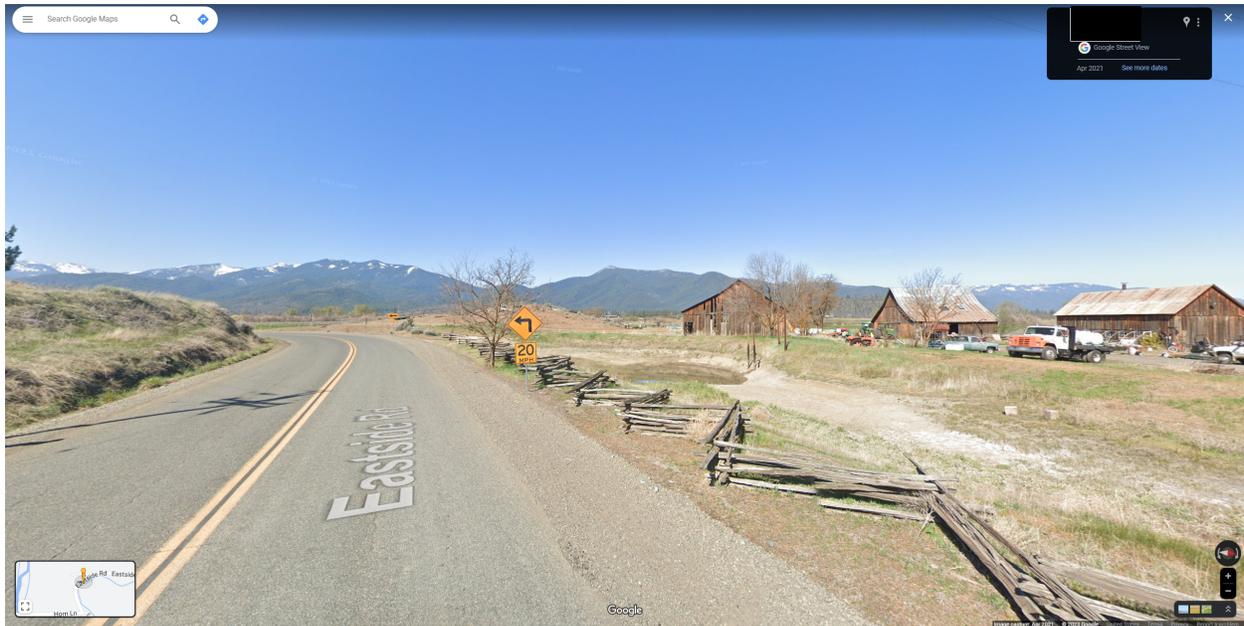


Figure 1. Google Streetview Image of Pond

SVID's water right license (A000512, License 441) states that water is to be used for "agricultural use" and that all "diversions under this license, which are to be directly applied to irrigation use without storage". The Scott River Decree appears to grant all claimants a limited right to divert water for stockwatering, recreational domestic, wildlife, or firefighting (Paragraph 41, Scott River Decree). If water is being diverted from the SVID ditch and is not being used for one of the purposes listed above, it may be a violation of the terms and conditions of the SVID water right. It does not appear that there is a right to store water in this pond.

### Corrective Actions

To comply with measurement regulations, SVID must:

- Within 30 days, amend SVIDs 2021-2022 Report and include a data file with diversion measurements; and
- Install a measuring device/s (telemetry) in accordance with the California Code of Regulations § 933, et seq; and
- By February 1, 2024 upload daily measurement data on a weekly basis to a public website.

To ensure that there is not a violation of terms and conditions of the water right license, SVID must:

- Within 30 days, provide information demonstrating that SVID is not delivering water and has not historically delivered water to the pond; OR
- Within 30 days, provide the basis of water right for storing water in the pond and describe how the water in the pond is used.
- If the water is not being used in a manner consistent with SVID's water right and SVID believes they have a valid right to store water in the pond, SVID must submit a change petition ([https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/petitions/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/petitions/)) within 90 days to ensure the uses of the pond are consistent with SVID's water right.

**Failure to correct this violation may subject you to a Cease and Desist Order and an Administrative Civil Liability penalty.**

If you have any questions, please contact Alex Sweat at (916) 319-0724 or e-mail at: [alexander.sweat@waterboards.ca.gov](mailto:alexander.sweat@waterboards.ca.gov). Written correspondence should be addressed as follows:

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Respectfully,



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