

State Water Resources Control Board

May 16, 2014

«owner»
«agent»
«address1»
«address2»

IN REGARDS TO JUNIOR WATER RIGHT(S) (SCHEDULE-DIVERSION POINT-MAP NUMBER); «App_List», AS SPECIFIED IN THE SCOTT RIVER ADJUDICATION IN THE SCOTT RIVER WATERSHED

NOTICE OF UNAVAILABILITY OF WATER AND NEED FOR IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER UNDER A JUNIOR PRIORITY CLASS RIGHT IN THE SCOTT RIVER WATERSHED SUBJECT TO DECREE NO. 30662

On January 17, 2014, Governor Edmund G. Brown, Jr. proclaimed a State of Emergency (Proclamation) to address the record dry conditions around the State. On the same day as directed by the Proclamation the State Water Resources Control Board (State Water Board) issued a statewide notice of water shortages and potential for curtailment of water right diversions. On January 22, 2014, the State Water Board notified Scott River watershed junior priority class water rights holders of possible future curtailments in a Notice of Potential Curtailment of Diversion of Water Under Certain Water Rights. The priorities of each water right within the watershed were determined by the Superior Court of Siskiyou County in the Scott River Adjudication Decree No. 30662 (Decree). Currently water supplies from forecasted rainfall and snow pack are so low that action must be taken now to protect senior water rights holders and public health.

Curtailment of Junior Class Water Rights:

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. The existing water supply in the Scott River watershed is insufficient to meet the needs of all water rights holders. With this notice, the State Water Board is notifying you of the need to immediately stop diverting under your junior priority class water rights. If your junior priority class diversion is your only source for human health and safety purposes, you may contact the State Water Board with information supporting that there is no other supply available and maximum conservation has been implemented. The State Water Board will consider such exceptions on a case-by-case basis. This condition of curtailment will continue until water conditions improve and/or senior priority class water rights are satisfied. Even if there is water

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.

physically available at your point of diversion, that water is necessary to meet senior priority class water rights holder's needs and you are not entitled to divert. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right. Permission to initiate diversions during or following significant rainfall events, if issued, will be posted at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices.

You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: http://www.waterboards.ca.gov/resources/email_subscriptions/.

Compliance Certification Required:

Curtailed junior priority class diverters are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms cessation of diversion under the specific junior priority class water right identified in the decree, and, if applicable, identifies the alternate water supply to be used in lieu of the curtailed water right. Completion of the Form and identification of alternate rights can avoid unnecessary enforcement proceedings. Please complete the Form for each of your junior priority class water rights identified through this curtailment at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/.

If you are unable to complete the form online, you should download the Form at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/curtailment_certification_form.pdf and email your response to: SWRCB-Curtailment-Certification@waterboards.ca.gov.

Warning of Potential Future Curtailment of Senior Rights:

If you divert water under senior priority class water rights, it is important to conserve water due to declining supplies. If current conditions persist, the State Water Board may consider curtailment of the senior priority class rights identified in the Decree.

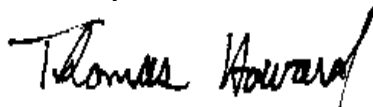
Potential Enforcement:

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: SWRCB-Curtailment-Certification@waterboards.ca.gov, or review our drought year webpage at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml.

Sincerely,



Thomas Howard
Executive Director

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
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Ms. Marcia Armstrong
District 5 Supervisor
Siskiyou County Board of Supervisors
9216 Smokey Lane
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Mr. Ric Costales
Natural Resources Specialist
Siskiyou County
P.O. Box 750
Yreka, CA 96097

Mr. Tom Menne, Chair
Scott Valley Groundwater Advisory Committee
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Fort Jones, CA 96032

Mr. Preston Harris
Executive Director
Scott River Water Trust
P.O. Box 591
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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
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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
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