

Scott Valley & Shasta Valley Watermaster District

POLICY FOR WATERMASTER SERVICE

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Purpose: This Policy Statement describes services to be provided by the Scott Valley and Shasta Valley Watermaster District (SSWD).

Background: The purpose of the Watermaster Program is to ensure water is allocated according to established water rights as determined by court adjudications, some State Water Resources Control Board (SWRCB) permits or licenses, or civil lawsuits. The State established the Watermaster Program in 1924 to provide for general public welfare and safety after many injuries and some deaths resulting from disputes over adjudicated water rights. Until February 1, 2012 Watermaster service was administered by the Department of Water Resources (DWR) in accordance with Part 4, Division 2, Sections 4000-4407 of the California Water Code (CWC). Watermaster service areas were created by DWR either at the request of water users or by order of the Superior Court.

On December 22, 2011 Presiding Judge Laura Masunaga signed the Siskiyou County Superior Court Order to appoint SSWD as Watermaster in the Scott Valley and Shasta Valley Service Areas effective February 1, 2012.

Governing Authority: Board of Directors

Policy Statement: SSWD provides year-round court-ordered service as appointed by the Siskiyou County Superior Court. SSWD provides voluntary monitoring assistance for customers who choose to opt-in to the Voluntary Monitoring Program (ref. VMP information on website). The following is included in court-ordered service:

Authority for adjusting the volume of water being diverted:

SSWD will manage and control the diversions of water included in the decrees and other orders as appointed by the Superior Court. The Deputy Watermaster manages these diversions using a priority system established in the decrees and does not extend authority past the decreed point of diversion.

Assist down ditch users making a complaint:

The Deputy Watermaster does not have the responsibility or authority to regulate diversions “down ditch” from the decreed point of diversion, but will investigate and make recommendations to help resolve problems within a reasonable amount of time. When significant time is required, additional fees to cover unbudgeted costs may become the responsibility of the diversion owner(s) involved.

Review proposed water transfers:

When proposals to transfer, bypass or otherwise dedicate water to other beneficial uses is submitted for review by the District, the Deputy Watermaster will assess the proposed action to ensure that water transfer agreements between diversion owners and third-party entities do not harm other decreed right holders. When significant time is required, additional fees to cover unbudgeted costs may become the responsibility of the diversion owner(s) involved.

Guidelines and Offenses:

- 1) Diversion dams, headgates and measuring devices are the responsibility of the water users in accordance with CWC Sections 4100-4104. The Deputy Watermaster must approve all designs to ensure they are adequate and appropriate for the diversion.
- 2) The Deputy Watermaster and SSWD’s Board of Directors may accept a request by a water user to temporarily change the decreed point of diversion provided the change does not harm any other user (refer to Policy for Adding or Changing a Decreed Point of Diversion). Permanent changes require a supplemental decree before it can be fully implemented by the Deputy Watermaster.
- 3) Water must be used for the purpose and place defined in the Decree. Transactions effecting the purpose and place of use must be consistent with the Decree, supplemental decree or other filing with the Superior Court referencing the adjudication. Users may employ conservation efforts under WC Section 1011 on a temporary basis provided there is coordination with the Deputy Watermaster and there is no harm to other decreed right holders. Users must obtain final approval from the Court for any permanent change in purpose of use and/or place of use before the transaction can be fully implemented by the Deputy Watermaster.
- 4) SSWD recognizes the existence of overlapping water rights in the Shasta Valley Service Area. Coordination with the State Water Resources Control Board, Division of Water Rights may be necessary when managing diversions.
- 5) Offenses: Failure of water user to comply with this policy may result in any of the following:
 - a) Lock headgate. The Deputy Watermaster is given immediate authority to do so when necessary.
 - b) Post Legal Notice or send letter of action from the Deputy Watermaster.
 - c) File a complaint with the Siskiyou County Sheriff’s Department in accordance with CA Water Code Sections 4175 – 4178.

Scope of Lands Irrigated:

SSWD supports the terms of CA Water Code sections 2773-2774 to be used as guidelines for determining which lands are under the responsibility of the Watermaster Program. Decrees identify the lands that have been appropriated and adjudicated.

Inquiries and Responses:

Communication with SSWD may be made by telephone, email, or in writing. Text messages are not accepted unless prior approval by staff has been obtained. Depending on the topic or issue, communications may be placed on Board agendas or discussed within ad-hoc meetings for the purpose of providing input to the Deputy Watermaster or to develop a response.

Exemptions to Billing for Service: Some water rights have been determined as non-billable, or a water right holder has an approved Waiver of Watermaster Service Fee. Non-billable rights and approved waivers result in a modification of billing amount and the Total Flow/Ditch Flow tables necessary for determining the available water supply for diversion. For information regarding a Waiver of Watermaster Service Fee, see policy Request for Waiver of Watermaster Service Fee.

Non-billable rights are determined when any of the following situations apply:

- The diversion is no longer under Watermaster service.
- Water right has been abandoned.
- Water right is 'in lieu of' another existing right. This means the amount of water can be diverted from one or another diversion but not both.
- The purpose of use in the decree is defined as 'power use only' and water is returned to the stream.
- Use of water is no longer active because the point of diversion has been demolished and not relocated or reconstructed.
- Decreed irrigated acres have been determined as non-irrigable due to property splits.

Additional Guidelines:

This policy is intended to be a guideline for internal operations and general organization and does not confer any right or benefit enforceable in law or equity against the Scott Valley and Shasta Valley Watermaster District or its agents or representatives.

Public Records: Records maintained by SSWD are subject to the California Public Records Act and are generally available for review by the public. However, some records are not subject to public disclosure and are not available for public review or copying. SSWD will assist any person in determining whether SSWD has publicly-available records that are responsive to any request for information. If copies of records are requested, SSWD may impose reasonable charges based upon the direct cost of copying the records.