

State Water Resources Control Board

October 11, 2021

<<MAIL_RECEIVER_NAME>>
<<ATTN_C/O_LINE>>
<<BOTTOM_ADDRESS_LINE>>
<<CITY>>, <<STATE>> <<ZIP>>

ORDER WR 2021-0089 DWR: CURTAILMENT ORDER IN THE MATTER OF DIVERSION OF WATER FROM MILL CREEK TRIBUTARY TO THE SACRAMENTO RIVER IN TEHAMA COUNTY

This letter and the enclosed Order contain important information regarding the curtailment of the water rights and claims listed in Attachment A, including Water Right ID <<WATER RIGHT ID>> that is owned by <<PRIMARY OWNER NAME>>. This letter also describes a certification that is required to be submitted by October 18, 2021.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board) that became effective on October 4, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions to ensure the drought emergency minimum flows specified under the California Code of Regulations, title 23, section 876.5 are satisfied and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under <<WATER RIGHT ID>> of the enclosed Order and its requirements. You will receive a similar letter and Order for each water right or claim of right in the Deer Creek and Mill Creek watersheds for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and to ensure critical instream flows for species protection in the Mill and Deer Creek watersheds, on September 22, 2021, the State Water Board adopted an emergency regulation ([Regulation](#)¹) for Curtailment of Diversions on Mill and Deer Creeks Due to Insufficient Flow for Specific Fisheries (Cal. Code Regs., tit. 23, §§ 876.5–879.) The Regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on October 4, 2021. The Regulation will remain in effect for up to one year, but could be repealed if water supply conditions improve. The State Water Board may readopt the Regulation if drought conditions continue. The Regulation establishes drought emergency minimum flow requirements for the protection of specific runs of federal- and

¹ https://www.waterboards.ca.gov/drought/mill_deer_creeks/docs/2021-0924-01e-approval.pdf

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state-listed anadromous fish in Mill Creek and Deer Creek. The Order requires water right holders and claimants to cease or reduce diversions from Mill Creek to ensure the drought minimum flows specified in the Regulation are satisfied. The Regulation also allows continued diversions to provide water supplies for minimum human health and safety needs, provides a path for local cooperative solutions to more effectively support flow and fishery needs, prohibits inefficient domestic lawn watering practices, and requires curtailment order reporting. The Regulation is available on the State Water Board's [Mill Creek and Deer Creek Drought Response](#)² webpage.

Curtailed Water Rights and Claims of Right in the Mill Creek Watershed

Based on the most recent stream flow data at the California Department of Water Resources Mill Creek Below Hwy 99 gauge³ (CDEC Station ID: [MCH](#)), along with forecasts for future precipitation events, the Deputy Director for the Division of Water Rights (Deputy Director) has determined that without curtailment of diversions, flows in Mill Creek are likely to be reduced below the drought emergency minimum flows specified in the Regulation.

Under Order WR 2021-0089-DWR, the State Water Board is requiring all water right holders and claimants within the Mill Creek watershed to cease or reduce diversions beginning October 15, 2021, unless the minimum flows set forth in the California Code of Regulations, title 23, section 876.5 are met. This condition of curtailment will continue until June 30, 2022, or until the Deputy Director suspends the Order. The Deputy Director may also require pulse flows that are higher than the minimum flows when recommended by the California Department of Fish and Wildlife (CDFW) or National Marine Fisheries Service (NMFS). Flows available in excess of the required minimum flows or pulse flows may be diverted pursuant to the priority of the right, except that the enclosed Order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board orders, or the terms and conditions of the water right.

Future updates will be provided in electronic format only, and hard copy notices will not be sent out. Notification of suspension of the Order or modification of the emergency minimum flow will be posted on the State Water Board's [Mill Creek and Deer Creek Drought Response](#) webpage and sent electronically to parties that have subscribed to the [Mill Deer Drought Email List](#).

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **October 18, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the

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

³ <https://cdec.water.ca.gov/webgis/?appid=cdecstation&sta=MCH>

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emergency regulation. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/WRInfo>.

The following credentials are needed to access the Survey Portal:

Login: <<WATER RIGHT ID>>

Password: <<REPORTING IDENTIFIER>>

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in California Code of Regulations, title 23, section 878; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in California Code of Regulations, title 23, section 878.1.

Water right holders and claimants in the Mill and Deer Creek watersheds previously received an Initial Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed dated August 20, 2021. As discussed in the August 20 Order, if you wish to seek an exception to continue diversions, you must submit additional information to the State Water Board using the application forms available on the Board's Survey Portal.⁴

Local Cooperative Solutions

Local cooperative solutions are described in section 878.4 of the emergency regulation. If CDFW or NMFS enter into an agreement with a diverter or diversers that would provide protection for the fishery that is comparable to or greater than that provided by section 876.5, the diverter or diversers may request approval from the Deputy Director to implement the agreement in place of State Water Board-issued curtailment orders. Other local cooperative solutions may also be proposed to the Deputy Director as an alternative means of reducing water use to provide and maintain drought emergency minimum flows.

Proposed local cooperative solutions may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless they have been approved by the Deputy Director. Local cooperative solutions should be submitted to the Deputy Director by email to: DWR-MillDeerDrought@waterboards.ca.gov.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

⁴ <https://public.waterboards.ca.gov/WRInfo>

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Water Right ID: <<WATER RIGHT ID>>

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A water right holder or claimant who violates the enclosed Order or the 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 and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days of the date of the enclosed Order to request that the State Water Board reconsider the 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 sent by email to DWR-MillDeerDrought@waterboards.ca.gov.

Questions, Resources, and How to Stay Informed

If you need more information or have any questions, please visit the [Mill Creek and Deer Creek Drought Response](#) webpage. You may also contact staff at DWR-MillDeerDrought@waterboards.ca.gov.

It is highly recommended that all water right holders and claimants or their agents in the Mill Creek watershed sign up to receive future notifications through the State Water Board's [Mill Deer Drought email list](#). To subscribe, visit the State Water Board's [Mill Creek and Deer Creek Drought Response](#) webpage or [State Water Board Email Lists webpage](#) under "Water Rights."⁵ You may also visit the State Water Board's [Mill Creek and Deer Creek Drought Response](#) webpage (https://www.waterboards.ca.gov/drought/mill_deer_creeks/) frequently for updates. All future updates on curtailments and other important information related to the regulation and related orders will only be provided through electronic communications.

Sincerely,

ORIGINAL SIGNED BY

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order WR 2021-0089-DWR: Curtailment Order in the Matter of Diversion of Water from Mill Creek Tributary to the Sacramento River in Tehama County

⁵ https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

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

DIVISION OF WATER RIGHTS

ORDER WR 2021-0089-DWR

CURTAILMENT ORDER

In the Matter of Diversion of Water from

**MILL CREEK TRIBUTARY TO THE SACRAMENTO RIVER
IN
TEHAMA COUNTY**

BACKGROUND

1. In response to drought conditions, on May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (May 2021 Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed which include Tehama County, where Mill Creek watershed is located. The May 2021 Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the State, both to ensure the protection of water for health, safety, and the environment and to prepare for potential sustained drought conditions.
2. The May 2021 Proclamation directs the State Water Resources Control Board (State Water Board) and California Department of Fish and Wildlife (CDFW) to evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and to work with water users and other parties on voluntary measures to implement those actions if possible. If voluntary measures do not occur, the proclamation directs the State Water Board to consider the development of emergency regulations to establish minimum drought instream flows.
3. In response to ongoing drought conditions and associated water supply shortages, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions in the Delta watershed when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The Enhanced Water Use Reporting and Curtailment of Diversions due to Lack of Water Availability in the Sacramento-San Joaquin Delta Watershed emergency regulation (Delta watershed emergency regulation)¹ was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. Pursuant to the Delta watershed emergency regulation, on

¹ https://www.waterboards.ca.gov/drought/delta/docs/deltareg_oal_approval.pdf

August 20, 2021, the State Water Board issued an Initial Order Imposing Water Right Curtailment and Reporting Requirements to all water right holders and claimants in the Delta watershed, requiring compliance with specific water diversion curtailment and reporting requirements.

4. On September 22, 2021, the State Water Board adopted an emergency regulation titled Curtailment of Diversions on Mill and Deer Creeks due to Insufficient Flow for Specific Fisheries ([Regulation](#)).² The Regulation added sections 876.5, 876.7, and 878.4, and amended sections 878.1 and 879 in title 23, division 3, chapter 2, article 24 of the California Code of Regulations.³ The Regulation was approved by the Office of Administrative Law and went into effect on October 4, 2021, and will remain in effect for up to one year from the effective date but could be repealed if water supply conditions improve. The State Water Board may also readopt the Regulation if drought conditions continue. The Regulation establishes drought emergency minimum flow requirements for the protection of specific runs of federal- and state-listed anadromous fish in Mill Creek and Deer Creek. The Regulation provides that diversions from Mill Creek and Deer Creek are unreasonable if those diversions will cause flows to drop below specified minimum flows. Under the Regulation, diversions will be curtailed as appropriate to maintain those minimum flows, with the exception of diversions necessary for minimum human health and safety needs. The diversion or use of water in violation of the Regulation is an unreasonable diversion or use and a violation of Water Code section 100.
5. Pursuant to section 876.5, the State Water Board has determined that it is an unreasonable use of water under Article X, section 2 of the California Constitution to continue diversions that would cause or threaten to cause flows to fall beneath the drought emergency minimum flows provided in subdivision (c) of section 876.5, except to provide for minimum health and safety needs in accordance with section 878.1.
6. On April 23, 2021, State Water Board staff in coordination with CDFW and the National Marine Fisheries Service (NMFS) held a Mill Creek watershed meeting with Mill Creek stakeholders to discuss possible voluntary agreements to protect threatened fish species for Mill Creek during the current drought year. So far, agreements have not been reached in Mill Creek this year, but the possibility that agreements will be reached is not foreclosed. Pursuant to section 878.4, agreements that provide comparable protection to the fisheries as the flows identified in section 876.5, may be able to substitute for curtailments if the agreements cover a significant percentage of the water diverted in the watersheds.
7. Pursuant to section 876.5, subdivision (b), the Deputy Director for the Division of Water Rights (Deputy Director) has been delegated authority to issue curtailment orders upon a determination that without curtailment of diversions flows are likely to be reduced below the drought emergency minimum flows specified in section 876.5, subdivision (c).

² https://www.waterboards.ca.gov/drought/mill_deer_creeks/docs/2021-0924-01e-approval.pdf

³ All further section references are to California Code of Regulations, title 23, unless otherwise indicated.

8. Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) (CV SR salmon) are listed as threatened under the state and federal Endangered Species Acts, and California Central Valley steelhead (*Oncorhynchus mykiss*) (CCV steelhead) are listed as threatened under the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). Mill Creek has been identified as a high-priority tributary for the protection and recovery of wild populations of CV SR salmon and CCV steelhead. Mill Creek is one of only three Sacramento River tributaries that supports a self-sustaining and genetically distinct population of CV SR salmon. Mill Creek also supports CCV steelhead.
9. On August 16, 1920, the Superior Court of Tehama County adjudicated the water rights in Mill Creek (formerly Los Molinos River). This decree apportions all flows in Mill Creek up to 203 cfs and appoints Los Molinos Mutual Water Company (formerly Los Molinos Land Company) as watermaster (Tehama County Superior Court Decree #3811, 1920).
10. Agricultural diversions have resulted in reduced instream flows or dewatering of stream sections in the lower Mill Creek between the confluence with the Sacramento River and diversion dams, which impedes fish migration. Pursuant to section 876.5, subdivision (a), for the protection of threatened and endangered fish and due to the ongoing drought and environmental conditions, the State Water Board has determined that curtailments of water diversions from Mill Creek are needed to meet the drought emergency base flow requirements beginning October 15, 2021.
11. Additional detail regarding the drought emergency, the listed CV SR salmon and CCV steelhead, the importance of the emergency minimum flows in Mill Creek to the fisheries, the effect of the Regulation, and the need for curtailment orders to meet the flows in the absence of voluntary agreements is contained in the Finding of Emergency, Informative Digest, and Revised Fiscal Impact Statement⁴ and the State Water Board Resolution No. 2021-0038⁵, which are hereby incorporated.
12. Pursuant to section 876.5, subdivision (c)(1)(A)(i), base flows from October 15 through March 31 of 50 cubic feet per second (cfs) or full flows without diversions, whichever is less, are required in Mill Creek when adult CCV steelhead are present.
13. Pursuant to section 876.5, subdivision (c)(1)(B)(i), base flows from October 15 through June 30 of 20 cfs or full flows without diversions, whichever is less, are required in Mill Creek when juvenile CV SR salmon or juvenile CCV steelhead are present and adult CV SR salmon or adult CCV steelhead are not present.
14. Pursuant to section 876.5, subdivision (c)(1)(C)(i), base flows from April 1 through June 15 of 50 cfs or full flows without diversions, whichever is less, are required in Mill Creek when adult CV SR salmon are present.

⁴ https://www.waterboards.ca.gov/drought/mill_deer_creeks/docs/20210916_ereg_finding_digest.pdf

⁵ https://www.waterboards.ca.gov/drought/mill_deer_creeks/docs/resolution-2021_0038-and-adopted-regulation-language.pdf

15. Pursuant to section 876.5, subdivision (c)(1)(C)(ii), from April 1 through June 15 pulse flows of 100 cfs or full flows without diversions, whichever is less, may be required in Mill Creek when adult CV SR salmon are observed between Ward Dam and the Sacramento River. The pulse flows, including the flow ramp down period, will last a minimum of 24 hours to a maximum of 72 hours. Pulse flows may be required if 1) the average daily flow measured at the United States Geological Survey Mill Creek Near Los Molinos CA gauge (#11381500) is 100 cfs or less for three consecutive days or 2) CDFW or NMFS submits a request for such pulse flows and it is approved by the Deputy Director.
16. Pursuant to section 876.5, subdivision (c)(1)(D)(i), from June 1 through June 15 pulse flows of 100 cfs or full flow without diversions, whichever is less, may be required in Mill Creek when juvenile CV SR salmon or juvenile CCV steelhead are observed in the lower reaches of Mill Creek and CDFW or NMFS submits a request for such pulse flows that is approved by the Deputy Director. The pulse flow, including the flow ramp down period, will last a minimum of 24 hours to a maximum of 48 hours.
17. The Regulation also prohibits inefficient domestic lawn watering practices. Pursuant to section 876.7, subdivision (a), domestic lawn watering shall be limited to no more than 18.5 gallons per day per 100 square feet throughout the effective period of the Regulation.
18. Attachment A is a summary of available water rights data on Mill Creek that was assembled from the State Water Board's electronic water rights information management system and Report Management System queries.

FINDINGS:

1. Section 876.5 subdivision (c)(1) establishes drought emergency minimum flows for Mill Creek under certain conditions.
2. The conditions under which the drought emergency minimum flows identified in section 876.5 subdivision (c) apply are, as of the date of this order, in effect, and are likely to continue. On October 8, 2021, the CDFW informed the State Water Board that CCV steelhead are present in the Sacramento River and likely near the confluence with Mill Creek.
3. The Deputy Director has determined that without curtailment of diversions from Mill Creek the flows in Mill Creek have been, and are likely to continue to be, reduced below the drought emergency minimum flows specified in section 876.5 subdivision (c)(1).

IT IS HEREBY ORDERED:

1. Effective October 15, 2021, all water right holders and claimants in the Mill Creek watershed, including those identified in Attachment A, are subject to curtailment pursuant to California Code of Regulations, title 23, sections 876.5 through 879, and shall, in the order of priority, immediately cease or reduce their diversions from Mill Creek to ensure the drought minimum flows specified in section 876.5 subdivision (c)

are satisfied through June 30, 2022, or until the Deputy Director suspends the curtailment order, as follows:

- a. During the period of October 15, 2021-March 31, 2022, all diverters on Mill Creek shall bypass 50 cfs or full natural flow without diversion, whichever is less, in order to ensure base flows for adult CCV steelhead migration. Flows in excess of the 50 cfs base flow can be diverted in accordance with priority and basis of right, except that this order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board order, or the terms and conditions of the water right.
- b. During the period of April 1 through June 15, 2022, all diverters on Mill Creek shall bypass 50 cfs or full natural flow without diversion, whichever is less, in order to ensure base flows for adult CV SR salmon migration. Flows in excess of 50 cfs base flow can be taken in accordance with priority and basis of right, except that this order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board orders, or the terms and conditions of the water right.
- c. During the period of October 15, 2021 through June 30, 2022, all diverters on Mill Creek shall bypass 20 cfs or full natural flow without diversion, whichever is less, in order to ensure base flows for juvenile CV SR salmon and juvenile CCV steelhead outmigration. Flows in excess of 20 cfs base flow can be taken in accordance with priority and basis of right, except that this order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board orders, or the terms and conditions of the water right. When adult CCV steelhead or CV SR salmon are also present, 50 cfs or full natural flow without diversion, whichever is less, is required as described above.
- d. Upon notification to the Deputy Director from CDFW or NMFS that adult CCV steelhead or CV SR salmon migration has ended but juvenile CV SR salmon or juvenile CCV steelhead are present, base flow requirements will be reduced to 20 cfs pursuant to section 876.5. At that time all diverters on Mill Creek shall bypass 20 cfs or full natural flow without diversion, whichever is less, in order to ensure base flows for juvenile CV SR salmon and juvenile CCV steelhead migration. Flows in excess of the 20 cfs base flow can be diverted by water right holders in accordance with priority and basis of right, except that this order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board orders, or the terms and conditions of the water right.
- e. When a pulse flow is required under section 876.5, subdivision (c), all diverters on Mill Creek are curtailed and must cease diverting to ensure that the pulse flow of 100 cfs or full flow without diversions, whichever is less, is bypassed at their point of diversion. If full natural flows exceed 100 cfs at a

time when pulse flows are required, then flows in excess of 100 cfs can be diverted by water right holders in accordance with water right priority and basis of right, except that this order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to the Delta watershed emergency regulation or any other Board orders, or the terms and conditions of the water right.

- f. All water rights and claims are curtailed under this order, specified in this order, unless the diversion is subject to an exception to curtailment as described by section 878 (non-consumptive uses), section 878.1 (minimum human health and safety needs), or section 878.4 (local cooperative solutions).
 - g. Water right holders and claimants in the Mill Creek watershed are also subject to the August 20, 2021 Initial Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed, issued pursuant to the [Delta watershed emergency regulation](#). This order does not relieve any right holder or claimant of obligations imposed by orders issued pursuant to that regulation or any other Board order, or the terms and conditions of the water right.
 - h. Compliance with the drought emergency minimum flows in Mill Creek required under section 876.5, subdivision (c)(1) will be assessed by the State Water Board based on the Department Water Resources' Mill Creek below Hwy 99 gauge reporting (California Data Exchange Center (CDEC) Station ID: [MCH](#)).
2. Pursuant to section 876.7, subdivision (a), which took effect October 4, 2021, domestic lawn watering in excess of 18.5 gallons per day per 100 square feet is prohibited.
3. In accordance with section 876.5, subdivision (d), water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
4. **<<PRIMARY OWNER NAME>>** or their agent or successor is required, by October 18, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (a) of the Regulation. The online Compliance Certification Form must be accessed using the Login: **<<WATER RIGHT ID>>** and Password: **<<REPORTING IDENTIFIER>>** on the Water Right Form and Survey Submittal Portal located at: <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 is automatically extended until ten (10) days after the lifting of the evacuation order.
5. All subsequent modifications to this Order, including curtailment suspensions, updates to Mill Creek flow requirements pursuant to section 876.5, or other modifications, shall

be noticed electronically, including electronic communications sent through the State Water Board's "Mill Deer Drought" email distribution list and posted to the State Water Board's [Mill Creek and Deer Creek Drought Response](#) webpage.⁶

6. Pursuant to section 876.5, the State Water Board has established an email distribution list that water right holders and claimants are encouraged to join to receive drought notices and updates regarding curtailments. Diversers and right holders/claimants who do not join the email distribution list must check the State Water Board's drought webpage regularly (at least weekly, and more frequently when hydrologic conditions are changing and times when more than one potential trigger for curtailment may be in effect). Notices provided by email or by posting on the State Water Board's drought web page shall be sufficient for all purposes related to drought notices and updates regarding curtailments.
7. Pursuant to section 879.2, failure to comply with the Regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of 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 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 diversers for unauthorized diversion or use in violation of Water Code section 1052.
9. Nothing in this Order shall excuse individual water right holders and claimants 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 & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: October 11, 2021

⁶ https://www.waterboards.ca.gov/drought/mill_deer_creeks/

ATTACHMENT A: ACTIVE WATER RIGHTS AND CLAIMS IN MILL CREEK WATERSHED	
WATER RIGHT ID	PRIMARY OWNER
A000322	CANDACE OWENS
A001861	CANDACE OWENS
A007536	CALIF DEPT OF TRANSPORTATION
A014396	MILL CREEK/LASSEN MUTUAL WATER COMPANY
A029496	CANDACE OWENS
F005211S	U S LASSEN NATL FOREST
F005212S	U S LASSEN NATL FOREST
S002909	LOS MOLINOS MUTUAL WATER CO
S002910	LOS MOLINOS MUTUAL WATER CO
S010968	U S LASSEN NATL FOREST
S010970	U S LASSEN NATL FOREST
S012752	PETER HANNA SEWARD
S012753	PETER HANNA SEWARD
S012889	PETER HANNA SEWARD
S012890	PETER HANNA SEWARD
S012891	PETER HANNA SEWARD
S012892	PETER HANNA SEWARD
S025182	UNITED STATES NATIONAL PARK SERVICE - LASSEN VOLCANIC NATIONAL PARK
S028341	THE NATURE CONSERVANCY
S028342	THE NATURE CONSERVANCY
S028354	THE NATURE CONSERVANCY
S028407	MILL CREEK/LASSEN MUTUAL WATER COMPANY