

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

DIVISION OF WATER RIGHTS

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

In the Matter of Violations of the Scott River and Shasta River Watersheds Drought
Emergency Requirements, Order WR 2024-0024-DWR issued in the Scott River
Watershed on July 23, 2024

SCOTT VALLEY IRRIGATION DISTRICT

Water Right ID: A000512

SOURCE: Scott River

COUNTY: Siskiyou

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Scott Valley Irrigation District (Respondent) is alleged to have violated Title 23, Division 3, Chapter 2, Article 24, section 875 of the California Code of Regulations which prohibits diversions of surface water and groundwater when curtailments are in place.
2. On December 19, 2023, the State Water Resources Control Board (State Water Board) approved Resolution No. 2023-0047 and adopted the Scott River and Shasta River Watersheds Drought Emergency Requirements (Emergency Regulation¹) which went into effect February 1, 2024, upon approval by the Office of Administrative Law. The Emergency Regulation establishes curtailment authority, minimum instream flow requirements, and information order authority in the Scott River and Shasta River watersheds. Through this Emergency Regulation, the State Water Board established minimum instream flow requirements to protect fall-run Chinook salmon, threatened Southern Oregon/Northern California Coast coho salmon, and culturally significant steelhead. Instream flow rates for the Scott River are measured in cubic feet per second (cfs) at the USGS Fort Jones gage (Fort Jones gage).²

¹ The Emergency Regulation is codified at Cal. Code Regs. tit. 23, § 875 et seq.

² All references in this Order to flow rate data at the Fort Jones gage was obtained from the USGS Monitoring website, <https://waterdata.usgs.gov/monitoring-location/USGS->

3. The State Water Board readopted the Emergency Regulation via Resolution No. 2025-0002 on January 7, 2025. The readopted Emergency Regulation went into effect on January 27, 2025, upon approval by the Office of Administrative Law.
4. On September 26, 2025, the Governor signed Assembly Bill 263 which extends the Emergency Regulation for the Scott and Shasta River Watersheds until January 1, 2031, or until permanent rules establishing and implementing long-term instream flow requirements are adopted for these watersheds, whichever comes first.
5. The Emergency Regulation grants the Deputy Director for the Division of Water Rights (Division) the authority to "...issue a curtailment order upon a determination that without curtailment of diversions, flows are likely to be reduced below the drought emergency minimum flows..." (Cal. Code Regs., tit. 23 § 875, subd. (b).)
6. On July 23, 2024, the Deputy Director issued "Order Imposing Water Right Curtailments and Requiring Reporting for Surface Water Rights in the Scott River Watershed (Order WR 2024-0024-DWR)". This imposed curtailments on all surface water rights in the Scott River Watershed by priority in accordance with Emergency Regulation section 875.5. There are eight prioritization groups. Group 1 includes the most junior water rights, and therefore are the first to be curtailed, while Group 8 includes the most senior water rights, and therefore are the last to be curtailed. Since then, the Deputy Director has issued several Addendums to Order WR 2024-0024-DWR based on changing flow conditions measured at the Fort Jones gage. The Addendums issued prior to 2026 are described in Attachment A hereto, which is incorporated by reference.
7. Order WR 2024-0024-DWR required submission of an online Curtailment Certification Form in accordance with Emergency Regulation section 875.6, subdivision (a), and allowed for curtailment exceptions applicable to non-consumptive instream uses, human health and safety, and livestock watering, as described in sections 875.1, 875.2, and 875.3. If such an exception is claimed, a water rights holder must self-certify or submit a petition.
8. The start of the 2025-2026 water year failed to provide the Scott and Shasta watersheds with the necessary snowpack to supply the region with sufficient water to meet all beneficial uses throughout the dry season. While the Northern

region of California saw precipitation rates close to a normal year³, the snowpack as of May 1, 2026, was only 7% of normal.⁴

9. On May 11, 2026 the State Water Board sent a notice to Scott River water right holders titled “Scott River: Flows Declining – Coordination of Diversions Encouraged” (May 11 email) through the Scott-Shasta Drought E-mail List (email list). The minimum instream flow requirement for May is 150 cfs. For several days prior to the May 11 email, flows at the Fort Jones gage had dropped by about 15 cfs each day. At the time the email was sent, flows at the Fort Jones gage were at 211 cfs. The email notified all users that, absent coordinated diversions amongst water users, the need for curtailments appeared to be rapidly approaching.
10. On May 21, 2026, flows in the Scott River fell below the required minimum. The Deputy Director issued “Scott River Watershed: Reinstatement of Curtailments for All Surface Water Rights (Groups 1-8) – (Addendum 9)” to Scott River water right holders through the email list. Addendum 9 required an *immediate* cessation of diversions of all listed surface water rights in the Scott River watershed. Diverters were not to resume diversions until otherwise informed by the State Water Board.
11. Flows in the Scott River experienced a rebound following the curtailment of all surface water diversions. On May 25, 2026, with flows hovering around 166 cfs, the Deputy Director conditionally suspended curtailment for certain water rights and issued “Scott River Watershed: Limited Conditional Suspension of Curtailments for Group 8 Surface Water Rights– (Addendum 10)” through the email list. Addendum 10 allowed surface water diverters in Group 8 (the most senior water rights holders) to conditionally divert water to the extent consistent with their water rights. All other surface water rights in the Scott River watershed remained curtailed and could not divert until otherwise informed by the State Water Board.
12. On May 27, 2026, due to recent precipitation and predictions for even more precipitation, flows in the Scott River rose sufficiently above the minimum instream flow requirement to allow for managed diversions.⁵ In response, the Deputy Director issued “Scott River Watershed: Conditional Suspension of Curtailments for All Surface Water Rights (Addendum 11)” to Scott River water right holders through the email list. Addendum 11 pertains to all surface water rights and conditionally suspends curtailments when the priority group’s conditions are met and flows exceed the minimum instream flow requirements as outlined in the addendum. The conditions allow for the flexible management

³ *California Water Watch*, California Department of Water Resources, <<https://cwww.water.ca.gov/info?address=41.44290%20-122.80675>> (as of, June 4, 2026).

⁴ *Track California Snow Conditions*, California Department of Water Resources, <<https://snow.water.ca.gov/>> (as of June 4, 2026).

⁵ Flows on May 27, 2026 started at 169 cfs and continued to rise until flows reached 255 cfs at approximately 11:00pm on May 28, 2026. After that point, flows again began to decline.

of diversions and flows in the watershed while upholding the priority system as required by the Emergency Regulation. (See Cal. Code Regs., tit. 23, §§ 875, subd. (b)(1) and 875.5). For surface water diverters in priority Groups 1-6, Addendum 11 requires that the following conditions must be met before diversions may occur:

- a. **Shall check** the flow at the Fort Jones USGS gage prior to and at least every 12 hours during diversion.
 - b. **May commence** diversion consistent with their water right(s) when all of the following conditions are met:
 - i. Flows are increasing and greater than 200 cfs during May (or 175 cfs during June) at the Fort Jones USGS gage; **AND**
 - ii. The diverter has notified the State Water Board of the amount of water they would like to divert, by email to: ScottShastaFlows@waterboards.ca.gov.
 - c. **May commence** diversion consistent with their water right(s) when all of the following conditions are met:
 - i. Flows are between 150 and 200 cfs during May (or between 125 and 175 cfs in June); **AND**
 - ii. The diverter requests **and receives approval** from the State Water Board to divert a specific amount of water.
 - d. **Shall cease** diversions immediately when any of the following occur:
 - i. Directed by State Water Board; or
 - ii. The instantaneous flow at the Fort Jones USGS gage approaches **200 cfs** during May or **175 cfs** during June, unless the diverter requests and receives approval from the State Water Board; or
 - iii. The instantaneous flow at the Fort Jones USGS gage approaches **150 cfs** during May or **125 cfs** during June.
13. On June 3, 2026, flows at the Fort Jones gage dropped below the 125 cfs minimum instream flow requirement for June 1-23. Consequently, per Addendum 11, all surface water diversions were curtailed. The Division sent an email to Scott River water rights holders through the email list reminding everyone of the requirement to curtail diversions.

14. On June 9, 2026, the Deputy Director for the Division issued “Scott River Watershed: Reinstatement of Curtailments for All Surface Water Rights (Groups 1-8) – (Addendum 12)” through the email list. Addendum 12 reinstated curtailments for all surface water diversions covered by Orders WR 2024-0024-DWR and Order WR 2026-0005-DWR. Addendum 12 also reminded Scott River watershed water rights holders of the required minimum flows by month through November. Addendum 12 did not supersede the self-executing conditions of Addendum 11, which curtailed all diversions when flows dropped below 125 cfs during the period of June 1-23.
15. Water Code section 1055 grants the Executive Director to the State Water Board authority to issue an Administrative Civil Liability (ACL) Complaint to any person or entity to whom administrative civil liability may be imposed. The Executive Director has delegated this authority to the Deputy Director for the Division of Water Rights. Pursuant to State Water Board Resolution 2012-0029, the Deputy Director for Water Rights is also authorized to issue an order imposing an ACL when a complaint has been issued and no hearing has been requested within 20 days of receipt of the complaint. These authorities have been redelegated to the Assistant Deputy Director.

ALLEGATIONS

16. The Respondent is the primary owner of A000512. The Respondent’s water right is subject to Order WR 2024-0024-DWR and is listed in Group 3. The Respondent is the largest diverter in the Scott River watershed.
17. The Respondent measures its water diversions at its point of diversion (POD) and uploads the data via telemetry to a data hosting site⁶ consistent with the requirements of the Measurement and Monitoring Regulations (Cal. Code of Regs., tit. 23, § 931 et seq.).
18. United States Postal Service (USPS) certified mail tracking indicates that the Respondent received Order WR 2024-0024-DWR on July 26, 2024.
19. The Respondent submitted a Scott Water Right Curtailment Certification form for A000512 on August 7, 2024.
20. The day after the reinstatement of curtailments, on May 22, 2026, Division staff called and emailed the Respondent to ensure the Respondent immediately ceased diversions as required by Addendum 9. Staff were unable to reach the Respondent by phone.
21. Respondent’s measurement data (contained in Attachment B hereto and incorporated here by reference) shows water diversions continued at the Respondent’s POD for several days after Addendum 9 was issued. While the Respondent’s rate of diversion decreased from a high of 26 cfs on

⁶ SVID Telemetry Data. <http://water.lwa.com:8080/SVID/index.html>.

May 21, 2026, the diversion did not cease until May 27, 2026. Based on the measurement data, Division staff conclude the Respondent's diversion occurred for at least 6 days, from May 22nd through 27th, after surface water diversions were curtailed.

22. On May 27, 2026, Division staff issued a Notice of Violation (NOV) to the Respondent for failure to comply with Order WR 2024-0024-DWR. The Respondent was emailed a copy of the NOV on May 27, 2026, and it was received by the Respondent via USPS on May 29, 2026.
23. On May 28, 2026, Jim Morris, acting in his capacity as the president of the Respondent, emailed Division staff to request permission to divert up to 30 cfs from its POD pursuant to Addendum 11. The Division granted the Respondent's requested diversion amount due to, at the time, favorable flow conditions that allowed junior water rights holders to divert water without causing harm to the environment or senior water rights holders. Flows at the Fort Jones gage at the time of approval were 205 cfs and rising.
24. On May 29, 2026, Division staff sent a follow-up email to Mr. Morris. In the email, staff reiterated the Respondent was allowed to divert, but once flows reached 175 cfs, it would be required to cease diversions. The Division is required to implement curtailments consistent with the priority system. (Cal. Code of Regs., tit. 23, § 875, subd. (a)(1), § 875.) As the Respondent is the largest diverter in the watershed, but also a relatively junior water rights holder, the Division needed to consider how the Respondent's requested diversion could contribute to rapidly declining flows when conditions changed and therefore may impact more senior water rights holders.
25. Early in the morning of May 31, 2026, USGS records showed the flows at the Fort Jones gage fell below 175 cfs.
26. On June 1, 2026, Division staff checked the Fort Jones gage and noticed that on May 31, 2026 flows had dropped below 175 cfs. As of 9:00 am on June 1, 2026, flows at the Fort Jones gage were at 156 cfs. By referring to the Respondent's measurement data website, Division staff concluded that the Respondent had not ceased diversions. Division staff made several attempts to contact representatives for the Respondent. On a phone call between Mr. Morris and Division staff, Mr. Morris alleged he was unaware of the need to cease diversions when flows dropped below 175 cfs.
27. In the evening of June 1, 2026, Mr. Morris sent an email to the Division regarding the Respondent's diversions. In the email he admitted that the Respondent had not immediately turned off its diversions when curtailments were reinstated on May 21, 2026 in order to allow "livestock owners time to find

other water sources for their animals.”⁷ Further, he refuted the State Water Board’s authority to curtail water rights holders when flows were above the minimum instream flow requirements set forth in the Emergency Regulation. Finally, he stated the Respondent would continue diverting between 25 to 30 cfs until flows reached, or fell below, 125 cfs.

28. At 12:30 pm on June 3, 2026, flows at the Fort Jones gage dropped below the minimum instream flow requirement of 125 cfs. At 1:15 pm the same day, an email was sent to the email list, reminding all water rights holders that all diversions were now curtailed due to below minimum instream flow conditions.
29. At 1:30 pm on June 3, 2026, Mr. Morris contacted the Division to notify staff that the Respondent had noted flows were below 125 cfs and had sent out crews to shut down its diversions. When staff checked the Respondent’s measurement data at 4:00pm, it appeared the Respondent had ceased its diversions.
30. To date, the Respondent has not contacted the State Water Board indicating it continued to divert under any of the exceptions covered by sections 875.1, 875.2, and 875.3 of the Emergency Regulation. The Respondent’s continued diversion of water after being ordered to curtail was a violation of Order WR-2024-0024-DWR as amended by the various addenda.
31. Division staff specifically allege that the Respondent failed to adhere to Addendum 9 and Addendum 11 of Order WR 2024-0024-DWR. Based on the Respondent’s own admission and measurement data, the Respondent did not cease diversion on May 21, 2026, when Addendum 9 was issued, and continued to divert until May 27, 2026. Based on the Respondent’s own admission and its measurement data, the Respondent again diverted in violation of its conditional diversion allowance per Addendum 11 from May 31, when flows fell below 175 cfs, until June 3, 2026, when flows reached the minimum instream flow requirement of 125 cfs.

PROPOSED CIVIL LIABILITY

32. Under Water Code section 1846, subdivision (b), “A person or entity may be liable for a violation of... a regulation or order adopted by the Board.” For a violation “that constitutes the diversion of water contrary to a curtailment order adopted by the Board,” the person or entity may be liable in an amount not to exceed “ten thousand dollars (\$10,000) for each day the violation occurs, plus an additional amount “for each acre-foot of water diverted in violation of the curtailment order, beginning on the first day on which the violation occurs.” The maximum liability for each acre-foot of water diverted in violation of a

⁷ E-mail from Jim Morris on behalf of Respondent to Shahab Araghinejad at the State Water Resources Control Board, Division of Water Rights (June 1, 2026).

curtailment order is three thousand dollars (\$3,000). (Cal. Code Regs., tit. 23, §1100, subd. (b)(7)(A).)

33. The Deputy Director for the Division issued the Respondent a curtailment order (Order WR 2024-0024-DWR) on July 23, 2024. The Respondent's diversions are subject to that Order and the various addenda.
34. Each day of diversion when Order WR 2024-0024-DWR prohibited diversion is a day of violation. Addendum 9 was issued on May 21, 2026 and required immediate cessation of diversions; however it is conceivable that the Respondent did not immediately see the email. Therefore, the Division is exercising its enforcement discretion to begin the calculation of days of violation on May 22, 2026. Enforcement staff documented ongoing diversion via the Respondent's measurement data in violation of Order WR 2024-0024-DWR occurring for four (4) days from May 22 through May 25, 2026 when all surface water diversions were curtailed under Addendum 9; two (2) days from May 26 through May 27, 2026 when all surface water diversions were curtailed except for Group 8 under Addendum 10; and four (4) days from May 31 through June 3, 2026 when Addendum 11 requirements were in place and required the Respondent to cease diversions.⁸ This results in a total of ten (10) days of violation, for a statutory maximum penalty of \$100,000 (10 days x \$10,000/day).
35. In addition to days of violation, the Division is alleging a volumetric penalty pursuant to Water Code section 1846, subdivision (b)(2). By reviewing measurement data and converting the flow rate to acre-feet, the Division has determined the Respondent diverted a total 317 acre-feet across the 10 days of violation. (Attachment C.) The statutory maximum for this volume of unauthorized diversion is \$951,000 (317 acre-feet x \$3,000).
36. The total statutory maximum penalty is therefore **\$1,051,000** (\$100,000 + \$951,000).
37. In determining the appropriate amount of a civil liability, Water Code section 1848, subdivision (d) and Water Code section 1055.3 provide that the State Water Board "shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective action, if any, taken by the violator."

⁸ While all ten days alleged by the Division occurred in violation of Order WR 2024-0024-DWR, only the diversions on May 22 and May 23, 2026 occurred while flows in the Scott River were below minimum instream flow requirements. The other eight days occurred while flows were just above minimum instream flow requirements, but water for diversion was not available for the Respondent at its priority group.

38. In considering the extent of harm caused by the violation:

a. Harm to the environment:

- i. Order WR 2024-0024-DWR was issued pursuant to the Emergency Regulation. The Emergency Regulation “prevent[s] the diversion of water that would unreasonably interfere with an emergency minimum level of protection for commercially and culturally significant fall-run Chinook salmon, threatened Southern Oregon/Northern California Coast coho salmon, and culturally significant steelhead.” (Cal. Code Regs., tit. 23, §875, subd. (a).)
- ii. Diversions in violation of Order WR 2024-0024-DWR endanger the health and habitat of the fish the Emergency Regulation was adopted to protect. Diversions during the late spring are most likely to impact Fall-run Chinook fry emergence (November through May), Coho salmon fry emergence (February through June), and Steelhead fry emergence (February through June).⁹
- iii. The Division acknowledges that there have been no reports of fish kills related to the Respondent’s diversions. Further, much of the water diverted by the Respondent occurred while flows were above the minimum instream flow requirement but not available at the Respondent’s priority group (237 acre-feet out of 317 acre-feet). While the Respondent’s diversions inarguably had an impact on the Scott River, the immediate environmental harm caused by the Respondent’s action appears to be minor.

b. Harm to other water rights holders:

- i. The Emergency Regulation requires the State Water Board to consider the water rights priority system when implementing curtailments. “Where flows are sufficient to support some but not all diversions, *curtailment orders shall be issued, suspended, reinstated, and rescinded in order of water right priority* provided in section 875.5.” (Cal. Code Regs., tit. 23 § 875, subd. (b)(1).) (Emphasis added.) Addendum 11, issued on May 27, 2026, directed junior water rights holders to comply with specified conditions prior to diverting and that the

⁹ *Proposed Scott River and Shasta River Watersheds Emergency Regulation: Finding of Emergency and Informative Digest*, State Water Resources Control Board, January 2024, https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/scott_shasta_rivers/docs/2024/ssd-digest-01122024.pdf, p. 29.

diversions must cease if directed by the Board. These conditions were designed to allow junior users to divert in a limited manner and to ensure that there was water available for more senior water rights holders when flows continued to drop. The Respondent, a junior water rights holder, was notified that it could divert until flows reached a specified flow at the Fort Jones gage. The Respondent ignored the directive to cease diversions and continued to divert until flows eventually reached the minimum instream flow thereby triggering curtailment by all water rights holders in the Scott River watershed, including those more senior to the Respondent.

- ii. The Respondent's diversions during curtailment harmed water users who were not curtailed. The Respondent's diversions during curtailment reduced or eliminated flows that otherwise would have been available to more senior water rights holders and water users enrolled in a local cooperative solution (LCS),
 - 1. Water users in an LCS must implement alternative means to meet the minimum threshold flows. By diverting water when other users are curtailed or have formally reduced diversion through an LCS, Respondent created an unfair advantage over similarly situated diverters in the watershed.
 - 2. The most significant harm to senior water rights holders is to those in groups 7 and 8 who, under Addendum 11, were permitted to divert until flows reached the minimum. This applies to all more senior water rights holders in the watershed, not just those downstream of the Respondent. The Respondent's failure to cease diversions when instructed to resulted likely resulted in flows dropping below the minimum, thus triggering the reinstatement of curtailments, earlier than if it had complied.

c. Harm to the effective implementation of the Emergency Regulation:

- i. The Respondent's actions harm the State Water Board's ability to implement the Emergency Regulation and thereby uphold the priority rights system, protect the environment, and benefit the public at large. The Respondent diverted water when all surface water users were curtailed due to below minimum instream flow conditions. The Respondent also diverted when flows were sufficiently above minimum requirements to allow only the most senior water rights holders to divert. The Respondent's diversions across the ten (10) alleged days of violation impacted the State Water Board's

ability to uphold the water rights priority system set forth in the Emergency Regulation and the Emergency Regulation as a whole.

39. In considering the nature and persistence of the violation:
- a. The Emergency Regulation was first adopted five years prior to the Respondent's alleged violations. While the Emergency Regulation has changed slightly from year to year, its substance has largely remained the same.
 - b. Respondent submitted a Curtailment Certification in response to the initial Curtailment Order in 2021 and recertified in 2024. This demonstrates that the Respondent is aware of its responsibility to monitor the email list for curtailment updates.
 - c. The May 11, 2026, email to the email list put the Respondent on notice that curtailments were likely imminent. The Respondent apparently did not adequately prepare for curtailments following the May 11 email. Instead, when flows dropped below the minimum requirements, the Respondent ignored multiple State Water Board communications telling the Respondent to cease diversions immediately. In an email on June 1, 2026, the Respondent admitted to not turning off its diversion in order to allow its members to find alternative water sources prior to ceasing diversions.
 - d. While the Respondent received approval to divert following the issuance of Addendum 11, that approval was conditioned on flows in the river. Rather than cease diversions when told to do so, on June 1, 2026, the Respondent refuted the State Water Board's authority to order the curtailment of their diversions when flows were above the minimum instream flow requirements. The Respondent further stated it would (and went on to) continue diversions until minimum instream flows were reached.
40. In considering the length of time over which the violation occurred:
- a. The Respondent's measurement data shows a total of ten (10) days of violation. Two (2) of those days (May 22 and May 23, 2026) occurred when flows in the Scott River were below the minimum instream flow requirements. The other eight (8) days of violation, while flows were slightly above the minimum flow requirements, water was not available to divert at the Respondent's priority group, Group 3. The Respondent was repeatedly made aware of the need to cease diversions but instead continued to divert.

41. In considering corrective action undertaken by the violator:
- a. The Division issued Addendum 9 on May 21, 2026, notifying water rights holders in the Scott River Watershed that all surface water diversions were immediately curtailed. The Respondent's measurement data shows that it continued diverting until May 27, 2026, six days after Addendum 9 was issued. In an email on June 1, 2026, the Respondent admitted to not turning off its diversions in order to allow its members time to find alternative water sources for their livestock. A lack of water management planning is not a justification for violating an order to curtail diversions. The act of locating and procuring alternative water sources should have been completed prior to the resumption of curtailment. The State Water Board provided more than adequate warning that curtailments were imminent and therefore preparations could have been easily implemented ahead of time. The Respondent is responsible for monitoring flows and adequately preparing for the imposition of curtailments, which it failed to do here.
 - b. Initially after the issuance of Addendum 11, the Respondent complied with the conditions applicable to its priority group. The Respondent obtained approval from the Division to divert. However, this approval was conditioned on specific flow measurements at the Fort Jones gage which the Respondent then disregarded. When confronted with this violation, the Respondent stated that it would turn off when flows reached the minimum and not before. On June 3, 2026 when flows reached the minimum, the Respondent turned off its diversions. Whether the Respondent turned off in response to its own independent monitoring of the Fort Jones gage or the notice sent out over the email list is not known at this time.
42. In considering other relevant circumstances:
- a. Economic benefit obtained from the violation:
 - i. It would be unfair to water rights holders who voluntarily incur the costs of regulatory compliance to impose upon the Respondent a penalty lower than the economic benefit the violation afforded to the Respondent. Otherwise, liabilities would merely be construed as the cost of doing business and provide no meaningful deterrent to future violations.
 - ii. The Respondent and its members undoubtedly benefited economically by the ten days of violation of the curtailment order. Although this amount cannot be specifically quantified, the Respondent and its members avoided the need to obtain replacement water, or to adjust their irrigation practices to reduce demand, for which they benefited. Other rights holders,

including those senior to the Respondent, were likely forced to obtain replacement water or alter their practices, particularly given that the Respondent's diversions likely hastened flows declining to below minimum flow conditions that triggered curtailment of all water rights.

b. Other Relevant Circumstances:

- i. The Division acknowledges the Respondent's active participation and leadership on local groundwater recharge projects. These projects use the Respondent's ditches and members' lands and benefit the region as a whole. These projects first began as a research project in conjunction with researchers at University of California at Davis and outside consultants. The researchers were studying the impacts of winter groundwater recharge from water applied to fields and along the Respondent's ditch to the flows in the Scott River in the late summer and early fall. Diversions occur during the winter months when flows are well above minimum instream flow requirements. The project has moved beyond the research phase and is now facilitated by the local Groundwater Sustainability Agency. Increased flows are expected to benefit fish populations that rely on the Scott River for fish rearing as well as Fall-run Chinook and Coho salmon which begin their migration up the river during late summer and early fall. Based on the 2026 summary report¹⁰ for the 5-year temporary groundwater recharge permit, a total of 2,053 acre-feet of water was diverted from the Scott River for recharge. Data included in the summary report shows that groundwater levels closer to recharge fields show continued or sustained increases throughout March, while wells further from recharge fields show decreasing trends in March. Simulations estimate that approximately 90% of recharged water is beneficially used within 2026, with an additional 5% contributing to streamflow in 2027.
- ii. Finally, the Division recognizes this is the first year in which the Division is issuing ACL Complaints for curtailment order violations using the new increased penalties adopted by Assembly Bill 460 (2024). The Legislature increased the maximum penalties for curtailment order violations following the 2023 drought. During this time period, water rights holders diverted significant volumes of water in violation of curtailment orders. These diversions resulted in harm to the environment

¹⁰ *Temporary Permit for Diversion and Use of Water Summary Report, Temporary Permit 21482, Scott Valley Irrigation District, April 2026.*

and the water rights priority system and the State Water Board was only able to assess negligible penalties upon the violators. Water rights holders in the Scott and Shasta watersheds were noticed of these increased penalties in the May 11 email sent through email list. While the argument against the imposition of higher penalties cannot be used as a defense by the Respondent, it is a factor the Division has taken into consideration when developing a proposed penalty for this particular violation.

43. Having taken into consideration all relevant circumstances, including but not limited to the failure of the Respondent to comply with the curtailment orders, impacts to the watershed, harm to other water rights holders and the efficient implementation of the regulatory program including the Emergency Regulation priority system, as well as the Respondent's ongoing efforts to improve summer flows through winter groundwater recharge, the Division of Water Rights Prosecution Team recommends the imposition of **\$300,000** in administrative civil liability ("Proposed Liability"). The share of the proposed penalty that is attributable to days of violation and to the volumetric penalty is proportionate to each component's share of the statutory maximum penalty. Thus, the proposed penalty of \$300,000 can be broken down as such: \$28,540 for the days of violation and \$271,460 for the volumetric assessment.

RIGHT TO HEARING

44. The Respondent may request a hearing on this matter before the State Water Board. Any such request for hearing must be delivered to or received by mail by the Board within 20 days after the date that this notice is received in accordance with Water Code section 1055, subdivision (b).
45. If the Respondent requests a hearing, the Respondent will have an opportunity to contest the allegations in this complaint and the imposition of a fine by the Board. The Board will issue a notice setting the specific time and place for the hearing. The hearing notice will be mailed not less than 10 days before the hearing date.
46. At the hearing, the Board will consider whether to impose a monetary fine, and if so, whether to adjust the Proposed Liability within the amount authorized by statute. Any fine imposed will be based on evidence and testimony provided at the hearing and may be higher or lower than the Proposed Liability in the ACL complaint. Any Board order imposing an ACL shall be final and effective upon issuance.
47. If the Respondent does not request a hearing within 20 days of receipt of this Complaint, then the right to a hearing on the matter is waived. The Assistant Deputy Director for the Division of Water Rights may then issue a final Administrative Civil Liability Order assessing the Proposed Liability.

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

*Robert P. Cervantes, Assistant Deputy Director
Division of Water Rights*

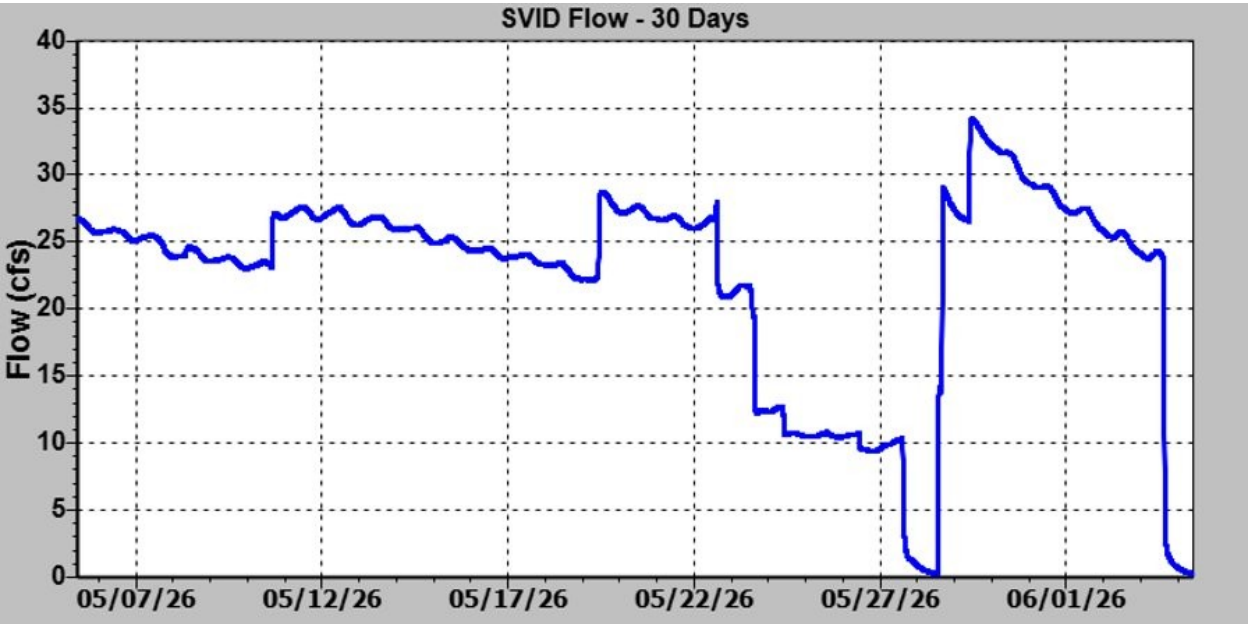
Dated: JUL 21 2026

ATTACHMENT A –
ORDER 2024-0024-DWR ADDENDA 1-8

1. On August 23, 2024, “Addendum 1 – Temporary and Conditional Suspension to Scott River Curtailments Orders” (Addendum 1) to Order WR 2024-0024-DWR was sent ahead of an expected storm event suspending curtailments subject to flows reaching, and maintaining, a rate of 35 cfs. Should flows have met this condition, diverters were directed to notify the State Water Board of their diversions and update the diversion amounts daily. However, the storm event did not result in increased flows above 35 cfs, and therefore diversions remained curtailed.
2. On September 6, 2024, “Addendum 2 – Scott River Groundwater Curtailment Suspension and Required Information for Potential Future Surface Water Diversions” (Addendum 2) was sent to Scott River water right holders. Curtailments were conditionally suspended for groundwater diverters upon the diverter contacting State Water Board staff indicating they are diverting and upon the Drought Emergency Minimum Flows being met at the USGS Fort Jones gage.
3. On September 17, 2024, “Addendum 3: Update to Scott River Surface Water Curtailments for Farmer’s Ditch Company” (Addendum 3) was sent to Scott River water right holders. The addendum applied only to Farmer’s Ditch Company, as that was the only surface water diverter that submitted a request to the State Water Board under the provisions of Addendum 2. Addendum 3 allowed Farmer’s Ditch Company to divert under certain conditions and expired at 11:59pm on September 30, 2024.
4. On September 27, 2024, “Addendum 4: Update to Scott River Surface Water Curtailments for Farmer’s Ditch Company and Scott Valley Irrigation District” (Addendum 4) was sent to Scott River water right holders. Addendum 4 applied only to Farmer’s Ditch Company and Scott Valley Irrigation District, as they were the only surface water diverters that submitted a request to the State Water Board under the provisions of the previous addenda. Addendum 4 further stated, “If you did not submit a request under the addendum (issued September 6, 2024 and September 17, 2024), your surface water right(s) remains curtailed (unless you have a local cooperative solution or meet an exception to curtailment like human health and safety or minimum livestock watering).” Addendum 4 expired on September 30, 2024, at 11:59pm. Water Code section 1055 grants the Executive Director for the State Water Board authority to issue an Administrative Civil Liability (“ACL”) Complaint to any person or entity to whom administrative civil liability may be imposed.

5. On October 15, 2024, “Addendum 5: Update to Scott River Surface Water Curtailments for Farmer’s Ditch Company and Scott Valley Irrigation District” (Addendum 5) was sent to Scott River water right holders. Addendum 5 applies only to Farmer’s Ditch Company and Scott Valley Irrigation District, as they were the only surface water diverters that submitted a request to the State Water Board under the provisions of the previous addenda. Addendum 5 further states, “Surface water diverters that have not submitted the requested information identified in Addendums 2 and 3 (issued September 6, 2024, and September 17, 2024, respectively) and received approval from the Board to divert under this addendum remain curtailed.” Addendum 5 expires on October 31, 2024, at 11:59pm.
6. On November 13, 2024, “Addendum 6 – Full Suspension of Curtailments in Scott River Watershed” was sent to Scott River water right holders. Addendum 6 provides for the suspension of surface water and groundwater curtailments in the Scott River watershed, but noted that prohibition on inefficient surface water diversions for livestock is still in effect and diverted surface water must not be used for inefficient livestock watering until the requirements of Section 875.7 of the Emergency Regulation are met.
7. On July 20, 2025, “Addendum 7 – Reinstatement of Curtailments for All Surface Water and Groundwater Diverters, Scott River Watershed” was sent to Scott River water right holders. Addendum 7 reinstated curtailments for all surface water and groundwater water rights in the Scott River watershed as listed in Attachment A of Order WR 2024-0024-DWR and Order WR 2024-0025-DWR. This Addendum requires all surface water and groundwater diverters listed in Attachment A of the Orders to cease all diversions immediately and may not resume diversions until otherwise informed by the State Water Board.
8. On July 22, 2025, “Addendum 8 – Suspension of All Curtailments in the Scott River Watershed” was sent to Scott River water right holders. This addendum suspended all curtailments in the Scott River watershed. Several community members expressed concern regarding the accuracy of the measurement, and USGS has revised its flow measurements upward based on measurements taken by the Scott Valley and Shasta Valley Watermaster District (Watermaster). As of 7:30 am this morning, flows at the Fort Jones USGS gage were measured at 78.4 cfs.

ATTACHMENT B – SVID TELEMETRY DATA



ATTACHMENT C – VOLUMETRIC CALCULATION

Date	SVID Diversion Telemetry Amount (cfs)	ACL Days of Violation		
		Days of Violation	Violation Volumetric Amount (acre-feet, converted from telemetry cfs)	Stat Max
5/22/2026	26 to 21	1	47.02216	\$ 151,066.48
5/23/2026	21 to 12	1	33.4692	\$ 110,407.60
5/24/2026	12 to 10	1	21.65168	\$ 74,955.04
5/25/2026	10	1	19.8336	\$ 69,500.80
5/26/2026	9	1	17.85024	\$ 63,550.72
5/27/2026	9 to 0	1	9.66888	\$ 39,006.64
5/28/2026	0 to 29	permission to divert	0	\$ -
5/29/2026	27 to 32	permission to divert untill flows reach 175cfs	0	\$ -
5/30/2026	32 to 30	permission to divert untill flows reach 175cfs	0	\$ -
5/31/2026	29 to 27	1	41.32	\$ 133,960.00
6/1/2026	27 to 26	1	52.64168	\$ 167,925.04
6/2/2026	25 to 24	1	48.67496	\$ 156,024.88
6/3/2026	24 to 0	1	25.78368	\$ 87,351.04
Total		10	317.91608	\$ 1,053,748.24
Total Rounded Down		10	317	\$ 1,051,000.00
Formula		10 days*\$10,000 + 317AF*\$3000		

Cfs conversion to acre-foot volume:

$$\frac{1 \text{ cubic foot}}{\text{sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} \times \frac{60 \text{ min}}{1 \text{ hour}} = \frac{3600 \text{ cubic feet}}{1 \text{ hour}}$$

$$\frac{3600 \text{ cubic feet}}{1 \text{ hour}} \times \frac{1 \text{ acre-foot}}{43,560 \text{ cubic feet}} = \frac{0.082644 \text{ acre-feet}}{1 \text{ hour}}$$

EXAMPLE:

Telemetry showed diversion was on at 10 cfs the entire day on 5/25/2026

$$10 \text{ cfs/sec} \times 60 \text{ sec/1 min} \times 60 \text{ min/hour} \times 1 \text{ af/43,560 cf} = 0.82645 \text{ af/hour} \times 24 \text{ hrs} = \mathbf{19.83 \text{ AF}}$$

$$\text{Or } 10 \times \mathbf{0.082644 \text{ acre-feet/1hr}} \times 24 \text{ hr} = \mathbf{19.83 \text{ AF}}$$