

State Water Resources Control Board

July 20, 2026

GLS TRACKING

Harold B. Tozier Ranch
[REDACTED]

GLS TRACKING NO: [REDACTED]

To whom it may concern:

NOTICE OF VIOLATION - FAILURE TO COMPLY WITH CURTAILMENT ORDERS (DIVERSION #19 SHACKLEFORD AND #21 SHACKLEFORD)

You are the owner on record for Water Right ID S019169, which is the right to divert water from Shackleford Creek, tributary to the Scott River. This water right is subject to Order WR 2024-0024-DWR.

On December 19, 2023, the State Water Resources Control Board (State Water Board) adopted an emergency regulation establishing emergency minimum flows in the Scott River and Shasta River watersheds (Scott River and Shasta River Emergency Regulation). (Cal. Code Regs., tit. 23, §§ 875-875.9.) The regulation went into effect on February 1, 2024.

On July 23, 2024, the Deputy Director for the State Water Board Division of Water Rights (Division) issued the Order Imposing Water Right Curtailment and Requiring Reporting for Water Rights in the Scott River Watershed (Order WR 2024-0024-DWR). United States Postal Service (USPS) records indicate that the surface water order was delivered on August 2, 2024.

On January 7, 2025, the State Water Board readopted the Scott River and Shasta River Emergency Regulation. The Office of Administrative Law approved the emergency regulation on January 27, 2025. Effective January 1, 2026, Assembly Bill (AB) 263 extended the adopted Scott River and Shasta River Emergency Regulation until January 1, 2031, or until permanent rules establishing and implementing long-term flow requirements are adopted for those watersheds, whichever occurs first. (Wat. Code, § 1058.5, subd. (c)(2).)

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

On May 21, 2026, flows in the Scott River fell below the minimum flow requirement for May (150 cfs), prompting the Deputy Director to issue “Scott River Watershed: Reinstatement of Curtailments for All Surface Water Rights (Groups 1-8) – (Addendum 9)” to Scott River water right holders. On May 25, 2026, due to improving flows in the Scott River, the Deputy Director issued “Scott River Watershed: Limited Conditional Suspension of Curtailments for Group 8 Surface Water Rights– (Addendum 10).”

On May 27, 2026, the Deputy Director issued “Scott River Watershed: Conditional Suspension of Curtailments for All Surface Water Rights (Addendum 11).” Addendum 11 conditionally suspended curtailments in the Scott River subject to conditions tied to a water right holder’s priority group. All water rights users were directed to cease diversions once flows fell below the minimum instream flow requirements. Pursuant to section 875, subdivision (c) of the Scott River and Shasta River Emergency Regulation, the minimum instream flow for the Scott River from June 1 to June 23 is 125 cubic feet per second (cfs). On June 3, 2026, flows fell below 125 cfs, and at 1:15 pm, the Deputy Director sent an email to Scott River water rights holders stating that due to flows falling below minimum instream flow conditions, all surface water diversions were curtailed.

On June 9, 2026, with flows at the Fort Jones USGS gage reading at 119 cfs, the Deputy Director issued Addendum 12 to Order WR 2024-0024-DWR (https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2026/scott-addendum12-attachmenta.pdf), reinstating curtailments for all surface water diverters in the Scott River.

On June 5, 10, 11, and 18, and July 1, 2026, Division staff took photographs from public roads of ditches running at your place of use in Siskiyou County (see enclosed photos). Division staff reviewed the location of the photos and determined that the ditches were diverting surface water subject to the curtailment. Therefore, the diversion is not authorized. Failure to cease diversion is a violation of State Water Board regulations and may subject you to formal enforcement and potential monetary penalties (Wat. Code, § 1846).

The Division may issue an Administrative Civil Liability Complaint (ACL Complaint), Cease and Desist Order, or both at its discretion. Penalties for failure to comply with curtailment orders carry a potential fine of up to \$10,000 for each day the violation occurs and for each water right, plus an additional \$3,000 per acre foot diverted. (Wat. Code, § 1846). If you have questions or concerns, please leave a message at (916) 323-4642 or email at Julianna.Porraz@waterboards.ca.gov.

If you are no longer the legal owner of the water right(s) listed, immediately provide proof to the Division with the contact information provided above.

Because this diversion is curtailed, you must immediately cease diversions unless the diversion falls under an exception as written in the emergency regulations.

Sincerely,



Sahil Pathak
Senior Environmental Scientist, Supervisor
Division of Water Rights, Enforcement Section

ec: **Division of Water Rights**

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