

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 2026-0008-DWR issued in the Scott River
Watershed on June 10, 2026

MATTHEW CHESTER

APNs [REDACTED] and [REDACTED]

SOURCE: Groundwater

COUNTY: Siskiyou

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Matthew Chester (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-11519500/#period=P365D&dataTypeId=continuous-00060-0&showFieldMeasurements=true&showMedian=true>.

3. 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).)
4. On January 7, 2025, the State Water Board readopted the Emergency Regulation via Resolution No. 2025-0002. The readopted Emergency Regulation went into effect on January 27, 2025, upon approval by the Office of Administrative Law.
5. On September 26, 2025, the Governor signed Assembly Bill 263 which extended 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.
6. 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
7. On June 10, 2026, the State Water Board issued Order WR 2026-0008-DWR (Curtailment Order). The Curtailment Order imposed water right curtailments and required reporting for groundwater pumping under Schedule C of the Scott River Adjudication and overlying groundwater diversions (Priority Group 9) in the Scott River Watershed associated with parcels listed in the order. Groundwater users subject to the Curtailment Order were also directed to submit a "Scott Overlying and Adjudicated Groundwater Curtailment Report – Compliance Information form" by July 10, 2026 (hereinafter "2026 curtailment certification form"). The 2026 curtailment certification form provides information necessary for the Board to understand who voluntarily has curtailed water use, who continues to use water under an exception in the regulations, and how much water is being used outside of water rights priority. (Cal. Code Regs., tit. 23, § 875.6.)
8. On July 2, 2026, the State Water Board issued Addendum 1 to Order WR 2026-0008-DWR, which conditionally suspended curtailments of overlying adjudicated groundwater (Priority Group 9) when flows exceed the minimum flow requirements, provided that the groundwater pumpers notify the State Water Board in advance of the amount of water they plan to divert or pump. As of the date of this complaint, the Respondent has not notified the State Water Board of

³ *California Water Watch*, California Department of Water Resources, <<https://cww.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).

their intent to pump water for irrigation. Thus, curtailment remains in effect for the Respondent.

9. 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

10. The Respondent is the primary owner of APNs: [REDACTED] and [REDACTED]. The Respondent is subject to the Curtailment Order.
11. All communications mailed to the Respondent via United States Postal Service (USPS) were sent to the mailing address on file, a PO Box located at the Respondent's local post office in Fort Jones (hereinafter "local post office").
12. On December 20, 2024, the Respondent was issued a "Notice of Potential Violation" (NOPV). According to the NOPV, "[b]ased on this aerial imagery, it appears that irrigation occurred while curtailments were in effect." Enforcement staff received no response from the Respondent following reception of mail on December 26, 2024.
13. USPS Certified Mail tracking indicates that Order WR 2026-0008-DWR was delivered to the Respondent's local post office on June 18, 2026.
14. On June 18, 2026, flows at the USGS Fort Jones gage were approximately 69.6 cfs, well below the minimum instream flow requirement of 125 cfs for June 1 through June 23. Division staff obtained photo evidence, from public roads, of irrigation occurring on the Respondent's properties, identified as Siskiyou County APNs [REDACTED] and [REDACTED]. Although the parcels were subject to the Curtailment Order at the time of the irrigation, Division staff did not find a record of the Respondent's enrollment within a Local Cooperative Solutions (LCS) agreement. Therefore, the use of water for irrigation was not authorized.
15. On July 15, 2026, staff saw the Respondent continuing to irrigate their fields on APNs [REDACTED] and [REDACTED] (see Attachment A). These parcels are subject to the Curtailment Order. Flows were recorded at 36 cfs on July 15, and the minimum instream flow for this period was 50 cfs.
16. On August 12, 2026, the flow at USGS Fort Jones gage remained at 6 cfs, below the minimum instream flow of 30 cfs. Division staff documented another day of violation when they obtained evidence of the Respondent irrigating crops

on parcel APNs [REDACTED] and [REDACTED] (see Attachment A). These parcels are subject to the Curtailment Order.

17. On August 19, 2026, Division staff issued a Notice of Violation (NOV) to the Respondent for failing to comply with curtailment. The NOV was mailed to the Respondent's PO Box via USPS. USPS tracking indicates that the NOV was delivered to the Respondent's local post office on August 21, 2026. To date, the Respondent has not responded to the allegations in the NOV.
18. Staff have further identified that the Respondent has, as of the date of this complaint, failed to submit his 2026 curtailment certification form, as required by the Curtailment Order.
19. Division staff specifically allege that the Respondent failed to adhere to Order WR 2026-0008-DWR. Based on photographic evidence witnessed by Division staff, the Respondent has continued to irrigate despite being subject to the Curtailment Order.

STATUTORY MAXIMUM LIABILITY

20. **Violation 1:** Diversion of water contrary to a curtailment order adopted by the State Water Board. (Cal. Water Code, § 1846, subd. (b).)
 - a. 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 curtailment order is three thousand dollars (\$3,000). (Cal. Code Regs., tit. 23, §1100, subd. (b)(7)(A).)
 - b. The Deputy Director for the Division issued the Respondent a curtailment order (Order WR 2026-0008-DWR) on June 10, 2026. The Respondent's diversions are subject to that Order and the various addenda.
 - c. Each day of diversion when Order WR 2026-0008-DWR prohibited diversion is a day of violation. The Order was issued on June 10, 2026, and required immediate cessation of diversions. The Division is exercising its enforcement discretion to begin the calculation of days of violation on June 18, 2026, when the Order arrived at the Respondent's local post office and was available for pickup. Enforcement staff documented ongoing irrigation via reconnaissance from public roads on July 15 and August 12. This results in a total of two (2) days of violation, for a statutory maximum penalty of \$20,000 (2 days x \$10,000/day).

- d. In addition to days of violation, the Division is alleging a volumetric penalty pursuant to Water Code section 1846, subdivision (b)(2). Since direct measurement data of the Respondent's diversions is not available for the volume of water diverted in violation of the Curtailment Order on the alleged days of violation, OpenET data⁵ was used to estimate irrigation values. For the two days of violation alleged in this complaint, OpenET data supports a conservative estimate of 0.533 acre-feet. The statutory maximum for this volume of unauthorized diversion is \$1,500 (0.5 acre-feet x \$3,000).
 - e. The statutory maximum liability for Violation 1, based on two days observed violation (\$20,000), plus 0.533 acre-feet of volume estimated to have been diverted in violation of the Curtailment Order (\$1,500), is \$21,500.
21. **Violation 2:** Violation of an order adopted by the State Water Board. (Cal. Water Code, § 1846, subd. (a).)
- a. Under Water Code section 1846, subdivision (a)(2), "[a] person or entity may be liable for a violation of... [a] regulation or order adopted by the board." The liability may not exceed one thousand dollars (\$1,000) for each day the violation occurs. (Cal. Water Code, § 1846, subd. (a); Cal. Code Regs., tit. 23, § 1100, subd. (b)(6)(A).)
 - b. Order WR 2026-0008-DWR, states that the Respondent "or their agent or successor is required, no later than July 10, 2026, to report and certify the actions taken in response to this Order, as listed under Regulation, section 875.6, subdivision (a)." The Curtailment Order then directed the Respondent to a webpage to submit a "Scott Overlying and Adjudicated Groundwater Curtailment Report – Compliance Information" form.
 - c. The Respondent has failed to submit the Compliance Information form.
 - d. Each day following the deadline provided in the Curtailment Order is a day of violation. As of the date of this complaint, 70 days have elapsed, resulting in 70 days of violation.
 - e. The statutory maximum liability for Violation 2, based on 70 days of violation, is \$70,000 (\$1,000 x 70 days).
22. **Total statutory maximum liability:** The total statutory maximum liability for all violations alleged in this complaint is \$91,500 (\$21,500 + \$70,000).

PROPOSED CIVIL LIABILITY

23. 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,

⁵ <https://etdata.org/>

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.”

24. **Proposed liability for Violation 1:** The Division of Water Rights Prosecution Team recommends the imposition of **\$21,500** in administrative civil liability for Violation 1. The share of the proposed penalty that is attributable to days of violation and the volumetric penalty is proportionate to each component's share of the statutory maximum penalty. Thus, the proposed penalty of \$21,500 can be broken down as such: \$20,000 for the two days of violation and \$1,500 for the volumetric assessment. The proposed liability is based on a consideration of all relevant circumstances, including but not limited to the failure of the Respondent to comply with the curtailment order, impacts to the watershed, and harm to other water right holders. These considerations are described in more detail below.

a. **Extent of harm caused by the violation.**

- i. Harm to the environment: The harm to the environment was likely significant.
 - A. Order WR 2026-0008-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).)
 - B. Diversions in violation of Order WR 2026-0008-DWR endanger the health and habitat of the fish the Emergency Regulation was adopted to protect. Diversions during late spring are most likely to adversely impact Fall-run Chinook fry emergence (November through May), Coho salmon fry emergence (February through June), and Steelhead fry emergence (February through June).⁶
- ii. Harm to other water rights holders: The harm to other water holders was significant.
 - A. The Respondent’s diversions during curtailment harmed water users who were not curtailed. The Respondent’s diversions

⁶ *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.

during curtailment reduced or eliminated flows that otherwise would have been available to water users enrolled in a LCS.

- B. Water users in a 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.
- iii. Harm to the orderly and efficient administration of the state's water resources: The Respondent's actions undermine the State Water Board's ability to implement the Emergency Regulations impairing its ability to implement the water rights priority right system, protect public trust resources, and prevent the waste or unreasonable use of water.
- b. **Nature and Persistence of the Violation.** The Respondent has a high level of culpability demonstrated through a pattern of conduct of willfully disregarding the Board's efforts to protect the Scott River watershed.
 - i. Emergency Regulations have been in place for the Scott River, on and off, for over five years. While the Emergency Regulation has changed slightly from year to year, its substance has largely remained the same. Diverters can reasonably be expected to be aware of the Emergency Regulation and its general requirements, and the need to learn of updated specific requirements each year.
 - ii. The 2025–2026 water year was extremely dry. The Respondent would reasonably be expected to be aware of hydrologic conditions and therefore, with the exercise of due diligence to also be aware of the Emergency Regulations and curtailment requirements.
 - iii. The Respondent was made aware of the Emergency Regulation and its requirements, having received a Notice of Potential Violation in 2024. Despite receiving the Curtailment Order, the Respondent irrigated in violation of curtailment and then continued even after receiving the NOV.
 - iv. The Respondent has not filed a Minimum Health and Human Safety Certification and Petition, Minimum Livestock Diversion Certification and Petition, or Non-Consumptive Use Petition.
 - v. After receiving the NOV on August 21, 2026, the Respondent nonetheless continued irrigating their fields, in violation of curtailment, on at least one day. Enforcement staff were not

contacted by the Respondent and are otherwise unaware of any effort by the Respondent to comply with the Curtailment Order.

- c. **Length of time over which the violation has occurred.** The Respondent irrigated for at least two (2) days while subject to curtailment.
- d. **Corrective action, if any, taken by the violator.** The Respondent has failed to undertake any corrective actions.
- e. **Other relevant factors:**
 - i. Economic benefit obtained from the violation:
 - A. It is 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.
 - B. The Respondent benefited economically from the two days of violation of the curtailment order. Although this amount cannot be specifically quantified, the Respondent avoided the need to obtain replacement water, or to adjust irrigation practices to reduce demand, for which he benefited. Other rights holders, including holders senior to the Respondent and registered in an LCS, were potentially 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.
 - ii. 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, water rights holders diverted significant volumes of water in violation of curtailment orders. These diversions resulted in harm to the environment 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 a May 11, 2026, 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 violation.

25. **Proposed liability for Violation 2:** The Division of Water Rights Prosecution Team recommends the imposition of **\$15,000** in administrative civil liability for Violation 2. The proposed liability is based on all relevant circumstances, including but not limited to impeding the Board's ability to implement the Emergency Regulation by depriving it of necessary information. These considerations are described in more detail below.
- a. **Extent of harm caused by the violation.** The overall extent of harm is considered moderate. The Respondent's failure to submit the curtailment certification form impeded the State Water Board's implementation of the Emergency Regulations by depriving them of information necessary to balance the instream needs of salmon and steelhead with other important uses of water like health and human safety, domestic use, and livestock watering in a severely dry water year. This action undermines the State Water Board's ability to implement the Emergency Regulations, impairing its ability to implement the water rights priority right system, protect public trust resources, and prevent the waste or unreasonable use of water.
 - b. **Nature and Persistence of the Violation.** The Respondent has demonstrated a high level of culpability through a pattern of conduct of willfully disregarding the Board's efforts to protect the Scott River watershed.
 - i. Emergency Regulations have been in place for the Scott River, on and off, for over five years. While the Emergency Regulation has changed slightly from year to year, its substance has largely remained the same. Diverters can reasonably be expected to be aware of the Emergency Regulation and its general requirements, and the need to learn of updated specific requirements each year.
 - ii. The 2025–2026 water year was extremely dry. The Respondent would reasonably be expected to be aware of hydrologic conditions and therefore, with the exercise of due diligence to also be aware of the Emergency Regulations and curtailment requirements.
 - iii. The Respondent was generally aware of the Emergency Regulation and its requirements, having received a Notice of Potential Violation in 2024. Even after receiving the Curtailment Order and NOV, the Respondent failed to submit a 2026 curtailment certification form.
 - c. **Length of time over which the violation has occurred.** The Respondent has been in violation for 70 days.
 - d. **Corrective action, if any, taken by the violator.** The Respondent has failed to undertake any corrective actions with respect to this violation.

26. **Total proposed liability:** The total recommended liability for both violations alleged in this complaint is **\$36,500**. The proposed penalty of \$36,500 can be broken down as such: \$20,000 for the two days of observed violation, \$1500 for the volumetric assessment, and \$15,000 for curtailment certification failure.

RIGHT TO HEARING

27. 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).
28. 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.
29. 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.
30. 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

ORIGINAL SIGNED BY:

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

Dated: October 21, 2026