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## State Water Resources Control Board

July 2, 2026

CERTIFIED MAIL

AP Cattle / Kala Properties LLC  
ATTN: Gary Black

DELIVERY MAIL NO: [REDACTED]

To whom it may concern:

### **NOTICE OF VIOLATION - FAILURE TO COMPLY WITH CURTAILMENT ORDERS (WR ID: S028059)**

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 AP Cattle received the Order on July 25, 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).)

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 8, 2026, flows fell below that minimum instream flow. As of 7:30 am on June 9, 2026, the flow at the Fort Jones USGS gage was 119 cfs. In response to declining flows, the State Water Board issued Addendum 12 to Order WR 2024-0024-DWR

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

([https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/docs/2026/scott-addendum12-attachmenta.pdf](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2026/scott-addendum12-attachmenta.pdf)), reinstating curtailments for all surface water rights in the Scott River.

On June 11, 2026, Division staff took photographs, from public roads, of ditches with running water at your place of use in Siskiyou County (see enclosed photos). Division staff could not find any evidence of a pending or approved petition for livestock watering, health and human safety, or non-consumptive use exemptions. Therefore, the use of water for irrigation 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 (Water Code section 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 for each water right, plus an additional \$3,000 per acre foot diverted. (Wat. Code, § 1846; Cal. Code Regs., tit. 23, § 1100, subd. (b)(7)(A).)** If you have questions or concerns, please leave a message at (916) 341-5373 or email at [Ritha.Nhorn@waterboards.ca.gov](mailto:Ritha.Nhorn@waterboards.ca.gov).

**If you are no longer the legal owner of the water right(s) listed, immediately provide proof to the Division at 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,



Lang Khang, P.E.  
Senior Water Resource Control Engineer  
Division of Water Rights, Enforcement Section

ec: **Division of Water Rights**  
Lang Khang  
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**Office of Enforcement**

Debi Ores

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