



State Water Resources Control Board

JUL 07 2026

Richard Berry
[REDACTED]

DELIVERY MAIL NO: [REDACTED]

Mr. Richard Berry:

NOTICE OF VIOLATION - FAILURE TO COMPLY WITH CURTAILMENT ORDERS (WR ID: S024361, SG003902)

The State Water Board adopted an emergency regulation establishing emergency minimum flows in the Scott River and Shasta River watersheds on December 19, 2023. (Cal. Code Regs., tit. 23, §§ 875-875.9.)

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 Surface Water Rights in the Scott River Watershed, Order WR 2024-0024-DWR (Surface Water Order). On June 10, 2026, the Deputy Director issued Order Imposing Water Right Curtailment and Requiring Reporting for Groundwater Pumping Under Schedule C of the Scott River Adjudication and Overlying Groundwater Diversions (Group 9) In the Scott River Watershed Associated With Parcels Listed in Attachment A (Order WR 2026-0008-DWR) (Groundwater Order).

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 instream 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 for the month of May is 150 cubic feet per second (cfs) and from June 1 to June 23 is 125 cfs. On May 21, 2026, due to flows dropping below 150 cfs, the State Water Board issued Addendum 9 to the Curtailment Order, requiring all surface water users to cease diversions. On May 25, 2026, curtailments were lifted for surface water users with the most senior rights (Addendum 10). On Wednesday, May 27, 2026, in response to precipitation in the region and increasing flows in the Scott River, the State Water Board

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

issued Addendum 11 to the Curtailment Order (https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/scott-addendum11-attachmenta.pdf). Addendum 11 suspended curtailment subject to conditions specific to the diverter's water right priority group. On Wednesday, June 3, 2026, flows fell below the minimum instream flow requirement and therefore, the State Water Board sent a reminder via GovDelivery that all surface water was curtailed consistent with Addendum 11. On June 9, 2026, the State Water Board issued Addendum 12 to the Curtailment Order requiring immediate cessation of all surface water diversions (https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2026/scott-addendum12-attachmenta.pdf).

On June 5, 2026 and June 18, 2026, Division staff took photographs from public roads of irrigation at your place of use (APN [REDACTED]) in Siskiyou County (see Appendix A). Division staff could not find any evidence of a pending or approved Local Cooperative Solution (LCS) proposal, and therefore, the use of water for irrigation is not authorized. If you believe that this notice does not apply to you, then please contact the Division to clarify the source of water used for irrigation on APN [REDACTED]. 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 with a potential fine of up to \$10,000 for each day the violation occurs and for each water right. If you have questions or concerns, please leave a message with Erinne Yoo at (760)-776-8939 or email at Erinne.Yoo@Waterboards.ca.gov.

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: Roberto Cervantes
Roberto.Cervantes@waterboards.ca.gov

Kevin Porzio
Kevin.Porzio@waterboards.ca.gov

Office of Enforcement
Debi Ores
Debi.Ores@waterboards.ca.gov

Appendix A



Photo taken from public roads on June 5, 2026 of irrigating fields ([REDACTED], facing west). Water supplied on APN [REDACTED]



Photo taken from public roads on June 18, 2026 ([REDACTED], facing west).
Water supplied on APN [REDACTED]