

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER RIGHTS
FEBRUARY 1, 2011**

ITEM 6

SUBJECT

CONSIDERATION OF A CEASE AND DESIST ORDER (CDO) ISSUED TO WOODS IRRIGATION COMPANY (WOODS) FOR THREATENED UNAUTHORIZED DIVERSION OR USE OF WATER FROM THE MIDDLE RIVER IN SAN JOAQUIN COUNTY

DISCUSSION

On December 28, 2009, the State Water Resources Control Board's (State Water Board) Assistant Deputy Director for Water Rights issued a notice of proposed CDO to Woods for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water from the Middle River. The proposed CDO required, in summary, that Woods end diversions in excess of 77.7 cubic feet per second (cfs) unless and until Woods met conditions within specified timeframes.

On January 11, 2010, Woods requested a hearing. In response to the request, the State Water Board held a five-day hearing ending on July 2, 2010.

On December 15, 2010, the State Water Board distributed a draft order to the persons and entities on the service list for the hearing. In summary, the draft order issues a CDO against Woods, requiring that Woods cease and desist diverting from Middle River at a rate not to exceed 77.7 cfs unless it meets certain requirements specified in the draft order.

On January 18, 2010, the State Water Board conducted a public workshop to receive comments concerning the draft order distributed on December 15, 2010. An update to the draft may be posted at the website listed below if the Board elects to make any changes in response to the comments.

Additional information is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/woods_irrigation/index.shtml

POLICY ISSUES

Should the State Water Board adopt the proposed CDO.

FISCAL IMPACT

This activity is budgeted within existing resources, and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Adopt the order as proposed by staff.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 to Enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.