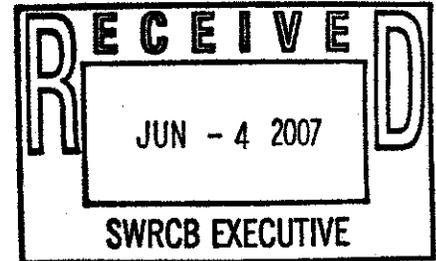


3152 Shad Court
Simi Valley, CA 93063
June 4, 2007

State Water Resources Control Board
c/o Ms. Song Her, Clerk to the Board
1001 I Street
Sacramento, CA 95814



Re: **"Water Right Enforcement Workshop"**.

Dear Members of the Board:

Though I have been aware for weeks about the deadline for submitting comments for the workshop, I decided not to forward any comments even though I had many concerns because I had my hands full addressing: 1. the State Water Board's Round 2 Integrated Regional Water Management Grant Program Draft Guidelines and PSPs public review and comment period, 2. the Little Hoover Commission on the continuing mismanagement of the El Rancho Simi Cemetery District, and 3. the County of Ventura Watershed Protection District's FY 2007-2008 Benefit Assessment Program. Also, the City of Simi Valley's FY 2007-2008 Preliminary Base Budget was to be released on Friday, June 1, 2007 and I needed the weekend to review the information and cross-reference it with other documents before the Thursday, June 7, 2007 City Budget staff/public meeting. Since staff called me on Friday, in response to my message, to inform me that the copies(2) I requested would be made available to me on Monday--due to a personal matter--I took the opportunity to learn about water right enforcement priority "factors"; water right enforcement action "conditions"; "factors" and "conditions" to revoke a water right permit or license; and watershed inspections to submit comments on the various Revised Notice of Public Workshop bullet points.

Members of the Board, while my knowledge about water rights in California has come from the movie "Chinatown" (1974); the PBS television series "Cadillac Desert - Water and the Transformation of Nature" (1997); and nationally from the occasional newspaper or magazine article about water rights' transfers and/or buy-outs, the following

stories about water rights in Ventura County provide excellent examples of why the State Water Resources Control Board must have a Water Rights Program Enforcement Policy.

1. A Simi Valley resident living in the Apricot Road area part of town was adamant that the homeowners had won the 1960's fight for their water rights.
2. Another Simi Valley resident living in the "Texas" housing tract was adamant that the Apricot Road area residents had lost the fight to keep their water rights intact.
3. A resident of the City of Simi Valley living in in the Alta Street area part of town was defrauded of her house 13+ years ago because her property has water rights. To this day, her Constitutional right to a court of law has been violated.
4. Request for copies of the City of Simi Valley City Council meeting tapes--in which mention of the City's right to the groundwater--went unmet due to supposed problems with the recording equipment. To date the City Council has not undertaken a public hearing on the joint water well project with the Calleguas Municipal Water District.
5. A scientist mentioned at a Rocketdyne Santa Susana Field Laboratory(SSFL) Cleanup Workgroup meeting that all the company had to do to become a water purveyor was to add salt and chlorine to the water supply used to clean around the facility.

Members of the Board, the City of Simi Valley stated in its 1996 Urban Water Management Plan that its 1980's Water Plan would be updated in 1997. To date, to my knowledge, that document has not been updated(the information would be covered in the City's Preliminary Base Budget). Also, the City's 1990 Master Plan of Drainage has not been updated. The consultant that compiled the City's 1980's State Water Project Demineralization Characterization Study(?) did not investigate biological and radiological issues--they were only mentioned. This document has also not been updated.

Members of the Board, I agree with the Revised Notice's Background statement that "consistent, and fair enforcement is required to ensure compliance with water right laws"-- third paragraph, last sentence.

Members of the Board, the time has come to end the following outrageous activity "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists" --Revised Notice's Background statement!!!

Members of the Board, the following are my comments on the Revised Notice's "Matters for Discussion in the Workshop" 16 bullet points.

- #1 - The Board must adopt water right enforcement provisions in its AB 2121 policy.
- #2 - The Board must adopt a water right enforcement policy for areas of the State that are outside of the mandated geographic scope of the AB 2121 policy.
- #3 - "Factors" to consider in setting enforcement priorities. (Please refer to Questions 3, 4, and 5 in this letter.)
- #4 - Continue inspecting specific watersheds, and how to select the watershed. (Please refer to Question 7 in this letter.)
- #5 - The Board must not provide an opportunity for voluntary compliance. The Board should provide an opportunity for corrective action for minor violators before initiating formal enforcement actions. If the statement "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists" applies, skip corrective action and, instead, initiate formal enforcement actions!!!
- #6 - The Board must initiate enforcement against those existing water right applicants(500+) that are diverting water without authorization!!! The

condition under which the Board must initiate enforcement against those applicants with "unauthorized" water supply projects is the statement "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists."

- #7 - The Board must initiate enforcement against those existing petitioners(600+) that are diverting water in violation of the conditions of their water right permits or licenses!!! The condition under which the Board must initiate enforcement against these petitioners is the statement "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists" since they did not seek "the required prior approval of the change" from the Board.
- #8 - If the applicant is a habitual violator, revoke permit or license, and refer to the Attorney General for fines and injunction. If applicant acquired the water right project in violation of the laws without this knowledge, issue a Cease and Desist Order, but if not correct situation, refer the matter to the Attorney General. If the applicant transfers, or sells water right project that is illegal, refer to the Attorney General for fines and injunction. If the applicant is a first time minor offender, issue an Administrative Order, but if does not correct the violation, issue a Cease and Desist Order. The condition that must be present for the harshest formal enforcement option to kick in is the statement "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists." The same options can be applied for petitioners, if applicable. Other conditions: fraud, the number of years the violation has taken place, and innocence.
- #9 - If a Cease and Desist Order is determined to be appropriate, the State should allow an innocent recipient to continue diverting water while

trying to comply. Not so for a habitual law breaker. For habitual law breaker the time must be "yesterday". For innocent recipient, ASAP within 6 months if applicable, but no longer than 1 year for minor violations only.

- #10 - Removal of an illegal diversion facility is applicable under the "Due to the time and costs associated with securing or amending a water right permit, an economic incentive to violate water right laws exists" statement.
- #11 - Violators for whom an Administrative Civil Liability(ACL) is issued must not just be compelled to comply with water right laws. If minor offender, or innocent violator, then the "up to \$500 per day of unauthorized diversion and use" sliding scale can be calculated. If a major offender, the calculation of \$500 per day of unauthorized diversion and use" should be applied. The calculation of "up to \$1000 per day for violation of a Cease and Desist Order" for minor and innocent violators should apply. For major and habitual violators the calculation should be \$1000 per day for violating this Order.
- #12 - Fraud, false information on applications, habitual and major violators should be referred to the Attorney General for prosecution.
- #13 - Factors to revoke a water right permit or license as a result of violation of permit or license terms. The "factors" should be those listed in the March 2001 Division of Water Rights Permit Terms document, if I understand "factors" correctly.
- #14 - The Board must consider revoking water right permits and licenses for failure to pay water right fees. The "conditions" to revoke a permit or license should be those listed in the March 2001 Division of Water Rights Permit Terms document, if I understand "conditions" correctly.
- #15 - The Board must cancel an illegal water supply project for lack of diligence by the applicant.

The "conditions" to revoke a permit or license should be those listed in the March 2001 Division of Water Rights Permit Terms document, if I understand "conditions" correctly.

- #16 - Other factors the Board should consider in regard to water right enforcement is violation of a person's right to be heard in a court of law!!!

QUESTIONS

1. How many watersheds does California have--in the County of Ventura there are 3 major watersheds, and minor watersheds that to date I don't know their names, or their location since the County and the Watershed Protection District do not respond to my letters on County and District related issues?
2. How does the Board set enforcement priorities for its Water Quality Program?
3. Does the Board by "factors" in setting enforcement priorities mean: time, money(fees, penalties), CEQA, NEPA, mitigation measures, litigation, other agency permits, endangered species(animal and plant), hazardous materials, NPDES, etceteras?
4. By "factors", is the Board referring to the permit terms listed in the March 2001 Division of Water Rights Permit Terms document?
5. Are "factors" and "conditions" one and the same?
6. Are options for dealing with water right violators based on the number of years the law is broken?
7. Has the Board ever inspected the Calleguas Creek Watershed area? If so, when? If not, why not?
8. Are the 4 "potential formal enforcement options available" to the Board--Cease and Desist Order, Administrative Civil Liability(monetary penalty), Attorney General referral, and permit or license

revocation--required by State law? If so, where is this information found?

9. What is the degree of seriousness--from fair to harshest--for the 4 potential formal enforcement options available to the Board for violations of water rights laws? Is the order in which the 4 potential formal enforcement options are listed in the Revised Notice the range from fair to harshest degree(issuance of Cease and Desist Order, issuance of Administrative Civil Liability, referral of matter to the Attorney General for fines or injunction or both, and revocation of permit or license?
10. Why are Administrative Civil Liabilities(ACL) not levied to make violators comply with the law --according to the bullet point the purposes is to compel compliance with water right laws?
11. Does the City of Simi Valley own the water rights to the groundwater around town? Or does Calleguas Municipal Water District own them?
12. Has the March 2001 Division of Water Rights Permit Terms document been revised since then--it is stated on the Cover "(Subject to continuous revisions)"?

Members of the Board, in the future, when such public notices are issued, please when "conditions" and "factors" are stated give examples, or provide links to your, or some other agency's, Website. The majority of the general public does not get involved because government matters are too complicated and it is difficult to cross-reference programs and policies using the search feature. Also, please clarify "Predictable" "enforcement is required to ensure compliance with water right laws--Revised Notice of Public Workshop(Background, third paragraph, last sentence). Thank you.

Sincerely,



Mrs. Teresa Jordan