



Media Release

Sonoma County Land Owners Face Water Rights Violation Penalties Totaling \$60,000 for Illegal Reservoirs *And draft Cease and Desist Orders*

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SACRAMENTO – The State Water Resources Control Board’s Division of Water Rights (Division) initiated draft enforcement actions with penalties totaling \$60,000 against two Sonoma County property owners who allegedly were unlawfully diverting water from a Sonoma County waterway. These recent enforcement actions are the result of ongoing efforts to identify illegal reservoirs in Northern California coastal streams.

In each complaint, the Division is recommending Administrative Civil Liability (ACL) penalties as well as draft Cease and Desist Orders (CDO) to compel the property owners to obtain the necessary water rights or stop diverting the water. The draft ACLs and CDOs will become final after 20 days of being received by the property owners, unless hearings are requested.

In the first case, Sonoma County property owners Bruce, Jim and Russ Henning (Henning Ranch), were allegedly diverting water from a stream to a 16 acre-foot reservoir for stock watering and irrigation uses without a water right. Following an investigation, the Division provided notice of the alleged violations and an opportunity for Henning Ranch to either demonstrate that it has the necessary water rights, or propose a compliance plan and schedule for securing those water rights.

At this time, Henning Ranch has failed to do either and the Assistant Deputy Director for Water Rights recommends an ACL in the amount of \$18,000. In addition, a draft CDO has been issued against Henning Ranch directing the property owner to obtain the necessary water rights or stop diverting water.

In the second case, Sonoma County property owners Andrew and Nicholas Flocchini (Flocchini Estate LLC) were allegedly diverting water from a stream to a 29 acre-foot reservoir for irrigation use without a water right. Following an investigation, the Division provided notice of the alleged violations and an opportunity for Flocchini Estate LLC to either demonstrate that it has the necessary water rights, or propose a compliance plan and schedule for securing those water rights.

At this time, Flocchini Estate LLC has failed to do either and the Assistant Deputy Director for Water Rights recommends an ACL in the amount of \$42,000. In addition, a draft CDO has been issued against Flocchini Estate LLC directing the property owner to obtain the necessary water rights by pursuing one of the options identified in the order or stop diverting water.

Background on Water Rights

A water right is a legal entitlement that allows water to be diverted from a waterway and put to reasonable beneficial use. A water right does not grant ownership in the water itself, only a priority right to use the water. Most diversions and uses of water require a permit or registration from the State Water Resources Control Board. All water diverters, with minor exceptions, must now report their water use to the State Water Resources Control Board using a computer online system. Water diversion and use reporting requirements ensure that the state's waters are put to reasonable beneficial use while protecting the rights of others and public trust resources.

The Division is also responsible for investigating complaints involving all types of water rights, administering water quality programs that involve the diversion of water and preventing the waste or unreasonable use of water.

Additional Resources

To see the Administrative Civil Liabilities filings click here:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/acl_complaint_actions/index.shtml

To see the Cease and Desist Orders, click here:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/cease_desist_actions/index.shtml

For more information on the Division of Water Rights enforcement authority under the State Water Code visit: http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/index.shtml#enforce

The State Water Boards are now on Twitter! Follow us at: <https://twitter.com/h2oboardsnews>