



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 15 2015

In Reply Refer to:
KP:ENF00131

Mr. Jack A. Chandler
P.O. Box 2654
Yountville, CA 94599

Dear Mr. Chandler:

WITHDRAWAL OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND PROPOSED CEASE AND DESIST ORDER REGARDING UNAUTHORIZED DIVERSION OF WATER WITHIN THE NAPA WATERSHED IN NAPA COUNTY

On March 15, 2012, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued an Administrative Civil Liability (ACL) Complaint and Proposed Cease and Desist Order (CDO) to Michele M. Amendola and Jack A. Chandler for unauthorized diversion, storage, and use of water for the three years prior to the enforcement actions. You requested a hearing on this matter on May 8, 2012.

Division staff conducted a field inspection on July 30, 2012 and confirmed that you owned property with a single axis dam constructed on a stream channel subject to the State Water Board's permitting authority. Since that inspection, Division staff and you discussed the seasonality of the unnamed stream and the inability of your dam to seasonally store water due to dam leakage. Division staff suggested that you maintain records and photographs through the winter and spring period to demonstrate the dam's inability to store water. On April 21, 2015, you emailed Division staff photographs of your reservoir that depict water depths from about January 1, 2015 to about March 31, 2015. The photographs show the reservoir's water level dropped from 4 feet (3.8 acre-feet) to 8 inches (0.60 acre-feet) in about 85 days. This new information illustrates how quickly water is lost from the reservoir. Based on this new information and because you state that you do not use water temporarily detained in the reservoir, Division staff now concludes that your reservoir is not seasonally storing water subject to the State Water Board's permitting authority due to high seepage losses. As a result, the Prosecution Team hereby rescinds the pending ACL and CDO.

Before you change existing conditions such that the dam's seepage losses are repaired or start use of water, you must submit an application to appropriate water. If you divert water, you must also submit a Statement of Water Diversion and Use with the Division before July 1 of the following year as required by Water Code sections 5100 through 5107.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Mr. Jack A. Chandler

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If you have any questions regarding this matter, please contact Kathy Mrowka, Manager, Enforcement Section at (916) 341-5363 or Kathy.Mrowka@waterboards.ca.gov, or Andrew Tauriainen, Staff Counsel III, Office of Enforcement, at (916) 341-5445 or at Andrew.Tauriainen@waterboards.ca.gov.

Sincerely,



John O'Hagan, Assistant Deputy Director
Division of Water Rights

ec: Andy Sawyer, Assistant Chief Counsel
State Water Resources Control Board
Office of Chief Counsel
Andy.Sawyer@waterboards.ca.gov