



State Water Resources Control Board

December 9, 2022

BATTLE CREEK ISLAND RANCH, LLC, ATTN: BART FLEHARTY

Water Right(s): SEE BELOW

To Whom It May Concern:

NOTICE OF VIOLATION: FAILURE TO COMPLY WITH ENHANCED REPORTING REQUIREMENT

On August 20, 2021, you were issued an Initial Order Imposing Curtailment and Reporting Requirements. This order required water right holders and claimants with past or potential annual diversions of 5,000 acre-feet or more to submit data to the Division of Water Rights (Division) for water unavailability determinations. This monthly reporting requirement was implemented following approval of the emergency regulations (see Cal. Code Regs., title 23, section 879 (c)(2)).

As of the date of this letter, the Division has not received your November 2022 and December 2022 projected demand reports. These reports were due on October 14th (November report) and November 15th (December report). Failure to submit these required reports inhibits the Division's ability to use projected demand data in the Water Unavailability Methodology for the Delta Watershed, which is used to inform water right curtailments.

Failure to submit the required forms also constitutes a violation of State Water Board emergency regulations that may subject you to formal enforcement and potential monetary penalties (Water Code section 1846).

The Division is now preparing an Administrative Civil Liability Complaint (ACL Complaint) to issue you a potential fine for up to \$500 per day per water right for each day the reports were not filed. As of the date of this letter, the maximum potential fine is \$28,000 per right/claim (56 days from the October 14, 2022, due date for the November 2022 projected diversion report).

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The Division will NOT issue the ACL Complaint for this violation if:

1. You submit the following four reports no later than Friday December 30, 2022: (a.) October 2022 Prior Demand, (b.) November 2022 Projected Demand, (c.) December 2022 Projected Demand, and (d.) January 2023 Projected Demand

-and-

2. Submit the upcoming projected and prior demand reports, starting with the November 2022 prior demand report and February 2023 projected demand report, no later than their required deadline. The tentative due dates for all enhanced reporting forms are shown below. Updates to these due dates may be announced via email update and posted on the Division’s website at,

<http://www.waterboards.ca.gov/drought/delta/delta-watershed-enhanced-reporting.html>

Projected Demand	Due Date	Prior Diversions	Due Date
		October 2022	December 9, 2022
November 2022	October 14, 2022	November 2022	January 13, 2023
December 2022	November 15, 2022	December 2022	February 10, 2023
January 2023	December 15, 2022	January 2023	March 10, 2023
February 2023	January 13, 2023	February 2023	April 7, 2023
March 2023	February 15, 2023	March 2023	May 12, 2023
April 2023	March 15, 2023	April 2023	June 9, 2023
May 2023	April 14, 2023	May 2023	July 7, 2023
June 2023	May 15, 2023	June 2023	August 11, 2023
July 2023	June 15, 2023	July 2023	September 8, 2023
August 2023	July 14, 2023	August 2023	October 13, 2023
September 2023	August 15, 2023	September 2023	November 10, 2023

You can submit each report online at, <https://public.waterboards.ca.gov/WRInfo> with the Water Right ID and Password listed below. Separate reports must be filed for each water right or claim of right you own or manage. Do not combine information for multiple water rights or claims on one response.

If you are no longer the legal owner of the water right(s) or claim(s) of right listed, provide proof to the Division at the contact information provided below by December 30, 2022, and we will not issue an ACL Complaint.

If you have questions or concerns, please leave a message with the Division Enforcement Section by email at DWR-Reporting@waterboards.ca.gov or by phone at (916) 341-5342. Division staff will respond to your message shortly.

Sincerely,



Robert P. Cervantes, PE
Program Manager - Enforcement
Division of Water Rights

Water Right ID	Password
S018092	