
State Water Resources Control Board

September 2, 2022

David Collenberg
[REDACTED]
[REDACTED]

Dear Mr. Collenberg:

NOTICE OF VIOLATION - FAILURE TO COMPLY WITH CURTAILMENT ORDERS AND DIVERSION MEASUREMENT AND REPORTING REGULATION

COMPLIANCE WITH CURTAILMENT ORDERS

Due to the extreme drought conditions, the State Water Resources Control Board (State Water Board) adopted emergency regulations on August 17, 2021. The regulations went into effect on August 30, 2021.

On September 9, 2021, State Water Board imposed curtailments on reported water rights in the Scott Watershed. On September 10, 2021, the State Water Board imposed curtailments on groundwater rights and non-reported surface water rights. On October 25, 2021, curtailments in the Scott Watershed were conditionally suspended (Addendum 1 to Order WR 2021-0083-DWR and Order WR 2021-0084-DWR). On July 1, 2022, the State Water Board issued Addendum 32 to the curtailment orders stating that the suspension of curtailments for surface water rights expired at 12:00 PM on July 2, 2022, reimposing curtailments. On July 14, 2022, the State Water Board issued Addendum 35 to the curtailment orders stating that all surface water and groundwater diversions in the Scott River watershed must immediately cease unless they are approved under a petition or meet an exception.

On August 10, 2022, State Water Board staff conducted a consent inspection at your property. On July 5 and August 19, 2022, staff conducted reconnaissance visits to the Scott watershed. From public roads, staff noticed either irrigation at your place of use or water flowing in a ditch you have a water right for (see Appendix A). Failure to cease diversion is a violation of State Water Board regulations and may subject you to formal enforcement and potential monetary penalties (Water Code section 1846).

The Division may issue an Administrative Civil Liability Complaint (ACL Complaint) at its discretion with a potential fine for up to \$500 per day per water right for each day a violation occurs.

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COMPLIANCE WITH DIVERSION MEASUREMENT AND REPORTING REGULATION

The intent of the measurement regulations was to improve the Board's water supply awareness through increased diversion measurement accuracy and frequency, while allowing water diverters the flexibility to determine how best to comply with the new requirements based on their individual circumstances. The regulations require the installation of measuring devices and prescribe minimum standards for monitoring and reporting diversions of water. The regulation's requirements for accuracy, frequency, and implementation schedule are tiered based on diversion size.

Water right holders with a diversion, combination of diversions, or reservoir with a storage capacity greater than 1,000 acre-feet per year, were required to install and certify their measurement device(s) or adopt a measurement method by January 1, 2017. The measuring device must be capable of recording data on an hourly or more frequent basis.

The Division of Water Rights has reviewed your Supplemental Statement of Water Diversion and Use and found that you have failed to submit information regarding your measuring device. This failure constitutes a violation of 920 (c)(6). Water Code section 1846 grants the Board the authority to impose an administrative civil liability in amount not to exceed five hundred dollars (\$500) for each day of violation of a regulation adopted by the Board. More information regarding compliance with the measurement regulations can be found on our website:

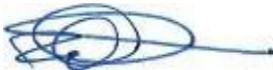
https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html

If you are no longer the legal owner of the water right(s) listed, immediately provide proof to the Division at the contact information provided below. Because this diversion is curtailed, you must immediately cease diversions unless the diversion falls under few exceptions as written in the emergency regulations. Addendum 35 can be found online here:

https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2022/scott-addendum35.pdf

If you have questions or concerns, please leave a message on the Water Rights Enforcement phone line at (916) 341-5342 or by email at DWR-SiskiyouEnforcement@waterboards.ca.gov.

Sincerely,

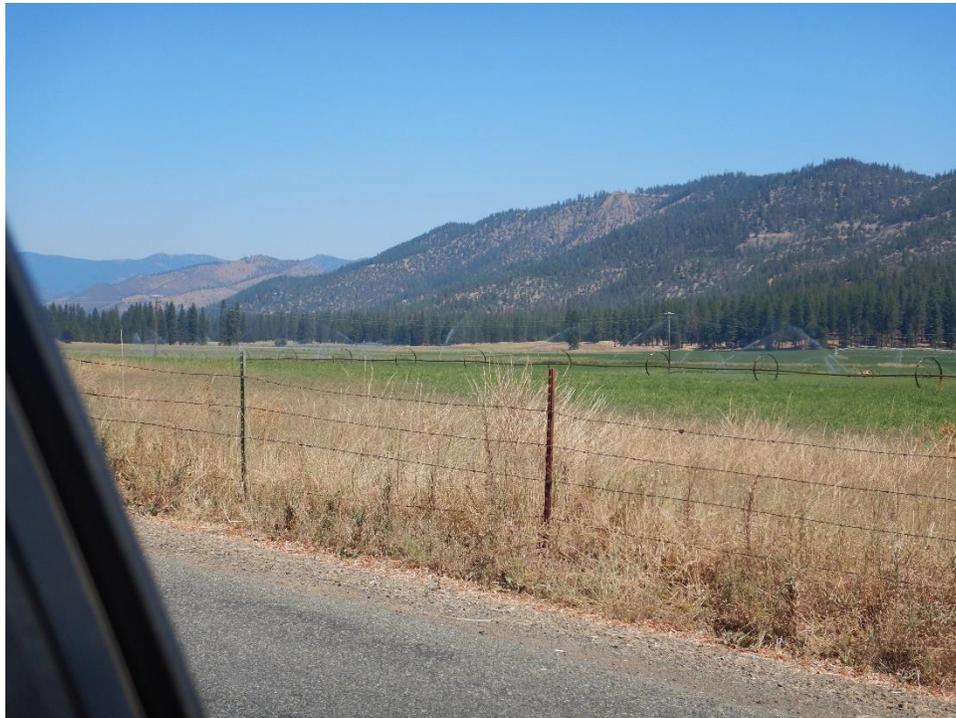


Robert P. Cervantes, PE
Program Manager - Enforcement
Division of Water Rights

Appendix A



August 19 photograph showing irrigation at the Place of Use



August 19 photograph showing irrigation at the Place of Use

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August 19 photograph showing irrigation at the Place of Use



July 5 photograph showing water in the ditch