

**IN THE MATTER OF THE CONSIDERATION OF A CEASE AND DESIST
ORDER AGAINST CALIFORNIA AMERICAN WATER (CAL AM) FOR
UNAUTHORIZED DIVERSION OF WATER FROM THE CARMEL RIVER IN
MONTEREY COUNTY**

DIVISION OF WATER RIGHTS PROSECUTION TEAM EXHIBIT 24 (PT-24)

**WRITTEN TESTIMONY OF MARK STRETARS, SENIOR WATER
RESOURCES CONTROL ENGINEER**

My name is Mark Stretars. I am a professional Engineer, registered in California, and a Senior Water Resource Control Engineer with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). I have over 30 years of water rights experience working for the Division in programs dealing with water right application acceptance, protest and hearing actions, complaint and compliance actions, and petitions for change and transfers of water. I am currently the Chief of the Compliance and Enforcement Unit. A copy of my resume is attached. (PT – 23).

My testimony, herein provided, identifies my personal knowledge of the evidence, actions, and rationale for the Division's recommendation to issue the Notice of Cease and Desist Order (CDO).

I have a staff of five Water Resource Control Engineers and Environmental Scientists that I directly supervise. John Collins is an Environmental Scientist within the Compliance and Enforcement Unit. In response to the directions from Division management, I directed John Collins to review the diversion and use of water made by California American Water (Cal-Am) from the Carmel River. I instructed John to review the Cal-Am water right files associated with Licensed Application 11674A , Complaint file 27- 01 (PT – 37), and Permitted Application 27614 with particular emphasis on State Water Resources Control Board Order 95-10 (State Water Board Staff – 2) and to some extent State Water Board Decision 1632. (State Water Board Staff – 6).

The purpose of the John's review was to answer two specific issues;

- 1) Is Cal-Am illegally diverting from the Carmel River?
- 2) Is Cal-Am violating condition #2 of Order 95-10?

Because John Collins was a relatively new employee of the Division of Water Rights, I provided direct assistance to John throughout the period in which he evaluated Cal-Am's diversions from the Carmel River and the extent of Cal- Am's compliance with the conditions of Order 95-10. He concluded, and I concur, that 1) Cal-Am was illegally diverting from the Carmel River, and 2) Cal-Am was not in compliance with condition 2 of Order 95-10.

Under my guidance John drafted a proposal for management consideration of an enforcement action. This proposal was presented to the Prosecution Team and the decision was made to proceed with an enforcement action. I assisted and reviewed John's development of the Division's Notice of the Cease and Desist Order WR-2008-XX00-DWR that was issued by the Division in January 2008.