



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

DIVISION OF WATER RIGHTS
REPORT OF INVESTIGATION
PERMIT 20784 (A029977) AND PERMIT 21289 (A031491)

Prepared by David LaBrie
December 10, 2015

DL
12/10/2015

PERMIT 20784 (A029977) AND PERMIT 21289 (A031491) OF G. SCOTT FAHEY
FOR DIVERSIONS FROM FOUR SPRINGS TRIBUTARY TO THE TUOLOMNE
RIVER IN TUOLMNE COUNTY

Water Rights Information

Permit 20784 (A029977)

Face Value:

44.8 Acre-feet per Annum (14.6 million gallons)

Source:

POD 1 Unnamed Spring (AKA Cottonwood Spring)
NW ¼ of SE ¼ of Section 22, T2N, R17E, MDB&M
POD 2 Deadwood Spring
NW ¼ of SE ¼ of Section 16, T2N, R17E, MDB&M
Each ultimately tributary to the Tuolumne River

Purpose of Use:

Industrial (bottled water)

Place of Use:

Bottled water plant(s) off premises

Diversion Amount and Season:

0.062 cfs, January 1 – December 31 of each year
0.031 cfs from Cottonwood Spring
0.031 cfs from Deadwood Spring
Not to exceed 44.82 Acre-feet per Annum

Priority Date:

July 12, 1991

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



2VJ
12/14/15

Permit 21289 (A031491)**Face Value:**

64.5 Acre-feet per Annum (21.0 million gallons)

Source:

POD 1 Unnamed Spring (AKA Marco Spring)

NW ¼ of NE ¼ of Section 22, T2N, R17E, MDB&M

POD 2 Unnamed Spring (AKA Polo Spring)

NE ¼ of NE ¼ of Section 22, T2N, R17E, MDB&M

Each ultimately tributary to the Tuolumne River

Purpose of Use:

Industrial (bottled water)

Place of Use:

Bottled water plant(s) off premises

Diversion Amount and Season:

0.089 cfs, January 1 – December 31 of each year

0.045 cfs from Marco Spring

0.045 cfs from Polo Spring

Not to exceed 64.5 Acre-feet per Annum

Priority Date:

January 28, 2004

Background

G. Scott Fahey (Fahey) is the owner of Water Right Permits 20784 (A029977) and 21289 (A031491). The source of water under each water right includes springs that are, ultimately, tributary to the Tuolumne River, which is within the San Joaquin River system. (See Figure 1) Fahey's water right Permit 20784 (A029977) has a priority date of July 12, 1991, and Permit 21289 (A031491) has a priority date of January 28, 2004.

On April 1, 2015, the governor issued Executive Order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to the effects of the continuing drought. Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the State Water Board, Division of Water Rights (Division) determined that the existing water supply in the San Joaquin River watershed was insufficient to meet the needs of all water right holders. On April 23, 2015, the State Water Board issued a notice of water unavailability (2015 Notice) to all holders of post-1914 appropriative water rights within the San Joaquin River watershed, including Fahey. The 2015 Notice advised those water right holders of the need to immediately curtail diversions under their post-1914 appropriative water rights because there was no water available for diversion under their priority of right.

Enforcement Section staff began conducting inspections of post-1914 appropriative water rights in the San Joaquin River watershed soon after the State Water Board issued the 2015 Notice. On or about May 5, 2015, the Enforcement Section established a list of post-1914 appropriative water rights in the San Joaquin River watershed for inspection and distributed the list among the enforcement units. Water Right Permit 20784 (A029977) and Permit 21289 (A031491) were on my list of water rights to inspect.

I attempted to contact Fahey by telephone, and left messages on several occasions in an effort to obtain consent for and schedule an inspection of his diversion facilities. Fahey contacted me by telephone on June 12, 2015. In that conversation, Fahey told me that he had responded to the 2015 Notice with a letter explaining that he believed his diversions were exempt from curtailment due to a purchase of water that had been placed into storage in New Don Pedro Reservoir (NDPR) according to the terms and conditions of his permits. Fahey told me that, if a compliance inspection was necessary, he would be unavailable to meet with Division staff until after the summer season, as he was returning to his home in Idaho. During the conversation, Fahey indicated that diversions from the springs were still taking place, with words to the effect that, if he had to curtail his diversions, he'd be out of business.

I located and reviewed the letter to which Fahey referred. The letter was dated June 3, 2014 and had been originally submitted to the Division in response to the notice of water unavailability that was issued on May 27, 2014 (2014 Notice). In response to the 2015 Notice, Fahey submitted an email on April 29, 2015 to transmit a copy of the June 3, 2014 letter. (See Attachment 1)

In the June 3, 2014 letter, Fahey stated that he purchased 82 acre-feet of Stanislaus River water from Tuolumne Utilities District (TUD) between July 15, 2009 and July 15, 2011 and placed that water into storage in NDPR. Fahey explained that he purchased the surplus water to ensure that there would be replacement water available for the Turlock Irrigation District and Modesto Irrigation District (Districts), and the City and County of San Francisco (San Francisco), in the event that he received notification from San Francisco of potential or actual water supply reductions as a result of diversions made under his junior water rights. Fahey further explained that neither San Francisco nor the Districts had ever notified him of the need to actually provide replacement water, but that by pre-positioning the replacement water, the flow of water from NDPR would not be affected and no senior water right holders would be impacted by diversions made under his junior water rights.

After reviewing Fahey's permits and the June 3, 2014 letter on June 12, 2015, I responded via email to Fahey's claim that the surplus water purchased between 2009 and 2011 exempted his permits from curtailment during the drought period of water unavailability. I explained that the purchase of surplus water, and the placement of such into NDPR to protect certain protestants to Fahey's water right applications, did not necessarily offset harm to other downstream prior right holders. In the email, I indicated that Fahey would need to provide further explanation to demonstrate that the Notice of Water Unavailability did not apply to his water rights. (See Attachment 2)

Fahey called me on June 15, 2015 to acknowledge receipt of the email and disagree with the findings. Fahey indicated that there were no prior right holders between his points of diversion and NDPR that would be injured by his diversions. I pointed out that it was likely that there were prior right holders downstream of NDPR that could be harmed by Fahey's diversions if those diversions were not actually offset. Since Fahey himself had indicated that the protestants had not laid claim to the replacement water, and because Fahey maintains that the replacement water remains available in NDPR, it stands that any replacement water that Fahey purchased has never been made available to downstream prior right holders below NDPR, and that those downstream prior right holders below NDPR have likely been harmed by Fahey's diversions during the current drought years. Fahey did not agree and, indicated that he would review his permit applications and water availability analysis for further information, but again told me that he would not be available for an inspection of his water rights before the end of summer.

Video Surveillance of Diversions Made in 2015

I consulted with Division management regarding the fact that Fahey was unwilling to make himself or his water rights available for compliance inspection in a timely manner or to provide reasonable access to the project works. I informed management that, based on Fahey's comments, it was likely that Fahey was continuing to divert water under his permits in spite of the notice of water unavailability. Division management directed me to consider using surveillance cameras to determine whether Fahey was, in fact, continuing to divert water from his facilities.

While the sources of water under Fahey's permits include 4 springs located throughout sections 16 and 22 of Township 2N, Range 17E MDBM, the water is piped from each spring and then combined into a single pipeline to be transported more than a mile to the southwest to a transfer station located in section 30. All of the water diverted from the source springs is transferred to tanker trucks at the transfer station. The tanker trucks haul the water to offsite locations for bottling. (See Figure 2) The transfer station is located along Cottonwood Road (Forest Route 1N04), within Tuolumne County APN 052-060-48-00 (GPS coordinates 38.002739, -120.152459), a parcel owned by Sugar Pine Spring Water LP. The transfer station has a locked gate on the access road from Cottonwood Road and the facility consists of two 35,000 gallon, underground storage tanks, an overhead loading station to fill the bulk water trucks and a gravel turnabout that can accommodate large tankers with a capacity in excess of 6,500 gallons.

On July 12, 2015 Division staff Samuel Cole and Michael Vella visited the site of the entrance to Tuolumne County APN 052-060-48-00 to install surveillance cameras that would be used to collect video images of water trucks entering and leaving the transfer station. Staff limited their movements to the public access and right-of-way along Cottonwood Road, and the access road to Tuolumne County APN 052-060-48-00 up to the locked gate.

Cole and Vella chose three locations to deploy surveillance cameras. (See Figure 3) The locations selected included: one at the base of a tree located at and with a view of the intersection of the access road and Cottonwood Road (Camera 1), one behind some rocks across Cottonwood Road, with a view straight up the access road (Camera 2) to the locked

gate, and one hanging from a tree branch along Cottonwood Road, north of the access road (Camera 3). All locations were within what staff believed to be the public right-of-way along Cottonwood Road. The camera locations provided different views of the access road and each camera was set with different time lapse and image quality. All cameras were set for daylight recording, only.

On July 23, 2015, I accompanied Cole to the transfer station access to collect the SD memory cards from the surveillance cameras and to install new cards and fresh batteries in the units. After reviewing a sampling of the video images, we determined that the Camera 2 location provided the best angle of view to observe trucks entering and leaving the transfer station during the day and that a time lapse of 5 seconds captured most activity on the access road, including trucks entering and leaving the transfer station; no changes were made to this camera's settings. We noted that some trucks were observed exiting the facility shortly after dawn; however, because the units were set for daylight recording only, those trucks were not observed entering the facility before dawn. Cole changed the settings for the Camera 1 location to allow for night time recording and a 5-second time lapse. The Camera 3 location was abandoned because that camera provided no additional useful information.

On August 5, 2015, Cole and I again returned to the site of the transfer station access to collect the SD memory cards from the surveillance cameras and to install new cards and fresh batteries in the units. After reviewing a sampling of the video images, Cole noted that the camera with the night settings (Camera 1) drained its batteries at a significantly faster rate and only remained active for approximately 2.5 days. Settings were adjusted on this camera to use less power and record only during nighttime hours. Cole moved the camera from the #1 location, to a spot across the road near the #2 location for better angle of view.

On the dates that Cole and I were on-site to maintain the surveillance cameras (July 23 and August 5), we personally observed several water tanker trucks enter and/or leave the transfer station, including trucks that entered and/or left the facility while the cameras were off-line. For the purposes of documenting the number of trucks observed entering or leaving the transfer station, I included the personal observations in calculating the number of loads.

I reviewed the photo images collected from the surveillance cameras on July 23 and August 5 and, based on the number of trucks directly observed while in the field, determined that at least 99 loads of water were removed from the transfer station property between July 12 and August 5, 2015. This presumes that a tanker truck observed entering the facility arrived empty and that the truck left the transfer station with a full load of water.

Between the video images and personal observations, tanker trucks were observed accessing and leaving the transfer station property on 22 out of 25 days, at a rate of from one to eleven trucks per day (three days had no trucks observed). Based on information included in water right files and available on the internet, and consistent with the size of the water tanker trucks personally observed by Division staff and recorded by video surveillance, Cole and I estimated the capacity of the water tanker trucks to be approximately 6,600 gallons each. Thus, I

calculated that 653,400 gallons (2.00 acre-feet) were diverted during the period between July 12 and August 5, 2015. (See Table 1 and Figure 4)

Cole retrieved the surveillance cameras on August 27, 2015, ending the period of video data collection. Jean Bandura, working under my direction, reviewed the video images collected between August 5 and August 27 and tabulated the number of tanker trucks observed entering and/or leaving the transfer facility. I reviewed the video images as well, to confirm the truck count. The video images show that 110 tanker trucks entered and/or left the transfer facility between 1:19 PM on August 5 and 5:33 AM on August 27. The video images also show that tanker trucks entered and/or left the transfer station on 20 of the 23 days during the surveillance period of August 5 through August 27. (See Table 2)

A total of 47 days were included in the surveillance period (July 12 through August 27, 2015). Tanker trucks were observed entering and/or leaving the transfer station on 42 of those days.

Surveillance images and staff observations document 209 tanker trucks entering and/or leaving the transfer facility during the surveillance period; however, night vision cameras were used on only about half of those days of surveillance. Five trucks were observed entering and/or leaving the facility after dark in the 2½ days that the night vision camera was running following deployment on July 23, and 41 trucks were observed entering and/or leaving the facility after dark in the 23 days of observation between August 5 and August 27. Due to the number of trucks observed when the night vision cameras were deployed and operating, tanker trucks likely removed more than 99 loads of water from the transfer station during the period between July 12 and August 5, and more than 209 loads during the overall period of surveillance. (See Table 2)

The video surveillance showed few tanker trucks entering or leaving the facility on Sundays. Of the seven Sundays included in the surveillance period, tanker trucks were observed entering or leaving the facility on two of the Sundays, with a total of 3 loads observed over those two days.

Reported Diversions in 2014

On May 27, 2014, the State Water Board issued a "Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the Sacramento and San Joaquin River Watershed with a post-1914 Appropriative Right" (2014 Notice). The 2014 Notice notified all holders of post-1914 appropriative water rights within the Sacramento and San Joaquin River watersheds, including Fahey, of the lack of availability of water to serve their post-1914 water rights, with some minor exceptions for non-consumptive diversions not applicable to Fahey. On October 31, 2014, the State Water Board temporarily lifted the curtailment of water rights for post-1914 water rights holders in the Sacramento-San Joaquin watershed and continued the opportunity to divert until 7 AM on November 3, 2014. Ultimately, the Division notified Fahey that no water was available for diversion under the priority of his permits from May 27 through October 30 and from November 4 through November 18, 2014, a total of 172 days that year, inclusive of both periods.

Fahey's water rights were not among the affected permits and licenses inspected in 2014. However, as part of the developing investigation of Fahey's diversions in 2015, I reviewed the Progress Report by Permittee for 2014 for each of Fahey's water right permits. Fahey submitted the Progress Reports for 2014 on March 3, 2015 and reported the diversion and use of water in every month in 2014 under Permit 20784 and every month except January under Permit 21289.

The progress reports described above demonstrate that Fahey diverted water under his permits during the period in which water was unavailable for his priority of right in 2014. Based upon the information provided by Fahey in his progress reports, Fahey diverted a total of 19.95 acre-feet of water in 2014 during the periods when no water was available under his priority of right. Based upon the operations observed during the 2015 period of surveillance (trucks were seldom observed entering or leaving the transfer station on Sundays), I calculated that Fahey diverted water for a total of 148 days in 2014 during periods when no water was available under his priority of right. (See Table 3)

Replacement Water Terms

In his June 3, 2014 letter to the State Water Board, and in his conversations with me, Fahey argued that he was not required to curtail his diversions during the drought period of water unavailability because he had purchased replacement water and placed that water into storage in NDPR according to the terms and conditions of his permits. Fahey has two separate terms in his water right permits that require him to provide replacement water, under different conditions, for water diverted from the springs under his post-1914 appropriative rights. One term requires Fahey to offset all diversions made under his permits during the period that his source of water is fully appropriated. The other term requires Fahey to replace any water diverted under his permits that injures San Francisco and/or the Districts.

Term 19 and the Exchange Agreement. Under Term 19 in Permit 20784 Fahey shall provide replacement water for all water diverted under the permit during the period from June 16 through October 31 of each year. The source of water for Fahey's water rights is fully appropriated during that period and Fahey shall offset the amount of water he diverts from the springs during the Fully Appropriated Stream (FAS) period, each year, with replacement (make-up) water provided through an Exchange Agreement with the Districts. (1992 Exchange Agreement, See Attachment 3) Under the Exchange Agreement, Fahey shall deposit the make-up water into NDPR each calendar year. While Permit 21289 does not enumerate a term similar to Permit 20784 Term 19, Fahey, in his application (A031491) to appropriate water from Wet Meadows Springs (later changed to Marco and Polo Springs), signed a statement accepting that the application was conditioned upon and subject to the terms and conditions of the 1992 Exchange Agreement and Permit 20784 Term 19. Accordingly, Fahey shall provide make-up water for all diversions made from Marco and Polo Springs during the FAS period from June 16 to October 31 of each year.

Term 4 of the 1992 Exchange Agreement states: "*Fahey may provide make-up water at any time of the year between January 1 and December 31. Fahey may pump more water than is*

required under this Agreement and build a surplus prior to the period of unavailability; however, no carryover will be allowed to subsequent years.” (Emphasis added) In conjunction, Permit 20784, Term 19 and the 1992 Exchange Agreement require Fahey to provide replacement (make-up) water for all water he takes from the springs under his permit during the FAS period (June 16 to October 31) of each year. Fahey may not provide make-up water in advance of, or subsequent to, the calendar year in which he diverts water from the springs because the 1992 Exchange Agreement requires that replacement water be provided by the end of the year and allows no carryover credit.

Terms 20 and 34. Permit 20784, Term 20 and Permit 21289, Term 34 requires Fahey to provide replacement water for water diverted under the permits specifically adverse to the prior rights of San Francisco and the Districts.

San Francisco protested both of Fahey’s applications to appropriate water from the Tuolumne River watershed over the potential harm that such diversions might cause to San Francisco’s prior rights. Pursuant to protest settlement negotiations between San Francisco and Fahey regarding Fahey’s first water right application (A029977), San Francisco submitted a letter to the State Water Board, dated December 19, 1994, outlining certain provisions under which San Francisco would withdraw its protest of the application. (See Attachment 4) Fahey agreed to those provisions and the provisions were incorporated into Term 20 of Permit 20784. Similar provisions were subsequently incorporated into Term 34 of Permit 21289.

Under the above terms, San Francisco and the Districts have the responsibility to determine whether Fahey’s diversions have caused them harm and to notify Fahey of such. Also under the above terms, Fahey shall deposit replacement water into NDPR within one year of San Francisco and/or the Districts notifying him of any potential or actual water supply reductions he causes with his diversions. The terms allow Fahey to provide replacement water in advance and be credited toward future replacement water obligations.

Permit 20784, Term 20 provides, in part: *“Permittee shall not be obligated to provide replacement water for diversions that occur during periods when the Districts’ and San Francisco’s reservoirs are spilling or are being operated in anticipation of spill except that all water diverted during the period June 16 through October 31 shall be replaced pursuant to the Water Exchange Agreement executed on December 12, 1992 between permittee and the Districts. (Emphasis added) Permittee’s obligations to provide replacement water under this agreement [December 19, 1994 Letter Agreement] shall take into consideration permittee’s obligations to provide replacement water under the Water Exchange Agreement.”* Permit 21289, Term 34 contains similar language.

Fahey must provide replacement water each year to offset his FAS period diversions. When Fahey meets this obligation, his permits do not require him to provide additional replacement water to the Districts or to San Francisco for diversions made during the FAS period. The only replacement water that Fahey has to provide to the Districts or San Francisco in a year in which he has met his FAS obligations is the amount of water that the Districts or San Francisco notify

him is necessary to make up for adverse impacts he causes by diverting water outside of the FAS period.

For the purposes of providing replacement water specifically to offset any injury to San Francisco and the Districts: 1) Fahey is not obligated to provide replacement water, in any given year, unless San Francisco or the Districts notify him to do so; 2) Fahey may deposit replacement water into NDPR in advance and carry over storage credit from one year to the next, apparently, without limitation as to time or diminution due to losses; and 3) all replacement water Fahey owes San Francisco and the Districts is outside of and in addition to the make-up water required to offset the diversions made during the FAS period.

No Basis of Right for Diversions during the Drought Period of Water Unavailability, No Alternate Source of Water

Division staff and management reviewed the terms and conditions that require Fahey to provide replacement water under certain conditions (Permit 20784, Terms 19 and 20, and Permit 21289, Term 34), and concluded that the water that Fahey purchased in 2009, 2010 and 2011 to protect San Francisco and the Districts did not provide Fahey with a valid basis of right to divert water from the springs covered under his permits during the drought period of water unavailability in 2014 and 2015, nor did it provide an alternate source of water for those diversions.

Recommendation for Enforcement Action

Based on the evidence gathered regarding diversions made during the drought periods of water unavailability in 2014 and 2015, and the conclusion that Fahey did not have a valid basis of right to divert water under his priority of right during those periods, I recommend that the Division consider taking enforcement action against Fahey for unauthorized diversion of water.

Additional Evidence of Unauthorized Diversions and Violations of Permit Terms

Permit 20784, Term 19, which requires Fahey to provide replacement water pursuant to the 1992 Exchange Agreement, for all water diverted under the permit during the period from June 16 through October 31 of each year, also requires Fahey to report the source, amount and location of replacement water discharged to NDPR each year with his annual Progress Report by Permittee. Fahey has not reported any water discharged to NDPR pursuant to the Exchange Agreement with his annual Progress Reports by Permittee since he began diverting water 1997. Fahey only reported purchasing 82 acre-feet of surplus water from the Stanislaus River watershed from TUD in 2009, 2010 and 2011, and then only reported that purchase to the State Water Board in a letter dated June 3, 2014, in which he claims that he placed the purchased water into NDPR to protect the prior right of San Francisco and the Districts; not to comply with the terms and conditions of the Exchange Agreement or Term 19. Fahey may count the water purchased in 2009, 2010 and 2011 toward the replacement water required to satisfy the obligations under the Exchange Agreement and Term 19, but for those years only. The available evidence indicates that Fahey did not provide replacement water in any year between

1997 and 2008, inclusive, or in any year after 2011. Fahey is and has been violating Term 19 for not providing replacement water pursuant to the Exchange Agreement and for not reporting the replacement water to the State Water Board with his annual Progress Reports by Permittee.

List of figures, attachments, and tables referenced in the report of investigation:

Figures:

- 1 - Location map showing Fahey's diversion points under Permits 20784 and 31491
- 2 - Project map
- 3 - Satellite View of Transfer Station
- 4 - Photos of trucks at transfer station as recorded by video surveillance cameras

Attachments:

- 1 - April 29, 2015 email (with attached letter to Division dated June 3, 2014) from Fahey to Division in response to the 2015 Notice of Unavailability
- 2 - June 12, 2015 email from LaBrie to Fahey discussing Fahey's claim that he is exempt from curtailment
- 3 - 1992 Exchange Agreement between Fahey and Turlock and Modesto Irrigation Districts
- 4 - December 19, 1994 letter (with attached letter to Fahey of same date) from City and County of San Francisco to Division regarding application A029977 protest negotiations

Tables:

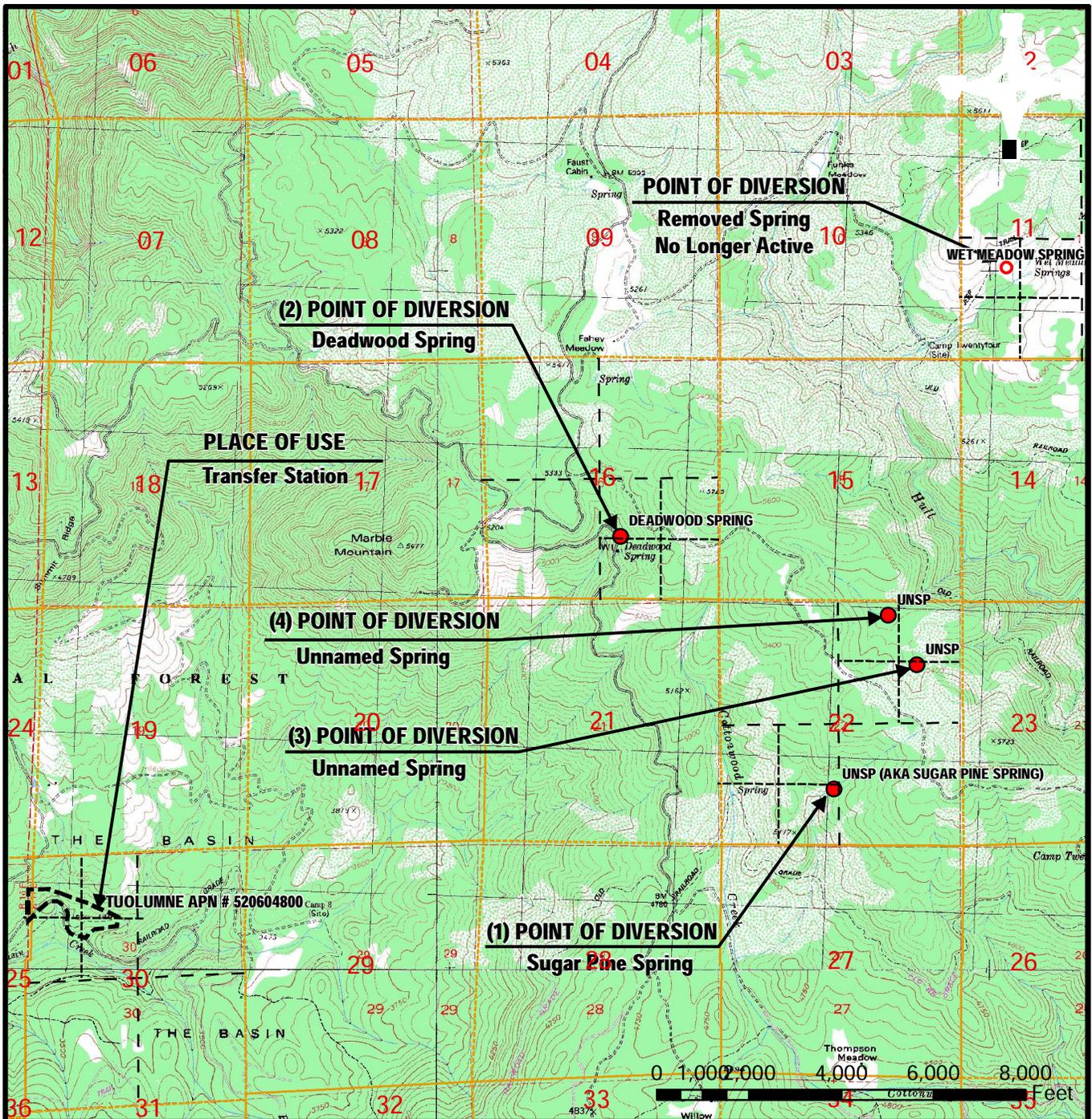
- 1 - Video Surveillance and calculation of unauthorized diversion July 13 – August 5, 2015
- 2 - Video Surveillance and calculation of unauthorized diversion August 5 – August 27, 2015
- 3 - Calculation of unauthorized diversion in 2014



OWNER G. SCOTT FAHEY		STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY	
SOURCES		STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS	
1) COTTONWOOD SPRING (A029977)	TRIBUTARY TO	APP #: A029977	
2) SUGAR PINE SPRING (A029977)	1) COTTONWOOD CREEK	A031491	
3) MARCO SPRING (A031491)	2) UNNAMED STREAM	PERMIT #: 20784	
4) POLO SPRING (A031491)	3) UNNAMED STREAM	21289	
APN #: 052-060-48-00	4) UNNAMED STREAM	MAP #: 6 of 6 (QUAD MAP NDPR VIEW)	
COUNTY OF TUOLUMNE		DATE CREATED: 12/11/2015	DRAWN: SCOLE
U.S.G.S. QUAD: TWAIN HARTE	YRORIGMAP: 1979	SCALE: 1:250,000	CHECKED:

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

FIGURE 1
Fahey Report of Investigation



OWNER G. SCOTT FAHEY		STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY	
SOURCES		STATE WATER RESOURCES CONTROL BOARD	
1) COTTONWOOD SPRING (A029977)	TRIBUTARY TO	DIVISION OF WATER RIGHTS	
2) SUGAR PINE SPRING (A029977)	1) COTTONWOOD CREEK	APP #: A029977	
3) MARCO SPRING (A031491)	2) UNNAMED STREAM	A031491	
4) POLO SPRING (A031491)	3) UNNAMED STREAM	PERMIT #: 20784	
	4) UNNAMED STREAM	21289	
APN #: 052-060-48-00		MAP #: 4 of 6 (QUAD MAP POD VIEW)	
COUNTY OF TUOLUMNE		DATE CREATED: 12/11/2015	DRAWN: SCOLE
U.S.G.S. QUAD: TWAIN HARTE	YRORIGMAP: 1979	SCALE: 1:40,000	CHECKED:

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

FIGURE 2
Fahey Report of Investigation



OWNER **G. SCOTT FAHEY**

SOURCES

- 1) COTTONWOOD SPRING
- 2) DEADWOOD SPRING
- 3) MARCO SPRING
- 4) POLO SPRING

TRIBUTARY TO

- 1) COTTONWOOD CREEK
- 2) UNNAMED STREAM
- 3) UNNAMED STREAM
- 4) UNNAMED STREAM

APN #: **052-060-48-00**

COUNTY OF **TUOLUMNE**

U.S.G.S. QUAD: **TWAIN HARTE**

YRORIGMAP: **1979**

SCALE: **1:3,500**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

APP #: **A029977
A031491**

PERMIT #: **20784
21289**

MAP #: **1 of 6 (NAIP FACILITY VIEW)**

DATE CREATED:
12/11/2015

DRAWN:
SCOPE

CHECKED:

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

**FIGURE 3
Fahey Report of Investigation**

SURVEILLANCE PHOTOGRAPHS: A029977 & A031491



Tanker truck entering Sugar Pine Spring Water property; location of the collection/transfer station. Photo taken 7/14/2015; 10:23 AM.



Truck stops to open the locked gate.



Photo taken at 10:47 AM as the truck stops outside the gate



After locking the gate, the driver leaves with a tanker full of water.

FIGURE 4

Fahey Report of Investigation

SURVEILLANCE PHOTOGRAPHS: A029977 & A031491



Tanker truck entering Sugar Pine Spring Water property. Photo taken 7/14/2015; 6:40 AM. First of two trucks.



2nd truck follows the first.



First truck departs at 7:26 AM.



Followed immediately by the second truck.

FIGURE 4
Fahey Report of Investigation

WB-SWRCB-Curtailment-Certification

From: Sugar Pine Spring Water LP <springwater@cableone.net>
Sent: Wednesday, April 29, 2015 11:26 AM
To: WB-SWRCB-Curtailment-Certification
Subject: Curtailment Certification - Other: A029977 & A031491
Attachments: SWRCB-CurtailmentCert-AsSent.gsf.doc

**SUGAR PINE
SPRING WATER LP**

A029977
A031491 EXHIBIT WR-61
Tuolumne

State Water Resources Control Board
Division of Water Right
P.O. Box 2000
Sacramento, CA 95814-2000

June 3, 2014

Re.: Curtailment Certification Form – OTHER

Ref.: Water Right Applications 29977 and 31491

In good-faith, when ample water resources were available; I purchased a total of eighty-two (82) acre-feet of water from the Tuolumne Utility District (TUD), during a two year period from 6/15/09 through 6/15/11. The Stanislaus River was the origin of that water. That water was released by TUD from Phoenix Lake to New Lake Don Pedro Reservoir (NDPR), via Sullivan Creek.

The reason for the purchase and diversion of that water was to ensure the City and County of San Francisco (San Francisco) and the Modesto & Turlock Irrigation Districts (Districts) would have water standing-by behind NDPR in the event “notification by San Francisco of potential or actual water supply reduction” was sent to me as a result of the reference water rights’ applications. Such notice has never been received. In the event that were to occur, the “replacement water” that I would be obligated to provide within one year of said notice would already be available in NDPR for its owners beneficial use.

I acknowledge that if NDPR had spilled, or spills in the future, that the water I have purchased, had divert, and is now pre-positioned there as “replacement water” would be lost and not available to me for its intended purpose.

As the manager of Sugar Pine Spring Water LP’s General Partner, make every effort to ensure the holders of senior downstream water rights are not impacted nor affected by Sugar Pine’s diversion of spring water. That has been accomplished by taking the initiative to purchase “replacement water” when it was available; so, if needed, neither San Francisco nor the Districts must wait one year for it to arrive. As a result, the flow of water from NDPR will not be affected nor will any senior water right holders be impacted by the referenced applications. After consultation with San Francisco and the Districts regarding this matter they concur, therefore, I contend that the diversion and use of water authorized by the referenced water rights applications is legally authorized.

Sincerely,

G. Scott Fahey
Manager of the General Partner
Sugar Pine Spring Water LP

CC: San Francisco – Attn.: Jonathan Knapp

LaBrie, Dave@Waterboards

From: LaBrie, Dave@Waterboards
Sent: Friday, June 12, 2015 2:02 PM
To: 'springwater@cableone.net'
Cc: Lavallee, Laura@Waterboards
Subject: Water Rights A029977 and A031491

Scott,

Thank you again for returning my call this morning.

I found your letter in the stack of emails and it was marked to be considered as a certification response. Most Certification Forms were filed online and the emails have to be hand processed.

I have read your letter and your permit terms. I understand that you have a term that requires you to provide replacement water to the City and County of San Francisco and the Turlock and Modesto Irrigation Districts for water diverted under your permits that adversely affect San Francisco and the Districts. This term was included in your permits to resolve the protests by San Francisco and the Districts that your diversions would cause harm to their prior rights. I also understand that you have purchased 82 acre-feet of water that is stored in New Don Pedro Reservoir as replacement water.

Question: Have you diminished the quantity of water in storage by the amount of water that you diverted last year and this during the time that the water rights have been curtailed. If not, it would seem that any water diverted from the springs would be in violation of the curtailment notice. If you have diminished the quantity of water in storage by the amount of water that you diverted during the curtailment period, it could be argued that you have offset your diversions by releasing the purchased water placed into storage. The problem is, while the water stored in Don Pedro may satisfy San Francisco and the Districts, it does nothing for the prior right holders between your points of diversion and Don Pedro who may be adversely affected by your diversions.

Term 17 in Permit 20784 and Term 9 in Permit 21289 clearly state that the permits are subject to prior rights and that in some years, water will not be available for diversion during parts or all of the authorized season. Remember, the Water Exchange Agreement with the Districts and the letter of understanding with San Francisco only apply to the settlements with those parties as they resolved the protests filed by those parties. The Curtailment Notices were designed to protect all prior right holders.

I look forward to any explanation that you may have that would demonstrate why the curtailment notice does not apply to your water rights.

David LaBrie
Engineering Associate
Enforcement Unit #1
Division of Water Rights
State Water Resources Control Board

(916) 341-5343
1001 I Street, 14th Flr
Sacramento, CA 95814
P.O. Box 2000
Sacramento, CA 95814-2000
Dave.LaBrie@waterboards.ca.gov

AGREEMENT

This Agreement, by and between G. Scott Fahey ("Fahey"), an individual, the Turlock Irrigation District ("TID"), a California irrigation district, and the Modesto Irrigation District ("MID"), a California irrigation district, is made with reference to the following:

RECITALS

A. Fahey has filed an application with the State Water Resources Control Board (SWRCB) to appropriate water from Deadwood and Cottonwood springs which are tributary to the Tuolumne River (Application No. 29977).

B. Fahey desires to appropriate up to 40,000 gallons per day (44.82 acre-feet per year) year-round from these two springs under the terms and conditions set forth in Application No. 29977.

C. SWRCB Decision 995 declares that the waters of the Tuolumne River are fully appropriated from July 1 to October 31, and SWRCB Decision 1594 declares that the waters of the Sacramento-San Joaquin Delta are fully appropriated from June 15 to August 31. As a result Fahey is unable to appropriate water from Deadwood and Cottonwood springs from June 15 through October 31 (hereinafter referred to as the "period of unavailability").

D. Fahey proposes an exchange of water with TID and MID (collectively "the Districts") by pumping into Lake Don Pedro an amount equal to the amount of water appropriated from Deadwood and Cottonwood springs during the June 15 through October 31 period of unavailability (hereinafter referred to as "make-up water").

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Fahey shall be entitled to appropriate up to 20,000 gallons per day (22.41 acre-feet per year) from Deadwood Spring and up to 20,000 gallons per day (22.41 acre-feet per year) from Cottonwood Spring according to the terms and conditions in SWRCB Application No. 29977.

2. Between the period June 15 and October 31 of any year, Fahey is limited to 17 acre-feet (40,000 gallons per day x 138 days).

3. To provide sufficient make-up water during the period of unavailability, Fahey shall pump an equivalent amount of ground water from his well located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, T3S, R15E,

MDB&M. The water shall be discharged into an unnamed tributary thence into the Roger Creek arm of Lake Don Pedro.

4. Fahey may provide make-up water at any time of the year between January 1 and December 31. Fahey may pump more water than is required under this Agreement and build a surplus prior to the period of unavailability; however, no carryover will be allowed to subsequent years.

5. It shall be the responsibility of Fahey to pump sufficient make-up water according to this Agreement and to meet the requirements of SWRCB Decisions 995 and 1594. Failure to pump sufficient make-up water in any one calendar year shall be grounds for termination of this Agreement at the sole discretion of the Districts.

6. This Agreement shall be incorporated into and made a part of any permit or license granted to Fahey by the SWRCB.

7. **Reporting Requirements.** Fahey shall file semi-annual reports with both TID and MID showing the amount of water diverted monthly from Deadwood and Cottonwood springs and amount of water pumped from Fahey's well and discharged into Lake Don Pedro. Reports are due July 31st (covering the period January 1 through June 30) and January 31st (covering the period July 1 through December 31 of the preceding year).

8. **Inspection.** The Districts shall be allowed reasonable access to Fahey's pump to inspect and test the pump and well and to verify the diversions reported by Fahey. The Districts shall provide at least five days' written notice prior to inspection.

9. **Water Rights.** Fahey shall not accrue any interest in the Districts' water rights by virtue of this Agreement. Nothing contained herein shall be construed as a grant of water rights or an interest in the Districts' water rights.

10. **Indemnity.** Fahey shall defend, indemnify and hold Districts, Districts' directors, officers, representatives, agents and employees, and each of them, harmless from and against any and all expenses, losses, damages, claims or liabilities arising directly or indirectly from any act or omission in the performance of Fahey's obligations under this Agreement, and from and against any and all costs, expenses or liabilities incurred in or in connection with any of such claims or any proceeding brought thereon, except to the extent caused by the negligence or willful misconduct of the Districts.

11. **Amendment.** This Agreement may be amended only by a written instrument duly executed by all the parties.

12. **Non-Assignment.** Fahey shall not assign or transfer any right or interest in this Agreement, in whole or in part, without the prior written consent of both TID and MID. Any such assignment or transfer by Fahey without such consent shall be void.

13. **Notice.** Any notice, request, demand or other communication required or permitted hereunder shall be deemed properly given when delivered either by personal delivery in writing, or by first-class mail, postage prepaid, addressed as follows:

G. SCOTT FAHEY
120 North Bryan
Oakdale, CA 95361

TURLOCK IRRIGATION DISTRICT
Attn: General Manager
333 East Canal Drive
P. O. Box 949
Turlock, CA 95381-0949

MODESTO IRRIGATION DISTRICT
Attn: Chief Executive Officer
1231 Eleventh Street
P. O. Box 4060
Modesto, CA 95352

This agreement is dated this 12 day of December, 1992.


G. SCOTT FAHEY 12/12/92

TURLOCK IRRIGATION DISTRICT

MODESTO IRRIGATION DISTRICT


for ERNEST GEDDES
General Manager


KENNETH H. MCKINNEY
Deputy Chief Executive Officer

RESOLUTION NO. 92-207

RESOLUTION APPROVING AGREEMENT BETWEEN
TURLOCK IRRIGATION DISTRICT, MODESTO
IRRIGATION DISTRICT, AND G. SCOTT FAHEY

WHEREAS, G. Scott Fahey (Fahey) has filed an application with the State Water Resources Control Board (Board) to appropriate water from Deadwood and Cottonwood springs which are tributary to the Tuolumne River (Application No. 29977); and

WHEREAS, Fahey desires to appropriate up to 40,000 gallons per day (44.82 acre-feet per year) year-round from these two springs under the terms and conditions set forth in Application No. 29977; and

WHEREAS, The Board has declared that the waters of the Tuolumne River are fully appropriated from July 1 to October 31, and the waters of the Sacramento-San Joaquin Delta are fully appropriated from June 15 to August 31. As a result Fahey is unable to appropriate water from Deadwood and Cottonwood springs from June 15 through October 31; and

WHEREAS, Fahey proposes an exchange of water with the District and the Modesto Irrigation District by pumping into Lake Don Pedro an amount equal to the amount of water appropriated from Deadwood and Cottonwood springs from June 15 through October 31.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Turlock Irrigation District as follows:

1. The water exchange agreement between the District, Modesto Irrigation District, and Fahey is hereby approved.
2. The General Manager is authorized to sign the agreement on behalf of the District.

Moved by Director Short, seconded by Director Berryhill, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:	Directors Short, Berryhill, Long, Crowell
Noes:	Directors None
Absent:	Director Clauss

The President Pro Tempore declared the resolution adopted.

I, Barbara A. Hetrick, Secretary of the Board of Directors of the TURLOCK IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true, and correct copy of a resolution duly adopted at a regular meeting of the said Board of Directors held the 22nd day of December, 1992.

Barbara A. Hetrick
Secretary of the Board of Directors
of the Turlock Irrigation District

ATTACHMENT 3
Fahey Report of Investigation

YM file
29977

December 30, 1992

State Water Resources Control Board
Division of Water Rights
P. O. Box 2000
Sacramento, CA 95810

Dear Ms. Mooring,

Please find enclosed a copy of a fully executed Agreement between Modesto Irrigation District, Turlock Irrigation District and myself. This is a water exchange agreement between myself and TID/MID. The Agreement was formulated to avoid any conflict that Application No. 29977 would have with SWRCB Decisions 995 and 1594. The copy of this Agreement with the SWRCB now allows my application to be given public notice, I believe.

Please respond that you have received this letter with the Agreement enclosed and the current time table for giving my application public notice. Thank you for your help concerning Application No. 29977.

Sincerely,



G. SCOTT FAHEY

WV
29977



Louise H. Renne,
City Attorney

PUBLIC UTILITIES SECTION

THOMAS M. BERLINER
Utilities General Counsel
JOSHUA D. MILSTEIN
JOHN S. RODDY
CHRISTIANE HAYASHI
Deputy City Attorneys

Mr. Wm. Van Dyck
Ms. Yoko Mooring
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
901 P Street
Sacramento, CA 95814

December 19, 1994

Dear Ms. Mooring and Mr. Van Dyck:

Enclosed please find your carbon copy of a letter from myself to Mr. G. Scott Fahey, regarding his application to appropriate water from Deadwood and Cottonwood Springs in Tuolumne County, Application number 29977.

As you recall from our field investigation of September 29, 1994, Mr. Fahey and I agreed to negotiate permit terms that would both allow his proposed venture to proceed to his satisfaction and protect the prior water rights of the City and County of San Francisco. The enclosed letter represents such an agreement. I previously transmitted a draft to Mr. Fahey and he indicated that those permit terms would be satisfactory.

Thank you for your patience and assistance in this matter. Please let me know if you have any questions.

Sincerely,

LOUISE H. RENNE
City Attorney

THOMAS M. BERLINER
Utilities General Counsel

CHRISTIANE HAYASHI
Deputy City Attorney

ATTACHMENT 4
Fahey Report of Investigation



Louise H. Renne,
City Attorney

PUBLIC UTILITIES SECTION
THOMAS M. BERLINER
Utilities General Counsel
JOSHUA D. MILSTEIN
JOHN S. RODDY
CHRISTIANE HAYASHI
Deputy City Attorneys

Mr. G. Scott Fahey
c/o Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, Idaho 83720-0065

ATTACHMENT 4
Fahey Report of Investigation

December 19, 1994

Dear Mr. Fahey:

I am writing to transmit to you the conditions that San Francisco will request the State Water Resources Control Board include in your permit to appropriate water from the Tuolumne River in California in order to allow San Francisco to withdraw its protest to the proposed diversion.

First, I would like to respond to your question of whether your proposed diversions would in fact affect San Francisco's water supply. Deadwood and Cottonwood springs, from which you propose to divert, are tributary to the North Fork of the Tuolumne River and the Clavey River, which in turn are tributaries to the Tuolumne. Accordingly, depletions from those springs could, in certain circumstances, affect the quantities of water available to San Francisco.

We have discussed potential permit conditions in light of the fact that at times, the proposed diversion would not directly result in a loss to San Francisco's water supply. The fundamental purpose behind these conditions offered by San Francisco is to ensure that the water supply and accounting among San Francisco and the Districts that would have existed without the proposed diversions is preserved, no more and no less. However, there are numerous operational circumstances that make the development of an equation to determine responsibility for providing make up water extremely difficult. Under these circumstances, the use of a narrative condition would be most appropriate. I have listed proposed narrative permit terms below.

I would like to take this opportunity to explain a few aspects of the proposed conditions that might not be immediately obvious from a first reading. First, while you already have an agreement with the Modesto and Turlock Irrigation Districts to provide replacement water, a determination of effects on San Francisco will have to be made in conjunction with the Districts due to the complex water supply accounting procedures between the three entities. In addition, in some circumstances, depletions of water available to the Districts would result in loss of water supply to San Francisco because of the allocation of responsibility for flows by the Raker Act and FERC. Accordingly, the proposed permit terms reference various determinations to be made by the Districts and effects on the Districts' water supplies caused by the proposed diversion. However, your arrangement with the Districts would be taken into account in determining the requirement for any replacement water. It should be noted that the City is concerned about ground water you might extract to provide replacement water that would otherwise reach New

Don Pedro reservoir. We assume that the Districts are satisfied that your agreement with them protects their interests concerning ground water that would have reached basins to the west and underlying the Districts.

Second, the proposed conditions contain references to “potential” reductions in water supply available to San Francisco. This does not mean that you would be held accountable for diversions that have not yet occurred, or that San Francisco would wait to set the amount of replacement water required based on its perceived water supply needs in a shortage caused by drought. Rather, any determination of potential reductions in water supply would always look backwards in time and be set according to the quantities of your actual diversions. This provision works in your favor as well, since it allows San Francisco to notify you ahead of time of potential deficits so that you will have an opportunity to arrange for a replacement supply. It also creates greater flexibility, as it avoids the necessity for providing replacement water each year for the past year’s diversions. Again, the sole function of these proposed conditions is to replace any actual depletion of water supplies available to San Francisco and the Districts directly caused by your proposed diversions.

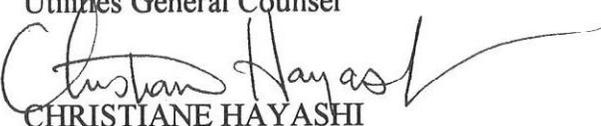
The following permit conditions would be sufficient to allow San Francisco to withdraw its protest to the proposed diversion:

1. Permittee shall not interfere in any way with San Francisco’s obligations to the Modesto and Turlock Irrigation Districts (“Districts”) pursuant to the Raker Act and/or the Fourth Agreement between the Districts and San Francisco.
2. Permittee’s diversion will reduce inflow to New Don Pedro Reservoir (“NDP”), potentially to the detriment of San Francisco and the Districts. Permittee must provide replacement water to the extent that it is determined by San Francisco and the Districts that Permittee’s diversions have reduced the water supplies of San Francisco and the Districts. This requirement of providing replacement water is subject to the following:
 - a. The determination of whether Permittee’s diversion has potentially or actually reduced the water supplies of San Francisco and the Districts will be made annually. At such time, San Francisco and the Districts will determine if either or both of their water supplies have been potentially or actually reduced by Permittee’s diversions. Such determination will take into account replacement water provided to the Districts pursuant to the Agreement between Permittee and the Districts, dated December 12, 1992, and any other replacement water provided by Permittee in advance of Permittee’s diversions. Such determination will recognize when Permittee’s diversions occurred during periods when District and San Francisco reservoirs were spilling, or were being operated in anticipation of spill; during these periods, **Permittee will not be held responsible for providing replacement water.** Permittee may be held responsible for different amounts of replacement water to San Francisco and the Districts. If the determination is of “potential” reductions in water supplies not yet realized due to the existence of a multi-year drought, such potential reduction will be identified by San Francisco and the Districts.

- b. Permittee shall provide replacement water within one year of the annual notification of potential or actual water supply reduction caused by Permittee's diversions. At its discretion, San Francisco may extend the time period within which replacement water will be provided. Replacement water must be provided by Permittee in a manner that will offset the separate reductions in water supplies of San Francisco and the Districts. Replacement water may be provided in advance and credited to future replacement water requirements.
- c. Replacement water may not be provided from a source that is hydraulically connected to surface water tributary to the Tuolumne River. If Permittee replaces water diverted pursuant to this permit with groundwater which it extracts, Permittee shall demonstrate that any extracted groundwater which replaces diverted surface water is water which would not otherwise reach NDP. Permittee shall demonstrate that there is hydrologic separation between the groundwater it extracts and groundwater flow from the east of NDP into NDP; or, alternatively, Permittee shall demonstrate that aquifer characteristics are such that subsurface flow to NDP is not substantial and that any extraction of groundwater by Permittee would have essentially no impact on groundwater recharge via subsurface inflow from the east to NDP.
- d. The water accounting procedures between San Francisco and the Districts, as they may be modified from time to time in the future, shall be the basis of all calculations concerning Permittee's impact on the water supplies of San Francisco and the Districts.
- e. Permittee shall include records of groundwater pumpage or provision of other replacement water with its annual report of use to the State Water Resource Control Board.

I hope that these proposed conditions are satisfactory and that San Francisco may withdraw its protest and allow your venture to proceed without further delay. Please do not hesitate to call if you have any questions regarding these proposed permit conditions.

Sincerely,

LOUISE H. RENNE
City Attorney
THOMAS M. BERLINER
Utilities General Counsel

CHRISTIANE HAYASHI
Deputy City Attorney

cc: Yoko Mooring, SWRCB
Wm. Van Dyck, SWRCB
T. Berliner
A. Schneider
D. Steiner
J. Scalmanini

ATTACHMENT 4
Fahey Report of Investigation

Video Surveillance of tanker trucks coming and going at the Sugar Pine Springs Water collection and transfer station, July 12 - July 23 and July 23 - August 5, 2015

File Name	Date	Time In	Time Out	Vehicle Type	Truck Description	Tanker Description			
TLC00000	0	Sunday loads observed	12-Jul 10:16:39	20:55:50					
			10:34 AM	11:05 AM	Sedan				
			12:19 PM	12:42 PM	Pickup truck w/ utility trailer				
TLC00001	3	Monday loads observed	13-Jul 5:22:43	20:54:05					
			5:28 AM	5:54 AM	Tanker truck	White Cab w/ blue stripe	could not see		
			10:48 AM	11:10 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
TLC00002	4	Tuesday loads observed	14-Jul 5:20:54	20:54:42					
			5:26 AM	5:51 AM	Tanker truck	White Cab w/ blue stripe	could not see		
			6:40 AM	7:26 AM	Tanker truck	White or Yellow Cab w/ red fenders	Red hopper on top		
			6:40 AM	7:26 AM	Tanker truck	White or Yellow Cab w/ red fenders			
			10:23 AM	10:47 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			10:39 AM	10:45 AM	SUV	White Explorer or Forerunner			
			11:18 AM	11:41 AM	Tanker truck	White Cab w/ blue stripe	Red end cap		
			11:42 AM	12:06 PM	Tanker truck	White Cab w/ blue stripe			
			6:31 PM	7:35 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			TLC00003	7	Wednesday loads observed	15-Jul 5:21:35	20:54:03		
5:21 AM	5:44 AM	Tanker truck				White Cab	no distinguishing marks		
9:13 AM	9:35 AM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
11:50 AM	12:15 PM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
4:01 PM	4:28 PM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
TLC00004	7	Thursday loads observed	16-Jul 5:20:00	20:50:14					
			< 5:20 AM	5:53 AM	Tanker truck	White or Yellow Cab w/ red fenders	Red hopper on top		
			< 5:20 AM	6:00 AM	Tanker truck	White Cab w/ blue stripe			
			6:01 AM	6:20 AM	Tanker truck	White Cab w/ red visor			
			9:12 AM	9:34 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			10:50 AM	11:12 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			12:15 PM	12:45 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			6:14 PM	7:04 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			TLC00005	7	Friday loads observed	17-Jul 5:25:08	20:52:51		
						< 5:25 AM	5:48 AM	Tanker truck	White Cab w/ blue stripe
6:23 AM	6:45 AM	Tanker truck				White Cab w/ red fenders	Red hopper on top		
11:05 AM	11:38 AM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
11:17 AM	11:23 AM	White SUV & Dark MiniVan							
12:12 PM	12:33 PM	Tanker truck				White Cab w/ red fenders	Red hopper on top		
12:31 PM	1:40 PM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
1:06 PM	1:22 PM	Tanker truck				White Cab w/ red fenders, red visor	Red hopper on top		
3:21 PM	3:29 PM	Work truck				Big Rig, Short bed w equipment			
6:02 PM	6:21 PM	Tanker truck				White Cab w/ red fenders, red visor	Red hopper on top		
TLC00006	1	Saturday loads observed	18-Jul 5:24:46	20:52:28					
			7:38 AM	7:58 AM	Tanker truck	White Cab w/ red fenders	Red hopper on top		
TLC00007	2	Sunday loads observed	19-Jul 5:24:18	20:51:26					
			9:39 AM	10:15 AM	Tanker truck	White Cab w/ red fenders	Red hopper on top		
			9:39 AM	10:15 AM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top		
			11:50 AM	12:11 PM	small white car				
			1:31 PM	1:38 PM	small white car (same)				
			2:24 PM	2:45 PM	Pickup truck, tan w rack				
			3:15 PM	6:46 PM	Big Rig tractor	White Cab w/ red fenders			
			4:14 PM	6:36 PM	small white car				
			4:21 PM	6:36 PM	Pickup truck, tan w rack				
			TLC00008	6	Monday loads observed	20-Jul 5:28:17	20:50:34		
5:36 AM	5:53 AM	Tanker truck				White Cab w/ red fenders, red visor	Red hopper on top		
8:27 AM	8:51 AM	Big rig tow truck							
9:15 AM	9:32 AM	Tanker truck				White Cab w/ red fenders, red visor	Red hopper on top		
10:23 AM	10:46 AM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
11:47 AM	12:11 PM	Tanker truck				White Cab w/ blue stripe	Red end cap and box		
1:51 PM	2:09 PM	Tanker truck				White Cab w/ red fenders, red visor	Red hopper on top		
7:28 PM	8:19 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box					
TLC00009	4	Tuesday loads observed	21-Jul 5:32:30	20:50:00					
			5:56 AM	6:26 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			11:58 AM	12:03 PM	SUV	White Explorer or Forerunner			
			12:03 PM	12:21 PM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top		
			12:24 PM	12:46 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
TLC00010	3	Wednesday loads observed	22-Jul 5:27:45	20:49:46					
			5:27 AM	6:01 AM	Tanker truck	White Cab w/ blue stripe	could not see		
			12:17 PM	12:56 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		
			1:48 PM	2:49 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box		

Video Surveillance of tanker trucks coming and going at the Sugar Pine Springs Water collection and transfer station, July 12 - July 23 and July 23 - August 5, 2015

File Name	Date	Time In	Time Out	Vehicle Type	Truck Description	Tanker Description	
TLC00007	Thursday 6 loads observed	23-Jul	5:26:21	12:11:59			
		< 5:26 AM	5:26 AM		could not see	could not see	
		5:34 AM	6:00 AM	Tanker truck	White Cab w/ blue stripe	could not see	
		10:15 AM	10:35 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box	
		11:17 AM	11:49 AM	Tanker truck	White Cab w/ blue stripe	Red end cap and box	
		11:34 AM	11:58 AM	Tanker truck	White Cab w/ red fenders	no distinguishing marks	
		* 12:15 PM	12:54 PM	* Tanker truck			
* observed in person after camera was removed; no camera image							
TLC00000	Thursday 5 loads observed	23-Jul	13:09:10	6:32:53			
		* DL Notes	1:25 PM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top	
		4:20 PM	4:40 PM	Tanker truck	White Cab w/ red fenders, red visor		
		4:20 PM	4:55 PM	Tanker truck	White Cab w/ red fenders, red visor		
		6:40 PM	7:33 PM	Tanker truck	White Cab w/ blue stripe	Red end cap and box	
		9:12 PM	9:30 PM	Tanker truck	could not see		
TLC00001	Friday 5-Jan loads observed	24-Jul	* 4:37 AM	5:07 AM	* Tanker truck	could not see	
		* 5:18 AM	5:42 AM	Tanker truck	White Cab w/ blue stripe		
		11:39 AM	12:06 PM	Tanker truck	White Cab w/ blue stripe (with logo)		
		12:05 PM	12:44 PM	Tanker truck	White Cab w/ blue stripe		
		3:09 PM	3:29 PM	Tanker truck	White Cab w/ red fenders, red visor		
		25-Jul	6:33:01	15:20:02			
TLC00002	Sunday 0 loads observed	26-Jul	15:20:11	8:54:11			
		10:11 AM	10:35 AM	Pickup truck w/ trailer	Gray		
		27-Jul	7:19 AM	7:36 AM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top
		7:54 AM	8:12 AM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top	
		9:19 AM	9:59 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		10:58 AM	11:18 AM	Tanker truck	White Cab w/ blue stripe		
TLC00003	Monday 7 loads observed	27-Jul	11:10 AM	11:33 AM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper on top
		11:42 AM	12:05 PM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		3:56 PM	4:49 PM	Tanker truck	White Cab w/ blue stripe		
		28-Jul	8:54:19	17:46:26			
		8:36 AM	8:56 AM	Tanker truck	White Cab w/ red fenders, red visor		
		9:09 AM	9:18 AM	Mustang	Navy		
TLC00004	Tuesday 3 loads observed	28-Jul	10:03 AM	10:50 AM	Tanker truck	White Cab w/ red fenders, red visor	
		10:51 AM	11:14 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		1:16 PM	1:24 PM	White SUV			
		29-Jul	17:46:35	11:40:30			
		10:34 AM	10:53 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		11:11 AM	11:37 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
TLC00005	Wednesday 3 loads observed	29-Jul	12:16 PM	1:22 PM	Tanker truck	White Cab w/ blue stripe	Red end cap
		30-Jul	7:02 AM	7:44 AM	Tanker truck	White Cab w/ red fenders	
		10:52 AM	11:14 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		11:35 AM	11:55 PM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		2:47 PM	3:10 PM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		6:04 PM	6:23 PM	Tanker truck	White Cab w/ red fenders, red visor		
TLC00006	Thursday 5 loads observed	30-Jul	11:40:39	20:37:31			
		6:00 AM	6:20 AM	Tanker truck	White Cab w/ red fenders, red visor		
		6:42 AM	7:06 AM	Tanker truck	White Cab w/ red fenders, red visor		
		8:57 AM	9:33 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		11:03 AM	11:27 AM	Tanker truck	White Cab w/ blue stripe	Red end cap	
		3:37 PM	4:28 PM	Tanker truck	White Cab w/ blue stripe	Red end cap	
TLC00007	Friday 5 loads observed	31-Jul	4:00 PM	4:07 PM	Small utility truck		
		1-Aug	8:43 AM	9:03 AM	Tanker truck	White Cab w/ red fenders, red visor	
		12:37 PM	12:59 PM	Tanker truck	White Cab w/ red fenders, red visor	Red end cap and red hopper	
		5:37 PM	5:47 PM	Pickup truck	White		
		2-Aug	20:37:44	14:41:40			
		10:30 AM	10:44 AM	Pickup truck pulling trailer	Grey truck		
TLC00008	Saturday 3 loads observed	2-Aug	2:32 PM	15:02 PM	Sedan	White	
		14:41:49	8:51:17				

Video Surveillance of tanker trucks coming and going at the Sugar Pine Springs Water collection and transfer station, July 12 - July 23 and July 23 - August 5, 2015

File Name		Date	Time In	Time Out	Vehicle Type	Truck Description	Tanker Description
TLC00007	Monday 6 loads observed	3-Aug	7:45 AM	8:04 AM	Tanker truck	White Cab w/ red fenders, red visor	Red hopper
			10:55 AM	11:14 AM	Tanker truck	White Cab w/ blue stripe	Red end cap
			11:29 AM	11:48 AM	Tanker truck	White Cab w/ blue stripe	Red end cap
			11:58 AM	12:13 PM	Tanker truck	White Cab w/ red fenders, red visor	
			12:03 PM	1:21 PM	Tanker truck	White Cab w/ blue stripe	Red end cap
			4:01 PM	4:16 PM	Tanker truck	White Cab w/ red fenders, red visor	
TLC00008	Tuesday 1 loads observed	4-Aug	9:23 AM	9:54 AM	Tanker truck	White Cab w/ red fenders, red visor	
			12:12 PM	12:18 PM	Pickup truck	white	
TLC00008	Wednesday 3 loads observed	5-Aug	8:51:25	11:48:51			
			8:46 AM	9:07 AM	Tanker truck	White cab w/ red fenders	
			10:51 AM	11:19 AM	Tanker truck	White Cab w/ blue stripe	Red end cap
			11:20 AM	11:45 AM	Tanker truck	White Cab w/ blue stripe	Red end cap

25 Days of Observation

22 Days of Diversions observed between 10:16 AM on Sunday, July 12, 2015 and 11:48 AM on Wednesday, August 5, 2015

99 Tanks of Water @ - 6,600gal/tank = 653,400 gallons or 2.0 AF

22 Days of Diversion

x2 Permits =

44 Days of Violation

* \$1,000/Day = \$44,000.00

2.0 Acre-Feet

* \$2,500/AF = \$5,000.00

Maximum ACL for 2015 \$49,000.00

Video Surveillance of tanker trucks coming and going at the Sugar Pine Springs Water collection and transfer station, August 5 - August 27

File/Period	Day	Date	Total Loads	Night File	Time In	Time Out	Vehicle Type	Truck Description	Tanker Description
TLC00000 Aug 5, 13:19:07 to Aug 7, 7:28:00	Wednesday	5-Aug	1		not on film	1:45 PM	Tanker truck	White Cab w/ blue stripe	Red end cap
	Thursday	6-Aug	10	TLC00000	4:43 AM 4:51 AM 7:15 AM 8:46 AM 9:03 AM 9:26 AM 10:43 AM 11:09 AM 2:36 PM 3:28 PM	5:10 AM 5:23 AM 7:45 AM 9:17 AM 9:29 AM 9:47 AM 11:01 AM 11:40 AM 2:58 PM 4:29 PM	Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck	Night Cam Night Cam White Cab w/ red fenders, red visor White Cab w/ blue stripe White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ blue stripe	Red end cap Red end cap
TLC00001 Aug 7, 7:28:08 to Aug 8, 16:35:08	Friday	7-Aug	5	TLC00001	4:17 AM 4:45 AM 8:43 AM 11:14 AM 11:36 AM 3:06 PM	4:39 AM 5:07 AM 9:09 AM 11:38 AM 11:59 AM 3:59 PM	Tanker truck Tanker truck Tanker truck Tanker truck Sedan Tanker truck	Night Cam Night Cam White Cab w/ blue stripe White Cab w/ blue stripe yellow hatchback White Cab w/ blue stripe	Red end cap Red end cap Red end cap Red end cap
	Saturday	8-Aug	2		8:56 AM 10:52 AM 11:21 AM 4:18 PM	9:17 AM 11:14 AM 11:21 AM 4:18 PM	Tanker truck Tanker truck SUV Truck w/ camper	White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ red fenders, red roof/ "Vito" in blue letters white pulling trailer with dirt bike Light brown	Red end cap Red end cap
TLC00002 Aug 8, 16:35:21 to Aug 10, 10:54:30	Sunday	9-Aug	1	TLC00003	5:07 AM 10:35 AM 2:47 PM	5:27 AM 11:37 AM 3:13 PM	Tanker truck Truck w/ camper Sedan	Night Cam Blue White	
TLC00003 Aug 10, 10:54:39 to Aug 11, 20:06:35	Monday	10-Aug	8	TLC00004	4:30 AM 5:07 AM 10:52 AM 11:17 AM 12:02 PM 12:45 PM 1:22 PM 6:02 PM	4:57 AM 5:35 AM 11:13 AM* 11:47 AM 12:27 PM 1:51 PM 1:38 PM 6:40 PM	Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck	Night Cam Night Cam White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ red fenders, red roof White Cab w/ blue stripe	Red end cap Red end cap Red end cap Red end cap Red end cap Red end cap Red end cap
	Tuesday	11-Aug	5	TLC00005	4:59 AM 5:24 AM 8:48 AM 9:06 AM 12:22 PM 3:00 PM	5:27 AM 5:42 AM 9:11 AM 9:24 AM 12:27 PM 3:54 PM	Tanker truck Tanker truck Tanker truck Tanker truck Pickup truck Tanker truck	Night Cam Night Cam White Cab w/ blue stripe White Cab w/ red fenders, red roof white White Cab w/ blue stripe	Red end cap VITO end cap Red end cap
TLC00004 Aug 11, 20:06:43 to Aug 13, 14:41:01	Wednesday	12-Aug	4	TLC00006	5:31 AM 9:09 AM 12:13 PM 3:17 PM 5:01 PM	5:58 AM 9:39 AM 12:36 PM 4:20 PM 5:10 PM	Tanker truck Tanker truck Tanker truck Tanker truck Sedan	White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe	Red end cap Red end cap Red end cap
	Thursday	13-Aug	10	TLC00007	4:21 AM 4:42 AM 4:51 AM 5:16 AM 6:19 AM 8:48 AM 11:09 AM 11:29 AM 11:40 AM 1:36 PM 1:59 PM	4:41 AM 5:03 AM 5:17 AM 5:37 AM 7:02 AM 9:23 AM 11:43 AM 12:13 PM 12:39 PM 1:55 PM 1:59 PM	Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck SUV	Night Cam Night Cam Night Cam Night Cam White Cab w/ red fenders, red roof White Cab w/ red fenders, red roof White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ red fenders, red roof Beige	VITO end cap VITO end cap Red end cap Red end cap Red end cap Red end cap VITO end cap
TLC00005 Aug 13, 14:41:13 to Aug 15, 09:25:48	Friday	14-Aug	7	TLC00008	4:10 AM 5:06 AM 6:38 AM 10:51 AM 11:07 AM 11:27 AM 11:42 AM 1:59 PM	4:33 AM 5:27 AM 7:03 AM 11:12 AM 11:29 AM 11:46 AM 11:50 AM 3:04 PM	Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Tanker truck Utility truck w/ tank Tanker truck	Night Cam Night Cam White Cab w/ red fenders, red roof White Cab w/ red fenders, red roof White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe White Cab w/ blue stripe	Red end cap Red end cap Red end cap Red end cap Red end cap Red end cap Red end cap
	Saturday	15-Aug	4	TLC00009	1:11 AM 4:55 AM 5:54 AM 8:36 AM 8:56 AM 12:21 PM	1:27 AM 5:15 AM 5:54 AM 8:56 AM 9:17 AM 12:43 PM	Tanker truck Tanker truck Pickup truck Tanker truck Tanker truck Pickup truck	Night Cam Night Cam White White Cab w/ red fenders, red roof/ "Vito" in blue letters White Cab w/ red fenders, red roof/ "Vito" in blue letters Red	Red end cap Red end cap Red end cap Red end cap Red end cap Red end cap
TLC00006 Aug 15, 9:25:56 to Aug 16, 18:48:09	Sunday	16-Aug	0		10:17 AM 1:30 PM	10:48 AM 2:00 PM	Pickup truck w/ trailer Sedan	Light brown White	

Case ID	Date	Time	Vehicle	Location	Notes								
TLC00007 Aug 16, 18:48:17 to Aug 18, 13:42:24	Monday	17-Aug	9	TLC00011	4:51 AM - 5:12 AM	Tanker truck	Night Cam						
					5:20 AM - 5:44 AM	Tanker truck	Night Cam						
					9:37 AM - 10:01 AM	Tanker truck	White Cab w/ red fenders, red roof/ "Vito" in blue letters						
					10:18 AM - 10:39 AM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					11:18 AM - 11:39 AM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					12:09 PM - 12:33 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					12:11 PM - 12:26 PM	Sedan	Black						
					12:18 PM - 12:52 PM	Tanker truck	White Cab w/ red fenders, red roof/ "Vito" in blue le	VITO end cap					
					3:13 PM - 3:36 PM	Tanker truck	White Cab w/ red fenders, red roof/ "Vito" in blue le	VITO end cap					
					7:24 PM - 8:03 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
TLC00008 Aug 18, 13:42:34 to Aug 20, 8:46:43	Tuesday	18-Aug	7	TLC00012	3:46 AM - 4:11 AM	Tanker truck	Night Cam						
					4:29 AM - 4:47 AM	Tanker truck	Night Cam						
					4:53 AM - 5:21 AM	Tanker truck	Night Cam						
					5:44 AM - 6:03 AM	Tanker truck	Could not identify						
					9:47 AM - 10:15 AM	Tanker truck	White Cab w/ red fenders, red roof/ "Vito" in blue letters						
					10:46 AM - 11:21 AM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					12:55 PM - 1:03 PM	SUV							
					2:01 PM - 2:21 PM	Tanker truck	White Cab w/ red fenders, red roof	VITO end cap					
					TLC00009 Aug 20, 8:46:52 to Aug 21, 18:54:03	Wednesday	19-Aug	6	TLC00013	3:49 AM - 4:14 AM	Tanker truck	Night Cam	
										4:49 AM - 5:11 AM	Tanker truck	Night Cam	
9:51 AM - 10:48 AM	Tanker truck	White Cab w/ blue stripe											
11:32 AM - 11:54 AM	Tanker truck	White Cab w/ blue stripe	Red end cap										
12:26 PM - 12:48 PM	Tanker truck	White Cab w/ red fenders, red roof	Red toppe/ VITO on end cap										
TLC00014	9:54 PM - 10:57 PM	Tanker truck	Night Cam										
	Thursday	20-Aug	8	TLC00015						4:49 AM - 5:13 AM	Tanker truck	Night Cam	
										5:07 AM - 5:30 AM	Tanker truck	Night Cam	
										5:23 AM - 5:42 AM	Tanker truck	Night Cam	
										9:14 AM - 9:35 AM	Tanker truck	White Cab w/ blue stripe	Red end cap
10:23 AM - 10:57 AM					Tanker truck	White Cab w/ red fenders, red roof/ "Vito" in blue le	VITO end cap						
11:33 AM - 12:08 PM	Tanker truck	White Cab w/ blue stripe	Red end cap										
11:33 AM - 12:09 PM	Tanker truck	White Cab w/ blue stripe	Red end cap										
4:21 PM - 5:24 PM	Tanker truck	White Cab w/ blue stripe	Red end cap										
TLC00010 Aug 21, 18:24:11 to Aug 23, 13:43:38	Friday	21-Aug	6	TLC00015	4:09 AM - 4:34 AM	Tanker truck	Night Cam						
					4:49 AM - 5:13 AM	Tanker truck	Night Cam						
					6:35 AM - 7:05 AM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					8:03 AM - 8:26 AM	Tanker truck	White Cab w/ red fenders, red roof	Red toppe					
					11:19 AM - 11:40 AM	Tanker truck	White Cab w/ red fenders, red roof	Red end cap					
					12:44 PM - 2:02 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
TLC00011 Aug 23, 13:43:49 to Aug 25, 9:13:08	Saturday	22-Aug	1	TLC00016	8:52 AM - 9:22 AM	Tanker truck	White Cab w/ red fenders, red roof	VITO end cap					
					11:33 AM - 11:56 AM	Pickup truck w/ trailer	Grey						
					Sunday	23-Aug	0	TLC00017	9:43 AM - 10:04 AM	Pickup truck w/ trailer	Grey		
1:14 PM - 1:24 PM	Pickup truck w/ trailer	Light grey											
2:07 PM - 2:35 PM	Pickup truck	White											
TLC00012 Aug 25, 9:13:17 to Aug 26, 11:09:59	Monday	24-Aug	5	TLC00018	5:33 AM - 5:57 AM	Tanker truck	Could not identify						
					9:11 AM - 9:11 AM	SUV	White	U-turn in entrance, parks across the street					
					10:35 AM - 10:55 AM	Tanker truck		Red end cap					
					11:46 AM - 12:07 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					12:04 PM - 12:32 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
					6:12 PM - 7:21 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
TLC00019 Aug 25, 9:13:17 to Aug 26, 11:09:59	Tuesday	25-Aug	3	TLC00019	4:58 AM - 5:15 AM	Tanker truck	Night Cam						
					8:39 AM - 8:59 AM	Tanker truck	White Cab w/ red fenders, red roof	VITO end cap					
					9:31 AM - 9:40 AM	SUV	Tire on back						
					10:42 AM - 11:16 AM	Pickup truck w/ shell	Blue						
					3:43 PM - 4:10 PM	Tanker truck	White Cab w/ blue stripe	Red end cap					
TLC00020 Aug 26, 11:09:59	Wednesday	26-Aug	3	TLC00020	5:22 AM - not captured	Tanker truck	Night Cam						
					9:56 AM - 10:28 AM	Tanker truck	White Cab w/ blue stripe						
					TLC00021	8:55 PM - 9:11 PM	Tanker truck	Night Cam					
TLC00022 Aug 27, 11:09:59	Thursday	27-Aug	5	TLC00022	4:07 AM - 4:16 AM	Tanker truck	Night Cam						
					4:19 AM - 4:32 AM	Tanker truck	Night Cam						
					4:31 AM - 4:57 AM	Tanker truck	Night Cam						
					5:30 AM - not captured	Tanker truck	Night Cam						
					5:33 AM - not captured	Tanker truck	Night Cam						

23 Days of Observation between 1:19 PM on Aug 5, and 5:44 AM on Thursday, August 27, 2015
 20 Days of Diversions observed after Aug 5
 110 Tanks of Water Observed @ - 6,600gal/tank = 726000 Gallons
 or
 2.23 Acre-feet
 20 Days of Diversion
 x2 Permits =
 40 Days of Violation
 * \$1,000/Day = \$40,000
 2.23 Acre-Feet
 * \$2,500/AF = \$5,569
 \$45,569 Maximum Additional ACL Penalty for Diversions
 made between August 5 and August 27, 2015
 Based on video surveillance

A029977 & A031491
G. Scott Fahey - Sugar Pine Spring Water LP
Calculation of Maximum Penalty for the 2014 Drought Curtailment Period

Month	Total amount directly diverted under both rights Gallons**	Acre-Feet	Max # of days of diversion during curtailment period (excluding Sundays) ***	% of month curtailment in place	Total amount of water diverted during the curtailment period (Acre-feet)
January	294577	0.90			
February	1478102	4.54			
March	1086519	3.33			
April	660026	2.03			
05/27/14	1076858	3.30	5	0.16	0.53
June	1281178	3.93	25	1.00	3.93
July	1380208	4.24	27	1.00	4.24
August	1097050	3.37	26	1.00	3.37
September	1044443	3.20	26	1.00	3.20
October*	1163799	3.57	26	0.97	3.46
November*	795518	2.44	13	0.50	1.22
December	851670	2.61			
Total	12209948	37.47	148 days/permit x2 permits		19.95 AF

* Excludes October 31 - November 3
for the temporary lifting of curtailment

** Includes only those amounts reported
as "Appropriated"; does not include
"Developed" water.

296 days of diversion
@ \$1000/day plus
\$296,000 plus
\$49,866

Maximum ACL for 2014 is \$345,866

Table 3 Fahey Report of Investigation