



State Water Resources Control Board

October 21, 2022

JIM ARSENIO

Water Right(s): SEE BELOW

NOTICE OF VIOLATION: FAILURE TO COMPLY WITH ENHANCED REPORTING REQUIREMENT

To Whom It May Concern:

On August 20, 2021, you were issued an Initial Order Imposing Curtailment and Reporting Requirements which required water right holders and claimants with past or potential annual diversions of 5,000 acre-feet or more to submit data describing their prior diversions and projected demand, on a monthly timestep, to the Division of Water Rights (Division) for water allocation decisions. 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 July 2022 through September 2022 projected demand reports or your prior diversion reports from April 2022 through June 2022. The Division has also not received your projected demand report for November 2022 which was due on October 14, 2022.

Failure to submit the required reports inhibits the Division's ability to assess prior diversion and projected demand data for potential use 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 \$68,000 per right/claim (136 days from the June 7, 2022, due date for the April 2022 prior diversions report).

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

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

1. You submit your projected demand report for the November 2022 reporting period **no later than Friday November 4th**; the November 2022 projected report was due by October 14, 2022.

-and-

2. You timely submit your prior diversions **and** projected demand reports moving forward, beginning with the October 2022 prior report and the December 2022 projected report. The tentative due dates for all enhanced reporting forms are shown below. Updates to these due dates may be announced via email update and also posted on the Division's website at:

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

| Projected Demand | Due Date |
|------------------|-------------------|
| | |
| November 2022 | October 14, 2022 |
| December 2022 | November 15, 2022 |
| January 2023 | December 15, 2022 |
| February 2023 | January 13, 2023 |
| March 2023 | February 15, 2023 |
| April 2023 | March 15, 2023 |
| May 2023 | April 14, 2023 |
| June 2023 | May 15, 2023 |
| July 2023 | June 15, 2023 |
| August 2023 | July 14, 2023 |
| September 2023 | August 15, 2023 |

| Prior Diversions | Due Date |
|------------------|-------------------|
| October 2022 | December 9, 2022 |
| November 2022 | January 13, 2023 |
| December 2022 | February 10, 2023 |
| January 2023 | March 10, 2023 |
| February 2023 | April 7, 2023 |
| March 2023 | May 12, 2023 |
| April 2023 | June 9, 2023 |
| May 2023 | July 7, 2023 |
| June 2023 | August 11, 2023 |
| July 2023 | September 8, 2023 |
| August 2023 | October 13, 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 November 15, 2022, and we will not issue an ACL Complaint.

October 21, 2022

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 |
|-----------------------|-----------------|
| S017509 | |