



State Water Resources Control Board

July 6, 2023

CERTIFIED MAIL

JOHN BORBA

NOTICE OF VIOLATION: FAILURE TO COMPLY WITH DIVERSION MEASUREMENT AND REPORTING REGULATION FOR WATER RIGHT ID S020430

To JOHN BORBA:

The State Water Resources Control Board (“State Water Board” or “Board”) Division of Water Rights (“Division”) relies on accurate and timely water use data from you and other diverters to help manage California’s water.

By February 1 of each year, water right owners must submit Water Diversion and Use Reports to the Board detailing how much water was diverted and used in the previous water year. These reports include supplemental statements of water diversion and use, progress reports by permittees, and annual reports of licensees. These reports must include information on the device or method used to calculate the amount of water diverted as well as the measurement data collected by such a device. **Our records indicate that multiple Water Diversion and Use Reports for the water right identified above lacks the required information about your measurement device or method and the data collected using your measurement device or method.**

Water Measurement and Reporting Regulations

Seven years ago, in January 2016, the State Water Board adopted new water use measurement regulations. The regulations require the installation of measuring devices and set standards for monitoring and reporting diversions of water. These monitoring and reporting requirements are designed to improve the Board’s water supply awareness, while allowing water diverters the flexibility to determine how best to comply with the new requirements based on their individual circumstances. Water users were

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

given until 2018 to comply with these regulations. The regulations can be found in Title 23 of the California Code of Regulations, sections 931 through 938.

Water users must submit information on the measurement device in their Water Diversion and Use Report.

Violation

The Division of Water Rights has reviewed your Water Diversion and Use Report and found that you have failed to submit information regarding your measuring device and the data collected from such a device. This constitutes a violation of Title 23 of the California Code of Regulations, section 920, subdivisions (f)(6) and (f)(12).

Enforcement

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.

Corrective Action

The Division of Water Rights requests that you correct the ongoing violation by submitting *amended* Water Diversion and Use Reports within 30 days of receipt of this notice.

The amended Water Diversion and Use Report must include the required information regarding your diversion measurement device or method used to calculate the amount of water diverted, and the data collected by such a device or method. For guidance on what needs to be submitted, how to submit the data, and additional information, you can visit our website:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html

Failure to correct this violation may subject you to enforcement actions and penalties as high as \$500 per day beginning from the first day of noncompliance.

If you do not yet have a measurement device installed or adopted an appropriate measurement method, you may be in violation of Title 23, Chapter 2.8, section 932, of the California Code of Regulations.

Providing timely, accurate diversion information to the Board is critical because:

- Improved reporting of water use data helps all stakeholders identify and forecast watersheds of concern,
- Accurate diversion information helps protect the water rights priority system, community and industry needs, and the environment, and

- Timely water use data provides increased drought resilience for communities and organizations in times of water shortage.

If you have any questions regarding compliance with the measurement regulations, you can contact Chris Baimas at (916) 323-3643 or by email at Chris.Baimas@waterboards.ca.gov.

Sincerely,

Karen Kramer, PG, PMP
Program Manager - Enforcement Special Projects Section
Division of Water Rights

ecc: