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## State Water Resources Control Board

January 29, 2024

### **NOTICE OF VIOLATION: FAILURE TO COMPLY WITH DIVERSION REPORTING AND MEASUREMENT REGULATION**

Owner:

Water Right ID(s):

To Whom It May Concern:

The State Water Resources Control Board (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. Division staff has identified deficiencies in your 2021-2022 Water Year (WY) annual water diversion and use report(s) (Reports) for the above referenced water right(s).

By February 1 of each year, water right owners must submit Reports to the Board detailing how much water was diverted and used in the previous WY. These Reports include supplemental statements of water diversion and use, progress reports by permittees, reports of licensees, and water use reports of registration holders. 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 your Reports lack information regarding your measurement device and/or measurement data collected from the device.**

#### **Water Measurement and Reporting Regulations**

Seven years ago, in January 2016, the 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 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 the data collected by their measurement device with their Annual Water Diversion and Use Reports.**

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

## Violations

The Division has reviewed your 2021-2022 Reports and found that you have failed to submit information regarding your measuring devices, failed to submit the data collected from such devices, or both. In addition, the data submitted must reflect the amount diverted for each specific right and not a total amount of a reservoir or stream. Data must also reflect a volume of water diverted by each right and not simply a rate or reservoir depth. Failure to comply with these requirements constitute a violation of the measuring device requirements defined in Title 23 of the California Code of Regulations (CCR), Section(s) \_\_\_\_\_ *et seq.* Furthermore, failure to identify your measuring device or method of measurement is a violation of Title 23 of the California Code of Regulations, sections 910 *et seq.*

## Enforcement

Water Code section 1846 grants the Board authority to impose an administrative civil liability in an amount not to exceed five hundred dollars (\$500) for each day of violation of a regulation adopted by the Board. Furthermore, Water Code section 1831, grants the State Water Board authority to issue Cease and Desist Orders when it determines a person is violating or threatening to violate a regulation adopted by the Board.

### **Failure to correct these violations 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 have not adopted an appropriate measurement method, you may be in violation of Title 23, Chapter 2.8, Section 932, of the California Code of Regulations. Additional regulations regarding Water Diversion and Use Reports and measuring and monitoring may also be required per Title 23 requirements for these water rights.

## Corrective Actions

The Division of Water Rights requests that you correct these ongoing violations by **submitting measurement device information and datafiles for your 2021-2022 WY Reports within 30 days of receipt of this notice.** The reports must include the required information regarding your measurement device or method used to calculate the amount of water diverted, and the data collected by such a device or method.

You are also required, pursuant to Title 23 of the California Code of Regulations, section 915, to **update ownership information within 30 days of a property transfer identified within the place of use for the water right(s).** Visit the link below:

[https://www.waterboards.ca.gov/water\\_issues/programs/ewrims/ownership/](https://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/)

## How to Submit a Report

Login with your water right ID(s) and password information at the Report Management System (RMS), linked below, and select to Start or Amend the 2022 Report.

<https://rms.waterboards.ca.gov/login.aspx>

### **Additional Resources**

Guidance for measurement device reporting can be found using the links below.

Water Measurement Regulations and datafile template webpage:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_measurement.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html)

Guideline on how to create and submit measurement datafiles:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/2023/datafile-template-instruction-manual.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/2023/datafile-template-instruction-manual.pdf)

For further assistance, contact Division Enforcement Staff at (916) 341-5342 or e-mail [dwr-reporting@waterboards.ca.gov](mailto:dwr-reporting@waterboards.ca.gov). Please leave a message or email with your full name and water right ID(s). Staff will respond back in the order messages are recorded. If you have already complied with the Measurement Regulations described above, you may disregard this Notice of Violation. Written correspondence should be addressed as follows:

State Water Resources Control Board  
Division of Water Rights  
Attn: Lang Khang, ENF Section  
PO Box 2000  
Sacramento, CA 95812-2000

Sincerely,



Lang Khang, PE  
Senior Water Resource Control Engineer - Enforcement Section  
Division of Water Rights