



# State Water Resources Control Board



**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
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**Arnold Schwarzenegger**  
Governor

APR 10 2009

In Reply Refer to:  
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## CERTIFIED MAIL

Mr. Thomas P. Hill  
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Mr. Tim Bradley, General Manager  
Millview County Water District  
3081 North State Street  
Ukiah, CA 95482

Mr. Steven Gomes  
P.O. Box 1418  
Ukiah, CA 95482

NOTICE OF CEASE AND DESIST ORDER REGARDING UNAUTHORIZED DIVERSION OF WATER AND VIOLATION OF CONDITIONS UNDER LICENSES 3697, 4216, 4729A, AND 5559 (APPLICATIONS 10795, 14178, 13684A, 13384)

Dear Sirs:

Enclosed is a draft Notice of Cease and Desist Order (CDO). This letter serves as notice to you of the intent of the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) to proceed with this enforcement action. Therefore, this matter requires your immediate attention.

The draft Cease and Desist Order requires you to cease and desist from claiming diversion of water pursuant to the Waldteufel pre-1914 appropriative claim of right in excess of:

- an instantaneous rate of 1.1 cfs;
- an annual amount of 15 acre-feet; and
- a rate greater than the rate of flow in the West Fork Russian River at the USGS gage #11461000 (Russian River Near Ukiah, CA)

Millview is also required to maintain a record of all diversions of water on a daily basis. This record shall identify the amount of water diverted each day at Millview's well field and the basis of right utilized to justify the diversion of water including, but not limited to:

- a. the Waldteufel pre-1914 appropriative claim of right (S000272);
- b. License 492 (Application A003601);
- c. Permit 13936 (Application A017587); and
- d. the contract with the MCRRFC&WCID pursuant to Permit 012947B (Application A012919B).

*California Environmental Protection Agency*

Mr. Thomas Hill  
Mr. Steven Gomes  
Mr. Tim Bradley, Millview County Water District

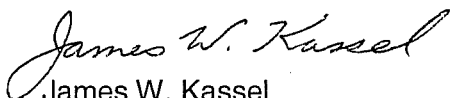
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The record shall identify any water wheeled for other entities (e.g., Calpella County Water District, the City of Ukiah, etc.) pursuant to a valid basis of right, be updated at least weekly, and made available within 24 hours to any interested party who asks to view the record. A copy of the annual record for each calendar year shall be submitted to the Division of Water Rights no later than February 1st of each year.

If you disagree with the facts or corrective actions set forth in the enclosed draft CDO, you may request a hearing before the State Water Board no later than 20 days from the date of receipt of this notice. Unless a written request for hearing regarding the CDO signed by or on behalf of one of the parties listed above (i.e., Thomas Hill, Steven Gomes, or Millview County Water District) is delivered to or received by mail by the State Water Board within 20 days after the receipt of this letter, the State Water Board may adopt the CDO, with the statement of facts and information set forth in the enclosed draft CDO, without a hearing. (Water Code, § 1834.)

You should take immediate action to only divert water pursuant to a the Waldteufel pre-1914 appropriative claim of right in accordance with the limitations and conditions of this claim of right pursuant to California water law. If the corrective actions specified in the draft CDO are not commenced within 60 days of the receipt of this letter, the State Water Board may consider additional enforcement without further notice. If there are any questions concerning this matter, please telephone Mr. David Rose at (916) 341-5196.

Sincerely,



James W. Kassel  
Assistant Deputy Director for Water Rights

Enclosure: Draft Cease and Desist Order

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