



Enforcement News

State Water Board Takes Action Against Unauthorized Napa River Diversion

**For Immediate Release:
May 15, 2018**

**Contact: Tim Moran
(916) 327-8239
info@waterboards.ca.gov**

SACRAMENTO - The State Water Resources Control Board today took action against a Napa County property owner for unauthorized diversion of water from tributaries to the Napa River, the last of several enforcement actions resulting from a multi-year investigation into unauthorized water diverters on the North Coast.

The board issued a cease and desist order and imposed a \$75,000 fine against the Stornetta Family Trust for diverting water into a 24-acre-foot reservoir on its property, located between the cities of Napa and Sonoma on Highway 12, without the proper permit. A significant portion of the penalty (\$45,000) will be suspended and released if the corrective actions are complied with by the deadlines provided in the order.

“The board’s action sends a strong message to unauthorized diverters who choose to ignore notifications from the State Water Board,” said Cris Carrigan, director of the Office of Enforcement at the State Water Board. “The State’s water rights system is essential to managing water use, protecting other water right holders and the environment.”

The enforcement action is the culmination of an extensive investigation of water rights for reservoirs in Marin, Mendocino, Napa, Sonoma and portions of Humboldt counties. The investigation included analysis of aerial photographs, topographic maps, Geographic Information System data and on-site inspections to identify potentially unauthorized dams and reservoirs.

The purpose of the investigation was to bring unauthorized diverters into compliance with the water rights system, which requires water use reporting and gives the State a better understanding of where and how much of the State’s water is being used. Bringing unauthorized diverters into the water rights system also helps protect public trust resources like threatened or endangered salmon and steelhead by regulating previously unregulated facilities.

The majority of the 1,771 reservoirs identified in the investigation were found to have existing water rights, or did not fall under the State Water Board permitting authority. More than 350 letters were sent to remaining property owners of the need to have a water right. They were offered an opportunity to submit a corrective action plan.

The Stornetta enforcement action is one of [eleven](#) issued by the Division of Water Rights to owners of property where an unauthorized reservoir had been identified and no response to the Division’s notice



letters was received. The others have all been resolved through settlements, default judgements or enforcement actions.

The investigation of the Stornetta property included an on-site inspection verifying that an unauthorized diversion into a 24-acre-foot reservoir was taking place. The water taken is from an unnamed stream tributary to Huichica Creek, which feeds into Napa Slough and then Napa River, eventually emptying into San Pablo Bay in Napa County.

The amount of the Administrative Civil Liability fine was calculated based on the amount of water diverted over time, the economic benefit gained, risk of injury to other legal users, likelihood of harm to public trust resources and the limited corrective action taken by the property owner in response to the notification of the enforcement actions.

###