



State Water Resources Control Board

November 1, 2022

In reply, refer to:
VRV: INV 14461,
SG005957

CERTIFIED MAIL

Dean Murphy Moua
c/o Samuel C. Williams
Attorney at Law

CERTIFIED MAIL NO: 7020 0090 0000 4008 4066

INFORMATION ORDER FOR GROUNDWATER DIVERSIONS FROM YOUR PROPERTY (ASSESSOR'S PARCEL NUMBER 020-010-450) IN SISKIYOU COUNTY FOR DELIVERY AND USE ON NON-OVERLYING LANDS (Order WR 2022-0176-DWR)

This letter and the enclosed Order impose requirements to provide information regarding groundwater diversions from your property for delivery and use on non-overlying lands (other parcels). The purpose of this Order is to collect information to better understand where your groundwater diversions are being delivered and how the water is used, and to assess compliance with Cal. Code Regs., tit. 23, § 875.5 – Waste and Unreasonable Diversions in excess of Human Health and Safety. This section of the regulation limits the amount of water that can be diverted and delivered to non-overlying lands for the purpose of Human Health and Safety.

You are receiving this letter as the owner of record for the appropriate groundwater water right SG005957. You are required to fill out each attached form(s).

Emergency Regulation

On August 17, 2021, the State Water Board adopted an emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds (hereinafter "Regulation" or "Emergency Regulation"). (Cal. Code Regs., tit. 23, §§ 875-875.9.) The Regulation went into effect on August 30, 2021, and was

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

readopted on June 21, 2022. It remains in effect until further notice. The **Regulation** is available online.¹

Information Order

The primary purpose of this Order is to provide the State Water Board with water use information. Data collected under information orders is used to assess compliance with the Emergency Regulations.

Under section 875.8 of the Regulation, the Deputy Director may issue information orders to water right holders in the Scott River and Shasta River watersheds, requiring them to provide information related to water use as relevant to implementing the Regulation.

Pursuant to Water Code section 1846, failure to comply with an information order is subject to a penalty of up to five hundred dollars (\$500) *per day*.

Required Response – Information Order Form

Within **14 calendar days** of the issuance of this Order, you or your agent is required to complete the enclosed Information Order Form providing information on your water use. All water right holders or their agents receiving this Order are required to submit the attached form(s). Timely and accurate completion of the required form(s) can help you avoid enforcement proceedings. **Staff are available to answer questions or otherwise assist with completing the form by email at WB-DWR-SiskiyouEnforcement@waterboards.ca.gov or by phone at (916) 341-5637.**

Potential Enforcement

The enclosed Order includes enforceable requirements regarding information for a water right or claim of right that require your immediate attention. Diverting water in violation of the enclosed Order or the Regulation risks administrative fines, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$500 per day of violation. (Section 875.9.)

Questions, Resources, and How to Stay Informed

Please review resources on the **Scott River and Shasta River Watersheds Drought Response webpage**² if you have questions. You may also contact staff by email at: WB-DWR-SiskiyouEnforcement@waterboards.ca.gov or by leaving a

¹ https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/klamath_reg_searchable.pdf

² https://www.waterboards.ca.gov/drought/scott_shasta_rivers/

message at: (916) 341-5637.

We encourage you to sign up for the “Scott-Shasta Drought” Email Subscription List under “Water Rights.”³ This is the best way to stay informed about changes to the curtailments and other important information related to the regulation.

If you have any questions concerning this matter, please contact either Victor Vasquez, Water Rights Senior Engineer at Victor.Vasquez@waterboards.ca.gov or Debi Ores, Office of Enforcement Attorney, at Debi.Ores@waterboards.ca.gov.

Sincerely,



Robert P. Cervantes, PE
Program Manager - Enforcement
Division of Water Rights

Enclosure: Information Order for Appropriative Groundwater Diversions in the Shasta River Watershed (including response form)

ec (with enclosures):

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³ https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2022-0176-DWR

IN THE MATTER OF APPROPRIATIVE GROUNDWATER DIVERSIONS BY

Dean Murphy Moua¹

INFORMATION ORDER FOR APPROPRIATIVE GROUNDWATER RIGHTS IN THE
SHASTA AND SCOTT RIVER WATERSHEDS

ISSUED NOVEMBER 1, 2022

FINDINGS:

1. On August 17, 2021, the State Water Resources Control Board (State Water Board or Board) adopted an emergency regulation, titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Order Authority in the Klamath River Watershed (hereinafter "Regulation" or "Emergency Regulation"). The Regulation went into effect on August 30, 2021, when it was approved by the Office of Administrative Law and filed with the Secretary of State. State Water Board [Resolution No. 2021-0029](#) adopted the Regulation and describes the need for the Regulation and its intent. On June 21, 2022, the State Water Board readopted the Emergency Regulation, which went into effect on July 29, 2022. The updated regulation contains a provision that extends previously issued curtailment orders under the amended regulation. (Section 875, subd. (d)(3).)
2. The Regulation provides curtailment authority throughout the Klamath River Watershed and establishes minimum instream flow requirements and information order authority in the Scott River and Shasta River watersheds. Because the surface water and groundwater are interconnected in the Scott and Shasta River watersheds, the emergency regulation addresses diversions of surface water as well as appropriative and overlying groundwater diversions. An Order Imposing Water Right Curtailment and Reporting Requirements (Curtailment Order), Order

¹ You are receiving this Order as the owner of record for the groundwater well identified as SG005957. This Order applies to you and all agents, successors in interest, grantees, and assigns thereto.

WR 2021-0082-DWR, was issued by the Division's Deputy Director to surface water diverters and groundwater appropriators effective on September 11, 2021.

3. All water right holders and groundwater appropriators who received the Curtailment Order were required to submit, under penalty of perjury, a Scott-Shasta Water Right Curtailment Certification Form within 10 days to confirm cessation of diversions and to indicate if the water right holder or groundwater appropriator was pursuing an exception to continue limited diversions allowed under the Curtailment Order for non-consumptive diversions, minimum Human Health and Safety diversions, or minimum Livestock Watering diversions.
4. Dean Murphy Moua was notified by letters dated September 10, 2021, and October 12, 2021, that he was subject to the Curtailment Order since he was identified as a groundwater appropriator, and he was required to submit a certification by September 20, 2021. Mr. Moua was assigned the Application number SG005957 for the diversion on his property.
5. Mr. Moua submitted a curtailment certification on February 22, 2022, and certified compliance with the Curtailment Order under penalty of perjury by selecting the option: "I certify that continued use is under other water rights not subject to curtailment, and I have specifically identified those other rights, including the basis of right and quantity of diversion in the box below." By selecting this option, Mr. Moua was required to specify the water right that is being used and the quantity diverted. Instead, Mr. Moua indicated: "This is privately owned, and it is for my family use just like other families in the area." Furthermore, Mr. Moua indicated he did not have alternate water sources being used.
6. Mr. Moua submitted Human Health and Safety Exemption on February 23, 2022. To certify under penalty of perjury that diversions were for minimum human health and safety needs, Mr. Moua selected the option "indoor domestic water uses including water for human consumption, cooking, or sanitation purposes, or water provided outdoors for human consumption, cooking, or sanitation. Bulk water deliveries or water hauling for these purposes should also use this option." Mr. Moua did not provide an explanation for how his water usage meets this criterion, nor did he provide information on the number of households for indoor domestic use. Mr. Moua also did not certify that he will not divert more than 55 gallons per person per day. Instead, Mr. Moua indicated that "I and my family just naturally use it as other families in the area for personal use and no need to measure how much water we use."
7. Under the Emergency Regulation, the Deputy Director for the Division of Water Rights may issue an information order to some or all landowners in the Scott River and Shasta River watersheds, requiring them to provide information related to diversion and use of water relevant to implementing the regulation.

(Cal. Code Regs., tit. 23, sec. 875.8.) The Deputy Director, in determining whether and the extent to which to impose information orders under this subdivision, will consider the need for the information and the burden of producing it, and will take reasonable efforts to avoid requiring duplicative reporting of information that is already in the State Water Board's possession. The Deputy Director will prioritize information orders for larger diverters and landowners or water right holders with the highest potential to impact surface flows. (Cal. Code Regs., tit. 23, §875.8, subd. (a).)

8. The primary purpose of this Order is to assess compliance with Cal. Code Regs., tit. 23, §§ 875.5 and 878.1, which characterize how appropriative groundwater can be diverted and delivered for Human Health and Safety. Mr. Moua did not provide sufficient information in his Human Health and Safety exemption certification and is otherwise not readily obtainable.
9. The Division of Water Rights has created an Information Order Form (attached) for you to enter required information on your water diversion(s) and use(s), and other information. Submittal of this form is required within fourteen (14) days from the effective date of this Order. Timely reporting will allow the State Water Board to process the information efficiently during this drought emergency. The Deputy Director may grant additional time for the submission of information regarding diversion and use of water upon a showing of good cause. Each recipient of this Order is responsible for immediately providing notice of any information order(s) to all water users associated with the parcel of land related to the information order.

IT IS HEREBY ORDERED:

1. This Information Order shall be effective on November 1, 2022.
2. The attached Information Order Form(s) must be completed and submitted by mail or email **within fourteen (14) days from the effective date of this Order** for the diversions listed in Table A below. The Information Order Form must be submitted by: November 15, 2022.
3. Each recipient of this Order must submit, under penalty of perjury, the information described in the enclosed Information Order Form(s). Each recipient of this Order must provide the following information on groundwater diversions serving their parcel(s) and deliveries for use on other parcels:
 - i) Contact information (including contact information for any representatives completing the online Information Order Form), and any applicable address or contact information corrections.

- ii) If groundwater is currently being diverted and/or delivered to non- overlying lands: location of groundwater well, list of parcels where water is delivered, purpose(s) of use at each parcel, and estimated amount(s) of water used as further described below.
 - iii) Specify the amount of water used daily at each parcel, including amount for Human Health and Safety, irrigation, or other uses. If the exact amount of water used is unknown, the landowner may submit an estimate to the best of their knowledge or through communication with State Water Board staff at the e-mail address provided in the cover letter for this Order, or other appropriate method(s) as documented in the Information Order Form.
4. Violation of this Order shall be subject to enforcement and any applicable penalties pursuant to Water Code sections 1058.5 and 1846.
5. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.

STATE WATER RESOURCES CONTROL BOARD



*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: November 1, 2022

GAVIN NEWSOM
GOVERNORYANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

SHASTA WATERSHED INFORMATION ORDER FORM

This form is for:

Moua, Dean Murphy

for the Water Right ID: SG005957

The purpose of this form is to provide the information required by the Information Order for Diversions in the Scott and Shasta River Watersheds.

At the end of this form, you must certify that all the information entered is true and correct to the best of your knowledge under penalty of perjury. Please keep this in mind while filling out the form.

There are two parts to this form:

PART 1: Diversion amounts, uses, and locations.

PART 2: Certification of Form.

You must submit this form within 14 days from issuance of the Order.

Please return this form by post or email to:

State Water Resources Control Board
Division of Water Rights ATTN: Oxcarr Macias – Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000

WB-DWR-SiskiyouEnforcement@waterboards.ca.gov

If you have questions or would like to request an electronic copy of this form, please contact State Water Resource Control Board staff by email at: WB-DWR-SiskiyouEnforcement@waterboards.ca.gov or leave a phone message at: (916) 341-5637.

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

PART 1: Diversion amounts, uses, and locations

Please answer the following questions for the period starting August 30, 2021, to the present. If the space provided below is not sufficient to answer, you may attach additional documents in your response. If you respond in an additional document, please refer to the question number (e.g. Part 1, Question 5).

- 1) Do you sell or distribute groundwater from your property, APN 020-010-450, for use on properties not owned by you? If yes, is the water distributed by third-party water haulers?
- 2) How many groundwater wells are on your property? Is there a measurement device for each groundwater well?
- 3) Please provide groundwater well pump specifications and power or fuel billing records for the cost of operating the pump(s).
- 4) For groundwater deliveries used for human health and safety, please provide the property address or Assessor's Parcel Number, the number of people at each property, and the amount of groundwater used monthly:

Human Health and Safety

	Property Address or APN	How many people live on the property?	Amount of groundwater delivered monthly	List which months this property received water since August 30, 2021.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

- 5) For groundwater deliveries used for purposes **other than** human health and safety, please provide the property address or Assessor's Parcel Number, purpose of use, and the amount of groundwater used monthly:

	Property Address or APN	Purpose of Use	Amount of groundwater delivered monthly	List which months this property received water since August 30, 2021.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PART 2: Certification

Name of person signing: _____

Relationship to Owner of Record (of properties listed in Information Order for Livestock

Diversions in the Scott and Shasta River Watersheds):

I certify, under penalty of perjury, that all information entered into this form is true and correct to the best of my knowledge.

Signature: _____

Date of Signature: _____

Please return this form by post or email to:

State Water Resources Control Board
Division of Water Rights ATTN: Oxcarr Macias – Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000
WB-DWR-SiskiyouEnforcement@waterboards.ca.gov