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## State Water Resources Control Board

October 21, 2022

ROBERT KELLEY

Water Right(s): SEE BELOW

### **NOTICE OF VIOLATION: FAILURE TO COMPLY WITH ENHANCED REPORTING REQUIREMENT**

To Whom It May Concern:

On August 20, 2021, you were issued an Initial Order Imposing Curtailment and Reporting Requirements which required water right holders and claimants with past or potential annual diversions of 5,000 acre-feet or more to submit data describing their prior diversions and projected demand, on a monthly timestep, to the Division of Water Rights (Division) for water allocation decisions. This monthly reporting requirement was implemented following approval of the emergency regulations (see Cal. Code Regs., title 23, section 879 (c)(2)).

As of the date of this letter, the Division has not received your July 2022 through September 2022 projected demand reports or your prior diversion reports from April 2022 through June 2022. The Division has also not received your projected demand report for November 2022 which was due on October 14, 2022.

Failure to submit the required reports inhibits the Division's ability to assess prior diversion and projected demand data for potential use in the Water Unavailability Methodology for the Delta Watershed, which is used to inform water right curtailments.

Failure to submit the required forms also constitutes a violation of State Water Board emergency regulations that may subject you to formal enforcement and potential monetary penalties (Water Code section 1846).

The Division is now preparing an Administrative Civil Liability Complaint (ACL Complaint) to issue you a potential fine for up to \$500 per day per water right for each day the reports were not filed. As of the date of this letter, the maximum potential fine is \$68,000 per right/claim (136 days from the June 7, 2022, due date for the April 2022 prior diversions report).

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

**The Division will NOT issue the ACL Complaint for this violation if:**

1. You submit your projected demand report for the November 2022 reporting period **no later than Friday November 4<sup>th</sup>**; the November 2022 projected report was due by October 14, 2022.

-and-

2. You timely submit your prior diversions **and** projected demand reports moving forward, beginning with the October 2022 prior report and the December 2022 projected report. The tentative due dates for all enhanced reporting forms are shown below. Updates to these due dates may be announced via email update and also posted on the Division’s website at:

<http://www.waterboards.ca.gov/drought/delta/delta-watershed-enhanced-reporting.html>

Projected Demand	Due Date
November 2022	October 14, 2022
December 2022	November 15, 2022
January 2023	December 15, 2022
February 2023	January 13, 2023
March 2023	February 15, 2023
April 2023	March 15, 2023
May 2023	April 14, 2023
June 2023	May 15, 2023
July 2023	June 15, 2023
August 2023	July 14, 2023
September 2023	August 15, 2023

Prior Diversions	Due Date
October 2022	December 9, 2022
November 2022	January 13, 2023
December 2022	February 10, 2023
January 2023	March 10, 2023
February 2023	April 7, 2023
March 2023	May 12, 2023
April 2023	June 9, 2023
May 2023	July 7, 2023
June 2023	August 11, 2023
July 2023	September 8, 2023
August 2023	October 13, 2023
September 2023	November 10, 2023

You can submit each report online at, <https://public.waterboards.ca.gov/WRInfo> with the Water Right ID and Password listed below. Separate reports must be filed for each water right or claim of right you own or manage. Do not combine information for multiple water rights or claims on one response.

**If you are no longer the legal owner of the water right(s) or claim(s) of right listed, provide proof to the Division at the contact information provided below by November 15, 2022, and we will not issue an ACL Complaint.**

If you have questions or concerns, please leave a message with the Division Enforcement Section by email at [DWR-Reporting@waterboards.ca.gov](mailto:DWR-Reporting@waterboards.ca.gov) or by phone at (916) 341-5342. Division staff will respond to your message shortly.

Sincerely,



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

<b>Water Right ID</b>	<b>Password</b>
S022585	
S022588	