



State Water Resources Control Board

December 6, 2023

CERTIFIED MAIL

Smith River Ranch
AKA Reservation Ranch or Alexandre Ecodairy Farms

CERTIFIED MAIL NO: [REDACTED]

NOTICE OF VIOLATION: FAILURE TO COMPLY WITH DIVERSION MEASUREMENT AND REPORTING REGULATION – WATER RIGHT ID S019263, S019266, S019269, S019272, S019278, S019281, AND S017877

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 diversion and use reports (Reports).

By February 1 of each year, water right owners must submit Water Diversion and Use reports to the Board detailing how much water was diverted and used in the previous water year. 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 multiple Water Diversion and Use Reports lack the required information of your measurement device and the measurement data collected from the device.**

Water Measurement and Reporting Regulations

Seven years ago, in January 2016, the State Water 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.

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

Water users must submit the data collected by their measurement device with their Annual Water Diversion and Use Reports.

Violations

The Division of Water Rights has reviewed your Water Diversion and Use 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 elevation. These failures violate Title 23 of the California Code of Regulations (CCR), section 920, subdivision (f)(6) and (f)(12). Any party required to file a Statement of Water Diversion and Use shall notify the State Water Board of diverter name or contact information changes within 30 days in accordance with CCR section 915(c) and 920(c).

Enforcement

Water Code section 1846 grants the Board the 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.

Corrective Actions

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

Ownership Information must be updated within 30 days of property transfer.

https://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/

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.

How to Submit a Report

Login to the Report Management System (RMS) and select 2021-2022 WY Report
<https://rms.waterboards.ca.gov/login.aspx>

Additional Resources

Interim guidance for compliance and 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

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

For further assistance, contact Ms. Ritha Nhorn (Water Resource Control Engineer) at (916) 341-5373 or Ritha.Nhorn@waterboards.ca.gov. Written correspondence should be addressed as follows:

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Division of Water Rights
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Sincerely,



Lang Khang, PE
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Division of Water Rights

Ec: **Tolowa Dee-ni' Nation**
Rachel McCain



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