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## State Water Resources Control Board

January 20, 2023

CERTIFIED MAIL

ROBERT SMITH

Water Right(s): A013578

### **NOTICE OF VIOLATION AND REPORT OF INSPECTION FOR WATER RIGHT ID A013578– SONOMA COUNTY**

To Whom It May Concern:

On July 20, 2022 The State Water Resources Control Board (Board) Division of Water Rights (Division) staff conducted an inspection of the above referenced property (Property). The purpose of the inspection was to observe the diversion and use of water occurring on the Property and to evaluate compliance with the curtailment order issued by the Division in the Russian River watershed on June 14, 2022.

Enclosed is the Inspection Report (Report) for your Property that includes Division staff observations, alleged violations, and the corrective actions necessary for compliance with water rights regulations.

#### **Noncompliance with Water use Measurement Regulations**

In January 2016, the Board adopted new water use measurement regulations. These regulations require the installation of measuring devices and set standards for monitoring and reporting diversions of water. These new 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 one to two years to comply with these regulations, depending on the diversion size. The regulations can be found in Title 23 of the California Code of Regulations, sections 931 through 938.

Water users with a water right, or claimed right, to divert 1000 acre-feet of water or more must install a measurement device by no later than January 1, 2017. Water users with a water right, or claimed right, to divert 10 acre-feet of water or more must install a measurement device by no later than January 1, 2018.

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

Failure to install a measurement device, employ an approved measurement method, or implement an approved alternative compliance plan is a violation of the requirement that may be enforced by imposition of a civil liability of up to \$500 per day.

### **Violation**

During the inspection, staff verified no measuring device(s) have been installed. As of the date of this letter the Division has not received evidence of any measurement device. This failure constitutes a violation of California Code of Regulations, Title 23, Section 932(a).

### **Corrective Action**

Install a measurement device, or submit an alternative compliance plan within 30 days of receipt of this letter, in compliance with Title 23 of the California Code of Regulations, sections 931 through 938. If you have any questions regarding compliance with the measurement regulations, please visit our website:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_us/water\\_measurement.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_us/water_measurement.html)

or you can contact Kathy Bare at (916) 327-8593 or by email at [Kathy.Bare@waterboards.ca.gov](mailto:Kathy.Bare@waterboards.ca.gov).

### **Enforcement**

The State Water Board retains authority and discretion to take enforcement action based on the findings contained in the report. California Water Code Section 1846 grants the Board the authority to impose an administrative civil liability in amount not to exceed five hundred dollars (\$500) for each day of violation of a regulation adopted by the Board.

Sincerely,



Kathy Bare  
Water Resource Control Engineer - Enforcement  
Division of Water Rights

Enclosure: Division of Water Rights Inspection Report dated July 20, 2022