



State Water Resources Control Board

October 21, 2022

In reply, refer to:
VR7V:INV 14461,
SG005957

CERTIFIED MAIL

Dean Murphy Moua

[REDACTED]

CERTIFIED MAIL NO: 7020 3160 0000 0066 [REDACTED]

[REDACTED] m

Dear Mr. Moua:

NOTICE OF THREATENED VIOLATION - FAILURE TO COMPLY WITH CURTAILMENT ORDERS

You were notified by letters dated September 10, 2021 and October 12, 2021 that you were subject to an Order Imposing Water Right Curtailment and Reporting Requirements in the Shasta River Watershed (Curtailment Order), Order WR 2021-0082-DWR, since you were identified as an appropriator of groundwater from your property identified as Siskiyou County Assessor's Parcel Number (APN) 020-010-450.

On August 5, 2022, staff of the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued a Notice of Complaint (NOC) to you notifying you that the Division received a complaint alleging that you are diverting groundwater from the Shasta River watershed in a wasteful and unreasonable manner from your property. The NOC requested information from you to assist in Division staff's complaint investigation. On August 25, 2022, your attorney provided a response that did not provide the information requested in the NOC and stated that you "invoke(s) the privilege of the Fifth Amendment to the United States Constitution." On September 21, 2022, State Water Board staff replied to your attorney and offered to arrange a call with your attorney to discuss the matter further; however, we did not receive a request for a call.

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

Summary of Threatened Violation

Under Title 23, chapter 2, section 875.2 (a)(1) of the California Code of Regulations, water hauling to provide for minimum domestic water use to support human health and safety needs may be permitted only if "the diverter maintains records of such deliveries and complies with the reporting requirements of section 875.6, and so long as such diversion and use is consistent with a valid water right." Section 875.6 requires a diverter to submit a certification that the continued diversion meets the requirements set forth in section 878.1. These requirements include, but are not limited to, reporting the amount of water needed, what the water is being used for and a certification it will only be used for that purpose, and any other information as requested to show that the use meets the definition of minimum human health and safety needs as defined in Section 875.2.

You submitted a Human Health and Safety certification on February 23, 2022 for Water Right ID SG005957; however, you have not provided requested records and information to demonstrate the use of water is consistent with your certification as required under California Code of Regulations, Title 23, Sections 875.6 and 878.1. If you have sold or continue to sell an unrecorded amount of water for unknown purposes, then you violated or threaten to violate the Curtailment Order.

Further Enforcement

The Division may issue a Cease and Desist Order or an Administrative Civil Liability Complaint (ACL Complaint) at its discretion with a potential fine for up to \$500 per day per water right for each day a violation occurs.

If you are no longer the legal owner of the water right(s) listed, immediately provide proof to the Division at the contact information provided below. Because your diversion is curtailed, you must immediately cease diversions unless the diversion falls under few exceptions as written in the emergency regulations. The Shasta River Watershed Curtailment Orders, Addendums and Reminders can be found at the following State Water Board web pages:

https://www.waterboards.ca.gov/drought/scott_shasta_rivers/shasta_addendums.html

If you have 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

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