



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

November 28, 2016

In Reply Refer to:
BRC:1:521:A029313

Certified Mail No. 7004-2510-0003-9145-1802
Return Receipt Requested

JAMES J WITTLER
13918 JACK TONE RD
MANTECA, CA 95336

To Whom It May Concern:

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO FILE 2015 ANNUAL USE REPORT UNDER PERMIT 21002 (APPLICATION A029313), DIVERSION OF WATER FROM LONE TREE CREEK IN SAN JOAQUIN COUNTY

This provides legal notice to JAMES J WITTLER of the intent of the State Water Board, Division of Water Rights (Division) to proceed with formal enforcement for Permittee's failure to file the required 2015 annual use report (Annual Use Report) for the subject rights by June 30, 2016. Permittee **has 20 days from receipt of the enclosed Administrative Civil Liability (ACL) Complaint to act.** Therefore, this matter requires Permittee's immediate attention.

VIOLATION DESCRIPTION:

Division records show that Permittee was notified on January 30, 2016 of the requirement to submit the 2015 Annual Use Report electronically by June 30, 2016. Having not received the 2015 Annual Use Report by June 30, 2016, the Division mailed a deficiency letter on August 25, 2016 requiring Permittee to submit the 2015 Annual Use Report within 30 days. As of the date of this letter, 95 days after the August 25, 2016 deficiency letter was mailed, Permittee failed to submit the 2015 Annual Use Report for the subject rights.

STATUTORY LIABILITY:

Title 23, Chapter 2.7, Article 2, Section 925 of the California Code of Regulations require annual use reports to be filed by July 1st of the succeeding year for every water right Permit.

Water Code section 1846, subdivision (a)(2), provides that the State Water Board may administratively impose civil liability to any person or entity who violates a regulation or order adopted by the State Water Board not to exceed \$500 for each day in which the violation occurs. Water Code section 1846, subdivision (c) provides that civil liability may be imposed administratively by the State Water Board pursuant to Water Code section 1055.

Accordingly, as of today's date, the maximum civil liability for which Permittee may be liable for failing to submit the 2015 Annual Use Report is \$75,000 (150 days at \$500/day).

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

Joe Serna, Jr. Cal/EPA Building

By Hand Delivery: 1001 I Street, 2nd Floor, Sacramento, CA 95814
Fax: (916) 341-5400

Email: wrhearing@waterboards.ca.gov

With Subject of “**(Insert your name) Failure to File Annual Use Hearing**”

Copies of all documents submitted to the State Water Board must be provided to the Prosecution Team and should be addressed as follows:

Attention: John Prager, Staff Counsel Office of Enforcement
By Mail: 1001 I Street, 2nd Floor, Sacramento, CA 95814
Joe Serna, Jr. Cal/EPA Building
By Hand Delivery: 1001 I Street, 2nd Floor, Sacramento, CA 95814
Fax (916) 341-5896

By Email: John.Prager@waterboards.ca.gov

ALL HAND DELIVERED SUBMITTALS must be date and time stamped by the Division of Water Rights' Records Unit on the second (2nd) floor of the Joe Serna, Jr. Cal/EPA Building at the above address prior to or at the submittal deadline. Persons delivering submittals must first check in with lobby security personnel on the first floor. Hand delivered submittals that do not have a timely date and time stamp by the Division of Water Rights' Records Unit will be considered late and may not be accepted by the Hearing Officer.

IF YOU HAVE ANY QUESTIONS REGARDING THE HEARING OR SETTLEMENT

As set forth above, state law prohibits parties to a hearing from having individual contacts with members of the Hearing Team or members of the State Water Board. However, a party to the hearing may speak with a member of the Hearing Unit concerning non-controversial procedural matters. (Gov. Code, 11430.20, subd. (b).) Questions concerning non-controversial procedural matters should be directed to Michael Buckman, Hearings Unit Supervisor, by e-mail at Michael.Buckman@waterboards.ca.gov or by telephone at (916) 341-5448.

If you have any legal or technical questions concerning the allegations in the ACL Complaint, including discussions concerning the settlement of the ACL Complaint prior to hearing, those questions should be directed to Prosecution Team members John Prager, Staff Counsel Office of Enforcement, by email at: John.Prager@waterboards.ca.gov or by telephone at (916) 341-5524, or Kathy Mrowka, Manager Enforcement Section, by email at Katherine.Mrowka@waterboards.ca.gov or by telephone at (916) 341-5363.

* The hearing dates and deadlines provided in this document are intended to give you advance notice of the dates that would be in a subsequent hearing notice if you were to submit a request for hearing. In the unlikely event that any of the hearing dates and/or deadlines provided in this document conflict with or are inconsistent with information provided in a subsequent hearing notice, then please adhere to the hearing notice dates.

EMAIL: WRHEARING @ WATERBOARDS. CA. GOV.

SUBJECT: JAMES WITTLER FAILURE TO FILE ANNUAL USE HEARING

I HAD INSTALLED A SECOND PUMP AND DIVERSION POINT FOR BETTER EFFICIENCY AND TO SAVE WATER. I FORWARDED ALL THE INFORMATION TO THE WATER RESOURCES CONTROL BOARD AND THEY SENT ME USER ID'S 5024703 AND 5024704.

I FILED ANNUAL REPORTS BEFORE JULY 1, 2016 WITH THESE ID'S. I DO NOT RECALL ANY NOTICE THAT I HAD TO FILE UNDER A029313 AND THEREFORE REQUEST A HEARING ON THIS MATTER.

JAMES WITTLER
13986 JACK TOWNE ROAD
MANTLECA, CA. 95336

MANTLECAJIM @ AOL.COM