



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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P.O. Box 2000 ♦ Sacramento, California 95812-2000
916.341.5394 ♦ FAX: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

FEB 18 2009

TO: WATER DIVERTERS IN THE SACRAMENTO-SAN JOAQUIN DELTA

Governor Schwarzenegger's "Action Plan for California's Environment" includes protection for California's water supply and water quality through watershed management efforts that foster accountability and action. Governor Schwarzenegger's Action Plan specifically mentions the 22 million Californians that rely on the Bay-Delta for the supply and quality of their water. On July 16, 2008, the State Water Resources Control Board (State Water Board) adopted a Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.¹ The Bay Delta Strategic Workplan emphasizes the State Water Board's statutory responsibility to vigorously enforce water rights by preventing unauthorized diversions of water, violations of the terms of water right permits or licenses, and violations of the prohibition against the waste or unreasonable use of water in the Delta. To ensure that adequate natural and abandoned flow is available to meet all beneficial uses of water in the Delta, the State Water Board will employ its statutory responsibilities to investigate whether illegal diversions and other violations of water right permit and license conditions are occurring in the Bay-Delta watershed and take action to address those violations.

As directed in this Workplan, the State Water Board's Division of Water Rights (Division) will be investigating the water rights of existing diverters within the Sacramento San Joaquin Delta. Division staff has reviewed U.S. Geological Survey topographical maps, aerial photographs, and county assessor's records. These references indicate that property identified by the parcel number(s) shown on the envelope and owned by you may have been irrigated to some extent over the last several years. Currently, your name does not appear in the Division's records establishing any claim of right for existing diversions of water. Therefore, this matter requires your immediate attention.

Water Code section 5101 requires that all surface water diverters, with few exceptions, file a Statement of Water Diversion and Use (Statement) with the Division. These diversions may be made pursuant to a claim of riparian or pre-1914 water right. A discussion of riparian rights, pre-1914 water rights and information pertaining to the filing of a Statement may be found on the Division's web site at: www.waterrights.ca.gov/Forms/app_geninfo.pdf and www.waterrights.ca.gov/Forms/DEFAULT.HTM#statementhttp.

Within **60 days** of the receipt of this notice, you should complete and submit to the Division, the enclosed Statement form along with sufficient evidence if you are claiming a riparian or pre-1914 water right for your diversion(s).

¹ Copy of Workplan available at http://www.waterrights.ca.gov/baydelta/docs/strategic_plan/baydelta_workplan_final.pdf.

California Environmental Protection Agency

If you are confused about the basis of right for your diversion or you are unable to substantiate a basis of right, please contact the Division immediately. We may be able to assist you with the evaluation of the right for your diversion(s), identify evidence needed for filing a Statement, or in the event a basis of right cannot be determined, advise you about what evidence would be required before you can continue to divert water. **Lack of response to this notice may result in the possibility of enforcement action, as described below:**

- If the Division determines by inspection that you are diverting water under a claimed riparian or pre-1914 water right, but you failed to file a Statement pursuant to this notice, you may be held liable for the cost of the Division's inspection (Water Code section 5105).
- If the Division determines that you are diverting water without a legal basis of right, the diversion of water without an existing basis of right is unauthorized and constitutes a trespass against the State of California. **You will be directed to cease your diversion of water and may be subject to issuance of an Administrative Civil Liability (fine) in accordance with Water Code section 1052, subdivisions (b) and (c), which provide that the State Water Board may impose an administrative civil liability of up to \$500 per day for each day of unauthorized diversion or use of water, or seek court injunction.**

Therefore, it is important to diligently follow-up on this matter and take necessary actions to document any existing water right and file the Statement with the Division, or secure a contract from a water purveyor having legal water rights and submit a copy of the contract to the Division.

If you believe you should not have received this Notice or if you no longer own property being served water from the surface channels of the Delta, please contact the Division and, if possible, provide any information regarding the current ownership of the property. The Division will change its records accordingly.

If you have any questions regarding this letter or your existing water right, please contact the Division at the following number: (916) 341-5394. Because of the anticipated volume of calls, this number is automated. Please leave your name, telephone number and parcel number(s) and we will return your call as soon as possible. Thank you for your patience.

Sincerely,

ORIGINAL SIGNED BY:

John O'Hagan, Manager
Enforcement Section