



Enforcement News

State Water Board requires BlueTriton to immediately cease unlawful diversions in San Bernardino Mountains

Company ordered to substantially limit diversions, monitor water use

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SACRAMENTO – Following numerous complaints from the public, a multi-year investigation and an adjudicative proceeding conducted by its [Administrative Hearings Office](#), the State Water Resources Control Board today adopted an order requiring BlueTriton Brands Inc. to immediately cease its unauthorized diversions from springs in the San Bernardino National Forest for water bottling purposes.

The hearings office concluded that BlueTriton (formerly Nestle Waters North America) does not hold water rights in the forest and issued a proposed order on July 7, 2023, adopted by the board today, compelling the company to stop drawing water at 10 of its 13 diversion sites.

BlueTriton has 30 days to petition the State Water Board for reconsideration.

“BlueTriton and its predecessors have taken water for decades without a water right from naturally occurring springs that fall under our permitting authorities as surface waters. This order not only protects these resources but helps maintain faith in the larger water rights system, which is a critical tool for the state to manage its limited water supplies,” said E. Joaquin Esquivel, chair of the board. “In adopting the cease-and-desist order today, the board exercised its authority to enforce the water rights system and protect water resources within its jurisdiction.”

BlueTriton’s facilities are located near Strawberry Creek, a tributary of the Santa Ana River that provides municipal water to about 750,000 people in the eastern San Bernardino Valley. At its diversion points, BlueTriton uses tunnels and boreholes to divert water from eight springs that otherwise would reach the surface. The captured water is then redirected for bottling at numerous plants, including one in downtown Los Angeles.

During the state’s historic 2013-17 drought, the board’s Division of Water Rights received eight complaints from members of the public and a petition signed by 500



individuals accusing the company of diverting without a permit and bottling and exporting water during a dry period, depleting the creek, reducing the downstream drinking water supply and harming the environment.

After conducting an investigation along with receiving additional information about allegations that unlawful diversions were continuing, Water Rights staff in April 2021 issued a revised report and a [draft cease-and-desist order](#) directing BlueTriton to submit the following:

- Monthly monitoring reports.
- A basis of right for diversions found within the board's permitting authority.
- A compliance plan within 180 days pending the final order's adoption.

In response, BlueTriton in May 2021 requested a hearing before the board's hearings office, an independent unit of the board established by the Legislature in 2018 to adjudicate water rights cases involving administrative civil liability complaints (penalties), cease-and-desist orders, and revocations of permits and licenses. The hearing took place over 16 days (January 2022 through May 2022) and included two field site visits.

Today's adopted order, which incorporates input from interested parties and involved multiple revisions, leaves room for BlueTriton to apply for a permit to appropriate water if it can demonstrate that water is available.

More information about [BlueTriton](#) and the Administrative Hearings Office is available on the board's website.

The State Water Boards' mission is to protect, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health and all beneficial uses, and to ensure proper allocation for present and future generations.