



Enforcement News

Plymouth Property Owners Issued Draft Cease and Desist Order, Penalty for Unauthorized Diversion of Water

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SACRAMENTO – The State Water Resources Control Board (State Water Board) issued a draft Cease and Desist Order and Administrative Civil Liability Complaint against the Vicini property owners of Plymouth, CA for the alleged unauthorized diversion of water from the Mokelumne River Watershed in Amador County.

A proposed penalty of \$23,683 has been issued by the State Water Board for the alleged unauthorized diversion from unnamed tributaries of the Dry and Willow creeks. The Complaint and draft Cease and Desist Order have been issued to Rickland E. Vicini, Anthony W. Vicini, Cindy M. Vicini, Mervin C. Vicini and Kathleen A. Vicini, who collectively own seven adjoining parcels in Plymouth and have a post-1914 water right.

During a May 2015 inspection of the Vicini properties, State Water Board staff discovered five unlicensed reservoirs under the State Water Board's authority. Staff concluded water was diverted to these reservoirs in 2014 and 2015. State Water Board investigators determined that approximately 17.9 acre-feet of water was illegally taken from the streams over a two-year period.

Along with the penalty, the State Water Board has issued a draft Cease and Desist Order instructing the Vicini property owners to immediately stop any unauthorized diversions of water from the tributaries of the Dry and Willow creeks. The property owners must also make the reservoirs permanently incapable of storing water, and they have 180 days from the date of the Order to provide evidence that the reservoirs no longer store water.

The property owners have 20 days from the date of the Order and Complaint to request a hearing before the State Water Board. If the Final Cease and Desist Order is issued and the Vicini property owners do not comply with the Order, they will be in violation and subject to fines of up to \$10,000 each day the violation occurs, and can be referred to the Office of the Attorney General. The Vicinis may also accept a Conditional Offer allowing the property owners to avoid further enforcement by making a payment of \$10,000, acceptance of the conditions imposed by the accompanying Order, and waive the right to a hearing and reconsideration of the violations alleged in the Complaint. For more on the Complaint and Order, visit the Division of Water Rights' enforcement [website](#).

C A L I F O R N I A E N V I R O N M E N T A L P R O T E C T I O N A G E N C Y



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