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## State Water Resources Control Board

CERTIFIED MAIL

Dennis & Laura Montgomery

Dear Mr. and Mrs. Montgomery:

### **NOTICE OF VIOLATION REGARDING LICENSE 9179 TERM VIOLATIONS**

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received a complaint regarding the use of water on your property in Madera County. The complaint alleges that you are expanding the storage capacity of the reservoir on your land ("Diamond Lake") and interfering with downstream water rights holders' ability to fill their reservoirs.

The Division reviewed Diamond Lake's license to determine the volume of water you are allowed to divert annually and any related bypass requirements. According to the license, you are able to divert a maximum of 25 acre-feet of water per year for stockwatering, recreation, fire protection, and domestic purposes. The license requires the licensee to "maintain an outlet pipe of adequate capacity in [their] dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights."

Division staff's site inspection on February 25, 2022, revealed that there is no outlet pipe installed in the diversion structure in compliance with the requirements set forth in the license. Moreover, there is no diversion measurement device installed, in violation of the State Water Board's regulations (Cal. Code Regs., tit. 23, §§ 931-938), and you have not submitted Water Diversion and Use Reports for 2021 and 2022 (Cal. Code Regs., tit. 23, §§ 907-908). These requirements are necessary to ensure compliance with the maximum diversion amount allowed on the license.

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

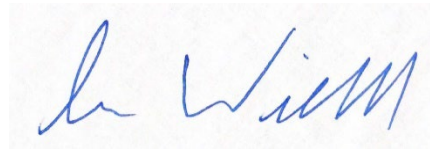
Violations of license terms and State Water Board regulations can be enforced by the Division of Water Rights pursuant to Water Code section 1846. Such an enforcement action may result in the assessment of an Administrative Civil Liability of \$500 per day in which a violation occurs.

The purpose of this letter is to inform you of these violations and to request further documentation on the alterations you have made to Diamond Lake, **including a compliance plan and an implementation schedule on how to correct these violations**. Please submit this documentation within 30 days of receipt of this letter.

This letter constitutes your notice of the above-mentioned Water Code and regulatory requirements. Your response to the allegations listed in this notice is required and should be submitted within a timely manner. The State Water Board has discretion when considering an enforcement action and shall consider your corrective actions taken in response to this notice in determining whether and what civil liability is appropriate for violations. Therefore, this matter requires your immediate attention.

If you have any questions, please contact Ramon Ruiz at (916) 327-8535 or via e-mail at: [Ramon.Ruiz@waterboards.ca.gov](mailto:Ramon.Ruiz@waterboards.ca.gov). Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Ramon Ruiz, P.O. Box 2000 Sacramento, CA 95812-2000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean Windell", is centered on a light blue rectangular background.

Sean Windell  
Senior Environmental Scientist  
Division of Water Rights - Enforcement

EC: Ryan Stolfus

CC: Wagner & Bonsignore, CCE  
Attn: Ryan Stolfus