



State Water Resources Control Board

FEB 16 2023

CERTIFIED MAIL

Syar Family Enterprises Holdco Inc.

CERTIFIED MAIL NO:

NOTICE OF VIOLATION AND REPORT OF INSPECTION FOR WATER RIGHT ID A014061, A014208, A014492, A016457, A021660, A024270A/B, A025394, S017034, S017035 – SONOMA COUNTY

To Whom It May Concern:

On August 23, 2022, The State Water Resources Control Board (Board) Division of Water Rights (Division) staff conducted an inspection of the above referenced property (Property). The purpose of the inspection was to observe the diversion and use of water occurring on the Property and to evaluate compliance with the curtailment order issued by the Division in the Russian River watershed on June 14, 2022.

Enclosed is the Inspection Report (Report) for your Property that includes Division staff observations, alleged violations, and the corrective actions necessary for compliance with water rights regulations.

Noncompliance with Water use Measurement Regulations

In January 2016, the Board adopted new water use measurement regulations. These regulations require the installation of measuring devices and set standards for monitoring and reporting diversions of water. These new monitoring and reporting requirements are designed to improve the Board's water supply awareness, while allowing water diverters the flexibility to determine how best to comply with the new requirements based on their individual circumstances. Water users were given one to two years to comply with these regulations, depending on the diversion size. The regulations can be found in Title 23 of the California Code of Regulations, sections 931 through 938.

Water users with a water right, or claimed right, to divert 1000 acre-feet of water or more must install a measurement device by no later than January 1, 2017. Water users

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

with a water right, or claimed right, to divert 10 acre-feet of water or more must install a measurement device by no later than January 1, 2018.

Failure to install a measurement device, employ an approved measurement method, or implement an approved alternative compliance plan is a violation of the requirement that may be enforced by imposition of a civil liability of up to \$500 per day.

Violations

During the inspection, staff verified no measuring device(s) have been installed. As of the date of this letter the Division has not received evidence of any measurement device. This failure constitutes a violation of California Code of Regulations, Title 23, Section 932(a).

Staff also observed during the inspection and verified through past Statement of Water Diversion and Use forms, that water is being diverted and stored under a riparian claim of right for Statement S017034. Riparian rights do not entitle an owner to divert water to storage in a reservoir for use in the dry season or use water on land outside of the watershed. Storing water under a riparian claim is not permitted.

Corrective Action

1. Install/register a measurement device or submit an alternative compliance plan for the following water rights within **30 days of receipt of this letter**, in compliance with Title 23 of the California Code of Regulations, sections 931 through 938:

- A014061
- A014208
- A014492
- A016457
- A021660
- A024270A
- A024270B
- A025394
- S017035

If you have any questions regarding compliance with the measurement regulations, please visit our website:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html

2. Submit a change of ownership form for water right A025394. More information on Water Rights Ownership and Contact Information Updates can be found on the Division's website at:

https://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/

3. Apply for a registration or discontinue the storage of water under a riparian claim for Statement S017035. More information on water right registrations can be found at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/

Enforcement

The State Water Board retains authority and discretion to take enforcement action based on the findings contained in the report. California Water Code Section 1846 grants the Board the authority to impose an administrative civil liability in amount not to exceed five hundred dollars (\$500) for each day of violation of a regulation adopted by the Board.

If have any questions or concerns, please contact Antonio Barrales at (916) 327-8593 or by email at Antonio.Barrales@waterboards.ca.gov.

Sincerely,

Antonio Barrales

Antonio Barrales
Water Resource Control Engineer - Enforcement
Division of Water Rights

Enclosure: Division of Water Rights Inspection Report dated August 23, 2022

ec:

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