

Calculation of Maximum Penalty for Unauthorized Diversion in 2014

123 days of diversion
\$1,000 Penalty per day for unauthorized diversion
\$123,000 Penalty per Permit
2 Permits
\$246,000 Penalty for unauthorized diversion-days for both permits

456 reported loads of water
6600 average # of gals/load
3009600 gallons of spring water reported by invoice
325900 gallons/acre-foot
9.234735 Acre-feet
\$2,500 Penalty per Acre-foot of unauthorized diversion
\$23,087 Penalty based upon the amount of water taken by unauthorized diversion

\$269,087 Maximum Penalty for unauthorized diversion in 2014

This is a re-calculation of the Maximum Penalty for Unauthorized Diversion in 2014 based upon the number of days of diversion and number of tanker loads taken from the transfer station as reported by Fahey pursuant to the Information Order. The quantity of water was calculated by multiplying the number of loads by an estimated average of 6,600 gallons per load.

Calculation of the Maximum Penalty for Unauthorized Diversion in 2015**Original Calculation of the Maximum Penalty for Unauthorized Diversion in 2015 based on Video Surveillance of tanker trucks coming and going at the Sugar Pine Spring Water collection and transfer station, July 12 - August 5, 2015**

25 Days of Observation
 22 Days of Diversions observed between 10:16 AM, July 12, 2015 and 11:48 AM, August 5, 2015
 99 Tanks of Water Observed @ ~ 6,600 gal/tank = 653,400 gallons or 2.0 AF

22 Days of Diversion
 x2 Permits =
 44 Days of Violation
 * \$1,000/Day =

\$44,000

2.0 Acre-Feet
 * \$2,500/AF =

\$5,000**\$49,000 Original ACL Penalty for Unauthorized Diversions made between July 12 and August 5, 2015****\$49,000 Original ACL Penalty for Unauthorized Diversions made in 2015****Calculation of Additional Penalty Not Included in the Original ACL for Unauthorized Diversion in 2015 based on Video Surveillance of tanker trucks coming and going at the Sugar Pine Springs Water collection and transfer station, August 5, 2015 - August 27, 2015**

23 Days of Observation between 1:19 PM on Aug 5, and 5:44 AM on Thursday, August 27, 2015
 20 Days of Diversions observed after Aug 5
 110 Tanks of Water Observed @ ~ 6,600gal/tank = 726000 gallons or 2.23 AF

20 Days of Diversion
 x2 Permits =
 40 Days of Violation
 * \$1,000/Day =

\$40,000 Additional Penalty for diversion-days for both permits

2.23 Acre-Feet
 * \$2,500/AF =

\$5,569 Additional Penalty based upon the amount of water taken by unauthorized diversion**\$45,569 Total Maximum Additional ACL Penalty for Diversions made between August 5 and August 27, 2015 Based on video surveillance****\$45,569 Additional ACL Penalty Based on additional video surveillance****\$94,569 Total ACL Penalty Based on video surveillance in 2015**

Calculation of Additional Penalty Not Included in the Original ACL for Unauthorized Diversion in 2015 based on Invoice Information provided pursuant to the 2015 Information Order

48 additional days of diversion
 \$1,000 Penalty per day for unauthorized diversion
 \$48,000 Penalty per Permit
 2 Permits
\$96,000 Additional Penalty for diversion-days for both permits

150 reported loads of water
 6600 average # of gals/load
 990000 gallons of spring water reported by invoice
 325900 gallons/acre-foot
 3.04 Acre-feet
 \$2,500 Penalty per Acre-foot of unauthorized diversion
\$7,594 Additional Penalty based upon the amount of water taken by unauthorized diversion

\$103,594 Additional Penalty for Unauthorized Diversion in 2015 not included in the ACL based on invoices

The above calculations are based on invoice information provided pursuant to the 2015 Information Order for the periods including April 23 - June 12 and August 28 - September 30, 2015 and for which periods the Division does not have video surveillance data.

\$103,594 Additional ACL Penalty based on invoice information provided pursuant to the 2015 Information Order

\$94,569 Total ACL Penalty Based on video surveillance in 2015

\$198,163 Total Maximum ACL Penalty for Unauthorized Diversions made in 2015

\$269,087 Total Maximum ACL Penalty for Unauthorized Diversions made in 2014

\$467,250 Total Maximum ACL Penalty for Unauthorized Diversions made in 2014 and 2015