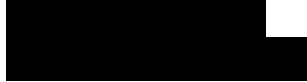




State Water Resources Control Board

April 26, 2024

Phearless Investment LLC



DELIVERY CONFIRMATION NO:



NOTICE OF VIOLATION: FAILURE TO COMPLY WITH DIVERSION MEASUREMENT AND REPORTING REGULATION FOR WATER RIGHT ID A029355, A026123, A029356, and A024336

To Phearless Investment LLC:

Water right owners must submit annual Water Diversion and Use Reports to the State Water Resources Control Board (“State Water Board” or “Board”) detailing how much water was diverted and used in the previous water year. These reports include progress reports by permittees and annual reports of licensees. These reports are due before February 1 of each year and must include information on the device and method used to calculate the amount of water diverted, as well as the measurement data collected by such a device. **Our records indicate that the annual Water Diversion and Use reports for the water rights identified above lack the required information about your measurement device(s).**

Water Measurement and Reporting Regulations

In January 2016, the State Water Board adopted new water use measurement regulations. The regulations require the installation of measuring devices and set standards for monitoring and reporting diversions of water. The data submitted must reflect the amount of water diverted by each specific water right and each point of diversion. Data must also reflect the volume of water diverted. Data may not, for example, simply report a diversion rate or reservoir elevation.

These 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 until 2018 to comply with these regulations. The regulations can be found in Title 23 of the California Code of Regulations, sections 931 through 938.

Violation

The Division of Water Rights has reviewed your Water Diversion and Use Reports and found that you have failed to submit information regarding your measurement devices or measurement methods and failed to submit the data collected from your measurement

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

devices. These failures constitute a violation of Title 23 of the California Code of Regulations, section 929, subdivision (c)(4) and section 929, subdivision (c)(7).

Enforcement

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.

Corrective Action

The Division of Water Rights requests that you correct the ongoing violation by immediately taking actions 1 or 2 as follows:

- 1. Submit amended Water Diversion and Use Reports that include the required information regarding your diversion measurement devices or methods used to calculate the amount of water diverted, and the data collected by such a device or method within 30 days of receipt of this notice, OR**
- 2. If the corrective action requires procurement and installation of a measurement device, contact State Water Board staff within 30 days to relay your intent to install measurement device(s), the type of device proposed, the location that the device will be installed, and the schedule for installation of the device.**

Failure to correct this violation may subject you to enforcement actions and penalties as high as \$500 per day beginning from the first day of noncompliance.

Providing timely, accurate diversion information to the Board is critical for:

- Improved reporting of water use data helps all stakeholders identify and forecast watersheds of concern,
- Accurate diversion information helps protect the water rights priority system, community and industry needs, and the environment, and
- Timely water use data provides increased drought resilience for communities and organizations in times of water shortage.

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

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html or you can contact Nick Kehrlein at (916) 322-8469 or by email at nicholas.kehrlein@waterboards.ca.gov.

Sincerely,



Karen Kramer, PG, PMP
Program Manager - Enforcement Special Projects Section
Division of Water Rights

Language Access Services

The State Water Board provides interpretation and translation services in any language at no cost to you.

- Language interpretation for public meetings and workshops with Water Board staff.
- Written translation of documents including comment letters, fact sheets, and more.

Language services are available in English, Español (Spanish), Tagalog, 中文 (Simplified Chinese), 한국인 (Korean), Tiếng Việt (Vietnamese), ਪੰਜਾਬੀ (Punjabi), Hmoob (Hmong).

To request these services, please contact the Office of Public Participation at (916) 341- 5254, email at OPP-LanguageServices@Waterboards.ca.gov, or by direct internet link at <https://bit.ly/LanguageAccessForm>.