



# Enforcement News

## Trinity River Diverter Settles for \$10,000 Fine for Deliberate Misstatements on Water Diversion and Use Reports

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The State Water Resources Control Board has reached a \$10,000 settlement agreement with two property owners over allegations that they deliberately made misstatements in reporting water diversion and use for diversion years 2009 through 2015. The settlement was approved by the State Water Board and incorporated as an [order](#) last month.

“This settlement sends a strong message to individuals who trivialize this important reporting requirement by declaring deliberate misstatements about actual water used,” said Julé Rizzardo, Assistant Deputy Director of the Division of Water Rights, Permitting and Enforcement Branch. “Inaccurate water use data impacts the division’s ability to effectively regulate water diversions and undermines the public’s trust in the water rights system. In high resource value watersheds like the Trinity River, accurate data is essential to ensuring senior water rights and the environment are protected.”

Louis and Darcy Chacon (the Chacons) claim a riparian right on Price Creek, a tributary to the Trinity River. They use the water for irrigation of 15 acres of mixed crops, stockwatering, and domestic use. As required, the Chacons filed Supplemental Statements of Diversion and Use. However, for diversion years 2009 through 2013, they reported monthly amounts of storage and/or beneficial use of over one trillion acre-feet, which is greater than the volume of all the water on earth.

In response to receiving a notification of a reporting violation, the Chacons revised the reported amounts to 21,383.04 acre-feet, still orders of magnitude greater than reasonable. The Chacons continued reporting this inflated diversion and use amount for years 2014 and 2015.

The settlement agreement assesses a penalty of \$10,000, with a portion of the penalty to be suspended and released upon completion of several corrective actions. The Chacons must hire a qualified individual to advise on reporting accurate diversion amounts, revise the Supplemental Statements of Diversion and Use that contain deliberate misstatements, and install an appropriate measuring device to ensure accurate diversion reporting in the future. Once these corrective actions are complete, the Chacons may reduce their fine by up to \$7,500.

The California Water Code defines the making of a willful misstatement in a Statement of Diversion and Use as a misdemeanor. The State Water Board may impose an administrative civil liability for this violation in an amount not to exceed \$25,000, plus \$1,000 per day that the violation continues.





The state's water use data is critical to water right permitting decisions, developing instream flow requirements, assessing compliance, and issuing notices of unavailability of water. Diverters can contact the State Water Board with questions on how to accurately report their diversions.

The order approving the [Chacons' settlement agreement](#) is available online. To learn more about water rights, visit the State Water Board's [Division of Water Rights](#) webpage.

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