

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – OFFICE OF DELTA WATERMASTER  
SEPTEMBER 19, 2012**

**ITEM 11**

**SUBJECT**

INFORMATIONAL REPORT ON IMPROVING WATER RIGHT ENFORCEMENT AUTHORITY

**DISCUSSION**

California Water Code Section 85230(d) directs the State's Delta Watermaster (Watermaster) to submit regular reports to the State Water Board on water rights administration, water quality issues, and conveyance operations. The Watermaster has completed [a report entitled \*Improving Water Right Enforcement Authority\*](#).

The report focuses on the State Water Board's authority to enforce and monitor water rights and to prevent unauthorized diversions of water in the state of California. Pursuant to the Water Code, the State Water Board is responsible for enforcing the terms and conditions of water right permits, licenses, and registrations, as well as investigating diversions of water. The State Water Board is directed to investigate illegal diversions and violations of permit and license conditions, the waste and unreasonable doctrine, and take action when violations are occurring. The report explores the inherent weakness of the current enforcement authorities as compared to the water quality program. The report discusses how the lengthy current process hinders the State Water Board's ability to impose immediate penalties. For instance, for a violation of the terms and conditions of license or permit, the State Water Board may not impose a penalty until after the Board issues a Cease and Desist Order for the violation and the violation continues. The report recommends authorizing administrative civil liabilities for violations of the terms and conditions of a permit or license. It also includes recommendations for improving the monitoring and reporting authority of the State Water Board and amending the service process to increase the success of delivery.

**POLICY ISSUE**

None at this time. Informational Item.

**FISCAL IMPACT**

None at this time. Informational Item.

**REGIONAL BOARD IMPACT**

None at this time. Informational Item.

**STAFF RECOMMENDATION**

Staff recommends that the conclusions of this report be considered.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012, to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.