

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2004 - 0009 - DWR

In the Matter of
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 262.5-37
Kent Ritchie

SOURCE: Unnamed Stream tributary to Mark West Creek

COUNTY: Sonoma

ORDER IMPOSING ADMINISTRATIVE CIVIL LIABILITY

BY THE CHIEF, DIVISION OF WATER RIGHTS

1.0 INTRODUCTION

This matter comes before the Chief, Division of Water Rights of the State Water Resources Control Board (SWRCB) following issuance of Administrative Civil Liability Complaint No. 262.5-37 (ACL Complaint), on November 24, 2003, against Kent Ritchie. The Division of Water Rights (Division) received the Certified Mail card #1831-4166 showing that Mr. Ritchie received and signed for the ACL Complaint on December 3, 2003. To date, the Division has not received payment, a request for hearing or any other correspondence from Mr. Ritchie regarding the ACL Complaint. Pursuant to paragraph 2.8.2 of the attachment to SWRCB Resolution 2002-0106, the Division Chief has authority to issue an Order imposing civil liability when a complaint has been issued and no hearing has been requested.

2.0 BACKGROUND

Mr. Ritchie is the owner of Application 30181, which proposes to collect to storage 40.0 acre-feet per annum from November 1 of each year to April 30 of the succeeding year for irrigation, frost protection and heat control purposes. By letter dated April 24, 1998, and again by certified letter dated September 15, 1998, the Division proposed several project modifications to Application 30181 and requested that Mr. Ritchie advise the Division, in writing and within 45 days, whether Application 30181 could be amended as set forth in the letters. The Division received no response from Mr. Ritchie. Accordingly, due to Mr. Ritchie's failure to secure a water right permit, the Division issued ACL Complaint No. 262.5-18 in the amount of \$500 against Mr. Ritchie for the unauthorized diversion or use of water. The Division received payment of \$500 on June 7, 2000.

On October 11, 2002, the Division contacted Mr. Ritchie by letter, notifying him of the required activities that must be complete in order for the Division to continue processing his application. The Division required that Mr. Ritchie complete and sign, within 60 days of the date of its letter, a Memorandum of Understanding (MOU) with the SWRCB. Since that date, Division staff has contacted Mr. Ritchie at least six separate times regarding the requirements for submitting the MOU. To this date, the Division has not received any correspondence from Mr. Ritchie.

As a result of Mr. Ritchie's continued trespass and lack of diligence in securing a water right permit for the existing unauthorized reservoir, the SWRCB's Chief Deputy Director issued ACL Complaint No. 262.5-37 against Mr. Ritchie in the amount of \$3,070 on November 24, 2003, pursuant to Water Code section 1052, subdivision (b). Mr. Ritchie failed to request a hearing within 20 days of receiving the complaint, as allowed under Water Code section 1055, subdivision (b), or to submit payment. In addition, the Division gave Mr. Ritchie 30 days from the receipt of the November 25, 2003 letter to submit a completed and signed MOU. To date, the Division has not received any correspondence from Mr. Ritchie.

ORDER

IT IS HEREBY ORDERED THAT:

1. Kent Ritchie shall make full payment of the administrative civil liability amount of \$3,070 within 10 days of the issuance of this Order.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: APR 13 2004