

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

OFFICE OF DELTA WATERMASTER

ORDER WR 2019-0034-DWM

In the Matter of Water Right License 2639

Lamb Gianelli Family Limited Partnership

ORDER PARTIALLY REVOKING WATER RIGHT

SOURCE: South Fork Mokelumne River
Beaver Slough

COUNTY: San Joaquin

WHEREAS:

1. License 2639 was issued on June 24, 1943, with a priority date of July 10, 1926 after inspection pursuant to Application 005092. License 2639 allows the diversion of up to 8152 acre-feet of water per year from Beaver Slough and South Fork Mokelumne River for irrigation purposes on 1212.1 acres situated within the Legal Delta and within the boundaries of the North Delta Water Agency.
2. A portion of the place of use for License 2639 is currently owned by Lamb-Gianelli Family LP ("Lamb-Gianelli"), namely San Joaquin County APN:001-050-28 and possibly portions of, APN:001-050-28 and APN:001-050-24. The remainder of the place of use for License 2639 is owned by Silverdale Farms, Inc., namely APN:001-050-070.
3. Water Code section 1840 makes annual reporting of diversion and use a condition of every license. The State Water Resources Control Board (State Water Board) has adopted regulations requiring annual reporting of water diversion and use under permits and licenses. The regulation specifying annual licensee reporting is codified at Title 23, Chapter 2.7, Article 2, section 929 of the California Code of Regulations (Regulations).
4. Section 929 of the Regulations requires licensees to file Reports of Licensee annually on or before April 1 of each year. Failure to file a Report of Licensee is a violation of license terms.

5. Water Code section 1675 states, "if at any time after a license is issued the Board finds that the licensee has failed to observe any of the terms and conditions in the license, the Board may revoke the license and declare the water to be subject to appropriation."
6. The State Water Board has delegated the authority to revoke permits and licenses in the Delta, under appropriate conditions, to the Delta Watermaster pursuant to Resolution No. 2018-0037.
7. As a license holder, Lamb Gianelli is required to comply with terms and conditions of the License, including the requirement to report water diversion and use annually.
8. As more fully described in the Settlement Agreement, to which a [Notice of Proposed] ORDER PARTIALLY REVOKING WATER RIGHT is Attachment A, Lamb-Gianelli has repeatedly failed to timely file reports of annual diversion and use as the same came due, notwithstanding repeated outreach, reminders and enforcement actions to induce compliance.
9. The Delta Watermaster finds that Lamb-Gianelli's repeated failures to comply with the annual reporting requirements, even after multiple reminders, outreach efforts and enforcement actions, constitute an actionable failure to observe the terms and conditions of License 2639.
10. Pursuant to the Settlement Agreement, Lamb-Gianelli has waived the right to hearing on the alleged violations described in the Recitals therein and to a hearing on the [Notice of Proposed] ORDER PARTIALLY REVOKING WATER RIGHT and has waived the right to reconsideration of the Settlement Decision and this final ORDER PARTIALLY REVOKING WATER RIGHT.

THEREFORE, IT IS ORDERED THAT LICENSE 2639 IS HEREBY REVOKED AS TO THE PORTION OF THE PLACE OF USE CURRENTLY OWNED BY LAMB GIANELLI, SPECIFICALLY SAN JOAQUIN COUNTY APN:001-050-28 AND THOSE PORTIONS OF APNS 001-050-25 AND 001-050-24 INCLUDED WITHIN THE PLACE OF USE OF LICENSE 2639, IF ANY.

STATE WATER RESOURCES CONTROL BOARD



Michael Patrick George
Delta Watermaster

Dated: June 25, 2019