

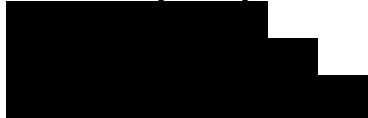


State Water Resources Control Board

September 20, 2024

GLS TRACKING

Dan and Lyn Hayden



GLS TRACKING NO:

Dear Dan and Lyn Hayden,

NOTICE OF VIOLATION: FAILURE TO FILE A STATEMENT OF WATER DIVERSION AND USE AND MEASURE SURFACE WATER DIVERSIONS - SISKIYOU COUNTY

State Water Resources Control Board (State Water Board), Division of Water Rights (Division) have reviewed annual water use reporting data from the Shackleford Creek watershed.

California Water Code section 5101 requires, with limited exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement of Water Diversion and Use (Statement) with the State Water Board. One such exception is if the diversion is regulated by a watermaster (Water Code section 5101 (e)). Currently, the Shackleford Creek Decree (Decree) is not regulated by a watermaster.

Violation

Division staff understand you are now the owner of POD 8, 9, 10, 15, 16, 26, and 27 in the Shackleford Creek Decree. If you have diverted water from these PODs, you must report your diversion and use to the State Water Board by filing a Statement and subsequent annual water use reports for each Point of Diversion (POD). Our records indicate that you have not filed a Statement for your water rights listed in the Decree.

Enforcement

The State Water Board may impose an administrative civil liability in the amount of \$1,000 for the failure to file a Statement for each point of diversion that have occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person (California Water Code section 5107).

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

This letter constitutes your notice of the Statement filing requirements and the fact that, as of the date of this letter, the Division has not received Statement(s) for the PODs identified in the Decree.

Corrective Actions

Within 30 days of the date of this letter, you must:

- Report your diversion and use to the State Water Board by filing a Statement with the Division in accordance with the California Water Code section 5101. A separate Statement form must be submitted for each diversion point.
- Notify staff if any of the above referenced PODs have not been used in the past five (5) years.

More information on the Statement program is available on the State Water Board's website

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Your diversions are also subject to water measurement regulations. More information on water measurement regulations is provide on the State Water Board's website

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html).

If you have any questions or need assistance filing the forms, please contact Alex Sweat via email at alexander.sweat@waterboards.ca.gov or by phone at (916) 319-0724.

Sincerely,

Sahil Pathak

Sahil Pathak
Senior Environmental Scientist, Supervisor
Division of Water Rights

ec: **Division of Water Rights**

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