



State Water Resources Control Board

October 15, 2024

GLS TRACKING

Edmund Gareth Plank

GLS TRACKING NO: [REDACTED]

Dear Edmund Gareth Plank:

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

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) acknowledges that you may have a pre-1914 water right claim in the Scott River watershed and believe it is referenced in the Scott River Decree (Decree).

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 Decree is not regulated by a watermaster.

Violation

Division staff understand you are the current owner of Diversion and Map Sheet Number 223-13 under Schedule D2 in the Scott River Decree. If you have diverted water from this diversion source, you must report your diversion and use to the State Water Board by first filing an Initial Statement and then subsequently filing annual water use reports. Whether your pre-1914 claim is listed in a decree or not, all pre-1914 claims must file a Statement of Diversion and Use. Our records indicate that you have not filed a Statement for any pre-1914 claim.

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. An additional \$500 per day may also be imposed for each day on which the violation continues should the water right holder fail to file a Statement within 30 days after the State Water Board has notified the water right holder of the violation (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 a Statement for any pre-1914 claim you may have.

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.
- Notify staff if Diversion and Map Sheet Number 223-13 under Schedule D2 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/).

If you have any questions or need assistance filing the forms, please contact Sahil Pathak via email at Sahil.Pathak@waterboards.ca.gov or by phone at (916) 341-5307.

Sincerely,

Sahil Pathak

Sahil Pathak
Senior Environmental Scientist, Supervisor
Division of Water Rights

ec: **Division of Water Rights**

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