



State Water Resources Control Board

May 28, 2026

In Reply Refer to:
SM: INV70629

CERTIFIED MAIL

Vista Rio Ranch LLC
Attn: Anthony Dejager

GLS TRACKING NO: [REDACTED]

Dear Anthony Dejager:

NOTICE OF VIOLATION AND REPORT OF INVESTIGATION REGARDING DIVERSIONS FROM MERCED RIVER, MERCED COUNTY

The State Water Resources Control Board (State Water Board) Division of Water Rights (Division) conducted an inspection of Mill Ditch on July 15, 2025. The purpose of the inspection was to observe controls over inflow at the Point of Diversion (POD) into the ditch, the presence and placement of measurement devices, the number of water users on the ditch, and the filing of and accuracy of annual reports of use.

Enclosed is the Report of Investigation prepared by Division staff regarding the diversion and use of water from Mill Ditch. This report includes findings based on observations and reported data, as well as potential corrective actions to address the identified potential violations. Please review the report and corrective actions and respond within 30 days to provide any additional information or evidence.

FINDINGS

- Division staff found there is currently no measurement or reporting of the amount of water diverted into Mill Ditch from the Merced River. At the time of inspection there were two active and one potential water users on Mill Ditch, however only Dynasty Ranch has a Statement of Diversion and Use filed with the Board and is actively measuring and reporting their use.
- Staff found that there is a diversion occurring at Vista Rio Ranch's property but no record of a Statement of claim for water diverted and used. Additionally, no measurement device was observed at the POD. The attached Inspection Report goes into further detail regarding the findings of the inspection.

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

RECOMMENDATIONS

Division staff recommend the Diverter select **one** of the corrective action pathways described in the enclosed Report of Investigation:

- a. **Within 30 days of the date of this report**, File an Initial Statement of Diversion and Use to address the diversion that Division staff observed on July 15, 2025. The diverter may file an individual Statement or may form a user-group with the other diverters on Mill Ditch to file a combined Statement. **And**,

Pathway 1:

- b. Ensure that the diversion is accurately measured in compliance with California Code of Regulations, Title 23, sections 931 through 938. This may be accomplished through participation in a shared measurement device at or sufficiently near the entrance to Mill Ditch, or through installation of an individual measurement device at or sufficiently near the entrance to Mill Ditch in compliance with section 933(g), or through another methodology that accurately quantifies Vista Rio Ranch's diversions to Mill Ditch. **And**,
- c. Register the measurement device and submit data from the device on or before the submission deadline of the annual report for which the measuring device is first used. In addition, the diverter must measure their diversion at a frequency prescribed by the Measurement and Data Submission Manual for Water Year 2026 for the volume diverted. All work must be conducted in accordance with California Code of Regulations, Title 23, sections 931 through 938. **Or**,

Pathway 2:

- d. Submit an Alternative Compliance Plan (ACP) pursuant to CCR, Title 23, Section 936 if strict compliance with the measurement requirements is not feasible

Vista Rio Ranch must file an Initial Statement, select a compliance pathway (1, or 2), and submit a compliance plan describing how the selected corrective action(s) will be implemented and the time-frame for implementation. The compliance plan must be submitted within 90 days of the date of this report. Diverters are encouraged to provide this information prior to implementation, so that Division staff can confirm that the location and equipment will be sufficient to meet regulatory requirements and thus avoid the need for re-work. The compliance plan may be submitted by the diverters on Mill Ditch, collectively or as individuals. The compliance plan must identify the selected compliance pathway, proposed measuring device(s) and its location, place of use, delivery point, schedule for implementation, and the methodology by which Vista Rio Ranch's diversion will be measured, apportioned, or otherwise accounted for without duplication of volumes reported by any other diverter. In addition, the diverter must

submit a measurement methodology for all devices and ACPs by February 1, 2027. You are encouraged to consult a qualified water rights expert before proceeding.

Please note that the State Water Board has the authority to initiate enforcement action at its discretion for alleged unauthorized diversion or use of water or alleged waste or unreasonable use of water. Therefore, you should take all necessary actions to ensure that your diversion is authorized, up to and including ceasing unauthorized diversions or unauthorized uses or both.

If any of the parties disagree with the findings and recommendations contained in the report, please submit written supporting evidence within 30 days of the date of receipt of this letter. Unless compelling evidence is provided to counter the information contained in the enclosed report, Division staff will forward its recommendation to the Assistant Deputy Director for appropriate action.

Thank you for your cooperation and prompt response to the report. If you have any questions, please contact Spencer McLintock at (916) 341-5413 or via email at Spencer.McLintock@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Spencer McLintock, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Spencer McLintock
Water Resources Control Engineer
Enforcement Unit 2
Division of Water Rights

Enclosure: Report of Investigation

bec: Spencer.McLintock@waterboards.ca.gov