



State Water Resources Control Board

MAR 16 2016

CERTIFIED MAIL

In Reply Refer to:
JLH: A001024, A011786

Mr. Delbert Lehr
P.O. Box 193
Taylorsville, CA 95983

CERTIFIED MAIL NO:7003 1680 0000 2965 6502
RETURN RECEIPT REQUESTED

Dear Mr. Lehr:

WATER RIGHT IDs: LICENSE 217 (APPLICATION 1024) AND LICENSE 3421 (APPLICATION 11786) - DRAFT CEASE AND DESIST ORDER FOR UNAUTHORIZED DIVERSIONS FROM EAST BRANCH OF NORTH FORK FEATHER RIVER WITHIN THE SACRAMENTO RIVER WATERSHED IN PLUMAS COUNTY

Enclosed is a draft Cease and Desist Order (CDO) relating to your unauthorized diversion from East Branch of North Fork Feather River within the Sacramento River Watershed in Plumas County. This letter serves as notice of the intent of the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) to proceed with formal enforcement against you. Specifically, the Division intends to adopt the CDO.

You have 20 days from receipt of this notice to act or you will lose the opportunity to challenge the proposed enforcement action. Therefore, this matter requires your immediate attention.

SUMMARY OF OPTIONS

1. Submit a written request for hearing within 20 days of receiving the enclosed draft CDO; or
2. Do nothing, and receive a final CDO as described above.

A request for hearing **must be made in writing** and may be made by mailing the request to the State Water Board at the following address: Division of Water Rights, Attn: Enforcement Section P.O. Box 2000 Sacramento, CA 95812-2000

A written request for hearing may also be hand delivered to: Division of Water Rights Records Unit, 1001 I Street, 2nd Floor, Sacramento, CA 95814

The CDO is a result of the diversion from the East Branch of North Fork Feather River for sale for dust control on logging roads. You claimed the water is being diverted under a riparian right.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Based on your statement during the June 17, 2015 on-site field inspection (see enclosed Drought Curtailment Inspection Report), the logging roads are located approximately 15 miles away from your property up "Henchman Ravine" and therefore the diversion cannot be a valid exercise of a riparian water right. Based on the terms of your water right licenses and the unavailability of water for their priority of right during periods of 2014 and 2015, staff determined your diversions violated the licenses' terms and were unauthorized.

If you request a hearing, you will be required to submit any written testimony and other evidence you would like the State Water Board to consider. You will be notified of the hearing date and the submittal deadlines as soon as they are scheduled.

You have indicated you are planning to develop the property. Note that depending on the development plan, a Petition for Change on the existing water rights may be required and/or additional water rights filed if additional water is needed above that available under the existing water rights.

If you have any questions regarding the CDO, or if you have information that you want to provide in response, or information that you believe the State Water Board staff should otherwise consider, please contact one of the following: Kathy Mrowka, Program Manager, Enforcement Section, at (916) 341-5363 or via e-mail at kathy.mrowka@waterboards.ca.gov; or Andrew Tauriainen, Senior Staff Counsel, Office of Enforcement, at (916) 341-5445 or via e-mail at andrew.tauriainen@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

John O'Hagan, Assistant Deputy Director
Division of Water Rights

Enclosures: Draft Cease and Desist Order
Drought Curtailment Inspection Report

(w/enclosures)

Ec: sawyer.andy@waterboards.ca.gov

andrew.tauriainen@waterboards.ca.gov