



TIME SENSITIVE - New Diversion Reporting Requirements, With Potential Fines for Non-Compliance!

May 28th, 2010

To: Suisun Marsh Landowners

From: Suisun Resource Conservation District (SRCD)

Dear Landowners:

It has recently come to the attention of SRCD that the State of California has enacted new legislation requiring mandatory reporting requirements for water diversions in the Suisun Marsh and Delta claimed under riparian and/or pre-1914 appropriative rights. There is a reporting deadline of **July 1, 2010**, with significant fines for not reporting. SRCD will be holding a landowner informational workshop on **June 14th at Rush Ranch from 9:00AM to 1:00 PM** to answer questions and to assist landowners in the completion of the application forms. SRCD's attorney Nicholas Jacobs (Somach, Simmons, and Dunn), who is an expert in California water law, will be present to discuss the law and answer questions. SRCD staff and Water Managers will also be available earlier at the June 5th Suisun Marsh Field Day and can be contacted directly at our office for assistance on this issue. Enclosed is a copy of the "Initial Statement of Water Diversion and Use" application form and instructions. It can also be accessed at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/st_assignment_form.pdf.

In November of 2009, the California Legislature passed and the Governor signed into law the 2009 Comprehensive Water Package. This package of legislation included four policy bills and an \$11.14 billion bond measure to be voted on in November of 2010. This package of actions established the Delta Stewardship Council, a new water conservation policy, ensures better ground water monitoring, and a new diversion report requirement and provides funds for the State Water Resources Control Board (SWRCB) for increased enforcement of illegal water diversions.

Senate Bill No. 8 - Steinberg. Water Diversion and Use Reporting: Amended Section 5100-5108 of the California Water Code. This California law requires each person or organization that diverts surface water under a riparian and/or pre-1914 appropriative right to: 1) file a Statement of Water Diversion and Use, or 2) file an application to appropriate water with the SWRCB, for each

diversion. Failure to file a statement for each diversion that occurred after January 1, 2009 may subject the water user to civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues after 30 days of the notification of the violation by the State Water Board. There are also civil and criminal penalties for making deliberate false statements on the reporting forms. **Deadline for filing Initial Statements of Water Diversion and Use is July 1, 2010.**

Additional information on this subject can be reviewed at the State Water Resources Control Board web site at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/index.shtml.

Frequently asked questions:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/faqs.shtml.

SRCD strongly encourages landowner participation in this workshop. Each property in the Marsh has one or more diversions that the managed wetlands are dependent upon. This change in the law impacts all of the landowners. Please review this information, fill out the basic information on the application, and come to the workshop with questions.

Sincerely,

Steven Chappell,
Executive Director