



PUBLIC NOTICE

Special Meeting of the

WATERMASTER ADVISORY COMMITTEE (WAC)
Attachments available 08/01/2022 at www.honeylakevalleyrcd.us

Date: Thursday, August 4th, 2022

Location: Zoom Meeting

<https://us02web.zoom.us/j/89145713023?pwd=a25kaWZHam11MmxYRWVbDFR1Sm5xdz09>

Passcode: 821998

Time: **5:30 PM**

AGENDA

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT WAC MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED BELOW PRIOR TO THE MEETING.

NOTE: DUE TO THE OFFICE CLOSURE AND LASSEN COUNTY HAVING HIGH LEVELS OF COVID CASES THE MEETING WILL OCCUR ON ZOOM.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC COMMENT

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. **Five (5) minutes** may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. ITEMS FOR BOARD ACTION

V. ITEMS FOR BOARD DISCUSSION AND/OR ACTION

A. Daren Hagata Complaint

VI. COMMITTEE MEMBERS' COMMENTS

In accordance with Government Code Section 54954.2(a), committee members may make brief announcements or brief reports on their own activities. They may ask questions for clarification, make referral to staff or take action to have staff place a matter of business on a future agenda.

VII. ADJOURNMENT

The next regularly scheduled Honey Lake Valley RCD WAC meeting will be **September 8thth, 2022, 5:30pm** at the **NRCS/HLVRCD Office.**

*I certify that on **July 29th, 2022** I personally posted agendas as required by Government Code Section 54956 and any other applicable law.*

Respectfully submitted,

Henry Anderson
Deputy Watermaster, SRWMSA
Honey Lake Valley RCD

Honey Lake Valley
Resource Conservation District
Water Rights Dispute/Complaint Form

It is the Policy of the Watermaster Board that every dispute results in the appropriate response consistent with the relative significance of each complaint to ensure the most efficient and effective use of available resources.

1. Have you attempted, to the best of your ability, to resolve this dispute/complaint with the Deputy Watermaster?

YES (please explain)

The Water Master and I disagree on the interpretation of the Water Decree

NO (please explain)

2. Have you contacted your Watermaster Advisory Committee (WAC) representative for assistance with resolving this dispute/complaint?

YES (please explain)

I am the Willow Creek rep. on the WAC

NO (please explain)

3. Have you previously submitted this complaint? If so, please indicate the date, the organization(s) or local government entity you contacted, including the HLV RCD and the outcome.

No

After taking the preceding steps you were unable to resolve your dispute/complaint, complete the second half of this form and return to the HLV RCD. Provide as much specific information as you can. Forms that are not filled out completely will be returned to the complainant.

Within five business days following the date a complete Water Rights Dispute/Complaint Form is received and reviewed, it will be: (1) Dismissed without further action and an explanation will be sent to the complainant via USPS return receipt, or (2) Forwarded to the WAC Board Chairperson to be considered by the WAC, at a public hearing, within ten business days from the date the complete Water Rights Dispute/Complaint Form was received. Refer to the HLV RCD Susan River Watermaster Service Area Rules and Regulations for more information about Water Right Disputes/Complaints.

Name: Duren Hagata Hagata Ranch Today's Date: July 8, 2022

Address: P.O. Box 71 Susanville Ca. 96130

Phone Number: 530-751-6723 E-mail: Hranch@Frontier.net

Date dispute/complaint originated on: June 15

Location dispute/complaint originated at: Willow Creek Valley Wildlife Area

4. Describe the action(s), omission, or decision that you are disputing/complaining about and by whom they were made (Deputy Watermaster, staff, another water user, etc.):

The DFW are diverting all available water in Willow Creek.

5. Provide the grounds or basis for this dispute/complaint: 1. Water Master says DFW

can fill Storage Ponds during the irrigation Season.

2. Water says I have to do ditch repairs and maintainance on DBW Wildlife Area

6. Describe your suggested solution. The deers does not allow DFW

to divert all the Water or to Fill Ponds During irrigation season. I am not responsible to clean DFW ditches.

(Attach any supporting documents as needed)

Date Received: _____ Received By: _____ Action Taken: _____

amount required in order to pay the apportionment for the ensuing fiscal year, to be levied on the land used in storage or diversion, conveyance or distribution of water stored or diverted under the right and the land on which the water is, or is entitled to be used. Levies shall be collected on the regular property tax bills of all affected water rights holders.

ARTICLE VI

DISPUTE PROCEDURES

6.0 Purpose. This Article sets for the general Watermaster rules and procedures for administratively adjudicating requests, disputes, and complaints arising from any action, omission, or decision of the Watermaster, excepting those arising under ARTICLE V. It is the Policy of the Watermaster Board that every dispute results in the appropriate response consistent with the relative significance of each complaint to ensure the most efficient and effective use of available resources.

6.1 Complaint. If a water user is unable to resolve an issue with the Deputy Watermaster, then that water user may file a Complaint objecting to or otherwise disputing the action, omission, or decision of the Deputy Watermaster regarding the implementation of water distribution and reporting of the Judgment or such in administration of the Service Area within thirty (30) days of the action, omission, or decision. Complainant shall provide to the Watermaster Board, on a form prepared by the Watermaster Board (E5100), the following information:

- (a) The disputed action, omission, or decision of Watermaster staff, agent or designee, including, but not limited to, the Deputy Watermaster;
- (b) The grounds or basis for the Complaint, including copies of any reports, charts, maps, and other documentation; and
- (c) The Complainant's requested relief.

Go to www.honeylakevalleyred.us to view and/or download Form E5100

6.2 Copy of Dispute Procedures. Upon receipt of the Complaint, the Watermaster shall provide the Complainant with an electronic email notice of the Watermaster's dispute procedures as set forth in this Article. If Complainant is unable to receive electronic delivery, then notice shall be sent via USPS, in writing to the Complainant within five (5) days of the receipt of Complaint.

6.3 Dispute Resolution. Upon the Watermaster Board's receipt and review of a Complaint, on a Water Rights Dispute/Complaint Form E5100, it will be; (1) Dismissed without further action and an explanation will be sent to the complainant via USPS return receipt, or (2) Forwarded to the WAC Board Chairperson to be considered by the WAC, at a public hearing, within ten (10) business days from the date the complete Water Rights Dispute/Complaint Form E5100 was received.

- (a) If another water rights holder, by name or point of diversion, is identified by Complainant on Water Rights Dispute/Complaint Form E5100, shall be notified by the Watermaster via an electronic email of the complaint. The Watermaster shall include with the notice a copy of the complaint (Water Rights Dispute/Complaint Form E5100), Watermaster's

dispute procedure as set forth in this article and the date-time-place of the WAC public hearing and of the Watermaster Board if applicable. If unable to receive electronic delivery, the notice shall be sent via USPS.

(b) The final decision by the WAC at the public hearing will be delivered as an electronic email to the Complainant and any other water right holder identified by name or point of diversion on Complainants Water Rights Dispute/Complaint Form E5100. If the Complainant or water rights holder is unable to receive electronic delivery, then the notice shall be sent via USPS, in writing to the Complainant.

(c) If the Complainant is not satisfied with the WAC decision and wishes to proceed with the process, he or she shall file a written notice of appeal with the Watermaster within seven (7) days of receipt of the WAC decision.

6.4 Watermaster Board. On receipt of a notice of appeal regarding a WAC decision, the Watermaster Board shall schedule a public hearing regarding the matter. The public hearing shall be conducted during a regular meeting or a special meeting called for that purpose. In no event shall the Watermaster Board commence the public hearing regarding the appeal more than ninety (90) days from the date of the notice of appeal. The Watermaster shall provide the Complainant with at least five (5) days prior notice via electronic email or registered mail, of the date, time, and location of the hearing. The Watermaster Board may continue the public hearing from time to time, including, but not limited to, continuing the hearing for a reasonable time to obtain a legal or technical opinion. At the conclusion of the public hearing, the Watermaster Board shall consider and decide the Complaint. The decision of the Watermaster Board shall be considered the Watermaster's final decision regarding the Complaint. The Complainant may appeal this decision to the Court within thirty (30) days of the Watermaster Board's decision.

6.5 Failure to Appeal. Any Complainant that fails to appeal any decision of the Watermaster within the applicable deadlines as set forth in this Article shall be deemed to have waived its right to do so.

6.6 Conduct of Hearings. Any public hearing regarding a Complaint shall be conducted pursuant to the following procedures:

(a) Watermaster staff shall first present evidence of the basis for the Watermaster's decision. Upon the conclusion of the Watermaster staff's presentation, the Complainant shall then have the opportunity to present evidence supporting the modification or reversal of the Watermaster's decision.

(b) The Complainant or Watermaster staff may present witnesses, documents, and exhibits. The Watermaster Board or Decisionmaker shall not be bound by formal rules of evidence and will control the hearing, reserving the power to exclude testimony or exhibits deemed irrelevant.

(c) Any other water rights holder noticed according to 6.3(a) may present evidence, witnesses, documents, and exhibits to support or oppose the Watermaster's decision or to verify or refute the complaint at any public hearing of the WAC or Watermaster Board they are a party too.

(d) The Watermaster Board or Decisionmaker shall ensure that an adequate and appropriate record of the hearing is kept. Any party, at that party's sole expense, may have a court reporter present at the hearing.

(e) At the conclusion of the hearing, the Watermaster Board or Decisionmaker may uphold, modify, or reverse the Watermaster's decision.

6.7 Notice. Any notice provided to a Complainant pursuant to this Article shall be provided in accordance with section 2.7.

rules and regs – NOVEMBER 2015 – approved at November 18, 2015 meeting – Reso 2015-06