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State Water Resources Control Board

**NOTICE OF REVISED ORDER OF PROCEEDINGS  
FOR PUBLIC HEARING**

The State Water Resources Control Board will hold a  
Public Hearing to Determine Whether to Adopt an Order Imposing an

**Administrative Civil Liability for Failure to File  
a Statement of Water Diversion and Use**  
upon

**David Burton**  
**Unnamed Stream Tributary to Bidwell Creek in Sonoma County**

**The Public Hearing**  
will be held on  
**Wednesday, July 24, 2013,**  
**at 9:00 a.m.**  
in  
the Coastal Hearing Room  
Joe Serna, Jr.-Cal/EPA Building  
1001 I Street, Second Floor  
Sacramento, CA

and will proceed according to the Revised Order of Proceedings set forth below.

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**PLEASE TAKE NOTICE**

The State Water Resources Control Board (State Water Board or Board) has cancelled a public hearing to determine whether to adopt an Order imposing an Administrative Civil Liability (ACL) for failure to file a Statement of Water Diversion and Use (Statement) upon David Croft and the DW Croft and GA Croft Family Trust. **The Board will continue with the public hearing to determine whether to adopt an Order imposing an ACL for failure to file a Statement upon David Burton, in accordance with the revised Order of Proceedings below.**

## **SUBJECT OF THE CANCELLED HEARING**

On April 10, 2012, the Assistant Deputy Director for the State Water Board's Division of Water Rights (Division) issued an ACL Complaint against David Croft and the DW Croft and GA Croft Family Trust for their alleged failure to file a Statement by July 1, 2010, as required by Water Code, sections 5101-5103. By letter dated April 23, 2012, Michael Croft requested a hearing on behalf of David Croft and the DW Croft and GA Croft Family Trust.

On May 2, 2013, the State Water Board issued a [Notice of Public Hearings](#) to be held during the Board's scheduled meeting on July 24, 2013 to determine whether to adopt Orders imposing an ACL for failure to file Statements upon: 1) David Croft and the DW Croft and GA Croft Family Trust; and 2) David Burton. On May 15, 2013, the Division's Hearings Unit received a letter, signed by David Croft, Trustee of the DW Croft and GA Croft Family Trust, withdrawing the request for hearing. Consequently, the Board is not required to hold a hearing concerning the imposition of an ACL upon David Croft and the DW Croft and GA Croft Family Trust. (Wat. Code, § 1055.)

Therefore, the State Water Board hereby cancels the previously scheduled hearing to determine whether to adopt an Order imposing an ACL for failure to file a Statement upon David Croft and the DW Croft and GA Croft Family Trust. The Board further revises its Order of Proceedings, as set forth below, for the hearing to determine whether to adopt an Order imposing an ACL for failure to file a Statement upon David Burton.

## **REVISED ORDER OF PROCEEDINGS**

### Hearings

At 9:00 a.m. on July 24, 2013, the State Water Board will convene a hearing to receive evidence relevant to determining whether to adopt an Order imposing an ACL upon David Burton.

### Closed Session

Following the conclusion of the hearing, the State Water Board will adjourn to closed session to deliberate upon whether to adopt an Order imposing an ACL and, if so, whether in the amount of \$1,000, or some other amount, upon David Burton. This closed session is authorized by Government Code, section 11126, subdivision (c)(3).


### Public Session

The State Water Board will then reconvene in public session, at which time the Board may adopt an Order imposing an ACL and, if so, whether in the amount of \$1,000, or some other amount, upon David Burton. There will be an opportunity for members of the public to address the Board on these matters prior to its consideration of any action.

**REQUIREMENTS GOVERNING EX PARTE COMMUNICATIONS REMAIN IN EFFECT**

The requirements governing ex parte communications remain in effect for the above-noticed hearing to determine whether to adopt an Order imposing an ACL for failure to file a Statement upon David Burton. Non-controversial procedural questions concerning this revised order of proceedings may be addressed to Kathleen Groody at (916) 341-5354, or [kgroody@waterboards.ca.gov](mailto:kgroody@waterboards.ca.gov).

May 29, 2013  
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Date

  
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Jeanine Townsend  
Clerk to the Board