

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2021-____-EXEC

In the Matter of Administrative Civil Liability for Failure to File Annual Water Division and Use Report(s)
upon

Marvin C & Helena Anderson Revocable Trust

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE EXECUTIVE DIRECTOR¹

1.0 INTRODUCTION

This matter comes before the Executive Director of the State Water Resources Control Board (State Water Board or Board) following the issuance of an Administrative Civil Liability Complaint (ACLC) to Marvin C & Helena Anderson Revocable Trust (Respondent). In accordance with the attached Settlement Agreement, the State Water Board Division of Water Rights' Prosecution Team (Division Prosecution Team) and the Respondent have agreed to settle this matter in lieu of proceeding to a hearing. The issuance of a decision or order pursuant to a settlement agreement is authorized under Government Code section 11415.60.

2.0 BACKGROUND

The Respondent holds Water Right License 4073 (Application A012895).

The Respondent must, pursuant to regulations enacted by the State Water Board, submit a report online through the Board's website documenting the Respondent's water diversion and use (Annual Report) under License by April 1 of each following calendar year. (Cal. Code Regs., tit. 23, §§ 847 & 929). The Respondent was required to file the Annual Report for the 2019 water year by April 1, 2020.

On February 21, 2020, the Division of Water Rights (Division) issued a notice to the Respondent reminding it of the requirement to submit the 2019 Annual Report by April 1, 2020, as required pursuant to the California Code of Regulations. The notice provided instructions on how to access the Report Management System to submit the Annual Report and notified the Respondent to contact the Division by phone or email with any questions regarding the reporting process.

On June 1, 2020, the Division mailed the Respondent a Notice of Deficiency requesting the deficient Annual Report be submitted and warned the Respondent of

¹ State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to issue a decision or order by settlement of the parties under Government Code section 11415.60.

the potential for enforcement if the required Annual Report was not submitted.

On January 15, 2021, the Assistant Deputy Director for the Division of Water Rights, acting under delegated authority, issued an ACLC to the Respondent for failing to file the required Annual Report. The ACLC recommended an administrative civil liability in the amount of \$2,000. The ACLC package also included an Expedited Settlement Offer letter. The letter offered to settle the violation alleged in the ACLC in the amount of \$500 if the Respondent filed the 2019 Annual Report and returned the signed Acceptance of Expedited Settlement Offer and Waiver of Right to Hearing and Reconsideration.

On January 21, 2021, the Respondent submitted its 2019 Annual Report for License 4073 (A012895).

On February 2, 2021, the Respondent timely requested a hearing before the State Water Board to contest the allegations contained in the ACLC.

On April 28, 2021, the State Water Board, Administrative Hearings Office issued a Notice of Public Hearing, scheduling a hearing on the allegations in the ACLC to be held on June 10, 2021.

On April 29, 2021, the Division Prosecution Team received the signed Acceptance of Expedited Settlement Offer and Waiver of Right to Hearing and Reconsideration for License 4073 (A012895).

The Respondent and the Division Prosecution Team agree to settle all matters identified in the ACLC issued to the Respondent on January 15, 2021, via settlement agreement in lieu of a hearing.

3.0 SETTLEMENT AGREEMENT

The Respondent and the Division Prosecution Team executed the settlement agreement, dated May 20, 2021, and attached hereto (Settlement Agreement). The general terms of the settlement are that Respondent:

- (1) Waives the right to a hearing on the ACLC, waives the right to petition for reconsideration of this Order, and agrees to the other terms and conditions described in the Settlement Agreement and incorporated herein; and
- (2) Is subject to administrative civil liability in the amount of \$500 payable no later than 30 days after the execution date of this Order, to be deposited into the Water Rights Fund pursuant to Water Code section 1551.

ORDER

IT IS HEREBY ORDERED THAT the attached Settlement Agreement between the Division Prosecution Team and the Respondent is approved. The Respondent must, no later than 30 days after this Order is issued, perform all of the following actions:

1. Pay \$500 as payment in full of the administrative civil liability related to the violation alleged in the ACLC. Payment shall be made by cashier's check, certified check, or money order made payable to the "State Water Resources Control Board – Water Rights Fund". Properly execute and deliver payment to:

State Water Resources Control Board
Division of Water Rights
Attention: Enforcement Unit – Failure to File
1001 I Street, 14th Floor
Sacramento, CA 95814

The administrative civil liability, if not paid, will be recoverable as provided in Water Code section 1055.4.

STATE WATER RESOURCES CONTROL BOARD

Eileen Sobeck
Executive Director

Date