

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

**DECISION 2011-0001**

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In the Matter of Failure to File a Statement of Water Diversion and Use by

**J.W. SILVEIRA AND B.O. SILVEIRA**

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**SETTLEMENT DECISION**

BY THE DELTA WATERMASTER:

**1.0 INTRODUCTION**

This matter comes before the Delta Watermaster of the State Water Resources Control Board (State Water Board) following the issuance of an Administrative Civil Liability (ACL) Complaint to J.W. Silveira and B.O. Silveira (the Silveiras), persons identified as diverting water from a surface stream for irrigation purposes without a statement of water diversion and use. In accordance with this Decision, the State Water Board's Delta Watermaster and the Silveiras have agreed to settle this matter in lieu of proceeding to a hearing. The issuance of a settlement decision pursuant to a settlement agreement is authorized under Government Code section 11415.60. The settlement is approved.

**2.0 BACKGROUND**

The Silveiras are the owner of the County Assessors Parcels 191-190-01 and 191-200-02, properties identified by the Division of Water Rights as engaging in irrigation and the diversion of water. At the time of the issuance of the ACL Complaint, no record of a statement of water diversion and use has been filed with the State Water Board in accordance with Water Code section 5101 et. seq. for these parcels.

On November 1, 2011, the Delta Watermaster issued an ACL Complaint against the Silveiras for failure to file the required Statement of Water Diversion and Use for the diversion of water.

In a letter dated November 16, 2011 and received by the State Water Board on November 18, 2011, the Silveiras timely filed a statement, waived their rights to a hearing and reconsideration of this matter, and remitted a check for the civil liability of \$750 to the State Water Board.

The Silveiras and the Delta Watermaster agree to settle the matters identified in the ACL Complaint through this Decision in lieu of a hearing on said matter.

### **3.0 SETTLEMENT OFFER AGREEMENT**

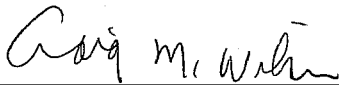
The Silveiras and the Delta Watermaster engaged in settlement discussion and reached an agreement on language that is mutually acceptable. The general terms of the settlement are that the Silveiras: (1) file the Statement of Diversion and Use (with map) before November 21, 2011, (2) remit the administrative civil liability in the amount of \$750 by November 21, 2011, and (3) waive their rights to hearing and reconsideration of this matter.

### **SETTLEMENT DECISION**

**IT IS HEREBY ORDERED THAT** the settlement agreement between the Silveiras and the Delta Watermaster is approved and is incorporated by reference into this Decision.

Approval of the settlement agreement has been delegated to the Delta Watermaster by State Water Board Resolution 2010-0048, and approval shall not limit the authority of the Executive Director, Delta Watermaster, or the Deputy Director for Water Rights, as delegated, to initiate any enforcement actions for the unauthorized diversion or use of water, for any future violations of the Water Code, or violation of the terms of the settlement agreement.

STATE WATER RESOURCES CONTROL BOARD



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Craig M. Wilson  
Delta Watermaster

Dated: **MAY 08 2012**