

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

OFFICE OF THE DELTA WATERMASTER

ORDER WR 2017-0035-DWM

ORDER WITHDRAWING ADMINISTRATIVE CIVIL LIABILITY

In the Matter of Failure to File a Supplemental Statement of Water Diversion and Use for 2015 by

Gregory S. Dhillon
S018512

SOURCE: Mokelumne River

COUNTY: San Joaquin

BY THE DELTA WATERMASTER¹

On May 31, 2017, the State Water Resources Control Board (State Water Board), acting through the Delta Watermaster, issued an Administrative Civil Liability Complaint (ACL Complaint) to Gregory S. Dhillon (Mr. Dhillon) for failure to file a Supplemental Statement of Water Diversion and Use for 2015 (Supplemental Statement) by the July 1, 2016 deadline. The ACL Complaint alleged that Mr. Dhillon was in violation of Title 23, section 920 of the California Code of Regulations, and proposed civil liability of \$12,500 pursuant to Water Code section 5107.

The ACL Complaint provided a conditional settlement offer, under which Mr. Dhillon could avoid imposition of the proposed liability by (1) filing the required Supplemental Statement through the electronic Water Rights Information Management System (eWRIMS); (2) remitting payment of \$500; and (3) submitting a signed and executed form indicating acceptance of the conditional offer and waiver of the right to a hearing and reconsideration of the proposed ACL Complaint (Acceptance and Waiver).

Mr. Dhillon accepted delivery of the ACL Complaint (Certified Mail # 7004-2510-0003-9144-3784) on June 15, 2017. The ACL Complaint provided Mr. Dhillon 20 days from the date of receipt to respond to the alleged violation by either (1) acting to accept the conditional settlement offered therein or (2) requesting a hearing and reconsideration of the proposed ACL. This 20-day window expired without response on July 5, 2017.

On July 17, 2017, still without response from Mr. Dhillon, the Delta Watermaster issued an Order adopting the \$12,500 civil liability proposed in the ACL Complaint (Order WR 2017-0017-DWM). The Order imposed a deadline of August 10, 2017 to submit payment in full of the adopted ACL. Mr. Dhillon accepted delivery of the referenced Order on July 27, 2017 (Certified Mail # 7004-2510-0003-9144-4835).

On or around August 31, 2017, based on further outreach from the Office of the Delta Watermaster, Mr. Dhillon brought extenuating circumstances to my attention that partially explained his inability to comply with the deadlines established in the ACL Complaint and the Order Adopting ACL. I agreed to extend the conditional settlement offer to September 30, 2017, and offered Mr. Dhillon a payment plan of \$50 per month for 10 months in order to pay the \$500 reduced penalty amount originally offered with the ACL Complaint.

¹ Water Code section 85230 provides that the Delta Watermaster shall exercise the State Water Board's authority with respect to diversions in the Delta. Pursuant to State Water Board Resolution No. 2015-0058, the Delta Watermaster possesses the delegated authority to issue orders imposing administrative civil liability in accordance with Water Code section 1055 et seq.

On September 11, 2017, the Office of the Delta Watermaster received a package containing Mr. Dhillon's first installment of \$50 (Certified Mail # 7015-1660-0001-0249-3674). The package also contained a letter from Mr. Dhillon requesting that the \$50 be considered monetary response for the settlement of the delinquency of the Supplemental Statement. Based on (i) extenuating circumstances related by Mr. Dhillon, (ii) the very small amount of water diverted and put to beneficial use on Mr. Dhillon's 14-acre riparian parcel, (iii) the filing of the delinquent reports, (iv) Mr. Dhillon's written undertaking to make timely filings in the future, and (v) the recommendation of the investigating Water Rights Analyst, I agreed to amend the conditional settlement offer to limit the monetary penalty to the \$50 already tendered. Mr. Dhillon signed an amended Acceptance and Waiver form containing the terms of the revised settlement on September 13, 2017.

On September 27, 2017, I issued an Order approving the revised settlement agreement (Order WR 2017-0035-DWM). Based on the foregoing circumstances, and in the exercise of my statutory and delegated authority, I hereby withdraw Order WR 2017-0017-DWM. This withdrawal shall not limit the authority of the Office of the Delta Watermaster to initiate enforcement action for any violations not specified in the ACL Complaint, or for violation of the terms of the settlement agreement. This Order is subject to reconsideration pursuant to Water Code section 1122.

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in blue ink, reading "Michael Patrick George", with a long horizontal flourish extending to the right.

Michael Patrick George
Delta Watermaster

Dated: September 27, 2017