

**State Water Resources Control Board**

OCT 31 2012

Mr. Fred F. Podesta Jr.  
8000 N. Podesta Lane  
Linden, CA 95236

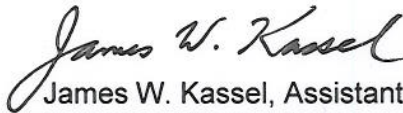
Dear Mr. Podesta:

ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING  
REGARDING THE ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR LICENSE 8252  
(APPLICATION A015857), UNNAMED STREAM IN SAN JOAQUIN COUNTY

Enclosed is a copy of the Order for a Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration for the Administrative Civil Liability (ACL) complaint against Mr. Fred F. Podesta Jr. By signing this Order, I confirm that the State Water Resources Control Board has received the signed acceptance of the Settlement, payment of ACL, and the completed 2010 online report for the above-listed water right. Therefore, this matter is closed.

If you have any questions regarding this matter, please contact John O'Hagan at (916) 341-5368.

Sincerely,



James W. Kassel, Assistant Deputy Director  
Division of Water Rights

Enclosure:

- Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration

**ATTACHMENT A**

**ORDER WR 2012-32 -DWR**

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER  
AND WAIVER OF RIGHT TO HEARING AND RECONSIDERATION**

**Fred F Podesta Jr**  
**Source: Unnamed Stream**  
**County: SAN JOAQUIN**

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), Fred F Podesta Jr (Licensee) hereby accepts the State Water Board's conditional settlement offer (Conditional Offer), and waives the right to a hearing before and reconsideration by the State Water Board at which violations alleged in the Administrative Civil Liability Complaint issued to Licensee (ACL Complaint) to which this Acceptance and Waiver is attached as Exhibit "A" could be disputed.

Licensee agrees to perform the following within 20 days of receipt of the ACL Complaint:

- **Pay administrative civil liability as authorized by California Water Code section 1845(b)(1), in the sum of \$500 (Expedited Payment Amount) by cashier's check or by certified check made payable to the "State Water Resources Control Board" for deposit into the Water Rights Fund, which shall be deemed payment in full of any civil liability pursuant to California Water Code section 1845(b)(1) that otherwise might be assessed for the violations described in the ACL Complaint.**

Licensee understands that this Acceptance and Waiver waives the Licensee's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

Licensee understands that the failure to submit payment of the Expedited Payment Amount as identified and described above, along with the signed Acceptance and Waiver within 20 days of receipt of this notice, shall render the State Water Board's Conditional Offer void. If the State Water Board's Conditional Offer is deemed void due to Licensee's non-performance, then the State Water Board will issue a final Administrative Civil Liability order and seek recovery of the full liability amount proposed in the ACL Complaint.

Licensee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Upon execution by Licensee, the Acceptance and Waiver along with the Expedited Payment Amount shall be mailed to the following address:

**Conditional Settlement Offer  
State Water Resources Control Board  
Division of Water Rights  
Attention Enforcement Section  
P. O. Box 2000  
Sacramento, CA 95812-2000**

email BCOATS@waterboard.ca.gov

ATTACHMENT A

Licensee understands that this Acceptance and Waiver is not final until it is formally endorsed by the Division of Water Rights.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Licensee in the making and giving of this Acceptance and Waiver.

Fred F Podesta Jr \_\_\_\_\_  
(Licensee) \*Make corrections as appropriate.

By: Fred Podesta \_\_\_\_\_ 10/2/12  
(Signed Name) (Date)

Fred Podesta  
(Printed or typed name)

Owner  
(Title)

Approval of the Acceptance and Waiver has been delegated to the Assistant Deputy Director for Water Rights by State Water Board Resolution 2012-0029, and approval shall not limit the authority of the Executive Director 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 Acceptance and Waiver.

By: James W. Kassel \_\_\_\_\_ 10/30/12  
James W. Kassel (Date)  
Assistant Deputy Director for Water Rights

Conditional Settlement Offer  
State Water Resources Control Board  
Division of Water Rights  
Attention: Enforcement Section  
P. O. Box 2000  
Sacramento, CA 95812-2000

BOARD of Water Board (inverted)  
General (inverted)