

## State Water Resources Control Board

JUN 26 2012

Ms. Dana Radtkey  
30930 King Ridge Road  
Cazadero, CA 95421

Mr. Matthew Damos  
North Coast Engineering  
2655 Knolls Drive  
Santa Rosa, CA 95405

Ms. Harriet Parmeter  
P.O. Box 128  
Cazadero, CA 95421

Dear Ms. Radtkey, Mr. Damos, and Ms. Parmeter:

### WITHDRAWAL OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO FILE STATEMENT OF WATER DIVERSION AND USE OF UNNAMED TRIBUTARIES TO ALLEN CREEK

On April 18, 2012, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued an Administrative Civil Liability (ACL) Complaint to Dana Radtkey (Radtkey) for failure to file the required Statement(s) of Water Diversion and Use (Statement). You had 20 days from receipt of the ACL Complaint to act or face imposition of a \$2,000 liability. You also had 30 days from receipt of the ACL Complaint to file the required Statement(s).

By a letter dated May 4, 2012, Mr. Matthew Damos of North Coast Engineering requested a hearing for the ACL on behalf of Ms. Radtkey. Later by letter dated May 18, 2012, Mr. Damos provided evidence that he submitted a Statement on behalf of Ms. Radtkey for the subject points of diversions identified in the ACL Complaint. The Statement was located by Division staff who confirmed it was received by the Division on July 7, 2010. The Statement was not properly recorded in the Division's electronic Water Right Information System (eWRIMS) because it covered two points of diversion. As explained in the Information and Instructions for Completing the Initial Statement Form, a separate Statement is required for each individual diversion point (California Water Code § 5102). However, for purposes of this enforcement action, the Division will copy the July 7, 2010 Statement and accept it as two separate Statements. Mr. Damos may be contacted to identify specific water diversion amounts for each point of diversion.

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As a result of this new information, the Division's Prosecution Team hereby withdraws the ACL Complaint issued on April 18, 2012 and will take no further action regarding the ACL. As a result, a hearing before the State Water Board is not necessary. No response from you is necessary. If you wish to provide one, please mail it to:

State Water Resources Control Board  
Division of Water Rights  
Attn: Mr. John O'Hagan  
P.O. Box 2000  
Sacramento, CA 95812-2000

If you have any questions, please contact one of the following:

John O'Hagan, Manager of the Enforcement Section, at (916) 341-5368 or via e-mail at [johagan@waterboards.ca.gov](mailto:johagan@waterboards.ca.gov), or  
Ellen Howard, Staff Counsel, Office of Enforcement, at (916) 341-5677 or via e-mail at [EHoward@waterboards.ca.gov](mailto:EHoward@waterboards.ca.gov).

Sincerely,



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

ec: Andy Sawyer, Assistant Chief Counsel  
State Water Resources Control Board  
Office of Chief Counsel

Ellen Howard, Staff Counsel  
State Water Resources Control Board  
Office of Enforcement

Michael Buckman  
Division of Water Rights

Bob Rinker  
Division of Water Rights