



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

**MAY 23 2013**

CERTIFIED MAIL NO. 7004-2510-0003-9146-8237  
Return Receipt Required

Mr. David Burton  
Speedy Creek Ranch  
18266 State Highway 128  
Calistoga, CA 94515-0255  
dburton33@gmail.com

Dear Mr. Burton:

### FAILURE TO SUBMIT NOTICE OF INTENT TO APPEAR AT PUBLIC HEARING CONCERNING THE IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UPON DAVID BURTON

I write concerning your failure to submit a Notice of Intent to Appear at the State Water Resources Control Board's (State Water Board) July 24, 2013 public hearing concerning the potential imposition of the Administrative Civil Liability (ACL) Complaint upon you for failure to file a Statement of Water Diversion and Use (Statement).

You were served with an ACL Complaint for failure to file a Statement dated April 11, 2012. In a letter dated May 3, 2012, you acknowledged receiving the ACL Complaint and requested a hearing. On April 12, 2013, I informed you, via an e-mail sent to dburton33@gmail.com, that a hearing had been tentatively scheduled for July 24, 2013. I further directed you to inform me of any conflicts with the tentative hearing date no later than April 22, 2013. I received no response from you.

On or about May 2, 2013, you received, via certified mail, a Notice of Public Hearing (hearing notice) concerning the potential imposition of the ACL Complaint upon you. The hearing notice informed you that the public hearing would take place on July 24, 2013, and directed you to complete an enclosed Notice of Intent to Appear and submit it to me no later than 12:00 p.m. on May 22, 2013. The hearing notice further informed you that if you did not submit a Notice of Intent to Appear by that time, the State Water Board would deem your hearing request withdrawn and impose the ACL Complaint without further notice. You have failed to submit a Notice of Intent to Appear.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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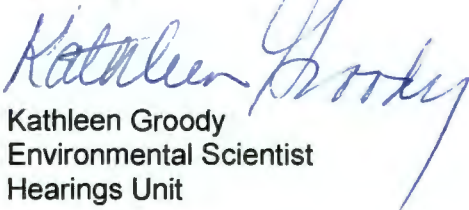
**Consequently, the State Water Board deems your hearing request withdrawn and may impose the ACL Complaint upon you in the amount of \$1,000.00 without further notice.** If you did not intend to withdraw your hearing request, please immediately submit a Notice of Intent to Appear to:

Division of Water Rights, Hearings Unit  
State Water Resources Control Board  
Attention: Kathleen Groody  
P.O. Box 2000, Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814 (by hand delivery)  
Phone: (916) 341-5354; Fax: (916) 341-5400  
Email: wrhearing@waterboards.ca.gov

**If I do not receive a Notice of Intent to Appear from you by 12:00 p.m. on Friday, May 31, 2013, the State Water Board will immediately issue a notice cancelling the public hearing you requested and may immediately impose the ACL Complaint upon you without further notice.**

If you have questions about this non-controversial procedural manner, you may contact me at (916) 341-5354 or kgroody@waterboards.ca.gov. Written correspondence should be addressed as shown above.

Sincerely,

  
Kathleen Groody  
Environmental Scientist  
Hearings Unit

ec: State Water Resources Control Board:

Michael Buckman, Senior Environmental Scientist  
Division of Water Rights  
Michael.Buckman@waterboards.ca.gov

Yvonne West, Senior Staff Counsel  
Office of Enforcement  
Yvonne.West@waterboards.ca.gov

Carlos Mejia, Staff Counsel  
Office of Chief Counsel  
Carlos.Mejia@waterboards.ca.gov