

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

**DECISION 2012-0001**

---

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

**RONALD E. BUHLER**

---

**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 Ronald Buhler (Buhler), the owner of the subject statement of water diversion and use. In accordance with the Conditional Settlement Offer Agreement (Conditional Offer), the State Water Board's Delta Watermaster and Buhler 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**

Buhler is owner of the Statement of Diversion and Use S006543 regarding the diversion of water in the Delta.

On March 6, 2012, the Delta Watermaster issued an ACL Complaint against Buhler for failure to file the required Supplemental Statement of Water Diversion and Use (Supplemental Statement) by the noticed deadline.

On March 29, 2012, Buhler timely requested a hearing on the ACL. At the time of this Conditional Offer, the State Water Board's Division of Water Rights' prosecution team had not scheduled a hearing for the ACL Complaint.

Prior to a hearing date, the Delta Watermaster may convene a settlement conference.

Buhler and the Delta Watermaster agree to settle the matters identified in the ACL Complaint through the Conditional Offer in lieu of a hearing on said matter.

### **3.0 SETTLEMENT OFFER AGREEMENT**

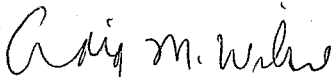
Buhler and the Delta Watermaster engaged in settlement discussions and reached an agreement on language that is mutually acceptable and is contained in the Conditional Offer. The general terms of the settlement are that Buhler: (1) withdraws his request for hearing on the ACL, and waives his right to request reconsideration, (2) files the necessary Supplemental Statement, and (3) is subject to administrative civil liability in the amount of \$1,500. Of this amount, Buhler shall pay to the State Water Board an expedited amount of \$500, to be deposited into the Water Rights Fund pursuant to Water Code section 1054, et seq., with the remaining \$1,000 to be paid in two separate monthly payments of \$500 to the State Water Board by May 15, 2012, and June 15, 2012.

### **SETTLEMENT DECISION**

**IT IS HEREBY ORDERED THAT** the Conditional Offer between Buhler and the Delta Watermaster is approved and is incorporated by reference into this Decision.

Approval of the Conditional Offer 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 Conditional Offer.

STATE WATER RESOURCES CONTROL BOARD



\_\_\_\_\_  
Craig M. Wilson  
Delta Watermaster

Dated: **MAY 08 2012**