

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

**DIVISION OF WATER RIGHTS**

**ORDER WR 2025-0004-DWR**

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**ADMINISTRATIVE CIVIL LIABILITY ORDER**

In the Matter of Violations of Scott River and Shasta River Watersheds Drought  
Emergency Regulations and Order WR 2024-0025-DWR

**EDMUND GARETH PLANK**

SG003790

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SOURCE: Scott River

COUNTY: Siskiyou

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**THE STATE WATER BOARD, OR ITS DELEGEE, FINDS AS FOLLOWS:**

1. On December 6, 2024, the Assistant Deputy Director of the Division of Water Rights (Division) issued an Administrative Civil Liability (ACL) Complaint to Edmund Gareth Plank (Respondent) alleging that the Respondent violated title 23 of the California Code of Regulations section 875 which prohibits diversions of surface water and groundwater when curtailments are in place. A copy of the ACL Complaint is attached and incorporated herein by reference. This Order imposes administrative civil liability based on the allegations set forth in the ACL Complaint.
2. The Division served a copy of the ACL Complaint via GLS, a courier delivery service that provides electronic confirmation of delivery to the intended address. GLS delivery tracking shows the documents were delivered to the Respondent's address 1138 E Callahan Rd., Etna, CA 96027 on December 10, 2024.
3. On December 23, 2024, the Division was notified that the Respondent had retained counsel.
4. On December 30, 2024, the Respondent timely requested a hearing.

5. On January 15, 2025, Respondent's counsel notified the Prosecution Team and the Administrative Hearings Office (AHO) that the Respondent wished to engage in settlement discussions with the Prosecution Team.
6. On January 21, 2025, the Prosecution Team sent an electronic mail to the Respondent to establish a date for an initial settlement discussion. The Prosecution Team also advised that such discussions would be pursuant to California Evidence Code sections 1152 and 1154. The parties agreed upon January 28, 2025 for the first settlement negotiation.
7. On January 24, 2025, Respondent's counsel sent an electronic mail to the members of the State Water Resources Control Board (State Water Board or Board) and the Board's Executive Director. The electronic mail included an attached letter that pertained to the enforcement case and specifically included proposed terms for settlement. The Prosecution Team spoke to Respondent's counsel following this message and both parties agreed to continue forward with the following week's negotiation.
8. Prior to the first scheduled settlement discussion, on January 27, 2025, Respondent's counsel informed the Prosecution Team of the Respondent's intent to discontinue settlement negotiations and to withdraw his hearing request. On the same day, Respondent's counsel notified the AHO of the Respondent's wish to withdraw his hearing request.
9. On January 30, 2025, the AHO acknowledged the withdrawal of the Respondent's hearing request and informed the parties that the enforcement matter should proceed as if a hearing request was never made. Therefore, this Order is issued pursuant to Water Code section 1055, subdivision (b).
10. Pursuant to Water Code section 7, the State Water Board is authorized to delegate authority to the Deputy Director of Water Rights. State Water Board Resolution No. 2012-0029 (Resolution) delegates some of the State Water Board's authority to the Deputy Director of Water Rights. Section 4.9.2 of the Resolution authorizes the Deputy Director to issue an order imposing administrative civil liability when a Complaint has been issued and no hearing has been requested in the period provided by Water Code section 1055. Section 4.9.2 of the Resolution allows this authority to be redelegated to the Assistant Deputy Director of Water Rights. This authority was redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch.
11. Water Code section 1055, subdivision (b), Resolution No. 2012-0029, and subsequent redelegation memorandums authorize the Assistant Deputy Director of the Permitting and Enforcement Branch to issue an ACL Order to the Respondent assessing administrative civil liability based on the allegations and in the amount set forth in the December 6, 2024 ACL Complaint.

12. Water Code section 1055.3 states that when determining the appropriate amount of civil liability to be imposed, the State Water Board shall take into consideration all relevant circumstances, including but not limited to the extent of the harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective actions, if any, taken by the violator.
13. In this case, the recommended administrative civil liability of \$1,000 is based on the relevant circumstances alleged in the ACL Complaint. In consideration of these circumstances, the State Water Board has determined that the administrative civil liability of \$1,000 is appropriate.

**IT IS HEREBY ORDERED THAT:**

1. The attached ACL Complaint is incorporated herein and made part of this Order.
2. In adopting this Order, the State Water Board, or its delegee, has considered all relevant circumstances, including those specifically identified in the ACLC pursuant to Water Code section 1055.3.
3. Respondent shall remit, within 30 days of the date of this Order, a check or money order payment of the full penalty of \$1,000 to:

State Water Resources Control Board  
Division of Water Rights  
Enforcement Section – ATTN: Sahil Pathak  
P.O. Box 2000  
Sacramento, CA 95812-2000

4. Fulfillment of the Respondent's obligations under this Order constitutes full and final satisfaction of liability for the alleged violation specifically identified in this Order. The State Water Board reserves the right to take further enforcement action for any future violations.
5. The State Water Board is authorized to seek recovery of the liability imposed, as authorized by California Water Code section 1055.4, or refer this matter to the Office of Attorney General for further enforcement action if the Respondent fails to comply with remitting payment of the full penalty within 30 days of the date of this Order.

6. The Board may order a reconsideration of all or part of this Order on the Board's own motion or on the filing of a petition of any interested person or entity. The petition shall be filed not later than 30 days from the date the Board, or its authorized delegate, adopts this Order.

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in black ink that reads "Julé Rizzardo". The signature is written in a cursive, flowing style.

*Julé Rizzardo, Assistant Deputy Director  
Division of Water Rights*

Dated: February 21, 2025