
State Water Resources Control Board

VIA CERTIFIED MAIL AND ELECTRONIC MAIL 7003 1680 0000 2969 1435

May 17, 2018

C. Scott Kirk
Law Office
111 Santa Rosa Ave, Suite 405
Santa Rosa, CA 95404
scott@csottkirk.com

Yvonne West, Senior Staff Counsel
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
Yvonne.West@waterboards.ca.gov
(Via Email Only)

Dear Mr. Kirk and Ms. West:

ORDER WR 2018-0088: ADOPTING CEASE AND DESIST ORDER AND IMPOSING ADMINISTRATIVE CIVIL LIABILITY – STORNETTA FAMILY TRUST AND NEWTON DAL POGGETTO (TRUSTEE) – UNNAMED STREAM TRIBUTARY TO HUICHICA CREEK THENCE NAPA SLOUGH THENCE NAPA RIVER THENCE SAN PABLO BAY, NAPA COUNTY

Enclosed is Order WR 2018-0088, which was adopted by the State Water Resources Control Board on May 15, 2018 and a revised service list of participants. A copy of the order is posted at the State Water Board's [Water Right Orders \(2018\)](#) website. In addition, a copy of this letter, the order, and a revised version of the service list of participants will be available on the hearing project webpage at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/dalpogetto/index.shtml.

No later than 30 days after adoption of the order, any interested person may file a petition with the State Water Board for reconsideration of the matter upon any of the following causes (Wat Code, § 1122; Cal. Code Regs. tit. 23, § 768):

- (a) Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;
- (b) The decision or order is not supported by substantial evidence;
- (c) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced;
- (d) Error in law.

Petitions for reconsideration should be addressed to:

Michael Buckman, Chief
Division of Water Rights, Hearings Unit
State Water Resources Control Board
PO Box 2000
Sacramento, CA 95812-2000
Email: Michael.Buckman@waterboards.ca.gov

Petitions for reconsideration may also be hand delivered to the following address:

Records Unit
Attn: Michael Buckman
Division of Water Rights
State Water Resources Control Board
Joe Serna Jr. CalEPA Building
1001 I Street, 2nd Floor
Sacramento, CA 95814

Couriers delivering petitions for reconsideration must check in with lobby security and have them contact the Division of Water Rights Records Unit, second floor at (916) 341-5421. The Records Unit will receive and date stamp petitions.

Please note that section 4.0(B)(1) of Order WR 2018-0088 requires the Stornetta Family Trust and Newton Dal Poggetto in his capacity as trustee of the Stornetta Family Trust to pay \$30,000 of the \$75,000 imposed administrative civil liability (ACL) immediately. In compliance with section 4.0(B)(1) of the Order, Mann shall remit a cashier's check or money order in the amount of \$30,000, payable to the State Water Resources Control Board, Division of Water Rights, by mail or hand delivery at the address shown above. If this amount of the ACL is unpaid after the time for review under Water Code section 1120, et seq. has expired, the Deputy Director may seek a judgment against the Stornetta Family Trust and Newton Dal Poggetto (trustee) in accordance with Water Code section 1055.4.

If you have any questions regarding this letter, please contact Mara Irby, Staff Environmental Scientist, at (916) 322-6794 or by email at Mara.Irby@waterboards.ca.gov or Nicole Kuenzi, Staff Counsel, at (916) 322-4142 or by email at Nicole.Kuenzi@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Mara Irby, Staff Environmental Scientist
Hearings Unit, Division of Water Rights

Enclosure: Revised Service List of Participants
Order WR 2018-0088

cc: Nicole Kuenzi [via email]
Office of Chief Counsel
State Water Board
Nicole.Kuenzi@waterboards.ca.gov