

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

**DECISION 2014-0001**

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In the Matter of Failure to File an Annual Water Use Report by

**BAIRD LANDS INCORPORATED**

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**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 Baird Lands Incorporated (Baird Lands) based on a failure to file annual water use report under License 8679 (Application 16749). In accordance with this Decision, the State Water Board's Delta Watermaster and Baird lands 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**

Baird Lands is the owner of water right Application 16749 (License 8679). Water right License 8679 authorizes the diversion of water from Walthall Slough for irrigation. On January 30, 2013, the Division of Water Rights (Division) mailed out an initial notice to Baird Lands notifying them of their responsibility to file a 2012 annual water use report for water right License 8679 (Application 16749). The deadline to submit their 2012 use report online was July 1, 2013. On July 26, 2013, the State Water Board's the Office of Delta Watermaster staff mailed Baird Lands a delinquent notice letter regarding the 2012 annual use.

On August 29, 2013, having failed to receive Baird Lands' 2012 annual use report, the Delta Watermaster mailed a draft Cease and Desist Order (CDO) to Baird Lands for failure to submit the 2012 annual water use report.

On October 17, 2013, the Delta Watermaster issued a CDO against Baird Lands for failure to file the 2012 annual water use report.

On November 20, 2013, 34 days after the CDO was issued, the Delta Watermaster issued an ACL Complaint against Baird Lands for violating the CDO and failing to file the 2012 annual water use report. At the time of the issuance of the ACL Complaint, no record of the 2012 annual use report has been filed for A016749.

Baird Lands and the Delta Watermaster agree to settle matters identified in the ACL Complaint and by Baird Lands through this Decision in lieu of a hearing in said matter.

### **3.0 SETTLEMENT AGREEMENT**

Baird Lands and the Delta Watermaster engaged in settlement discussion and reached an agreement on language that is mutually acceptable and is contained in the Settlement Offer. The terms of the settlement are as follows.

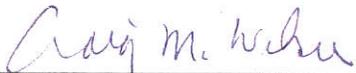
- 1) Baird Lands shall immediately come into compliance with the terms of License 8679 by submitting the 2012 annual use report by December 10, 2013, 20 days from the date of November 20, 2013, by accessing the Report Management System at [www.waterboards.ca.gov/RMS](http://www.waterboards.ca.gov/RMS) using the User ID and Password shown on User Information Sheet accompanying this Decision.
- 2) Baird Lands shall remit to the State Water Board the sum of \$1,500, the administrative civil liability for failure to timely submit the 2012 annual use report. (This sum has been received by the State Water Board on December 13, 2013).
- 3) Baird Lands waives its right to hearing and reconsideration of this matter.

**SETTLEMENT DECISION**

**IT IS HEREBY ORDERED THAT** the attached Settlement Offer between the Baird Lands and the Delta Watermaster is approved and is incorporated by reference into this Decision.

Approval of the settlement agreement has been delegated to the Delta Watermaster by State Water Board Resolution 2012-0048, 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 settlement agreement.

STATE WATER RESOURCES CONTROL BOARD



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Craig M. Wilson  
Delta Watermaster

JAN 21 2014

Dated:

**EXHIBIT A**

13001095

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER  
AND WAIVER OF RIGHT TO HEARING AND RECONSIDERATION**

**Baird Lands Incorporated  
Source: Walthall Slough  
County: San Joaquin**

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), Baird Lands (Licensee) hereby accepts the State Water Board's conditional settlement offer (Conditional Offer), and waives the right to a hearing before and reconsideration by the State Water Board at which violations alleged in the Administrative Civil Liability Complaint issued to Licensee (ACL Complaint) to which this Acceptance and Waiver is attached as Exhibit "A" could be disputed.

Licensee agrees to perform the following within 20 days of receipt of the ACL Complaint:

- **Pay administrative civil liability as authorized by California Water Code section 1845(b)(1), in the sum of \$2,000** (Expedited Payment Amount) by cashier's check or by certified check made payable to the "State Water Resources Control Board" for deposit into the **Water Rights Fund**, which shall be deemed payment in full of any civil liability pursuant to California Water Code Section 1845 (b)(1) that otherwise might be assessed for the violations described in the ACL Complaint.  
*\$1500 (enr)*
- **Electronically file the necessary 2012 Annual Use Report**

Licensee understands that this Acceptance and Waiver waives the Licensee's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

Licensee understands that the failure to electronically file the 2012 Annual Use Report, submit payment of the Expedited Payment Amount as identified and described above, along with the signed Acceptance and Waiver within 20 days of receipt of this notice, shall render the State Water Board's Conditional Offer void. If the State Water Board's Conditional Offer is deemed void due to Licensee's non-performance, then the State Water Board will issue a final Administrative Civil Liability order and seek recovery of the full liability amount proposed in the ACL Complaint.

Licensee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Upon execution by Licensee, the Acceptance and Waiver along with the Expedited Payment Amount shall be returned to the following address:

**Conditional Settlement Offer  
State Water Resources Control Board  
Office of Delta Watermaster  
Attn: Craig M. Wilson  
P. O. Box 100  
Sacramento, CA 95812-0100**

2012 OCT 13 AM 11:26

Licensee understands that this Acceptance and Waiver is not final until it is formally endorsed by the Delta Watermaster.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Licensee in the making and giving of this Acceptance and Waiver.

Baird Lands Incorporated \_\_\_\_\_  
(Licensee) \*Please make corrections as appropriate

By: *Diane Wurzel* 12-3-13  
(Signed Name) (Date)  
DIANE WURZEL  
(Printed or typed name)  
PRESIDENT  
(Title)

Approval of the Acceptance and Waiver has been delegated to the Delta Watermaster by State Water Board Resolution 2012-0048, 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 Acceptance and Waiver.

By: *Craig M. Wilson* 12/30/13  
Craig M. Wilson (Date)  
Delta Watermaster