CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

CERTIFIED MAIL
Return Receipt Requested

MAY 27 2014

Refer to: User ID: **S023694**
Online Password: **004000**
Contact Phone: 925-336-0796

CM #7004-2510-0003-9144-3593
Laura Gregory Lea (Scheidegger)
c/o Laura Gregory Lea (Scheidegger)
2380 Twitchell Island Rd.
Rio Vista, CA 94571

CM #7004-2510-0003-9144-3609
Laura Gregory Lea (Scheidegger)
c/o Laura Gregory Lea (Scheidegger)
106 W Brannan Island Rd.
Isleton, CA 95641

Dear Laura Gregory Lea (Scheidegger):

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO FILE SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE, AND CONDITIONAL SETTLEMENT OFFER, 7 MILE SLOUGH AND SAN JOAQUIN RIVER IN SACRAMENTO COUNTY

This letter provides legal notice to Laura Gregory Lea (Laura Scheidegger) of the intent of the State Water Resources Control Board (State Water Board), Delta Watermaster to proceed with formal enforcement for Laura Scheidegger's failure to file the required Supplemental Statement(s) of Water Diversion and Use (Supplemental Statement). **Laura Scheidegger has 20 days from receipt of the enclosed Administrative Civil Liability (ACL) Complaint to act or face additional liability.** Therefore, this matter requires Laura Scheidegger's immediate attention.

VIOLATION DESCRIPTION:

State Water Board records show that Laura Scheidegger filed an Initial Statement of Water Diversion and Use Statement for the period of 2009. On November 27, 2013, the State Water Board mailed Laura Scheidegger a letter entitled *Notice Regarding Statement of Water Diversion and Use.* This letter formally notified Laura Scheidegger, that Laura Scheidegger is required to electronically file a Supplemental Statement with the State Water Board in accordance with Water Code section 5101 *et. seq*. by February 24, 2014. A letter was mailed to Laura Scheidegger on April 8, 2014, entitled *Notice of Failure to File Supplemental Statement of Water Diversion and Use and Potential Administrative Civil Liability for S023694*, notifying Laura Scheidegger that Laura Scheidegger's Supplemental Statement had not been received by February 24, 2014 and that Laura Scheidegger would be subject to civil liability of $1,000 plus an additional $500 per day for each additional day that the violation continues if Laura Scheidegger fails to file a supplemental statement within 30 days after being notified of the violation. This correction period to file the supplemental statement ended May 8, 2014. A statement has not been filed by the date of this letter.

STATUTORY LIABILITY:

Water Code section 5107 authorizes the State Water Board to administratively impose an initial $1,000 civil liability for failure to file a Statement, plus $500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. As discussed above, Laura Scheidegger was provided with the statutory notice on April 8, 2014. Since the correction period to file the supplemental statement ended May 8, 2014, the potential maximum civil liability, as of May 26, 2014, for which Laura Scheidegger is liable for Laura Scheidegger's failure to file the required Supplemental Statement, is $10,000.

Based on Laura Scheidegger's failure to comply with the legal requirements set forth above, I am hereby issuing the enclosed ACL Complaint proposing that a liability of $6,000 be imposed for Laura Scheidegger's failure to file a Supplemental Statement. If Laura Scheidegger fails to respond to the ACL Complaint in one of the manners discussed below within 20 days of receiving this notice, then the State Water Board will issue a final ACL Order and seek recovery of this proposed liability amount as authorized by Water Code section 1055.4.

CONDITIONAL OFFER OF SETTLEMENT:

To promote resolution of the alleged Supplemental Statement violations and obtain compliance with the Supplemental Statement filing requirements, I am offering Laura Scheidegger the opportunity to accept a conditional settlement offer (Conditional Offer). The Conditional Offer, as provided in detail in the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) enclosed as Exhibit "A" to the ACL Complaint, allows Laura Scheidegger to avoid further formal enforcement by agreeing to pay an expedited payment amount of $3,000, simultaneously electronically file the necessary Supplemental Statement, and waive the right to a hearing and reconsideration of the violations alleged in the ACL Complaint.

OPTIONS FOR RESPONDING TO ACL COMPLAINT AND CONDITIONAL OFFER OF SETTLEMENT:

In summary, Laura Scheidegger has two options in responding:

1. Accept the Offer of Conditional Settlement by: (1) signing the Acceptance and Waiver; and (2) submitting the signed Acceptance and Waiver along with the Expedited Payment Amount and electronically file the necessary Supplemental Statement for 2010-2012 using the State Water Board's website within 20 days of receiving the enclosed ACL Complaint. If there are extenuating circumstances that Laura Scheidegger would like to discuss, such as an inability to pay the Expedited Payment Amount, then Laura Scheidegger can contact me with that information as soon as possible, but no later than 20 days from receiving the enclosed ACL Complaint.

2. Submitting a written request for hearing signed by, or on the behalf of, Laura Scheidegger to the State Water Board within 20 days of receiving the enclosed ACL Complaint.

If Laura Scheidegger does not remit the Acceptance and Waiver, the Expedited Payment Amount, electronically file the necessary Supplemental Statement using the State Water Board's website, nor request a hearing within 20 days of the date Laura Scheidegger received this complaint, then the State Water Board will issue a final ACL Order and seek recovery of the $6,000 in liability proposed in the ACL Complaint.

If you have any questions, please contact me at (916) 445- 5962 or craig.wilson@waterboards.ca.gov.

Sincerely,

Craig M. Wilson,
Delta Watermaster

Enclosure:
- Administrative Civil Liability Complaint w/Exhibits A, B, C, D, and E
- User Information Sheet

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

ADMINSTRATIVE CIVIL LIABILITY COMPLAINT

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

Laura Gregory Lea

SOURCE: Seven Mile Slough
San Joaquin River

COUNTY: Sacramento

YOU ARE HEREBY GIVEN NOTICE THAT:

1. California Water Code sections 5100-5107 establish a program requiring persons who divert water from a surface stream or a subterranean stream flowing through a known and definite channel (with a few limited exceptions), to file a Statement of Water Diversion and Use (Statement).

2. Laura Gregory Lea (Laura Scheidegger) is alleged to have violated California Water Code section 5104(a), which states, in pertinent part:

   Supplemental Statements shall be filed at three-year intervals, prior to July 1...

3. Sections 910 and 920, subdivision (a) of the California Code of Regulations require Supplemental Statements of Diversion and Use (Supplemental Statements) to be filed electronically on forms available at the State Water Resources Control Board's (State Water Board) website. The State Water Board's website provides access to the Water Rights Management System for filing Supplemental Statements.

4. California Water Code section 5107(c)(1) provides that the State Water Board may administratively impose civil liability in the amount of $1,000 for the failure to file a Statement, plus $500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person.

5. California Water Code section 85230(b) provides that the Delta Watermaster shall exercise the State Water Board's delegated authority to issue Administrative Civil Liability (ACL) Complaints to persons who divert water in the Delta, and impose an ACL, in accordance with Water code section 1055 et seq. Pursuant to State Water Board Resolution 2012-0048, Delta Watermaster is authorized to issue an order imposing an ACL when a Complaint is has been issued and no hearing has been requested within 20 days of receipt of the Complaint.

ALLEGATIONS

6. Laura Scheidegger filed an Initial Statement of Water Diversion and Use (S023694) on June 28, 2010.

7. On November 27, 2013, the State Water Board Division of Water Rights (Division) mailed Laura Scheidegger a notice letter notifying Laura Scheidegger of the requirement to electronically file the Supplemental Statement of Water Diversion and Use (Supplemental Statement) for S023694 prior to February 24, 2014.

8. On January 21, 2014, the State Water Board's Delta Watermaster (Watermaster) mailed Laura Scheidegger a Reminder Notice letter. The Reminder Notice informed Laura Scheidegger that the Supplemental Statement of Water Diversion and Use was due by February 24, 2014 and requested that Laura Scheidegger respond by February 24, 2014 with the submittal of the supplemental statement or to return the January 21, 2014 letter with an explanation(s) selected providing a reason(s) why the triennial Supplemental Statement need not be filed.

9. On March 7, 2014, Delta Watermaster staff left a voice message for Laura Scheidegger regarding an extension of the deadline for filing the statement. Delta Watermaster staff also electronically mailed Laura Scheidegger information regarding an extension to March 25, 2014 and provided copies of the November 27, 2013 Notice and the original statement filed for S023694 with instructions to electronic file the Supplemental Statement for S023694 (years 2010, 2011, and 2012) by March 25, 2014. Delta Watermaster staff received a return message email from Laura Scheidegger on March 7, 2014 regarding intention to fill out forms and send them back (**Exhibit B**).

10. Delta Watermaster staff contacted and left a voice message for Laura Scheidegger on March 28, 2014 regarding the past due deadline for the extended filing date of March 25, 2014 for S023694. Delta Watermaster staff received a call back on March 28, 2014, from Laura Scheidegger who informed staff that Division staff had also contacted her regarding the statement report. Delta Watermaster staff confirmed with her that both offices have contacted her regarding the delinquent Supplemental Statement report. Following the phone call, Delta Watermaster staff sent a follow up electronic mail with copies of the November 27, 2013 Notice and the original statement filed in 2010 for S023694 and included information on the Delta Watermaster's intention to send certified delinquent Notices to delinquent filers in April 2014, where delinquent filers would be put on Notice to file the delinquent statements, and given 30 days from the date of receipt of the notice to file the Supplemental Statement, without being assessed penalties (**Exhibit C**).

11. On April 7, 2014, the State Water Board's Delta Watermaster mailed Laura Scheidegger, by certified mail, a delinquent Notice which provided notice that the Supplemental Statement for S023694 had not been not received by the February 24, 2014 deadline and that Laura Scheidegger would be subject to a civil liability of $1,000 plus an additional $500 per day commencing 30 days from the receipt of the Notice if no Supplemental Statement is submitted. The United States Postal Office confirms the delinquent Notice was delivered on April 8, 2014, at 1:15 pm (Certified Mail #70042510000391443272) (**Exhibit D**).

12. Laura Scheidegger filed an initial statement on April 8, 2014. Delta Watermaster staff contacted Laura Scheidegger on April 14, 2014 and confirmed with Laura Scheidegger that she had filed the initial statement with the apparent intent to comply with the statement filing requirements. Delta Watermaster staff informed Laura Scheidegger that filing a new initial statement of water diversion and use does not comply with the required reporting requirements for a Supplemental Statement and that Laura Scheidegger must file the Supplemental Statement for S023694, electronically, by May 8, 2014. Per Laura Scheidegger's request, Delta Watermaster staff sent an electronic mail, with a copy of a draft form of the supplemental statement for review, with some instructions on how to fill the form and included a reminder that Laura Scheidegger had until May 8, 2014 to electronically file the Supplemental Statement of water diversion for S023694 for 2010-2012 (**Exhibit E**).

13. On May 1, 2014, Delta Watermaster staff contacted Laura Scheidegger and left a phone message that staff was following up with the April 14, 2014 electronic mail regarding statement S023694 and that if Laura Scheidegger had questions on the copy of the draft form of the supplemental statement, to contact staff. Staff also informed Laura Scheidegger that the Supplemental Statement for S023694 is due May 8, 2014.

14. On May 9, 2014, Delta Watermaster staff sent an electronic mail to Laura Scheidegger that the deadline to file the Supplemental Statement for S023694 was May 8, 2014m that the Delta Watermaster's intention was to pursue enforcement actions later in May 2014 against still delinquent filers, and that any enforcement action will take into consideration any corrective action that diverters have taken. Laura Scheidegger was also informed that she could avoid penalties by promptly filing.

15. No Supplemental Statements were electronically filed by Laura Scheidegger. Laura Scheidegger was given the opportunity to file but as of May 26, 2014, Laura Scheidegger has not done so.

PROPOSED CIVIL LIABILITY

16. Laura Scheidegger failed to submit the required *Supplemental Statement of Water Diversion and Use* by May 26, 2014. The original deadline for submittal was February 24, 2014. California Water Code section 5107(c)(1) provides that the State Water Board may administratively impose civil liability pursuant to section 1055 in an amount not to exceed $1,000, plus $500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. Such notice was provided on April 8, 2014. The correction period to file the Supplemental Statement ended May 8, 2014.

17. In determining the appropriate amount of a civil liability, California Water Code section 1055.3 requires that the State Water Board consider all relevant circumstances. By May 26, 2014, Laura Scheidegger has been on notice of the requirements for filing a Supplemental Statement for 18 days, therefore the maximum liability that can be considered for this time is $1,000 plus 18 days ($500),or $10,000.

18. In this case, no Supplemental Statement of Water Diversion and Use report for S023694 was filed as of the date of this ACL Complaint despite two notices being sent: the November 27, 2013 Notice and the April 8, 2014 Notice. Laura Scheidegger was also contacted several times through electronic mail and by telephone prior to this day, including on March 7, March 28, and April 14, 2014.

19. Having taken into consideration all relevant circumstances, including but not limited to those specifically recited above, the Delta Watermaster recommends the imposition of $6,000 in administrative civil liability (Proposed Liability).

CONDITIONAL SETTLEMENT OFFER

20. To promote resolution of the alleged Supplemental Statement filing violations, the Delta Watermaster makes the following conditional settlement offer (Conditional Offer). Laura Scheidegger can avoid further enforcement action and settle the alleged failure to file the Statements violations by agreeing to comply with the terms of the Conditional Offer, provided below, as well as in the *Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing or Reconsideration* (Acceptance and Waiver) enclosed hereto as Exhibit "A".

21. The Conditional Offer requires Laura Scheidegger to pay an expedited payment amount (Expedited Payment Amount) of $3,000, simultaneously file the necessary Supplemental Statement electronically by accessing the State Water Board's Report Management System at www.waterboards.ca.gov/rms using the User ID and Password on the User Information Sheet accompanying this ACL Complaint, and waive the right to a hearing and reconsideration of the alleged violations.

22. To accept the Conditional Offer, Laura Scheidegger must sign and return the Acceptance and Waiver along with the Expedited Payment Amount and electronically file the necessary Supplemental Statement for 2010-2012 within 20 days of receipt of this complaint.

23. If there are extenuating circumstances that Laura Scheidegger would like to discuss, such as an inability to pay the Expedited Payment Amount, then may contact Craig M. Wilson, Delta Watermaster, with that information as soon as possible but no later than the 20 days from receipt of this complaint.

RIGHT TO HEARING

24. Laura Scheidegger may request a hearing on this matter before the State Water Board. Any such request for hearing must be received or postmarked within 20 days of the date that this notice is received. (Water Code, sec. 1055, subd. (b).)

25. If Laura Scheidegger requests a hearing, Laura Scheidegger will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of an ACL by the State Water Board. If a hearing is requested, separate notice setting the time and place for the hearing will be mailed not less than 10 days before the hearing date. The Delta Watermaster may convene a settlement conference prior to noticing a hearing date.

26. If Laura Scheidegger requests a hearing, the State Water Board will consider at the hearing whether to impose the civil liability, and if so, whether to adjust the proposed liability within the amount authorized by statute. Based on the evidence received at the hearing, the State Water Board may take any appropriate action in accordance with sections 100, 275, and 1050 et seq. of the Water Code and/or its responsibilities under the public trust doctrine. Any State Water Board order imposing an ACL shall be final and effective upon issuance.

27. If Laura Scheidegger does not wish to request a hearing within 20 days of receipt of this Complaint, Laura Scheidegger shall electronically file a Supplemental Statement using the State Water Board's website, waive his rights to a hearing and reconsideration of this matter, and remit a cashier's check or money order for the Expedited Payment Amount set forth in paragraph 21 above, to:

State Water Resources Control Board
Office of Delta Watermaster
Attn : Craig Wilson
P.O. Box 100, FL 24
Sacramento, CA 95812-0100

28. If Laura Scheidegger does not remit the Acceptance and Waiver, the Expedited Payment Amount, electronically file the necessary Supplemental Statement using the State Water Board's website, nor request a hearing within 20 days of the date this complaint is received, then the State Water Board will issue a final ACL Order and seek recovery of the liability imposed as authorized by Water Code section 1055.4.

STATE WATER RESOURCES CONTROL BOARD

Craig M. Wilson

Craig M. Wilson
Delta Watermaster

Dated: MAY 27 2014

Enclosures

EXHIBIT A

ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING AND RECONSIDERATION; (Proposed) ORDER

Laura Lea Gregory
Source: 7 Mile Slough and San Joaquin River
County: SACRAMENTO

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), Laura Lea Gregory (Scheidegger) (Diverter) 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 Diverter (ACL Complaint) to which this Acceptance and Waiver is attached as Exhibit "A" could be disputed.

Diverter 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 5107 (c), in the sum of $3,000** (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 5107 (c) that otherwise might be assessed for the violations described in the ACL Complaint.

- **Electronically file the necessary Supplemental Statement of Water Diversion and Use (Statement(s)) pursuant to Statement S023694 for the 2010, 2011 and 2012 diversion season(s)** as required by Water Code sections 5104 and 5107 (b).

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

Diverter understands that the failure to submit payment of the Expedited Payment Amount, electronically file the Statement(s), 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 Diverter'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.

Diverter understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. The filing of a Statement of Water Diversion and Use with the State Water Board does not in any way establish or constitute evidence of a right to divert or use water. (Water Code section 5106 (a).)

Upon execution by Diverter, the Acceptance and Waiver, and Expedited Payment Amount shall be mailed to the following address, and necessary Statement(s) electronically filed:

Conditional Settlement Offer
State Water Resources Control Board
Office of Delta Watermaster
Attention: Craig M. Wilson
P. O. Box 100, FL 24
Sacramento, CA 95812-0100

Diverter 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 Diverter in the making and giving of this Acceptance and Waiver.

Laura Gregory Lea (Scheidegger) _____
(Diverter) *Make corrections as appropriate.

By: _____ _____
(Signed Name) (Date)

_____
(Printed or typed name)

_____
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 11415.60

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 (Date)
Delta Watermaster