ORDER WR 2016-0005-DWR

ORDER APPROVING SETTLEMENT

In the Matter of the Violation of an Emergency Regulation
for Failure to Submit Information of Water Diversion and Use by

PARTIES LISTED IN ATTACHMENT A
(MILL CREEK WATERSHED)

BY THE ASSISTANT DEPUTY DIRECTOR FOR WATER RIGHTS

The Assistant Deputy Director for the Division of Water Rights of the State Water Resources Control Board (State Water Board) issued an Administrative Civil Liability Complaint (Complaint) to the parties listed in Attachment A (collectively “Parties”) for failure to fulfill obligations under State Water Board Order WR 2015-0026-DWR on December 15, 2015. Between December 17, 2015 and January 22, 2016, the Parties signed the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Conditional Settlement). Between December 15, 2015 and January 22, 2016, the Parties submitted water use and supply information to the State Water Board.

The circumstances here support accepting the Conditional Settlement, as the State Water Board has received the water use and supply information and the signed Conditional Settlement.

I hereby approve the Conditional Settlement pursuant to my delegated authority. This approval shall not limit the authority of the Executive Director or the Deputy Director for Water Rights, as delegated, to initiate enforcement action for any violations not specified in the Complaint, or for violation of the terms of the Conditional Settlement.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

John O’Hagan
Assistant Deputy Director for Water Rights

Dated: January 27, 2016
Attachment A:  List of Parties

1 Water Code section 1055, subdivision (a), provides that the Executive Director of the State Water Board may issue a complaint to any person or entity on whom Administrative Civil Liability (ACL) may be imposed. The Executive Director has delegated this authority to the Deputy Director for Water Rights, who has redelegated this authority to the Assistant Deputy Director for Water Rights. State Water Board Resolution No. 2012-0029 authorizes the Deputy Director for Water Rights to issue an order imposing an ACL when a complaint has been issued and no hearing has been requested within 20 days of receipt of the complaint. The Deputy Director for Water Rights has redelegated this authority to the Assistant Deputy Director for Water Rights pursuant to State Water Board Resolution 2012-0029.

2 State Water Board Order WR 2015-0026-DWR: Order for Additional Information in the Matter of Diversion of Water from the Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek Watersheds as defined in California Code of Regulations, Title 23, Section 876(c)(1) – Issued August 24, 2015.
<table>
<thead>
<tr>
<th>Party (Last Name, First Name)</th>
<th>Identification Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOLA ANN BORING</td>
<td>110-190-001-000</td>
</tr>
<tr>
<td>MICHAEL A FILICE</td>
<td>110-330-037-000</td>
</tr>
<tr>
<td>HAROLD E &amp; BARBARA LOBATO</td>
<td>110-260-014-000</td>
</tr>
<tr>
<td>EMILY M MACHI</td>
<td>110-050-015-000, 110-050-033-000</td>
</tr>
<tr>
<td>OLEG NODELMAN</td>
<td>111-090-047-000</td>
</tr>
<tr>
<td>OAK SHADOWS CONSTRUCTION CO INC</td>
<td>111-050-023-000</td>
</tr>
<tr>
<td>CHARLES &amp; LISA V PALMER</td>
<td>110-340-003-000</td>
</tr>
<tr>
<td></td>
<td>111-110-015-000, 111-110-034-000,</td>
</tr>
<tr>
<td>PALMER CREEK PROPERTIES LLC</td>
<td>111-110-035-000</td>
</tr>
<tr>
<td>FLORA PARKINSON</td>
<td>111-190-011-000</td>
</tr>
<tr>
<td>JUDITH H SWIFT</td>
<td>110-070-027-000</td>
</tr>
<tr>
<td>MICHAEL ALLAN THOMPSON</td>
<td>110-150-010-000</td>
</tr>
<tr>
<td>WEGER INTERESTS LP</td>
<td>110-330-025-000</td>
</tr>
<tr>
<td>WEST SIDE UNION SCHOOL DIST</td>
<td>110-070-002-000, 110-070-003-000</td>
</tr>
</tbody>
</table>
ATTACHMENT A — ACCEPTANCE AND WAIVER
ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

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), _____________________________, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR\(^1\) by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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

Recipient understands that failure to fulfill the Recipient’s obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient’s non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of $2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient’s knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

\(^1\)Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 876(c)(1), dated August 24, 2015.
Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

_Dan Smith (Trustee)_
Signature

_Dan Smith_
Printed or typed name

_Cellar Master (Dry Creek Vineyard)_
Title

( Relationship to Recipient, if not Recipient)

Identification Code(s): 110-190-001-000

Please return the completed Acceptance and Waiver by mail to the address above.
ATTACHMENT A - ACCEPTANCE AND WAIVER
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State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature

Michael A. Filice

Printed or typed name

Michael A. Filice

Title

Owner -

(relationship to Recipient, if not Recipient)

Identification Code(s): 110-330-037-000

Please return the completed Acceptance and Waiver by mail to the address above.
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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), (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopt ing the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Barbara Lobato
Signature

Barbara Lobato
Printed or typed name

Owner of Property
Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-260-014-000

Please return the completed Acceptance and Waiver by mail to the address above.
State Water Resources Control Board

Name: EMILY M MACHI
Source: Mill Creek Watershed
County: Sonoma

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Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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State Water Resources Control Board
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Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

[Signature]

[Printed or typed name]

[Title]

(Date)

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-050-015-000, 110-050-033-000

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Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
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Sacramento, CA 95812-2000

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

[Signature]  [11/4/16]

[Printed or typed name]

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 111-090-047-000

Please return the completed Acceptance and Waiver by mail to the address above.
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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), OLEG NODELMAN, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

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State Water Resources Control Board

Name: OAK SHADOWS CONSTRUCTION CO INC
Source: Mill Creek Watershed
County: Sonoma

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Conditional Settlement Offer
State Water Resources Control Board
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Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

[Signature]
[Date]

[Printed name]

[Title]

(Relationship to Recipient, if not Recipient)

Identification Code(s): 111-050-023-000

Please return the completed Acceptance and Waiver by mail to the address above.
Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights - Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
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Sacramento, CA 95812-2000

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[Signature]

[Date]

[Printed or typed name]

[Title]

[Relationship to Recipient, if not Recipient]

Identification Code(s): 110-340-003-000

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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), Palmer Creek Properties LLC (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

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Sacramento, CA 95812-2000

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

GoodEarth Properties, LLC

Signature

[Signature]

Date

12-21-2015

Printed or typed name

Joseph Marine

Manager, GoodEarth Properties, LLC

Title

( Relationship to Recipient, if not Recipient )

Identification Code(s): 111-110-015-000, 111-110-034-000, 111-110-035-000

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Sacramento, CA 95812 2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature

Dow Urmann
Printed or typed name

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 111-190-011-000

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

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), JUDITH H SWIFT, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR\(^1\) by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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

Recipient understands that failure to fulfill the Recipient’s obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient’s non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of $2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient’s knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

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\(^1\)Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 876(c)(1), dated August 24, 2015.
Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature: [Signature] 12/22/15 [Date]
Printed or typed name: JUDITH H SWIFT
Title: OWNER

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-070-027-000

Please return the completed Acceptance and Waiver by mail to the address above.
ATTACHMENT A – ACCEPTANCE AND WAIVER
ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

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), ____________________________, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR\(^1\) by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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

Recipient understands that failure to fulfill the Recipient’s obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient’s non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of $2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient’s knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

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\(^1\)Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 875(c)(1), dated August 24, 2015.
Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature

Mike Thompson

Printed or typed name

Owner

Date

12-22-15

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-150-010-000 < NO WATER SOURCE

Please return the completed Acceptance and Waiver by mail to the address above.
ATTACHMENT A – ACCEPTANCE AND WAIVER
ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

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), WEGER INTERESTS (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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

Recipient understands that failure to fulfill the Recipient's obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient’s non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of $2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient’s knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

1Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 876(c)(1), dated August 24, 2015.
Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

\[Signature\]  \[1-7-2015\]  \[Date\]

\[Wegar Interests, Ltd\]
\[Printed or typed name\]

\[Mty Partner\]  \[Title\]

(\textbf{Relationship to Recipient, if not Recipient})

\textbf{Identification Code(s):}  \textbf{110-330-025-000}

\textbf{Please return the completed Acceptance and Waiver by mail to the address above.}
ATTACHMENT A – ACCEPTANCE AND WAIVER
ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

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), ___________ (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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

Recipient understands that failure to fulfill the Recipient’s obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient’s non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of $2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient’s knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

¹Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 876(c)(1), dated August 24, 2015.
WEST SIDE UNION SCHOOL DIST
December 15, 2015

Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights – Public Trust Unit
Attention: Russian River Tributaries Informational Order ACL
P.O. Box 2000
Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

[Signature]

[Printed or typed name]

[Title]

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-070-002-000, 110-070-003-000

Please return the completed Acceptance and Waiver by mail to the address above.