

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

OFFICE OF THE DELTA WATERMASTER

ORDER WR 2017-0019-DWM

ORDER APPROVING SETTLEMENT AGREEMENT

In the Matter of Failure to File a Supplemental Statement of Water Diversion and Use for 2015 by

Richard L. Comstock Bypass Trust
S016791

SOURCE: Georgiana Slough

COUNTY: Sacramento

BY THE DELTA WATERMASTER¹

On May 31, 2017, the State Water Resources Control Board (State Water Board), acting through the Delta Watermaster, issued an Administrative Civil Liability Complaint (ACL Complaint) to the Richard L. Comstock Bypass Trust (Comstock Trust) for failure to file a Supplemental Statement of Water Diversion and Use for 2015 (Supplemental Statement) by the July 1, 2016 deadline. The ACL Complaint alleged that the Comstock Trust was in violation of Title 23, section 920 of the California Code of Regulations, and proposed civil liability of \$12,500 pursuant to Water Code section 5107.

The ACL Complaint provided a conditional settlement offer, under which the Comstock Trust could avoid imposition of the proposed liability by (1) filing the required Supplemental Statement through the electronic Water Rights Information Management System (eWRIMS); (2) remitting payment of \$500; and (3) submitting a signed form indicating acceptance of the conditional offer and waiver of the right to a hearing and reconsideration of the proposed ACL Complaint (Acceptance and Waiver).

Larry Gardiner, agent for the Comstock Trust, filed the Supplemental Statement, remitted payment of \$500, and executed the Acceptance and Waiver form. The Comstock Trust has thereby accepted the conditional settlement offer provided by the ACL Complaint.

Based on the foregoing acceptance, I hereby approve the conditional settlement pursuant to my statutory and delegated authority. This approval shall not limit the authority of the Delta Watermaster to initiate enforcement action for any violations not specified in the ACL Complaint, or for violation of the terms of the conditional settlement. This Order is subject to reconsideration under Water Code section 1122.

STATE WATER RESOURCES CONTROL BOARD


Michael Patrick George
Delta Watermaster

Dated: July 25, 2017

cc: Larry Gardiner (via email)

¹ Water Code section 85230 provides that the Delta Watermaster shall exercise the State Water Board's authority with respect to diversions in the Delta. Pursuant to State Water Board Resolution 2015-0058, the Delta Watermaster possesses the delegated authority to formulate and issue decisions by settlement under Government Code section 11415.60 in matters where administrative civil liability has been proposed but a hearing has not been noticed.