

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

DIVISION OF WATER RIGHTS

ORDER WR 2018-0072-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
(MARK WEST CREEK WATERSHED)**

BY THE ASSISTANT DEPUTY DIRECTOR FOR WATER RIGHTS¹

On December 15, 2015, 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-DWR². After receipt of the Complaint, the Parties submitted the required water use and supply information to the State Water Board, fulfilling the substantive requirements of Order WR 2015-0026-DWR.

The central condition of the Settlement Offer was to get the Parties' submittal of water use and supply information to the State Water Board, and the Parties have subsequently fulfilled that obligation. The circumstances here support accepting the submission of the information as de facto acceptance of the Settlement Offer.

I hereby approve Settlement of the Complaints 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.

STATE WATER RESOURCES CONTROL BOARD



*Julie Rizzardo, Assistant Deputy Director
Division of Water Rights*

Dated: MAY 09 2018

Enclosure: 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 re-delegated 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 re-delegated this authority to the Assistant Deputy Director for Water Rights.

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.

Attachment A: List of Parties
Mark West Watershed
Order WR 2018-0072-DWR

Party	Identification Code(s)
MARIE AMELIE RICHARD	028-110-005-000
HENRY G & SHAH AMY B SUMMY	028-290-046-000
SAMUEL L KIMBLES	029-200-007-000
ROBERTO MEZA TORRES	039-260-008-000
NO CA CONF ASSN OF SEVENTH DAY ADVEN	058-060-039-000
VIRGIL W MILLER	058-111-013-000
KISTLER VINEYARDS LLC	066-280-038-000, 078-020-056-000 078-020-059-000
DAVIS W GUY	078-140-017-000