



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

FAX AND FIRST CLASS MAIL

MAY 08 2012

Ronald E. Buhler
2828 Mills Park Dr
Rancho Cordova, CA 95670
Fax 916-363-0269

Dear Mr. Buhler:

DECISION APPROVING SETTLEMENT OFFER AND CONDITIONAL OFFER AND WAIVER OF RIGHT TO HEARING

Please find enclosed for your records, a copy of the Settlement Decision approving the Settlement Offer regarding the Administrative Civil Liability Complaint against Ronald E. Buhler for Failure to File Supplemental Statement of Diversion and Use for S006543. Also enclosed is a copy of the Conditional Offer and Waiver of Right to Hearing and Reconsideration.

If you have any questions regarding this matter, please contact me at (916) 445-5962.

Sincerely,

A handwritten signature in cursive script that reads "Craig M. Wilson".

Craig M. Wilson
Delta Watermaster

Enclosures

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

DECISION 2012-0001

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

RONALD E. BUHLER

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 Ronald Buhler (Buhler), the owner of the subject statement of water diversion and use. In accordance with the Conditional Settlement Offer Agreement (Conditional Offer), the State Water Board's Delta Watermaster and Buhler 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

Buhler is owner of the Statement of Diversion and Use S006543 regarding the diversion of water in the Delta.

On March 6, 2012, the Delta Watermaster issued an ACL Complaint against Buhler for failure to file the required Supplemental Statement of Water Diversion and Use (Supplemental Statement) by the noticed deadline.

On March 29, 2012, Buhler timely requested a hearing on the ACL. At the time of this Conditional Offer, the State Water Board's Division of Water Rights' prosecution team had not scheduled a hearing for the ACL Complaint.

Prior to a hearing date, the Delta Watermaster may convene a settlement conference.

Buhler and the Delta Watermaster agree to settle the matters identified in the ACL Complaint through the Conditional Offer in lieu of a hearing on said matter.

3.0 SETTLEMENT OFFER AGREEMENT

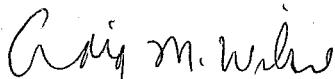
Buhler and the Delta Watermaster engaged in settlement discussions and reached an agreement on language that is mutually acceptable and is contained in the Conditional Offer. The general terms of the settlement are that Buhler: (1) withdraws his request for hearing on the ACL, and waives his right to request reconsideration, (2) files the necessary Supplemental Statement, and (3) is subject to administrative civil liability in the amount of \$1,500. Of this amount, Buhler shall pay to the State Water Board an expedited amount of \$500, to be deposited into the Water Rights Fund pursuant to Water Code section 1054, et seq., with the remaining \$1,000 to be paid in two separate monthly payments of \$500 to the State Water Board by May 15, 2012, and June 15, 2012.

SETTLEMENT DECISION

IT IS HEREBY ORDERED THAT the Conditional Offer between Buhler and the Delta Watermaster is approved and is incorporated by reference into this Decision.

Approval of the Conditional Offer has been delegated to the Delta Watermaster by State Water Board Resolution 2010-0048, 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 Conditional Offer.

STATE WATER RESOURCES CONTROL BOARD



Craig M. Wilson
Delta Watermaster

Dated: **MAY 08 2012**

ATTACHMENT A

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

Ronald E. Buhler
Source: Toe Drain
County: Yolo

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Ronald E. Buhler	From Craig M. Wilson	
Co. Settlement Offer/Waiver	Ca. State Water Board	
Dept. 916-363-3216	Phone # 916-445-5962	
Fax # 916-363-0269	Fax # 916-341-5620	

By signing below and returning this Acceptance and Waiver to the State Water Resources Control Board (State Water Board), Ronald E Buhler (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 \$2,000~~ ^{\$ 1500. 3 Payments of 500} (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. *per my direction*
- Electronically file the necessary Supplemental Statement of Water Diversion and Use (Statement(s)) pursuant to Statement S006543 for the 2008, 2009 and 2010 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).)

Ronald E. Buhler
Acceptance and Waiver

STATE WATER RESOURCES
CONTROL BOARD

2012 APR 18 AM 9:33

DIV OF WATER RIGHTS
SACRAMENTO

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

Conditional Settlement Offer
State Water Resources Control Board
Division of Water Rights
Attention Enforcement Section
P. O. Box 2000
Sacramento, CA 95812-2000

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

Selled for 1500 paid with 3 payments of \$500.

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.

Ronald E. Buhler _____
(Diverter) *Make corrections as appropriate.

By: *Ronald Buhler*
(Signed Name)

4-16-12
(Date)

RONALD BUHLER
(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 2010-0048, 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* *
Craig M. Wilson
Delta Watermaster

4/11/12
(Date)

* approval contingent on request of record + third installments \$500 by 5/15/12 + \$500 by 6/15/12 first installment has been received.