

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

**DIVISION OF WATER RIGHTS**

**ORDER WR 2022-0145-DWR**

SWRCB - DWR  
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**ORDER APPROVING SETTLEMENT AGREEMENT**

In the Matter of Failure to Submit Scott River and Shasta River Watersheds Livestock  
Diversions Information Order Certification Response by

**SOULE A.D & N.D.**

Water Right: Diversion 473

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**BY THE DEPUTY DIRECTOR<sup>1</sup>**

This matter comes before the Deputy Director of the State Water Resources Control Board's (State Water Board) Division of Water Rights (Division) following the settlement negotiations regarding the alleged violation of California Code of Regulations, title 23, sections 875 through 875.9 (Emergency Regulations) as described in an Administrative Civil Liability Complaint (ACLC) dated February 22, 2022. In accordance with the attached Acceptance of Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver), the Division's Prosecution Team (Prosecution Team) and SOULE A.D & N.D. (Diverter) have agreed to settle this matter. The Diverter has accepted the Division's Settlement Offer and waived their right to contest the violations alleged in the ACLC at a hearing before the State Water Board, Administrative Hearings Office. The Diverter also waived their right to request reconsideration of an order by the State Water Board resolving the violations alleged in the ACLC.

REC'D 4/29/22  
CHECK # 13994  
AMT \$ 1,000  
Jett

**THE STATE WATER BOARD, OR ITS DELEGEE, FINDS AS FOLLOWS:**

1. On August 30, 2021, the State Water Board adopted California Code of Regulations, title 23, sections 875 through 875.9 (Emergency Regulations).
2. Section 875.8 subdivision (a) of the Emergency Regulations states “The Deputy Director may issue information orders to some or all landowners, diverters, or other water right holders in the Scott River and Shasta River watersheds, requiring them to provide additional information related to water use as relevant to implementing this article [Article 23.5].”
3. On January 7, 2022, the Division’s Deputy Director issued Information Orders to Diverters subject to Section 875.3 – Minimum Diversions for Livestock Watering within the Scott and Shasta River watersheds.
4. On February 7, 2022, the Division sent the Diverter a Notice of Violation notifying the Diverter that the Order response for their water rights has not been received within 15 days of issuance of the Information Order for Livestock Diversions. The Diverter was warned of the potential for enforcement with monetary penalties should the violation persist.
5. On February 22, 2022, the Division issued the Diverter an Administrative Civil Liability Complaint (ACLC). The ACLC alleged the Diverter failed to submit their Order response by January 24, 2022, in violation of section 875.8 of the Emergency Regulations. The ACLC recommended a penalty of \$2,000.
6. The Diverter did not request a hearing within 20 days of receipt of the ACLC, in accordance with Water Code section 1055(b).
7. The Diverter returned the Order form by March 9, 2022.
8. California Water Code section 1055.3 states that when determining the appropriate amount of civil liability to be imposed, the State Water Board shall take into



By properly executing and returning this Acceptance and Waiver to the State Water Board, Diverter acknowledges and understands that:

1. This Acceptance and Waiver waives the Diverter's right to contest the allegations in the ACL Complaint and the amount of administrative civil liability for the alleged violations.
2. This Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint.
3. This Acceptance and Waiver is not final and effective until it is approved by the State Water Board, or its delegee.

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

By: Marcy Soule 3-10-2022  
 Signature Date

MARCY SOULE  
 Printed or typed name

OWNER  
 Title

Relationship to Diverter if not Diverter