

Farwell Jensen, Jane@Waterboards

From: Tauriainen, Andrew@Waterboards
Sent: Monday, January 25, 2016 12:00 PM
To: Dan Kelly (dkelly@somachlaw.com); Jeanne Zolezzi; kharrigfeld@herumcrabtree.com; Janelle Krattiger; Jonathan Knapp (jonathan.knapp@sfgov.org); Rob Donlan; 'Jennifer Spaletta' (jennifer@spalettalaw.com); ngmplcs@pacbell.net; McGinnis, Robin C.@DWR; "Dante Nomellini, Jr." (dantejr@pacbell.net); rjmorat@gmail.com; Valerie Kincaid; Linda Wood (lwood@olaughlinparis.com); Herrick, John @aol.com; Dean Ruiz (dean@hprlaw.net); Stefanie Morris (smorris@swc.org); O'Hanlon, Daniel; Akroyd, Rebecca@KMTG; Philip Williams (pwilliams@westlandswater.org); Unit, Wr_Hearing@Waterboards
Cc: Carrigan, Cris@Waterboards; O'Hagan, John@Waterboards
Subject: RE: BBID ACLC Hearing WSID Draft CDO Hearing - Delegations of Authority
Attachments: 19990517 Delegation - Petit memorandum 5-17-99.pdf; 20080827 Redlegation memo - ACL Complaints.pdf

The Prosecution Team has an update to the November 20 disclosure below. While preparing the pre-hearing brief of legal issues as directed by Hearing Officer Doduc, the Prosecution Team became aware of the attached delegations of authority allowing the Assistant Deputy Director for Water Rights to issue complaints under Water Code section 1055. The Prosecution Team was previously unaware of these delegations. The Prosecution Team understands that these delegations remain in effect.

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From: Tauriainen, Andrew@Waterboards
Sent: Friday, November 20, 2015 12:19 PM
To: Dan Kelly (dkelly@somachlaw.com); Jeanne Zolezzi; kharrigfeld@herumcrabtree.com; Janelle Krattiger; Jonathan Knapp (jonathan.knapp@sfgov.org); Rob Donlan; 'Jennifer Spaletta' (jennifer@spalettalaw.com); ngmplcs@pacbell.net; McGinnis, Robin C.@DWR; "Dante Nomellini, Jr." (dantejr@pacbell.net); rjmorat@gmail.com; Valerie Kincaid; Linda Wood (lwood@olaughlinparis.com); Herrick, John @aol.com (jherrlaw@aol.com); Dean Ruiz (dean@hprlaw.net); Stefanie Morris (smorris@swc.org); O'Hanlon, Daniel; Akroyd, Rebecca@KMTG; Philip Williams (pwilliams@westlandswater.org); wrhearing@waterboards.ca.gov
Cc: Cris Carrigan; O'Hagan, John@Waterboards
Subject: BBID ACLC Hearing WSID Draft CDO Hearing - Delegations of Authority

Attached please find the delegations of authority inquired about by BBID's counsel this morning.

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State Water Resources Control Board

Winston H. Hickox
Secretary for
Environmental
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Executive Office


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Gray Davis
Governor

MEMORANDUM

TO: Harry M. Schueller, Chief
Division of Water Rights

FROM: 
Walt Pettit
Executive Director
EXECUTIVE OFFICE

DATE: MAY 17 1999

SUBJECT: DELEGATION OF AUTHORITY PROVIDED BY WATER CODE
SECTION 1055, SUBDIVISION (A)

- 1.0 Water Code section 1055, subdivision (a) provides that the Executive Director of the State Water Resources Control Board (SWRCB) may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to Section 1052 and Section 5107. The complaint shall allege the act or failure to act that constitutes a trespass or violation, the provision of law authorizing civil liability to be imposed, and the proposed civil liability. The Executive Director is authorized to delegate authority to a deputy or other officer or employee of the SWRCB pursuant to Water Code section 7.
- 2.0 The authority to issue a complaint and impose a civil liability as provided by Water Code section 1055, subdivision (a) is hereby delegated to the Chief, Division of Water Rights. This authority is delegated without restriction; however, the Chief, Division of Water Rights, shall keep the Executive Director and the SWRCB informed of any administrative civil liability complaints that may be highly controversial or that pose a risk of litigation.

Attachment

cc: Board Members
Dale Claypoole
✓ William R. Attwater



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board


Division of Water Rights
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Arnold Schwarzenegg
Governor

MEMORANDUM

TO: James W. Kassel
Assistant Deputy Director for Water Rights
DIVISION OF WATER RIGHTS

FROM: 
Victoria A. Whitney
Deputy Director for Water Rights
DIVISION OF WATER RIGHTS

DATE: **AUG 27 2008**

SUBJECT: REDELEGATION OF AUTHORITY PROVIDED BY WATER CODE SECTION 1055, SUBDIVISION (A)

Water Code section 1055, subdivision (a) provides that the Executive Director of the State Water Resources Control Board (State Water Board) may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to Section 1052 and section 5107. The complaint shall allege the act or failure to act that constitutes a trespass or violation, the provision of law authorizing civil liability to be imposed, and the proposed civil liability. The Executive Director is authorized to delegate authority to a deputy or other officer or employee of the State Water Board pursuant to Water Code section 7.

By memorandum dated May 17, 1999, the Executive Director delegated to the Deputy Director for Water Rights [then known as Chief of the Division of Water Rights] the authority to issue a complaint and impose a civil liability as provided by Water Code section 1055, subdivision (a). The delegation is without restriction, provided that the Deputy Director for Water Rights shall keep the Executive Director and the State Water Board informed of any administrative civil liability complaints that may be highly controversial or pose a risk of litigation.

The authority to issue an administrative civil liability complaint as provided by Water Code section 1055, subdivision (a) and delegated to the Deputy Director for Water Rights is hereby redelegated to the Assistant Deputy Director for Water Rights. The Assistant Deputy Director for Water Rights shall keep the Deputy Director, the Executive Director and the State Water Board informed of any administrative civil liability complaints that may be highly controversial or that pose a risk of litigation.

cc: (see next page)

James W. Kassel

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AUG 27 2008

cc: Dorothy Rice
Executive Director
State Water Board

Thomas Howard
Chief Deputy Director
State Water Board

Michael Lauffer
Chief Counsel
Office of Chief Counsel

Andrew Sawyer
Assistant Chief Counsel
Office of Chief Counsel