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

DIVISION OF WATER RIGHTS

ORDER WR 2016-0011-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 (MILL CREEK WATERSHED)

BY THE ASSISTANT DEPUTY DIRECTOR FOR WATER RIGHTS¹

The Assistant Deputy Director for the Division of Water Rights of the State Water Resources Control Board (State Water Board) issued an <u>Administrative Civil Liability Complaint</u> (Complaint) to the parties listed in Attachment A (collectively "Parties") for failure to fulfill obligations under State Water Board Order WR 2015-0026-DWR² on December 15, 2015. Between December 17, 2015 and February 10, 2016, the Parties signed the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Conditional Settlement). Between December 15, 2015 and February 11, 2016, the Parties submitted water use and supply information to the State Water Board.

The circumstances here support accepting the Conditional Settlement, as the State Water Board has received the water use and supply information and the signed Conditional Settlement.

I hereby approve the Conditional Settlement 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, or for violation of the terms of the Conditional Settlement.

STATE WATER RESOURCES CONTROL BOARD

John O'Hagan Assistant Deputy Director for Water Rights

Dated: February 29, 2016 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 redelegated this authority to the Assistant Deputy Director for Water Rights. State Water Board <u>Resolution No. 2012 - 0029</u> 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 redelegated this authority to the Assistant Deputy Director for Water Rights pursuant to State Water Board Resolution no. 2012-0029.

Attachment A – List of Parties Mill Creek Watershed Order WR 2016-0011-DWR

Party Party

DAN CRAIGHEAD DANIEL & ANN CRAIGHEAD LORRAINE HOLTZEN JAMES R KRECK CARL LAGERQUIST DAVID & JULIE NELSON

Identification Code(s)

110-060-044-000 111-050-015-000 110-260-020-000 110-060-049-000, 110-250-005-000 110-260-009-000 110-060-057-000





State Water Resources Control Board

Name: DAN CRA(CHEAD Source: «Dutch Bill Creek; Green Valley Creek; Mark West Creek; or Mill Creek» Watershed County: Sonoma

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), <u>DAN CRACHEAD</u>, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

Recipient understands that this Acceptance and Waiver waives the Recipient's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

Recipient understands that failure to fulfill the Recipient's obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient's non-performance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of \$2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient's knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

¹Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from 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), dated August 24, 2015.

Conditional Settlement Offer State Water Resources Control Board Division of Water Rights – Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature

DANCRAIGHEAD

Printed or typed name

OWNER

Title

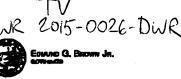
(Relationship to Recipient, if not Recipient)

Identification Code(s): //0-060-044-000

2-8-2016

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State Water Resources Control Board

Name: DAN CRAIGHEAD Source: «Dutch Bill Creek; Green Valley Creek; Mark West Creek; or Mill Creek» Watershed County: Sonoma

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

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Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

Recipient understands that this Acceptance and Waiver waives the Recipient's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

Recipient understands that failure to fulfill the Recipient's obligations under Order WR 2015-0026-DWR and to submit the signed Acceptance and Waiver within 20 days of receipt of the ACL Complaint, shall render the Conditional Offer void. If the Conditional Offer is deemed void due to Recipient's nonperformance, then the Assistant Deputy Director for Water Rights will issue a final ACL Order for the amount of \$2,500 for violations up to December 10, 2015, and shall seek recovery. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient's knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

Conditional Settlement Offer State Water Resources Control Board Division of Water Rights – Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Signature

DAN CRAIGHEAD

Printed or typed name

OWNER

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 111-050-015-000

Please return the completed Acceptance and Waiver by mail to the address above.

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2-8-2016

State Water Resources (Control Board Name: LORRAINE HOLTZE Source: Mill Creek Watersl County: Sonoma	EN hed
Water Boards	2016 JAN 11 PM 12: 37	MATTHEW RODRIDUEZ BECRETARY FOR ENVIRONMENTAL PROTECTION
\approx	STATE MARTINE	EDMUND G. BROWN JR.
		TV 1659 WR 2015-0026-DWR

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), $\underline{\mathcal{LPRR}(\mathcal{A},\mathcal{C},\mathcal{LTLR})}$, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

Recipient understands that this Acceptance and Waiver waives the Recipient's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

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Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient's knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

¹Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from 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), dated August 24, 2015.

LORRAINE HOLTZEN December 15, 2015

> Conditional Settlement Offer State Water Resources Control Board Division of Water Rights - Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

<u>LORRAINE</u> <u>Holtzen</u> Printed or typed name

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): <u>110-260-020-000</u>

 $\frac{O/O(201)}{Date}$

2015-0026-D

EDMUND G. BROWN JR.



State Water Resources Control Board

Water Boards

Name: JAMES R KRECK Source: Mill Creek Watershed County: Sonoma

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), <u>JAMES RKRECK</u>, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient's knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

JAMES R KRECK December 15, 2015

> Conditional Settlement Offer State Water Resources Control Board Division of Water Rights – Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

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(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-060-049-000, 110-250-005-000 / //0 - 050 - 027 - 000





State Water Resources Control Board

Water Boards

Name: CARL LAGERQUIST Source: Mill Creek Watershed County: Sonoma

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

By signing below apd returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), ________, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

Recipient agrees to comply with Order WR 2015-0026-DWR¹ by submitting the requested information electronically via the web through the Online Informational Order Form within 20 days of receipt of the ACL Complaint.

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Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

CARL LAGERQUIST December 15, 2015

> **Conditional Settlement Offer** State Water Resources Control Board Division of Water Rights – Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

(al dikent
Signature ()
Carl Robert Lageromist
Printed or typed name
Ourer

<u>|~16-16</u> Date

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-260-009-000

JAN 25 PM 2:





Edmund G. Brown Jr. governor

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Name: DAVID & JULIE NELSON Source: Mill Creek Watershed County: Sonoma

ATTACHMENT A – ACCEPTANCE AND WAIVER ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING OR RECONSIDERATION

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), <u>Danie</u> <u>Mecasif</u>, (Recipient) hereby accepts the conditional settlement offer (Conditional Offer) and waives the right to a hearing before the State Water Board regarding the Administrative Civil Liability Complaint issued to Recipient (ACL Complaint), to which this Acceptance and Waiver is attached. Additionally, the Recipient waives the right to reconsideration of any order adopting the settlement agreement. These waived proceedings are the venues through which the violations alleged in the ACL Complaint could be disputed.

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Recipient understands that providing incomplete data or data that are not true and correct to the best of Recipient's knowledge could subject the Recipient to additional fines and void the settlement agreement.

Recipient understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint. Once signed (executed) by Recipient, the Acceptance and Waiver shall be mailed to the following address:

WR 2015-0026- DWP

DAVID & JULIE NELSON December 15, 2015

> **Conditional Settlement Offer** State Water Resources Control Board Division of Water Rights - Public Trust Unit Attention: Russian River Tributaries Informational Order ACL P.O. Box 2000 Sacramento, CA 95812-2000

Recipient understands that this Acceptance and Waiver is not final until it is approved by the State Water Board or by the Deputy Director for Water Rights under delegated authority or by the Assistant Deputy Director for Water Rights under redelegated authority.

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

Nelm

Signature

Printed or typed name

OWNER

Title

(Relationship to Recipient, if not Recipient)

Identification Code(s): 110-060-057-000

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Successfully on 10-22-15

<u>/2 - 23 - /5</u> Date