



## State Water Resources Control Board

### ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING AND RECONSIDERATION

PAYNE BROTHERS RANCH

Water Right ID(s):  
A015392

By properly executing and returning this Acceptance of Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (“State Water Board”), PAYNE BROTHERS RANCH> (Diverter) hereby accepts the Division of Water Rights’ conditional Settlement Offer and waives their right to contest the violations alleged in the Administrative Civil Liability (ACL) Complaint at a hearing before the State Water Board, Administrative Hearings Office. Diverter also waives their right to request reconsideration of an order by the State Water Board resolving the violations alleged in the ACL Complaint.

#### Settlement Offer:

The Division of Water Rights Prosecution Team makes the following offer to settle this matter without the need for a formal hearing. The terms of the settlement are as follows:

- File the six past due monthly reports (Projected Demand for November 2022, December 2022, January 2023 and February 2023 and Prior Demand for October 2022 and November 2022) within 20 calendar days of receipt of Administrative Civil Liability Complaint, and
- File all future Prior and Projected Demand reports, through July 31, 2023, by the following deadlines

Projected Demand	Due Date	Prior Diversions	Due Date
		December 2022	February 10, 2023
		January 2023	March 10, 2023

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

March 2023	February 15, 2023
April 2023	March 15, 2023
May 2023	April 14, 2023
June 2023	May 15, 2023
July 2023	June 15, 2023
August 2023	July 14, 2023

February 2023	April 7, 2023
March 2023	May 12, 2023
April 2023	June 9, 2023
May 2023	July 7, 2023

- Pay settlement amount of \$500 within 30 days of receiving the State Water Board’s Order Approving the Settlement Agreement – **this will be sent at a later date. Do not need send payment at this time.**

**How to accept the Settlement Offer:**

1. **Within 20 calendar days of receipt of ACL Complaint** file the six past-due monthly reports identified above and all future reports listed in the table above for you water rights(s) by logging into the website with the login information below.

<https://public.waterboards.ca.gov/WRInfo>

Water Right ID / Login	Password / Reporting Identifier
A015392	[REDACTED]

2. **Within 20 calendar days of receipt of Complaint**, execute this Acceptance and Waiver and deliver via email to [DWR-Reporting@waterboards.ca.gov](mailto:DWR-Reporting@waterboards.ca.gov) or by mail to:

State Water Resources Control Board  
 Division of Water Rights  
 Attention: Enforcement Section – EDR Monthly Enforcement  
 P.O. Box 2000  
 Sacramento, CA 95812-2000

3. **Within 30 days of the State Water Board issuing an Order Approving the Settlement Agreement**, remit the \$500 settlement amount payment. Once Diverter completes Steps 1 and 2 above, the State Water Board will issue an Order approving this settlement agreement. At that time, the Diverter shall remit payment of the settlement amount within 30 days as directed by the Order. **Do not send payment at this time.**

**Failure to accept the Settlement Offer within 20 calendar days of receipt of Complaint or failing to submit the projected and prior demand monthly reports through July 2023 by the required deadline shall render this Settlement Offer voidable and may subject Diverter to the full proposed liability amount specified in the ACL Complaint.**

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:

*William A Payne*

Signature

*1/27/23*

Date

*William A Payne*

Printed or typed name

*Partner*

Title

Relationship to Diverter if not Diverter