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## State Water Resources Control Board

### MEMORANDUM

TO: Eileen Sobeck  
Executive Director  
[Eileen.Sobeck@waterboards.ca.gov](mailto:Eileen.Sobeck@waterboards.ca.gov)

FROM: Alan B. Lilly  
Presiding Hearing Officer  
Administrative Hearings Office  
[AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov)

SUBJECT: Proposed Order Approving Settlement Agreements for Eddie Vierra Farms, LLC Draft Cease-and-Desist Order

DATE: November 10, 2020

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On June 12, 2020, the Delta Watermaster issued an Amended Draft Cease-and-Desist Order (“Amended Draft CDO”) to Eddie Vierra Farms, LLC. The Amended Draft CDO concerned diversions and use of water on three properties owned by Eddie Vierra Farms, LLC (“Respondent”) on Roberts Island in the Delta. These properties are referred to as the “Home Ranch,” the “Woods Ranch” and the Walker Ranch.” These properties and the associated statements of water diversion and use are described in more detail in the enclosed proposed order and settlement agreements.

On August 27, 2020, the AHO issued a Notice of Public Hearing, which set three hearings to consider the issues raised by the Amended Draft CDO. The AHO scheduled these hearings for November 19-20, 2020 (Home Ranch), December 2-3, 2020 (Woods Ranch) and January 7-8, 2021 (Walker Ranch).

After the AHO issued its Notice of Public Hearing, representatives of the Delta Watermaster and the Respondent continued to meet and confer to discuss the relevant documents and issues. On October 16, 2020, Respondent and the Delta Watermaster executed a Settlement Agreement with respect to the Home Ranch issues. A copy of this Settlement Agreement is attached to the enclosed proposed order as Exhibit A. On October 23, 2020, Respondent and the Delta Watermaster execute a Settlement Agreement with respect to Woods Ranch (western portion) issues. A copy of this Settlement Agreement is attached to the enclosed proposed order as Exhibit B. (This settlement agreement states that the eastern portion of the Woods Ranch was

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

addressed in the Board's Order WR 2016-0006-EXEC.) On October 30, 2020, Respondent and the Delta Watermaster executed a Settlement Agreement with respect to the Walker Ranch issues. A copy of this Settlement Agreement is attached to the enclosed proposed order as Exhibit C. The general terms of the Settlement Agreements are described in the enclosed proposed order.

After execution of these Settlement Agreements, Respondent and the Delta Watermaster jointly asked the AHO to cancel the hearings on the Amended Draft CDO. The AHO issued notices cancelling these hearings on October 21, 2020 (Home Ranch), October 28, 2020 (Woods Ranch) and November 2 (Walker Ranch).

The issuance of a decision or order pursuant to a settlement agreement is authorized by Government Code section 11415.60. Section 5 of Board Resolution 2002-0104 authorizes the Executive Director to issue a decision or order by settlement of the parties under section 11415.60. Consistent with these legal authorities, I am transmitting the proposed Order Approving Settlement Agreements to you for your consideration, and, if it is acceptable to you, for your approval.

Encl: 2020-11-09 Proposed Order Approving Settlement Agreements (with settlement agreements attached)

cc w/encl: (see attached service list)

## SERVICE LIST

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