

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

**DIVISION OF WATER RIGHTS**

**ORDER WR 2013-0016-DWR**

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**ADMINISTRATIVE CIVIL LIABILITY**

For Violation of Order WR 2012-0014 DWR and Violation of Annual Reporting Requirements by

**Carol Anderson-Ward**

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SOURCE: Cosumnes River, Unnamed Stream

COUNTY: Sacramento

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Assistant Deputy Director James W. Kassel, Division of Water Rights, through authority delegated by the State Water Resources Control Board (State Water Board), hereby issues an Administrative Civil Liability (ACL) Order against Carol Anderson-Ward. On September 13, 2012, the Division of Water Rights issued an ACL Complaint against Anderson-Ward (Exhibit A attached), which is hereby incorporated by reference as part of this Order.

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

1. On September 13, 2012, the Assistant Deputy Director of the Division of Water Rights issued an ACL Complaint against Carol Anderson-Ward, which proposes to collect \$25,000 from Carol Anderson-Ward for the alleged violation of Order WR 2012-0014-DWR, a Cease and Desist Order (CDO) issued on July 3, 2012, by the Assistant Deputy Director for Water Rights, pursuant to California Water Code section 1834 and authority delegated pursuant to State Water Resources Control Board Resolution 2012-0029, for violation of annual reporting requirements and failure to file the required report of water use for 2010 by the requested deadline.
2. Pursuant to California Water Code section 7, the State Water Board is authorized to delegate authority to the Deputy Director of Water Rights. State Water Resources Control Board Resolution No. 2012-0029 (Resolution) delegates some of the State Water Board's authority to the Deputy Director for Water Rights. Section 4.9.2 of the Resolution authorizes the Deputy Director to issue an Order imposing administrative civil liability when a complaint has been issued and no hearing has been requested in the period provided by California Water Code section 1055. Section 4.9.2 of the Resolution allows this authority to be redelegated to the Assistant Deputy Director for Water Rights.
3. No hearing was requested within 20 days of issuance of the ACL Complaint in accordance with California Water Code section 1055(b). California Water Code section 1055(c) and Resolution No. 2012-0029 authorize the Assistant Deputy Director to issue an ACL Order for \$25,000, the amount proposed in the September 13, 2012, ACL Complaint. However, following issuance of the Complaint, Carol Anderson-Ward submitted information to the Division of Water Rights describing the unique circumstances which led to her failure to file, namely, the fact that most other water rights in the area are managed by a third party and the oversight which led to the

failure to file here. That information, coupled with Ms. Anderson-Ward's prompt filing, leads the Assistant Deputy Director to conclude that \$5,000 is a more appropriate penalty here. Accordingly, the Assistant Deputy Director hereby issues this final ACL Order imposing liability of \$5,000.

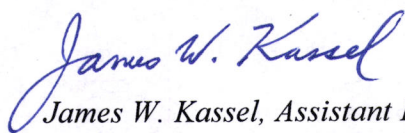
**IT IS HEREBY ORDERED THAT:**

1. The ACL Complaint attached hereto as Exhibit A is fully incorporated herein and made part of this Order.
2. In adopting this Order, the State Water Board, or its delegee, has considered all relevant circumstances, including but not limited to those specifically identified in the ACL Complaint, as required by California Water Code section 1055.3, in determining that Anderson-Ward shall be assessed the civil liability of \$5,000.
3. Carol Anderson-Ward shall remit, within 30 days of the date of this Order, a cashier's check or money order payment of the full penalty of \$5,000 to:

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

4. Fulfillment of Carol Anderson-Ward's obligations under this Order will constitute full and final satisfaction of any and all liability for each of the alleged violations specifically identified in this Order. The State Water Board reserves the right to take further future enforcement for any future violations.
5. The Assistant Deputy Director is authorized to seek recovery of the liability imposed as authorized by California Water Code section 1055.4, or refer this matter to the Office of Attorney General for further enforcement action if Carol Anderson-Ward fails to comply with remitting payment of the full penalty within 30 days of the date of this Order.

STATE WATER RESOURCES CONTROL BOARD



*James W. Kassel, Assistant Deputy Director  
Division of Water Rights*

Dated:

**MAR 26 2013**