

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

DIVISION OF WATER RIGHTS

ORDER WR 2016-0021-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
(MARK WEST CREEK WATERSHED)**

BY THE ASSISTANT DEPUTY DIRECTOR FOR WATER RIGHTS¹

On December 15, 2015, the Assistant Deputy Director for the Division of Water Rights of the State Water Resources Control Board (State Water Board) issued an [Administrative Civil Liability Complaint](#) (Complaint) to the parties listed in Attachment A (collectively "Parties") for failure to fulfill obligations under State Water Board Order WR 2015-0026-DWR². After receipt of the Complaint, the Parties submitted the required water use and supply information to the State Water Board, fulfilling the substantive requirements of Order WR 2015-0026-DWR.

The central condition of the Settlement Offer was to get the Parties' submittal of water use and supply information to the State Water Board, and the Parties have subsequently fulfilled that obligation. The circumstances here support accepting the submission of the information as de facto acceptance of the Settlement Offer.

I hereby approve Settlement of the Complaints 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.

STATE WATER RESOURCES CONTROL BOARD



*John O'Hagan, Assistant Deputy Director
Division of Water Rights*

Dated: October 19, 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 [Resolution No. 2012 - 0029](#) 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.

² State Water Board [Order WR 2015-0026-DWR](#): Order for Additional Information in the Matter of Diversion of Water from the 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) – Issued August 24, 2015.

Attachment A: List of Parties
 Mark West Creek Watershed
 Order WR 2016-0021-DWR

Party	Identification Code(s)
A M PROPERTIES	039-040-040-000
JOHN L ALLEN	058-132-013-000
IGNACIO & IDOLINA ALVEREZ	028-330-005-000
JOHN M BARRIE	067-160-019-000
PEGGY J BARRON	173-610-026-000
KARL B BASTIAN	058-040-062-000
MARC A & EMILY J BAUMAN	039-370-012-000
BDS ENTERPRISE LLC	059-150-005-000
JAMES G & BARBARA P BENNETT	067-280-004-000
SILAS M BODEN	058-133-026-000
DEAN & KRISTY BORG	039-130-020-000
ROBERT L & ANDREA L BROUWERS	083-260-048-000
MARY G BUCK	173-620-014-000
CALABRIA COMPLANY LLC	039-320-049-000, 039-320-050-000
CALISTOGA PROPERTIES LLC	028-100-024-000
DANIEL CONDIOTTI	039-250-005-000
MICHELLE CRAWFORD	067-240-034-000
NICHOLAS A DE MARA	173-730-028-000
CHRISTINA DEEB	067-150-026-000
PAUL DUCLOS	058-161-016-000
SONDRA K EDWARDS	039-240-020-000
DIANE & WILLIAM FAULK	039-290-078-000
ALICE C FAULKNER	058-290-048-000
TYLER ANTHONY FILGAS-HECK	028-160-056-000
BRET J & DENISE M FINITZ	039-230-019-000
LUCY GALASHVILY	067-190-012-000, 067-190-013-000
CESAR G GAMINO	028-040-020-000
JUAN CARLOS & EVA GAMINO	028-040-019-000
THOMAS & DUGAN JAMES T GARIGLIANO	079-040-001-000
CHERYL GIURLANI	058-321-037-000
JOHN M GRIGGS	028-170-082-000

RICHARD D GRUNDY	039-200-010-000
CARLOS & NANCY GUEVARA	039-220-002-000
ROSA & RUBEN GUTIERREZ	039-360-018-000
MELVIN H HALL	028-350-048-000
SCOTT W HALL	058-331-036-000
CHRISTINA & JOSEPH HAMILTON	058-143-002-000
LARRY D & KELLY J HANSEN	028-350-022-000, 028-350-029-000, 028-350-030-000, 028-350-032-000, 028-350-033-000, 028-350-036-000
RAY & TERESA L HART	059-090-019-000
TIMOTHY HASSLER	039-360-014-000
ROBERT S HEISLER	039-050-012-000
EMILE HENRI & LINDA CATLIN HOULE	067-060-023-000
J R FINITZ INC	039-230-031-000, 039-230-032-000
JMP ENTERPRISES	059-160-010-000
BEVERLEY B KNOBEL	028-360-028-000
CORRIE C & JANET E LEISEN	039-240-034-000
JASON LILES	059-240-028-000
NECIA DIXON LILES	078-140-031-000
THOMAS J LINEHAN	039-390-013-000
JOSEPH P & MISTI L MAGELITZ	058-163-003-000
MADELINE MAJOR	058-191-010-000
MARK & AUDREY ROSE MC DONALD	039-360-037-000
DANIEL M & REZA JUDI A MCGEE	058-321-007-000
HERBERT A & PATRICIA ANN MERRITT	067-100-002-000
MARTHA J MESSANA	029-210-005-000
ALMA MILLER	028-340-005-000
SUSAN M MILLS	059-090-038-000
GREGORY MOORE	039-240-005-000
GREGORY J MOORE	039-240-006-000, 039-330-018-000
BRAD & VICTORIA MUSTER	173-600-022-000
KEVIN NGUYEN	058-182-004-000
KEVIN NGUYEN	058-321-012-000
TRACY B & CHERYL LYNN GARCIA NIELSEN	039-360-053-000
ERIKA S & RION T NOONE	058-271-021-000
OAKS AT FOUNTAINGROVE HOMEOWNERS ASSN	173-730-047-000, 173-730-048-000

RICHARD P & DIANA JO OLCESE	058-290-028-000
JOHN E & JUDITH E PARCHER	039-320-036-000
STEVE & MISTY PARKER	028-120-023-000
GWEN N PASSANO	082-023-013-000
AMELIA T & LORENZ CRAIG PASSETTI	039-070-022-000
TIMOTHY PINNEY	028-350-007-000
BRANDON L & ANNA W PINTANE	067-130-010-000
PORTER CREEK RESORT PROPERTIES LLC	079-290-005-000, 079-290-006-000, 079-290-008-000
NORMAN L POULSEN	028-120-003-000, 028-120-030-000
RICHARD A POZZI	058-194-008-000
GREGORY P PRENTICE	058-331-038-000
JOHN & ROXANNE RAINWATER	059-170-029-000
JUSTIN E RIAK	028-120-007-000
KENT G RITCHIE	083-010-043-000
SALLY J & BRIAN L ROSENCUTTER	058-310-061-000
WILLIAM S ROTHE	079-260-027-000
ROBERT SAGAN	039-360-008-000
RYAN & DEVON SARVER	083-020-084-000
SARI BEAL SCHELLINGER	067-290-003-000
HARVEY R SEDER	039-080-011-000
DANIEL WADE SHAW	067-280-012-000
SHILOH HOMEOWNERS ASSN	079-250-016-000, 079-250-017-000, 079-260-019-000, 079-260-020-000, 079-260-022-000
SKYFARM ESTATES	173-760-038-000, 173-760-039-000, 173-760-040-000, 173-760-055-000, 173-770-004-000, 173-810-009-000, 173-820-001-000, 173-820-002-000, 173-820-003-000, 173-820-004-000, 173-820-006-000, 173-820-009-000, 173-820-010-000, 173-820-012-000, 173-820-013-000, 173-820-017-000, 173-820-018-000, 173-820-019-000, 173-820-020-000, 173-820-022-000, 173-820-023-000, 173-820-026-000
SLUSSER W PETER	057-070-029-000, 057-070-042-000
AARON R SMITH	058-290-003-000
JEFFREY K SMITH	058-341-024-000

GREG A & LEE-ANN SOILAND	067-020-007-000
STATE TRUSTEE SERVICES LLC TR	028-150-039-000, 028-310-024-000
HOWARD L STROUPE	059-070-078-000
EUGENE & CAROLYNN TEDESCHI	079-020-015-000
MICHAEL TOBONI	057-040-099-000
MILT VAN SANT	028-201-045-000, 028-201-046-000
VINEYARDS KISTLER	078-120-001-000
LINDSEY H WADDELL	079-080-008-000
JOHN C & DEANNA J WALLACE	039-061-013-000
DALE & CUSHMAN REBECCA WIGHTS	067-130-020-000
WIKIUP VILLAGE HOMEWONERS ASSN	039-260-018-000, 039-270-001-000, 039-300-089-000
JAMES H WILLIAMS	058-391-003-000
ANGELA WINQUIST	078-190-012-000
YOSEMITE MORTGAGE FUND II LLC	058-290-051-000, 058-300-076-000