



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

In Reply Refer to:
JOH:A030744

Mr. Albert Bendich
151 Hillcrest Road
Berkeley, CA 94705

Mr. David Varner
P.O. Box 232017
Encinitas, CA 92023

Dear Mr. Bendich and Mr. Varner:

WITHDRAWAL OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO FILE STATEMENT OF WATER DIVERSION AND USE OF UNNAMED TRIBUTARIES TO ALLEN CREEK

On April 11, 2012, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued an Administrative Civil Liability (ACL) Complaint to Albert Bendich (Bendich) for failure to file the required Statement(s) of Water Diversion and Use (Statement). You had 20 days from receipt of the ACL Complaint to act or face imposition of a \$2,000 liability. You also had 30 days from receipt of the ACL Complaint to file the required Statement(s).

By e-mail dated June 29, 2012, Mr. David Varner responded to the Division's complaint on behalf of Mr. Bendich by providing copies of Statements for the subject points of diversions identified in the ACL Complaint, along with a cover letter sent to the Division in September 2010. Mr. Varner also pointed out that the address used in the Division's certified mail was not current.

Upon receipt of this information, Division staff reviewed all records of Statements filed with the Division and eventually located the Statements and cover letter which confirmed the Division's receipt of the documents on September 29, 2010. Although these documents were not recorded in the Division's eWRIMS database, Division staff from the Statement Program have reviewed them and accepted them as Statement Numbers S021081 and S021082.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Mr. Albert Bendich and
Mr. David Varner

- 2 -

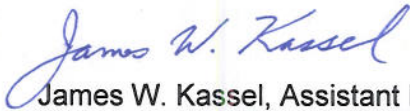
As a result of this new information, the Division's Prosecution Team hereby withdraws the ACL Complaint issued against Mr. Bendich and will take no further action regarding the ACL. As a result, a hearing before the State Water Board is not necessary. No response from you is necessary. If you wish to provide one, please mail it to:

State Water Resources Control Board
Division of Water Rights
Attn: Mr. John O'Hagan
P.O. Box 2000
Sacramento, CA 95812-2000

If you have any questions, please contact one of the following:

John O'Hagan, Manager of the Enforcement Section, at (916) 341-5368 or via e-mail at johagan@waterboards.ca.gov, or
Ellen Howard, Staff Counsel, Office of Enforcement, at (916) 341-5677 or via e-mail at EHoward@waterboards.ca.gov.

Sincerely,



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

ec: Andy Sawyer, Assistant Chief Counsel
State Water Resources Control Board
Office of Chief Counsel
Ellen Howard, Staff Counsel
State Water Resources Control Board
Office of Enforcement

Michael Buckman
Supervisor, Hearings Unit
Division of Water Rights

Bob Rinker
Supervisor, Fees Unit
Division of Water Rights