



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

FEB 22 2013

Mr. Joseph E. Awender  
327 Main Street  
Rio Vista, CA 94571

Dear Mr. Awender:

ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO HEARING REGARDING  
THE ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR PERMIT 20576 (APPLICATION 29809),  
UNNAMED STREAM IN SOLANO COUNTY

Enclosed is a copy of the Order for a Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration for the Administrative Civil Liability (ACL) Complaint against Joseph E. Awender. By signing this Order, I confirm that the State Water Resources Control Board has received the signed acceptance of the Settlement, payment of ACL, and the completed 2010 online report for the above-listed water right. Therefore, this matter is closed.

If you have any questions regarding this matter, please contact Mr. John O'Hagan of the Division of Water Rights at (916) 341-5368.

Sincerely,

A handwritten signature in blue ink that reads "James W. Kassel".

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

Enclosure:

1. Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration

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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](http://www.waterboards.ca.gov)

**ATTACHMENT A**

**ORDER WR 2013-0012-DWR**

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER  
AND WAIVER OF RIGHT TO HEARING AND RECONSIDERATION**

**Joseph E Awender**  
**Source: Unnamed Stream**  
**County: SOLANO**

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing and Reconsideration (Acceptance and Waiver) to the State Water Resources Control Board (State Water Board), Joseph E Awender (Permittee) hereby accepts the State Water Board's conditional settlement offer (Conditional Offer), and waives the right to a hearing before and reconsideration by the State Water Board at which violations alleged in the Administrative Civil Liability Complaint issued to Permittee (ACL Complaint) to which this Acceptance and Waiver is attached as Exhibit "A" could be disputed.

Permittee agrees to perform the following within 20 days of receipt of the ACL Complaint:

- **Pay administrative civil liability as authorized by California Water Code section 1845(b)(1), in the sum of \$2,000** (Expedited Payment Amount) by cashier's check or by certified check made payable to the "State Water Resources Control Board" for deposit into the Water Rights Fund, which shall be deemed payment in full of any civil liability pursuant to California Water Code section 1845(b)(1) that otherwise might be assessed for the violations described in the ACL Complaint.
- **Electronically file the necessary 2010 Annual Use Report**

Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the ACL Complaint and the civil liability amount for such violations.

Permittee understands that the failure to submit payment of the Expedited Payment Amount, electronically file the 2010 Annual Use Report, as identified and described above, along with the signed Acceptance and Waiver within 20 days of receipt of this notice, shall render the State Water Board's Conditional Offer void. If the State Water Board's Conditional Offer is deemed void due to Permittee's non-performance, then the State Water Board will issue a final Administrative Civil Liability order and seek recovery of the full liability amount proposed in the ACL Complaint.

Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ACL Complaint.



Joseph E Awender  
Acceptance and Waiver

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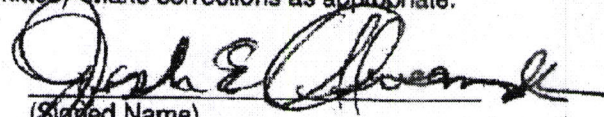
Upon execution by Permittee, the Acceptance and Waiver along with the Expedited Payment Amount shall be mailed to the following address:

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

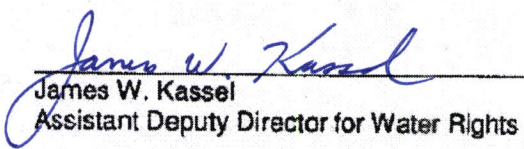
Permittee understands that this Acceptance and Waiver is not final until it is formally endorsed by the Division of Water Rights.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Joseph E Awender \_\_\_\_\_  
(Permittee) \*Make corrections as appropriate.

By:  9/29/12  
(Signed Name) (Date)  
Joseph E Awender  
(Printed or typed name)  
JWA  
(Title)

Approval of the Acceptance and Waiver has been delegated to the Assistant Deputy Director for Water Rights by State Water Board Resolution 2012-0029, and approval shall not limit the authority of the Executive Director or the Deputy Director for Water Rights, as delegated, to initiate any enforcement actions for the unauthorized diversion or use of water, for any future violations of the Water Code, or violation of the terms of the Acceptance and Waiver.

By:  2/2/13  
James W. Kassel (Date)  
Assistant Deputy Director for Water Rights