

# Wagner & Bonsignore

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June 11, 2015

Ms. Samantha Olson  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000  
via email: [Samantha.Olson@waterboards.ca.gov](mailto:Samantha.Olson@waterboards.ca.gov)

**RE: *Proposed Settlement Agreement in the matter of ACL/CDO against Flocchini Estate, LLC and Andrew J. Flocchini, Sonoma County***

Dear Ms. Olson:

We understand from Andrew Tauriainen that the proposed Settlement Agreement reached with Flocchini Estate LLC and Andrew J. Flocchini is being reviewed for issuance. At this time, we would like to request a change in the Administrative Civil Liability Payment term of the proposed Settlement Agreement. Currently, term 4 of the proposed Settlement Agreement reads:

*“Administrative Civil Liability Payment. Within 30 days following the State Water Board Executive Director’s approval of this Settlement Agreement, Flocchini shall pay \$42,000 to the State Water Board. The State Water Board will deposit said funds in the Water Rights Fund pursuant to Water code sections 1054, et seq.”*

Mr. Flocchini has requested that I inquire if the following change to the term would be acceptable:

**“Administrative Civil Liability Payment.** A total amount of \$42,000 will be paid to the State Water Board in three equal installments as follows: within 30 days following the State Water Board Executive Director’s approval of this Settlement Agreement, Flocchini shall pay \$14,000 to the State Water Board. A second payment of \$14,000 shall be paid by Flocchini to the State Water Board within one year after the date of approval; a third and final payment of \$14,000 shall be paid to the State Water Board within two years after the date of approval. The State Water Board will deposit said funds in the Water Rights Fund pursuant to Water code sections 1054, et seq.”

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Mr. Flocchini has indicated that payment of the entire amount this year will cause a financial hardship for the continued operation of his vineyard. Please notify me as soon as possible if this revised term is acceptable. Contact me directly if you have any questions.

Very truly yours,

WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS



Paula J. Whealen, Principal

cc via email: Barbara Evoy, SWRCB  
Jane Farwell, SWRCB  
Andrew Tauriainen, SWRCB  
Andrew Flocchini  
John Holdredge

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