



# State Water Resources Control Board



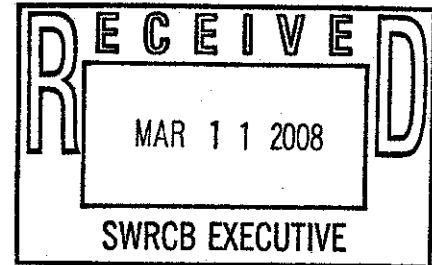
Linda S. Adams  
Secretary for  
Environmental Protection

Division of Water Rights  
1001 I Street • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

3/18/08 Bd. Mtg. Item 8  
Vineyard Club, Inc.  
Deadline: 3/11/08 by 12 p.m.

March 11, 2008



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Ms. Townsend:

COMMENT LETTER—3/18/08 BOARD MEETING, ITEM 8, CONSIDERATION OF A PROPOSED ORDER IN WHICH THE STATE WATER BOARD ISSUES A CEASE AND DESIST ORDER AND ASSESSES AN ADMINISTRATIVE CIVIL LIABILITY AGAINST THE VINEYARD CLUB, INC., FOR THE UNAUTHORIZED DIVERSION OF WATER IN SONOMA COUNTY

The Division of Water Rights Prosecution Team (Prosecution Team) supports the State Water Resources Control Board (State Water Board) draft order released February 20, 2008, issuing a cease and desist order and assessing administrative civil liability in the amount of \$14,750.

The Prosecution Team particularly wishes to express vigorous support for the State Water Board's determination in section 8.2.1 of the draft order that "violation of Standard Term 62 constitutes a trespass violation within the meaning of section 1052." This determination comports with the intent of the Water Code and is absolutely essential to continued effective enforcement of water rights by the Division.

While the Prosecution Team maintains that, under the facts of this case, administrative civil liability in the amount of \$30,000 would have been warranted, the Prosecution Team supports the State Water Board's decision to impose liability in the amount of \$14,750 and does not intend to contest that determination.

The Enforcement Team requests only one minor change, to correct an erroneous date in the draft order. Lines 5-6 of paragraph 8.2.2 on page 11 read, "Mr. Sandell testified that he removed the pipeline on May 29, 2007." The date should be corrected to read May 29, 2005.

*California Environmental Protection Agency*

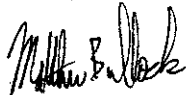
Ms. Jeanine Townsend

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May 11, 2008

On behalf of the Prosecution Team, thank you for your thoughtful consideration and conclusions in this matter.


Sincerely,



Matthew Bullock, Staff Counsel  
Division of Water Rights Enforcement Team

cc: Daniel Kelly, Esq. [via email only]  
Somach, Simmons & Dunn  
813 Sixth Street, Third Floor  
Sacramento, CA 95814-2403  
dkelly@lawssd.com

**California Environmental Protection Agency**

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