

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

DIVISION OF WATER RIGHTS

ORDER WR 2023-0008-EXEC

In the Matter of Violations or Threatened Violations of Emergency Regulations and Orders WR 2021-0083-DWR and WR 2021-0084-DWR, and Violations of Information Order WR 2022-0171-DWR upon

LANCE BATISTICH (S025829, S025819, S025820, S025830, S028076)

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE EXECUTIVE DIRECTOR¹

1.0 INTRODUCTION

This matter comes before the Executive Director of the State Water Resources Control Board (“State Water Board” or “Board”) following the issuance of an Administrative Civil Liability (“ACL”) complaint to Lance Batistich (“Respondent”). In accordance with the attached Settlement Agreement, the State Water Board Division of Water Rights (“Division”) Prosecution Team (“Prosecution Team”) and the Respondent have agreed to settle this matter in lieu of proceeding to a hearing. The issuance of a decision or order pursuant to a settlement agreement is authorized under Government Code section 11415.60.

2.0 BACKGROUND

On May 10, 2021, the Governor issued Executive Order N-10-21 declaring a state of emergency based on drought conditions in the Scott River and Shasta River watersheds.

On August 17, 2021, the State Water Board adopted emergency regulations, titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Authority in the Klamath River Watershed. The Emergency Regulations provide curtailment authority throughout the Klamath River watershed and establish minimum instream flow requirements and information order authority in the Scott River and Shasta River watersheds. The minimum instream flow requirements were established to protect fall-run Chinook salmon and threatened Southern Oregon/Northern California Coast coho salmon. The Emergency Regulations went

¹ State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to issue a decision or order by settlement of the parties under Government Code section 11415.60.

into effect on August 30, 2021, when they were approved by the Office of Administrative Law and filed with the Secretary of State. The State Water Board adopted the Emergency Regulations and described the need for the Emergency Regulations and their intent. Resolution No. 2021-0029 adopted the Emergency Regulations and describes the need for the Emergency Regulations and their intent.

On June 21, 2022, the State Water Board readopted the Emergency Regulations, which went into effect on July 29, 2022. The updated regulations contain a provision that extends previously issued curtailment orders under the amended regulation. (Cal. Code Regs., tit. 23, § 875, subd. (d)(3).)

The Emergency Regulations prohibit inefficient surface water diversion for livestock watering to protect the fall-run for Chinook and Coho salmon. Inefficient surface water diversions are defined as diverting “more than ten times the amount of water needed to support the number of livestock and reasonable water quantities set forth in Article 5, section 697...,” as measured at the point of diversion. (Cal. Code Regs., tit. 23, § 875.7, subd. (a).) For the 2021-2022 season, this prohibition operated from September 1, 2021, until January 31, 2022.

When curtailments are in place, diversions for the purpose of stockwatering are limited to those which do not result in seepage losses and will not exceed reasonable stockwatering amounts as set forth in Article 5, section 697. (Cal. Code Regs., tit. 23, §§875.3, subd. (a), (b).)

Title 23, Chapter 2.8, Sections 931–938 of the California Code of Regulations dictate requirements for measurement devices upon certain diversions. Section 932, subdivision (a) states that specified classes of diverters “shall install and maintain a measuring device or employ a measurement method capable of measuring the rate of diversion, rate of collection to storage, the rate of withdrawal or release from storage, and the total volume of water diverted or collected to storage.” These regulations were adopted by the Office of Administrative Law on March 21, 2016.

The Respondent is the Primary Owner of record for Water Right IDs S025829, S025819, S025820, S025830, and S028076. Statements S025819, S025820, and S025830 divert water from Oro Fino Creek for irrigation and stockwatering for 300 head of cattle. S028076 diverts water from Kidder Creek for irrigation and stockwatering for 250 head of cattle. S025829 is an adjudicated groundwater diversion from Oro Fino Creek for irrigation and stockwatering. None of the Respondent’s claims of right include a right to divert and use stored water.

On September 9, 2021, "Order Imposing Water Right Curtailment and Reporting Requirements for Reported Water Rights" was sent to every diverter in the Scott watershed that has a water right in the electronic Water Right Information System and watermastered surface water rights. This order was sent to the Respondent, by certified mail, and received September 14, 2021. The order requires the Respondent to cease diversions and comply with minimum flow requirements in the Scott River for diversions under statement S028076.

On September 10, 2021, the State Water Board issued an Order Imposing Water Right Curtailment, Increased Coordination, and Reporting Requirements for Adjudicated Groundwater Rights in the Scott River Watershed (Order WR 2021-0083-DWR). The Respondent received Order WR 2021-0083-DWR on September 14, 2021. The order requires the Respondent to cease diversions and comply with minimum flow requirements in the Scott River for diversions under statements S025830, S025829, S025820, and S025819. According to the order, these rights are adjudicated groundwater diversions identified in Schedule C of the Scott Adjudication [Decree entered on January 30, 1980, in Siskiyou County Superior Court Case No. 30662, In the Matter of Determination of the Rights of the Various Claimants to the Waters of Scott River Stream System, Except Rights to Water of Shackleford Creek, French Creek, and all Streams Tributary to Scott River Downstream from the U.S. Geological Survey Gaging Station, in Siskiyou County, California].

The State Water Board issued various addenda partially suspending curtailment of water rights in the Scott River watershed. In 2022, curtailments went into effect on July 2, 2022, for all surface water rights. On July 6, 2022, curtailments were partially suspended, allowing each first priority water right to divert up to 15% of their right. On July 8, 2022, each first priority right was allowed to divert up to 30% of their right. Finally, on July 14, 2022, all rights (surface and groundwater) were fully curtailed.

The Respondent submitted a Curtailment Certification Form on October 4, 2021. The Respondent claimed exemptions to curtailment for minimum livestock diversion, but these exemptions do not apply to irrigation.

Water Code² section 1831 authorizes the State Water Board to issue a cease and desist order (“CDO”) in response to a violation or threatened violation of any decision or order of the Board issued under Part 2, Division 2 of the Water Code, any regulation adopted under Water Code section 1058.5, or of other requirements and prohibitions not presently relevant. Water Code section 1845 further authorizes the Board to impose administrative civil liability, pursuant to Water Code section 1055. If the violation occurs in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the administrative civil liability may not exceed ten thousand dollars (\$10,000) for each day in which the violation occurs. If the violation occurs any other time, the administrative civil liability may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Water Code section 1846 authorizes the State Water Board to impose administrative civil liability, pursuant to Water Code section 1055, on any person or

² All references to the “Water Code” are to the California Water Code.

entity that violates a regulation or order adopted by the Board. Under these statutes, the Board may impose administrative civil liability in an amount not to exceed five hundred dollars (\$500) per day for each day in which the violation occurs.

Enforcement staff from the Division of Water Rights (“Division”) issued a Notice of Violation to the Respondent on August 10, 2022, based on information received indicating the Respondent was in violation of the Curtailment Order. On August 23, 2022, Division enforcement staff inspected the Respondent’s point of diversion and some of the place of use.

On September 30, 2022, the Assistant Deputy Director for the Division, under delegated authority, issued a draft CDO to the Respondent and an information order, Order WR 2022-0171-DWR (“Information Order”). The draft CDO alleged that the Respondent had violated or threatened to violate the Curtailment Order by irrigating 47 acres.

The Information Order required a response by October 14, 2022. There was no response by that date.

On December 9, 2022, the Assistant Deputy Director for the Division, under delegated authority, issued an Administrative Civil Liability (“ACL”) complaint to the Respondent for failing to respond to the Information Order. The ACL complaint recommends a civil liability of \$5,000.

The Respondent submitted a request for a hearing on the draft CDO on October 13, 2022, and a request for hearing on the ACL complaint on December 12, 2022. On August 23, 2022, the State Water Board, Administrative Hearings Office (“AHO”) issued a Notice of Public Hearing, scheduling a hearing on the allegations in the draft CDO and ACL to be held on February 14, 2023.

In lieu of a hearing on the matter, the Parties agree to settle the violation(s) alleged in the draft CDO, issued September 30, 2022, and the ACL complaint, issued December 9, 2022, through this Agreement.

This Agreement will be submitted to the AHO for approval and adoption pursuant to Government Code section 11415.60 as a decision by settlement and will become effective when the State Water Board’s Executive Director issues an order approving settlement.

3.0 SETTLEMENT AGREEMENT

The Respondent and the Division Prosecution Team executed the settlement agreement (“Settlement Agreement”), attached to this order as Exhibit 1. The general terms of the settlement are that Respondent:

1. Waives the right to a hearing on the CDO and ACL complaint, waives the right to petition for reconsideration of this Order, and agrees to the other

- terms and conditions described in the Settlement Agreement and incorporated into this order;
2. Must cease and desist from violating or threatening to violate Orders WR 2021-0083-DWR and WR 2021-0084-DWR;
 3. Must submit the information described in Order WR 2022-0171-DWR; and
 4. Is subject to administrative civil liability in the amount of \$5,000. The ACL will be suspended if the Respondent meets the specified requirements of this order. If the Respondent fails to meet any of these requirements, the Deputy Director will issue a written finding directing the Respondent to make immediate payment of the ACL.

ORDER

IT IS HEREBY ORDERED THAT the attached Settlement Agreement between the Division Prosecution Team and the Respondent is approved. The Respondent must perform all the following actions:

1. Immediately cease and desist all diversions from the Oro Fino Creek and from hydraulically connected groundwater and continue to cease all such diversions until curtailments have lifted or otherwise receiving notification by the State Water Board that curtailments have lifted.
2. Maintain, and provide to the Division upon request, records of all diversions of surface water hydraulically connected groundwater.
3. Install and maintain a measuring device or employ a measurement method capable of measuring the rate of diversion, rate of collection to storage, the rate of withdrawal or release from storage, and the total volume of water diverted or collected to storage. The measuring device or method must meet the requirements of Title 23, Chapter 2.8, Sections 931–938 of the California Code of Regulations, for any future diversions once curtailment is lifted. The requirements for each point of diversion are summarized below and fully described in the aforementioned regulations:
 - A. For S025829 and S025830, install and maintain a measuring device or employ a measurement method capable of daily measurement. Report the water diverted monthly to the Water Board staff.
 - B. For S025819, S025820 and S028076, install and maintain a measuring device or employ a measurement method capable of telemetry and hourly measurement. Provide access to the data or provide a website link where Water Board staff can access the data.

4. No less than 14 days following this Order's issuance, submit the information described below, under penalty of perjury, for each water source serving their parcel(s) or used to provide water from July 2, 2022, through the date of this order.

A. For each surface water point of diversion:

- i. Date(s) water was diverted;
- ii. Quantity of water diverted;
- iii. Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage;
- iv. Diversion maximum flow rate; and
- v. Capacity of reservoir(s) in acre-feet.

B. For all Groundwater Points of Diversion:

- i. Coordinates identifying the location of each groundwater well for which you have not already filed an Initial Statement of Diversion and Use;
- ii. The current maximum flow rate of each groundwater well;
- iii. For each date the wells operated:
 1. Quantity of water diverted;
 2. Quantity of water used for (1) irrigation, (2) livestock watering, (3) human health and safety, (4) diverted to storage; and
 3. Diversion maximum flow rate.
- iv. For irrigated acres from July 2, 2022, through date of this order:
 1. The parcel(s) where irrigation has occurred;
 2. Date(s) of irrigation on each field;
 3. Source(s) of water for irrigation;
 4. Number of irrigated acres per crop type; and,
 5. Amount of water used for irrigation on each field.

The Respondent must respond to any additional information requests from the Division to clarify or complete the initial information request. The information must be submitted on the Scott River Watershed Water Use Information Form, which is attached to this order as Exhibit 2. The form shall be completed and returned by post to the address or email below:

State Water Resources Control Board
Division of Water Rights ATTN: Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000
WB-DWR-SiskiyouEnforcement@waterboards.ca.gov

5. Pay an ACL of Five-Thousand Dollars (\$5,000). ACL will be suspended if the Respondent meets the requirements of section 4 of this order. If the Respondent fails to meet any of section 4's requirements, the Deputy Director will issue a written finding directing the Respondent to make immediate payment of the ACL. If the ACL required section 4 of this order is unpaid after 30 days of the date of the Deputy Director's finding, the Deputy Director will seek a judgment against the Respondent in accordance with Water Code section 1055.4 Payment must be made by cashier's check, certified check, or money order made payable to the "State Water Resources Control Board – Water Rights Fund," and properly executed and delivered to:

State Water Resources Control Board
Division of Water Rights
Attention: Enforcement Unit — Curtailment
1001 I Street, 14th Floor
Sacramento, CA 95814

STATE WATER RESOURCES CONTROL BOARD



Eileen Sobeck
Executive Director

February 27, 2023

Date

EXHIBIT 1

Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Lance Batistich (“Respondent”) and the State Water Resources Control Board (“State Water Board” or “Board”), Division of Water Rights Prosecution Team (the “Prosecution Team”), referred to hereinafter jointly as the Parties. This Agreement is executed on last date of the signatures below.

RECITALS

1. On May 10, 2021, the Governor issued Executive Order N-10-21 declaring a state of emergency based on drought conditions in the Scott River and Shasta River watersheds.
2. On August 17, 2021, the State Water Resources Control Board (“State Water Board” or “Board”) adopted emergency regulations, titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Authority in the Klamath River Watershed. The Emergency Regulations provide curtailment authority throughout the Klamath River watershed and establish minimum instream flow requirements and information order authority in the Scott River and Shasta River watersheds. The minimum instream flow requirements were established to protect fall-run Chinook salmon and threatened Southern Oregon/Northern California Coast coho salmon. The Emergency Regulations went into effect on August 30, 2021, when they were approved by the Office of Administrative Law and filed with the Secretary of State. The State Water Board adopted the Emergency Regulations and described the need for the Emergency Regulations and their intent. Resolution No. 2021-0029 adopted the Emergency Regulations and describes the need for the Emergency Regulations and their intent.
3. On June 21, 2022, the State Water Board readopted the Emergency Regulations, which went into effect on July 29, 2022. The updated regulations contain a provision that extends previously issued curtailment orders under the amended regulation. (Cal. Code Regs., tit. 23, § 875, subd. (d)(3).)
4. The Emergency Regulations prohibit inefficient surface water diversion for livestock watering to protect the fall-run for Chinook and Coho salmon. Inefficient surface water diversions are defined as diverting “more than ten times the amount of water needed to support the number of livestock and reasonable water quantities set forth in Article 5, section 697...,” as measured at the point of diversion. (Cal. Code Regs., tit. 23, § 875.7, subd. (a).) For the 2021-2022 season, this prohibition operated from September 1, 2021, until January 31, 2022.
5. When curtailments are in place, diversions for the purpose of stockwatering are limited to those which do not result in seepage losses and will not exceed reasonable stockwatering amounts as set forth in Article 5, section 697. (Cal. Code Regs., tit. 23, §§875.3, subd. (a), (b).)

6. Title 23, Chapter 2.8, Sections 931–938 of the California Code of Regulations dictate requirements for measurement devices upon certain diversions. Section 932, subdivision (a) states that specified classes of diverters “shall install and maintain a measuring device or employ a measurement method capable of measuring the rate of diversion, rate of collection to storage, the rate of withdrawal or release from storage, and the total volume of water diverted or collected to storage.” These regulations were adopted by the Office of Administrative Law on March 21, 2016.
7. The Respondent is the Primary Owner of record for Water Right IDs S025829, S025819, S025820, S025830, and S028076. Statements S025819, S025820, and S025830 divert water from Oro Fino Creek for irrigation and stockwatering for 250 head of cattle. S028076 diverts water from Kidder Creek for irrigation and stockwatering for 250 head of cattle. S025829 is an adjudicated groundwater diversion from Oro Fino Creek for irrigation and stockwatering, also for 250 head of cattle. None of the Respondent’s claims of right include a right to divert and use stored water.
8. On September 9, 2021, "Order Imposing Water Right Curtailment and Reporting Requirements for Reported Water Rights" was sent to every diverter in the Scott watershed that has a water right in the electronic Water Right Information System and watermastered surface water rights. This order was sent to the Respondent, by certified mail, and received September 14, 2021. The order requires the Respondent to cease diversions and comply with minimum flow requirements in the Scott River for diversions under statement S028076.
9. On September 10, 2021, the State Water Board issued an Order Imposing Water Right Curtailment, Increased Coordination, and Reporting Requirements for Adjudicated Groundwater Rights in the Scott River Watershed (Order WR 2021-0083-DWR). The Respondent received Order WR 2021-0083-DWR on September 14, 2021. The order requires the Respondent to cease diversions and comply with minimum flow requirements in the Scott River for diversions under statements S025830, S025829, S025820, and S025819. According to the order, these rights are adjudicated groundwater diversions identified in Schedule C of the Scott Adjudication [Decree entered on January 30, 1980, in Siskiyou County Superior Court Case No. 30662, In the Matter of Determination of the Rights of the Various Claimants to the Waters of Scott River Stream System, Except Rights to Water of Shackelford Creek, French Creek, and all Streams Tributary to Scott River Downstream from the U.S. Geological Survey Gaging Station, in Siskiyou County, California].
10. The State Water Board issued various addenda partially suspending curtailment of water rights in the Scott River watershed. In 2022, curtailments went into effect on July 2, 2022, for all surface water rights. On July 6, 2022, curtailments were partially suspended, allowing each first priority water right to divert up to 15% of their right. On July 8, 2022, each first priority right was allowed to divert up to 30% of their right. Finally, on July 14, 2022, all rights (surface and groundwater)

were fully curtailed.

11. The Respondent submitted a Curtailment Certification Form on October 4, 2021. The Respondent claimed exemptions to curtailment for minimum livestock diversion, but these exemptions do not apply to irrigation.
12. Water Code³ section 1831 authorizes the State Water Board to issue a cease and desist order (“CDO”) in response to a violation or threatened violation of any decision or order of the Board issued under Part 2, Division 2 of the Water Code, any regulation adopted under Water Code section 1058.5, or of other requirements and prohibitions not presently relevant. Water Code section 1845 further authorizes the Board to impose administrative civil liability, pursuant to Water Code section 1055. If the violation occurs in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the administrative civil liability may not exceed ten thousand dollars (\$10,000) for each day in which the violation occurs. If the violation occurs any other time, the administrative civil liability may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.
13. Water Code section 1846 authorizes the State Water Board to impose administrative civil liability, pursuant to Water Code section 1055, on any person or entity that violates a regulation or order adopted by the Board. Under these statutes, the Board may impose administrative civil liability in an amount not to exceed five hundred dollars (\$500) per day for each day in which the violation occurs.
14. Enforcement staff from the Division of Water Rights (“Division”) issued a Notice of Violation to the Respondent on August 10, 2022, based on information received indicating the Respondent was in violation of the Curtailment Order. On August 23, 2022, Division enforcement staff inspected the Respondent’s point of diversion and some of the place of use.
15. On September 30, 2022, the Assistant Deputy Director for the Division, under delegated authority, issued a draft CDO to the Respondent and an information order, Order WR 2022-0171-DWR (“Information Order”). The draft CDO alleged that the Respondent had violated or threatened to violate the Curtailment Order by irrigating 47 acres.
16. The Information Order required a response by October 14, 2022. There was no response by that date.
17. On December 9, 2022, the Assistant Deputy Director for the Division, under

³ All references to the “Water Code” are to the California Water Code.

delegated authority, issued an Administrative Civil Liability (“ACL”) complaint to the Respondent for failing to respond to the Information Order. The ACL complaint recommended a civil liability of \$5,000.

18. The Respondent submitted a request for a hearing on the draft CDO on October 13, 2022, and a request for hearing on the ACL complaint on December 12, 2022. On August 23, 2022, the State Water Board, Administrative Hearings Office (“AHO”) issued a Notice of Public Hearing, scheduling a hearing on the allegations in the draft CDO and ACL to be held on February 14, 2023.
19. In lieu of a hearing on the matter, the Parties agree to settle the violation(s) alleged in the draft CDO, issued September 30, 2022, and the ACL complaint, issued December 9, 2022, through this Agreement.
20. This Agreement will be submitted to the AHO for approval and adoption pursuant to Government Code section 11415.60 as a decision by settlement and will become effective when the State Water Board’s Executive Director issues an order approving settlement.

STIPULATIONS

In consideration of these Recitals and in consideration of the mutual covenants set forth in this Agreement, the Parties agree to settle the ACL complaint as follows:

21. **Recitals Incorporated.** The preceding Recitals are incorporated herein.
22. **Settlement Conditionally Confidential.** Unless and until the State Water Board’s Executive Director issues an order approving this Agreement, this Agreement is a confidential settlement document subject to all the limitations on admissibility set forth in California Evidence Code sections 1152 and 1154. Furthermore, pursuant to Government Code section 11415.60, this Agreement is not admissible in an adjudicative proceeding or civil action for any purpose.
23. **Actions to be Taken by Respondent.** To settle the alleged violation, the Respondent agrees to the following:
 - a. Immediately cease and desist all diversions from the Oro Fino Creek and from hydraulically connected groundwater and continue to cease all such diversions until curtailments have lifted or otherwise receiving notification by the State Water Board that curtailments have lifted.
 - b. Maintain, and provide to the Division upon request, records of all diversions of surface water hydraulically connected groundwater.
 - c. Maintain a working flow meter that meets the requirements of Title 23, Chapter 2.8, Sections 931–938 of the California Code of Regulations, for any future diversions once curtailment is lifted.
 - d. No less than 14 days after the State Water Board’s Executive Director

issues an order approving this Agreement, submit the information described in Directive 2 of the Information Order, and respond to any additional information requests from the Division to clarify or complete the initial information request.

- e. Work with the Prosecution Team to jointly submit this Agreement to the AHO prior to the scheduled hearing date and request a notice of cancellation of the hearing be issued.
24. **Stipulation for Water Right Compliance.** The Parties jointly stipulate and agree to the compliance actions described above in Stipulation 23.a through Stipulation 23.e and that those terms shall be enforceable as a Cease and Desist Order issued in accordance with Water Code section 1831.
25. **Suspended Administrative Civil Liability.** The Respondent accepts an ACL of Five-Thousand Dollars (\$5,000). The ACL will be suspended if the Respondent meets the requirements of Stipulation 23.d. If the Respondent fails to meet any requirement of Stipulation 23.d, the Deputy Director will issue a written finding directing the Respondent to make immediate payment of the ACL. Payment must be made by cashier's check, certified check, or money order made payable to the "State Water Resources Control Board – Water Rights Fund". Properly execute and deliver payment to:
- State Water Resources Control Board
Division of Water Rights
Attention: Enforcement Section — Curtailment
P.O. Box 2000
Sacramento, CA 95812-2000
26. **Satisfaction of Administrative Civil Liability Complaint.** Respondent's completion of the terms and conditions under Stipulation 23.d and Stipulation 24 will constitute a complete and final satisfaction of the administrative civil liability described in the ACL complaint, and the State Water Board will not bring any further administrative civil liability or other enforcement action regarding the alleged violation(s) described in that ACL complaint.
27. **Enforcement of this Settlement Agreement.** If the ACL that Stipulation 25 requires is unpaid after 30 days of the date of the Deputy Director's finding, the Deputy Director will seek a judgment against the Respondent in accordance with Water Code section 1055.4.
28. **Board Authority.** This Agreement is not intended to and shall not be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law. Nothing in this Agreement shall excuse Respondent from meeting any other requirements that may be imposed hereafter by applicable legally binding legislation, regulation, or other authority.
29. **Waiver of Reconsideration.** Respondent waives its rights to request

reconsideration of the State Water Board Executive Directors' Order approving this Agreement, provided no material modifications to this Agreement or additional requirements beyond the requirements of this Agreement are included in that Order.

30. **Successors.** This Agreement is binding on any successors or assigns of the Parties.
31. **Independent Judgment.** Each Party represents and declares that in executing this Agreement it is relying solely on its own judgment, knowledge and belief concerning the nature, extent and duration of its rights and claims, and that it has not been influenced to any extent whatsoever in the execution of this Agreement by any representations or statements regarding any matters made by other parties hereto or by any person representing them.
32. **No Precedent.** This Agreement involves unique facts and legal issues and shall not be used as a precedent decision of the State Water Board.
33. **Additional Documents.** Each party agrees that it will cooperate fully in executing any additional documents necessary to give full effect to this Agreement.
34. **Entire Agreement.** This Agreement reflects and represents the entire agreement between and among the Parties and supersedes any and all prior understandings, representations, and agreements whether written or unwritten. Each Party represents that it has not relied on any inducements, promises or representations made by the other party other than those contained in this Agreement.
35. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.
36. **Reasonableness of Settlement.** The Parties represent and warrant that this Agreement is made in good faith and in full recognition of the implications of such agreement.
37. **Section Headings.** The parties intend that the paragraph headings of this Agreement be used solely as a convenient reference and that they shall not in any manner amplify, limit, modify or otherwise aid in the interpretation of this Settlement Agreement.
38. **Effective Date.** This Agreement shall become effective immediately upon the State Water Board Executive Director's Order Approving the Settlement Agreement.
39. **Choice of Law.** This Agreement shall be interpreted and governed by the laws of the State of California.

40. **Authorization.** Each Party warrants that the individual executing this Agreement on behalf of such Party is duly authorized to do so.
41. **State Water Board Is Not Liable.** Neither the State Water Board members nor the Board's staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Respondent or its employees, agents, representatives, or contractors in carrying out activities pursuant to this Agreement, nor shall the State Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the Respondent or its employees, agents, representatives, or contractors in carrying out activities pursuant to this Agreement.

IT IS SO STIPULATED

State Water Board, Division of Water Rights' Prosecution Team

By: _____
Julé Rizzardo
Division of Water Rights

_____ Date

Respondent

By: _____
Lance Batistich

_____ Date

Exhibit 1: Proposed Order Approving Settlement Agreement

or its employees, agents, representatives, or contractors in carrying out activities pursuant to this Agreement.

IT IS SO STIPULATED

State Water Board, Division of Water Rights' Prosecution Team

By: *Julé Rizzardo*
Julé Rizzardo
Division of Water Rights

02/02/2023
Date

Respondent

By: _____
Lance Batistich

Date

Exhibit 1: Proposed Order Approving Settlement Agreement

or its employees, agents, representatives, or contractors in carrying out activities pursuant to this Agreement.

IT IS SO STIPULATED

State Water Board, Division of Water Rights' Prosecution Team

By: _____ Date _____
Julé Rizzardo
Division of Water Rights

Respondent
By:  Date 2-2-23
Lance Batistich

Exhibit 1: Proposed Order Approving Settlement Agreement

EXHIBIT 2

Scott River Watershed Water Use Information Form



State Water Resources Control Board

SCOTT WATERSHED INFORMATION ORDER FORM

This form is for:

Lance Batistich

The purpose of this form is to provide the information required by the Information Order for Water Use in the Scott River Watershed.

At the end of this form, you must certify that all the information entered is true and correct to the best of your knowledge under penalty of perjury. Please keep this in mind while filling out the form.

You must submit this form within 14 days from issuance of the Order. This corresponds to a submission date of October 14, 2022.

Please return this form by post or email to:

State Water Resources Control Board
Division of Water Rights ATTN: Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000

WB-DWR-SiskiyouEnforcement@waterboards.ca.gov

If you have questions or would like to request an electronic copy of this form, please contact State Water Resource Control Board staff by email at: WB-DWR-SiskiyouEnforcement@waterboards.ca.gov or leave a phone message at: (916) 327-3114.

Please answer the following questions. If the space provided below is not sufficient to answer, you may attach additional documents in your response. If you respond in an additional document, please refer to the question number (e.g. Question 1, part a).

Name of contact person:

Phone number and/or email:

1. Information on all Surface Water Points of Diversion

a. For each surface water point of diversion:

Water right ID:

Diversion Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
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Water right ID:

Diversion Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022
1				
2				
3				
4				
5				
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Water right ID:

Diversion Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022
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Water right ID:

Diversion Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022
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b. Quantity of water diverted for each beneficial use:

Water right ID	Irrigation	Livestock	Human Health and Safety	Storage

c. Capacity of the reservoir (in acre feet):

2. Information on each groundwater well

a. Coordinates identifying the location of each groundwater for which you have not already filed an Initial Statement of Diversion and Use.

b. For each date the wells operated

Well name/Water right ID:

Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022
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Well name/Water right ID:

Maximum Capacity:

Daily Diversion Rate (all values in cubic feet per second)

Day of Month	July 2022	August 2022	September 2022	October 2022

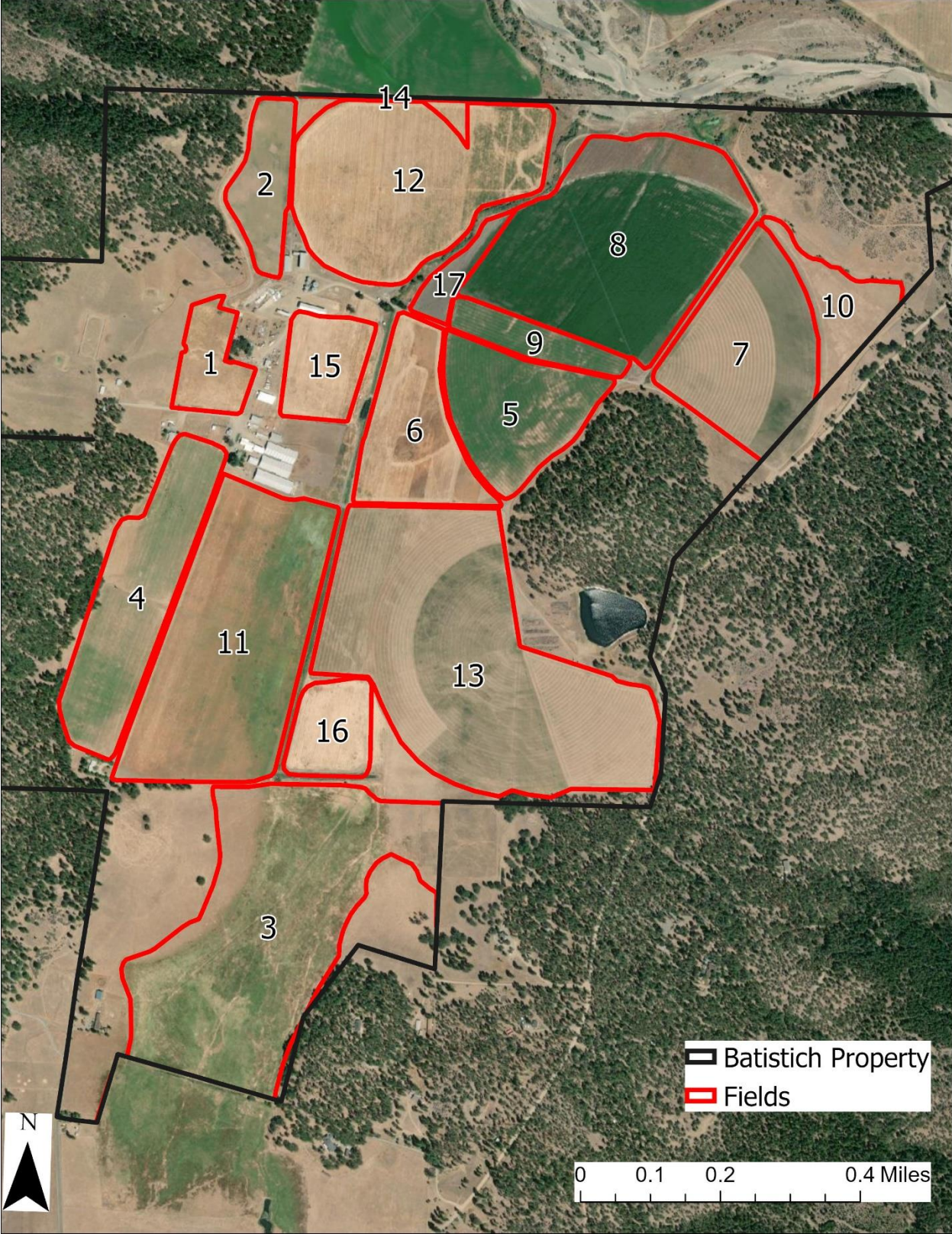
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d. Quantity of water diverted for each beneficial use:

Well name/ Water right ID	Irrigation	Livestock	Human Health and Safety	Storage

e. Irrigated acres from July 2, 2022, through date of receiving this Information Order. Please refer to the map below to answer this question:



Field	Irrigation (Yes/No)	Dates of Irrigation	Source of water	Number of irrigated acres	Crop	Amount of water used for irrigation
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Certification

Name of person signing: _____

Relationship to Owner of Record (of properties listed in Information Order for Surface Water and Groundwater Diversions in the Scott River Watershed):

I certify, under penalty of perjury, that all information entered into this form is true and correct to the best of my knowledge.

Signature: _____

Date of Signature: _____

Please return this form by post or email to:

State Water Resources Control Board

Division of Water Rights ATTN: Enforcement Section

P.O. Box 2000

Sacramento, CA 95812-2000

WB-DWR-SiskiyouEnforcement@waterboards.ca.gov