

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31694

Tony Peju

ORDER CANCELING APPLICATION

SOURCE: Unnamed Stream tributary to Dutch Henry Canyon Creek thence Biter Creek thence Napa River

COUNTY: Napa

WHEREAS:

1. Tony Peju (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on February 5, 2008, requesting the right to divert 15 acre-feet per annum from an Unnamed Stream tributary to Dutch Henry Canyon Creek thence Biter Creek thence Napa River.
2. On December 4, 2008, the Division issued a public notice of Application 31694. Protests were filed by the California Department of Fish and Game, Living Rivers Council, and Beringer Blass Wine Estates. The protests remain unresolved.
3. On December 8, 2009, the Division received notice from the Applicant requesting cancellation of Application 31694.
4. The State Water Board has delegated the authority to cancel applications to the Deputy Director of the Division pursuant to Resolution No. 2007-0057. The Deputy Director has redelegated this authority to the Program Manager, pursuant to redelegation order dated October 4, 2007.

THEREFORE, IT IS ORDERED THAT APPLICATION 31694 IS HEREBY CANCELED.

It is Applicant's responsibility to remove or modify any diversion works or impoundments to ensure that water is no longer diverted. Applicant should consult with the Department of Fish and Game and the Regional Water Quality Control Board in order to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. Applicant must also consult the Department of Water Resources, Division of Safety of Dams if a jurisdictional size dam will be removed or breached (dam height 25 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

Applicant is hereby put on notice that any diversion of water from the point of diversion proposed under this application may be subject to administrative civil liability of up to \$500 per day without further notice, pursuant to Water Code section 1052. The State Water Board also may issue a cease and desist order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

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Applicant shall document any diversions made under claim of riparian or pre-1914 water rights by filing a Statement of Water Diversion and Use with the State Water Board in accordance with Water Code sections 5100 through 5108.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: SRH for

Victoria A. Whitney
Deputy Director for Water Rights

Dated: May 11, 2010

JL: DCC: 03/23/10
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