

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Application 28661

**Cascade Ranch Historic Farm**

**ORDER CANCELING APPLICATION**

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SOURCE: Unnamed Stream tributary to Cascade Creek

COUNTY: San Mateo

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BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**WHEREAS:**

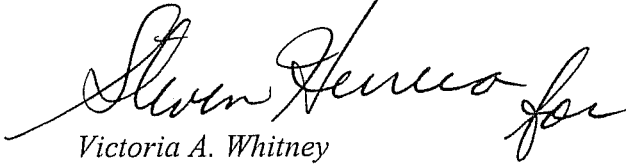
1. The Trust for Public Land, predecessor of Cascade Ranch Historic Farm (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on December 16, 1985, requesting the right to divert 8.2 acre-feet per annum from an Unnamed Stream tributary to Cascade Creek.
2. Application 28661 was publicly noticed on May 22, 1987 and one protest was filed by the Department of Fish and Game on June 29, 1987. The protest has not been resolved.
3. By letter dated August 1, 2008, the Division requested that the Applicant: 1) submit confirmation that the Applicant intended to continue to pursue the water right application, 2) agree to retain a qualified engineering and environmental consultant(s) and 3) submit justification or documentation, if applicable, that the application is exempt from CEQA. The Division allowed 30 days for the Applicant to respond. The letter contained a warning that failure to submit the information requested within the time period provided could result in the cancellation of the application under Water Code section 1276. Division staff contacted the Applicant's authorized agent by telephone on September 17, 2008 and November 20, 2008 to inform the agent that a response was due and provide notice that a cancellation order was being drafted. To date, the Division has not received the required information.
4. On December 1, 2008, the Division received notice from the Applicant requesting cancellation of Application 28661.
5. The State Water Board has delegated the authority to cancel applications to the Deputy Director for Water Rights, pursuant to Resolution No. 2007-0057. (Attachment to Resolution No. 2007-0057, section 4.5.2.) The Deputy Director has redelegated this authority to the Manager of the Permitting Section when cancellation is requested by the Applicant, pursuant to redelegation order dated October 4, 2007.

**THEREFORE, IT IS ORDERED THAT APPLICATION 28661 IS HEREBY CANCELED.**

Applicant is hereby put on notice that any diversion of water from the point(s) 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.

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

A handwritten signature in cursive script, appearing to read "Victoria A. Whitney for".

*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JAN 16 2009**