

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31517

William Oswald

ORDER CANCELING APPLICATION

SOURCE: Canada Del Sacate (aka Sacate Creek)

COUNTY: Santa Barbara

WHEREAS:

1. On June 8, 2004, William Oswald (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), requesting the right to divert one acre-foot per annum from Canada Del Sacate (aka Sacate Creek).
2. On December 24, 2004, the Division noticed Application 31517. No protests were filed.
3. On September 5, 2007, the Division received notice by letter from the authorized agent, Mark de la Garza, to cancel Application 31517. In a telephone conversation on September 5, 2007, Mr. de la Garza informed the Division that the Applicant contracted for purchased water from a local water district and therefore the water right was not needed.
4. On November 20, 2007, the Division issued an order canceling Application 31517 pursuant to the Applicant's request.
5. On December 5, 2007, the Division received a letter from the Applicant requesting that the Division set aside the cancellation and reinstate the application because the agent did not obtain permission from the Applicant to cancel the application.
6. On May 21, 2008, the Division issued an order approving the request to set aside the cancellation and approving the request to reinstate the application.
7. On November 24, 2009, the Division received a request from the Applicant, Mr. William Oswald, to once again cancel Application 31517. Mr. Oswald's request was based on his inability to obtain approval from the County of Santa Barbara. The applicant claims that no water subject to the State Water Board's permitting authority is being diverted.


8. The State Water Board has delegated the authority to cancel applications to the Deputy Director for Water Rights pursuant to Resolution No. 2007-0057 dated September 18, 2007. In a memorandum dated October 4, 2007, this authority was redelegated to the Manager of the Permitting Section.

THEREFORE, IT IS ORDERED THAT APPLICATION 31517 IS HEREBY CANCELED.

It is the Applicant's responsibility to remove or modify any diversion works or impoundments to ensure that water subject to the State Water Board's permitting authority is no longer diverted to storage in the reservoir. Applicant should consult with the Department of Fish and Game and the appropriate Regional Water Quality Control Board in order to ensure that removal of project facilities, if applicable, will not adversely affect a fishery or result in unregulated sediment discharge to a waterway. Applicant must also consult with 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(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 California 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 California 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 California Water Code sections 5100 through 5108.


Steven Herrera, Manager
Water Rights Permitting Section

Dated: DEC 28 2009