

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31724

A. Rafanelli Winery & Vineyards

ORDER CANCELING APPLICATION

SOURCE: Unnamed stream tributary to Dry Creek thence Russian River

COUNTY: Sonoma

WHEREAS:

1. On September 11, 2008, A. Rafanelli Winery & Vineyards (Applicant) filed water right Application 31724 (A031724) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). A031724 requests the right to divert 30 acre-feet per annum from an unnamed stream tributary to Dry Creek thence Russian River.
2. On December 11, 2008, the Division publicly noticed A031724. Sonoma County Water Agency and California Department of Fish and Game filed protests against A031724. All protests are unresolved.
3. On April 24, 2009, the Division received notice from the Applicant's Representative requesting cancellation of A031724.
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. (Attachment to Resolution No. 2007-0057, section 4.5.2.) The Deputy Director has redelegated this authority pursuant to the redelegation memorandum dated October 4, 2007.


THEREFORE, IT IS ORDERED THAT APPLICATION 31724 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.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **JUN 17 2009**