

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

DIVISION OF WATER RIGHTS

In the Matter of:

**Application 30711 of Financial Portfolio, LTD
and Application 31187 of Universal Portfolio Limited**

ORDER CANCELING APPLICATIONS

SOURCES: (1, 2, and 3) Unnamed Streams tributary to the Petaluma River and (4) an Unnamed Stream tributary to Tolay Creek

COUNTY: Sonoma

WHEREAS:

1. Steven L. Merrill and Deborah Lockwood as Trustees of the Natalie O.M. Miller Revocable Trust filed water right Application 30711 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on April 3, 1998, requesting the right to divert 63 acre-feet per annum (afa) by storage from two Unnamed Streams tributary to Petaluma River. Pursuant to a request from the applicant's representative dated June 30, 2000, the Division records have been updated to show Financial Portfolio, LTD as the current owner of record for Application 30711.
2. Universal Portfolio Limited filed water right Application 31187 with the Division on November 20, 2000, requesting the right to divert 61 afa by storage from an Unnamed Stream tributary to Tolay Creek and from an Unnamed Stream tributary to the Petaluma River.
3. On June 21, 2002, the Division publicly noticed Applications 30711 and 31187. California Sportfishing Protection Alliance, National Marine Fisheries Service, California Department of Fish and Game, and the Cardoza Family filed protests. On October 23, 2002, the Division notified the Cardoza Family that the protest was accepted for Application 31187 only. All protests are unresolved.
4. On March 2, 2010, the Division received notice from the applicants' representative requesting cancellation of Applications 30711 and 31187.
5. 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.

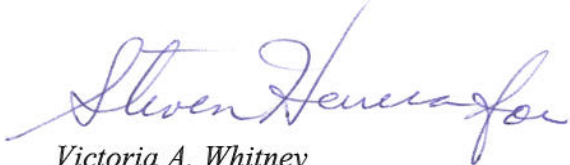
THEREFORE, IT IS ORDERED THAT APPLICATIONS 30711 AND 31187 ARE HEREBY CANCELED.

It is the Applicant's responsibility to remove or modify any diversion works to ensure that water subject to the State Water Board's permitting authority is no longer diverted. 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. 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 points of diversion proposed under these applications 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
Deputy Director for Water Rights

Dated: APR 07 2010