

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31307

Vineburg Wine Company LLC

ORDER CANCELING APPLICATION

SOURCE: UNNAMED STREAM AND HARASZTHY CREEK TRIBUTARY TO ARROYO SECO
THENCE SCHELL CREEK THENCE SCHELL SLOUGH

COUNTY: SONOMA

WHEREAS:

1. Vineburg Wine Company LLC (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on March 18, 2002, requesting the right to divert 37 acre-feet per annum from an Unnamed Stream and Haraszthy Creek tributary to Arroyo Seco thence Schell Creek thence Schell Slough in Sonoma County.
2. On March 19, 2002, the application was accepted and a public notice was issued on June 28, 2002. Eighteen protests were received and accepted from downstream users, the Department of Fish and Game and the National Marine Fisheries Service. Fifteen of the protests pertaining to existing rights were rejected due to insufficient information.
3. On July 20, 2010, the Division received notice from the Applicant's agent requesting cancellation of Application 31307.
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 31307 IS HEREBY CANCELED.

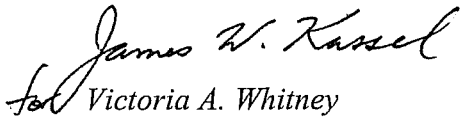
It is Applicant's responsibility to remove or modify any diversion works or impoundments to ensure that water is no longer diverted. Applicant should consult with the Department of Fish and Game and the Regional Water Quality Control Board in order to ensure that removal of project facilities does not 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.

Application 31307
Page 2 of 2

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

James W. Kassel

Victoria A. Whitney
Deputy Director for Water Rights

Dated: **AUG 18 2010**