

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 31637

**Stanley P. and Kay Voget**

**ORDER CANCELING APPLICATION**

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SOURCE: Pine Creek

COUNTY: Mono

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**WHEREAS:**

1. Stanley P. and Kay Voget (Applicants) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on September 25, 2006, requesting the right to divert 863 acre-feet of water from Pine Creek.
2. Application 31637 was accepted by the Division on September 25, 2006. The project was noticed on June 28, 2007 and protests were received from the 40 Acres Homeowner's Water Association and Los Angeles Department of Water and Power. The protests have not been resolved.
3. By letter dated January 19, 2011, the Division requested notification whether the Applicant intends to continue processing Application 31637. The Division also requested that the Applicant submit a Memorandum of Understanding for the preparation of an environmental document for the project within 180 days, and a Water Availability Analysis within 120 days of the Division's January letter.
4. On February 12, 2011, the Division received notice from the Applicant requesting cancellation of Application 31637.
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 Assistant Deputy Director and Program Managers, pursuant to redelegation order dated October 4, 2007.

**THEREFORE, IT IS ORDERED THAT APPLICATION 31637 IS HEREBY CANCELED.**

The Applicant asserts that water will be diverted under a claim of pre-1914 appropriative water right, however if the claimed pre-1914 water right is not valid, it is the 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(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, unless the diversion is covered by an existing right. 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 a 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 et seq.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy*  
FOR *Barbara Evoy, Deputy Director*  
*Division of Water Rights*

Dated: **NOV 28 2011**