

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

DIVISION OF WATER RIGHTS

In the Matter of:
Application 30162A of John Thomas,
Application 30162B of Dan C. Thomas,
Application 30163 of Steve Thomas, and
Application 30170 of Daniel and Becky Thomas

ORDER CANCELING APPLICATIONS

SOURCE: Russian River

COUNTY: Mendocino

WHEREAS:

1. On July 16, 1992, John Thomas (Applicant) filed water right Application 30162 (A030162) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). A030162 requests the right to divert 270 acre-feet per annum (afa) by direct diversion from the Russian River.
2. On July 16, 1992, Steve Thomas (Applicant) filed water right Application 30163 (A030163) with the Division. A030163 requests the right to divert 315 afa by direct diversion from the Russian River.
3. On August 4, 1992, Dan and Becky Thomas (Applicants) filed water right Application 30170 (A030170) with the Division. A030170 requests the right to divert 110 afa by direct diversion from the Russian River.
4. On August 7, 1998, the Division publicly noticed A030163 and A030170. California Sportfishing Protection Alliance (CSPA), Sonoma County Water Agency (SWCA), Brutocao Vineyards, and California Department of Fish and Game (DFG) filed protests against A030163. CSPA, SWCA, and DFG filed protests against A030170. All protests are unresolved.
5. On October 2, 1998, A030162 was split into A030162A and A030162B. A030162A requests the right to divert 245 afa. A030162B requests the right to divert 25 afa. John Thomas assigned all right, title, and interest in A030162B to Dan C. Thomas.
6. On January 29, 1999, the Division publicly noticed A030162A and A030162B. SCWA, Vinifera Associates, Beringer Wine Estates, and DFG filed protests against the applications. All protests are unresolved.

7. On December 15, 2008, the Division received notice from the Applicants' Representative requesting cancellation of A030162A, A030162B, A030163, and A030170.
8. 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.

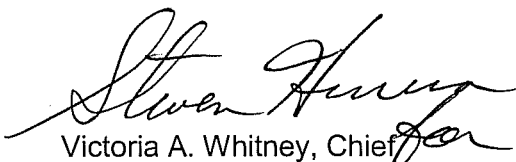
THEREFORE, IT IS ORDERED THAT APPLICATIONS 30162A, 30162B, 30163, AND 30170 ARE HEREBY CANCELED.

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 point(s) 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, Chief
Division of Water Rights

Dated: **MAY 28 2009**