

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31659

The Copp Trust

ORDER CANCELING APPLICATION

SOURCE: Unnamed Stream tributary to Copsey Creek

COUNTY: Lake

WHEREAS:

1. The Copp Trust (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on May 17, 2007, requesting the right to divert 26 acre-feet per year for domestic, fish and wildlife protection and/or enhancement, and recreational uses from an Unnamed Stream tributary to Copsey Creek.
2. Application 31659 was accepted on May 17, 2007. The application was noticed on August 28, 2008. Protests were filed by the Department of Fish and Game and Yolo County Flood Control and Water Conservation District. None of the protests has been resolved.
3. There is no documentation in the file showing that the Applicant has had any contact with the protestants attempting to resolve the protests. The Applicant's letter dated January 19, 2009 requested the Division to undertake to clarify the application to the protestants. The Applicant's June 30, 2009 letter stated that the Applicant believes the protests were rendered moot because of the reduction in the quantity of water requested to one af.
4. On August 11, 2009, the Division advised the Applicant that the protest responses submitted to the Division on January 19, 2009, February 25, 2009, and June 30, 2009 are not responsive to the issues raised in the protests and that the Applicant, not the Division, is responsible for responding to the protests.
5. On August 18, 2009, the Division received notice from the Applicant requesting cancellation of Application 31659.

THEREFORE, IT IS ORDERED THAT APPLICATION 31659 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

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response to an unauthorized diversion or threatened unauthorized diversion pursuant to 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 Water Code sections 5100 through 5108.

STATE WATER RESOURCES CONTROL BOARD



Victoria A. Whitney
Deputy Director for Water Rights

Dated: **OCT 19 2009**