

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

DIVISION OF WATER RIGHTS

In the Matter of Application 31209

San Luis Rey Downs Enterprises LLC

ORDER CANCELING APPLICATION

SOURCE: Moosa Canyon Creek and San Luis Rey River Underflow tributary to San Luis Rey River

COUNTY: San Diego

WHEREAS:

1. San Luis Rey Downs Enterprises LLC (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on February 14, 2000 requesting the right to divert 1100 acre-feet per annum from Moosa Canyon Creek and San Luis Rey River Underflow tributary to San Luis Rey River.
2. A notice of Application 31209 was published by the Division on November 8, 2002. Two protests were filed in response to the notice, both based on potential harm to fisheries. The first was filed by Elston and Genevieve M. Palmer, and was accepted by the Division on January 14, 2003. The second protest was filed by the Department of Fish and Game and was accepted by the Division on January 14, 2003. Neither protest has been resolved or dismissed.
3. On October 31, 2003, the Division received notice from the Applicant requesting cancellation of Application 31209. The Applicant confirmed the request for cancellation by telephone on September 20, 2011.
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 Assistant Deputy Director and Program Managers, pursuant to redelegation order dated October 4, 2007.

THEREFORE, IT IS ORDERED THAT APPLICATION 31209 IS HEREBY CANCELED.

Applicant is hereby put on notice that any diversion of water from the points 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.

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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

Original Signed by: PGC for

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: November 23, 2011