

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A030878

**Max Landes and John Fetzer**

**ORDER CANCELING WATER RIGHT APPLICATION**

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SOURCE: Unnamed Stream tributary to McNab Creek and McNab Creek tributary to the Russian River thence the Pacific Ocean

COUNTY: Mendocino

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**WHEREAS:**

1. Max Landes and John Fetzer (Applicants) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on November 30, 1998, requesting the right to divert 56 acre-feet from and Unnamed Stream tributary to McNab Creek and McNab Creek tributary to the Russian River thence the Pacific Ocean.
2. On April 27, 2015, the Division received notice from the Applicants requesting cancellation of Application A030878.
3. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights (Deputy Director) to cancel applications. (Resolution No. 2012-0029, section 4.5.2.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority, and this authority has been so redelegated by memorandum dated July 6, 2012.

**THEREFORE, IT IS ORDERED THAT APPLICATION 30877 IS HEREBY CANCELED.**

Applicants shall document any diversions made under claim of right independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
C. SCOTT FRAZIER FOR:

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

Dated: AUG 19 2016