

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Permit 17924 (Application 25750)

Andrew G. Stoliar

ORDER REVOKING WATER RIGHT

SOURCE: Unnamed Streams tributary to Lobitos Creek thence Pacific Ocean

COUNTY: San Mateo

WHEREAS:

1. Patricia Stoliar (Water Right Holder) is the water right holder or authorized agent for the water right holder of Water Right Permit 17924.
2. On November 7, 2011, the Water Right Holder requested that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), revoke Water Right Permit 17924.
3. The Division interprets the Water Right Holder's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1410 et seq.
4. The State Water Board has delegated the authority to revoke water rights 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 WATER RIGHT PERMIT 17924 IS HEREBY REVOKED, AND THE WATER IS DECLARED TO BE SUBJECT TO APPROPRIATION.

This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

It is Water Right Holder's responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. Water Right Holder is hereby put on notice that unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the points of diversion identified in this permit may be subject to Administrative Civil Liability of up to \$500 per day without further notice. 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.

Before initiating any work in a stream channel, Water Right Holder should consult with the Department of Fish and Game and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. Water Right Holder must also consult with 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.

Water Right Holder 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: KDM for

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: February 2, 2012

STATE OF CALIFORNIA
 THE RESOURCES AGENCY
 STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17924

Application 25750 of Terence D. Hiatt and Susan J. Hiatt (over)

Route 1, Box 332-F, Half Moon Bay, California 94019

filed on May 30, 1978, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
<u>(H-1, H-2, H-5) Unnamed Stream</u>	<u>Lobitos Creek thence</u>
_____	<u>Pacific Ocean</u>
<u>(H-3, H-4) Unnamed Stream</u>	<u>Unnamed Stream thence</u>
_____	<u>Lobitos Creek</u>
_____	_____

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
<u>(See Addendum)</u>					

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
<u>Fire Protection</u>						
<u>Recreational</u>						
<u>Stockwatering</u>	<u>Reservoir H-1 in SW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	
	<u>Reservoir H-2 in SW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	
	<u>Reservoir H-3 in SW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	
	<u>Reservoir H-4 in NW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	
	<u>Reservoir H-5 in NW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	
<u>Irrigation</u>	<u>NW 1/4 of SW 1/4</u>	<u>14</u>	<u>6S</u>	<u>5W</u>	<u>MD</u>	<u>4</u>

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM

2. Location of Point of Diversion	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
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STORAGE

(H-1) N1100 Feet and W4100 Ft. from SE Corner of Pro- jected Section 14	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	6S	5W	MD
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STORAGE

(H-2) N1275 Ft. and W4250 Ft from SE Corner of Projected Section 14	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	6S	5W	MD
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STORAGE

(H-3) N1275 Ft and W4550 Ft from SE Corner of Projected Section 14	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	6S	5W	MD
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DIVERSION TO OFFSTREAM STORAGE

(H-4) N1400 Ft and W4750 Ft from SE Corner of Projected Section 14	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	6S	5W	MD
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DIVERSION TO OFFSTREAM STORAGE

(H-5) N1750 Ft. and W4700 Ft from SE Corner of Projected Section 14	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	6S	5W	MD
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5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 23 acre-feet per annum to be collected from December 1 of each year to April 15 of the succeeding year as follows: (1) 1 acre-foot per annum in Reservoir H-1, (2) 1 acre-foot per annum in Reservoir H-2, (3) 1 acre-foot per annum in Reservoir H-3, (4) 10 acre-feet per annum in Reservoir H-4, and (5) 10 acre-feet per annum in Reservoir H-5.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The maximum rate of diversion to offstream storage in each reservoir shall not exceed 0.5 cubic foot per second. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (000007)

8. Said construction work shall be completed on or before December 1, 1983 (000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1984. (000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)

14. Permittee shall install and maintain outlet pipes of adequate capacity in his dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released.

(0050043)

15. For the protection of fish and wildlife in Lobitos Creek, permittee shall not divert water under this permit when the flow in Lobitos Creek, at a point immediately downstream from the confluence of the unnamed stream and Lobitos Creek, is at or below 2.0 cubic feet per second.

(0140060)

16. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062)

17. In accordance with Section 1603 and/or Section 6100 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of such diversion. The construction, operation, or maintenance costs of any facility required pursuant to this provision shall be borne by the permittee.

(0000063)

18. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, San Francisco Bay Region, or by the State Water Resources Control Board.

(0000100)

8-29-89 Asgd to: William E. + Robin D. Coles;

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JULY 9 1980

STATE WATER RESOURCES CONTROL BOARD

L. C. Spencer, Jr.
Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25750 PERMIT 17924 LICENSE _____

ORDER TO APPROVE A NEW DEVELOPMENT
SCHEDULE, AND AMEND THE PERMIT

WHEREAS:

1. Permit 17924 was issued to Terence D. Hiatt and Susan J. Hiatt on July 9, 1980 pursuant to Application 25750.
2. Permit 17924 was subsequently assigned to William E. Coles and Robin Coles.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1992 (0000008)
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1993 (0000009)
3. Condition 12 of this permit be amended to read:

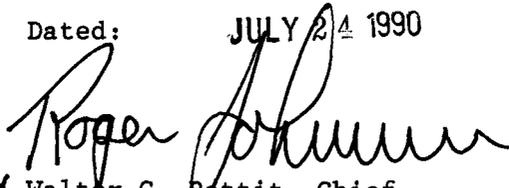
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 24 1990

for 
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25750

PERMIT 17924

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 1, 1987

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 1, 1988

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after

notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: **AUGUST 15 1985**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights