STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Certificate for Water Rights OTHER THAN Riparian or Appropriative Rights

CERTIFICATE NO.: 25

Under the provisions of Section 26013 of the Public Resources Code or Section 2821 of the Public Utilities Code,

OLIVENHAIN MUNICIPAL WATER DISTRICT

claims a water right for water from **Unit "K" Phase Two Pipeline** *for the operation of* **Roger Miller** *hydroelectric facility.*

In the opinion of the State Water Resources Control Board (Board) the above named private energy producer possesses rights which authorizes operation of the hydroelectric facility subject to the limitations set forth below.

Certification is based upon California decisional law. Some questions concerning the exercise of non-statutory rights have not been resolved. Ultimately, only a court of law can validate the use of water under this claim.

The Board does not certify that sufficient water is present in the stream to satisfy the claimed right, and other rights that may be claimed for use from the source.

The Board does not certify that the producer will be free from the claims of other users of water.

The Board does not certify that the producer has the right to use any property other than the producer's own when exercising the claimed right.

The Board does not certify that the use of water is consistent with the public trust doctrine or the prohibition against waste or unreasonable use or unreasonable method of diversion of water set forth in Article X, Section 2 of the California Constitution and in Water Code Section 100.

DATED: **October 4, 1988**

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit

Chief, Division of Water Rights