STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Certificate for Pre-1914 Appropriative Water Right

(over)

CERTIFICATE NO.: 36

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

HIGHLAND HYDRO CONSTRUCTION, INC

has filed a claim of Pre-1914 Appropriative Water Right for water from **Lost Creek** *tributary to* **a closed basin** *for the operation of* **The Lost Creek I** *hydroelectric facility.*

In the opinion of the State Water Resources Control Board (Board) the above named private energy producer possesses a pre-1914 appropriative right which authorizes operation of the hydroelectric facility subject to the limitations set forth below.

This certification is based upon representations provided by the producer and if the facts are other than as represented or if material facts were not disclosed, the right certified may not exist. Certification is based upon California case law which recognizes pre-1914 appropriative rights and limits the exercise of such rights. Some questions concerning the exercise of pre-1914 appropriative rights have not been resolved. Ultimately, only a court of law can validate the use of water under a pre-1914 claim of a right.

The Board does not certify that: (1) sufficient water is present in the stream to satisfy the claimed right and other rights which may be claimed for the use of water from the stream, or (2) the claimed right has a priority to the use of available water.

The Board does not certify that the producer will be free from the claim of other users of water, including claims which may arise from changes in the point of diversion, place of use, rate of diversion or season of diversion of the claimed right.

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: **December 1, 1989**

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit

Chief, Division of Water Rights

12/10/96 Asgd to Snow Mountain Hydro;