STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Certificate for Riparian Water Right

CERTIFICATE NO.: 37

(over)

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

HIGHLAND HYDRO CONSTRUCTION, Inc.

claims a riparian water right for water from **Burney Creek** *tributary to* **McCloud River** *for operation of* **Burney Creek** *hydroelectric facility.*

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

This certificate is based upon representations made 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 decisional law which recognizes riparian rights and limits the exercise of such rights. Some questions concerning the exercise of riparian rights have not been resolved. Ultimately, only a court of law can validate the use of water under a riparian claim.

The Board does not certify that: (1) sufficient water is present in the stream to satisfy the claimed right; (2) the claimed right has a priority to the use of available water; or (3) the claimed right is entitled to a specific quanity of water. The producer is not entitled under riparian right to the use of water which is foreign in time or in source to the stream from which the facility diverts water.

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: **December 12, 1989**

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit

Chief, Division of Water Rights

2/10/96 Asgd to Snow Mountain Hydro;