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

SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER FOR CERTIFICATE NO. R242

Application D30343R of George Livingston and Jill Livingston was filed with the State Water Resources Control Board (SWRCB) on March 30, 1994. The filing was subsequently assigned to Irene Burke and Thomas Burke on July 17, 1998 and James Michael Roy and Nannette Lynn Roy on April 23, 2004. The SWRCB issued Certificate No. R242 on June 21, 1994 and subsequent renewal was issued on April 26, 1999.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of chapter 1, part 2, division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to March 29, 2009, based on the above-stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate and any previous amendments.

Steven Herrera for

Victoria A. Whitney, Chief
Division of Water Rights

Dated: JUL 28 2004

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

SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER for CERTIFICATE NO. R242

Irene Burke and Thomas Burke filed with the State Water Resources Control Board on March 30, 1994.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of Chapter 1 of Part 2 of Division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to March 29, 2004 based on the above stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate, any previous amendments thereto, and the following amendments:

Term 11: This appropriation is subject to prior rights. Registrant may be required to curtail diversion or release water stored during the most recent collection season should diversion under this registration result in injury to holders of legal downstream senior rights. If a reservoir is involved, registrant may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, registrant may be required to otherwise compensate the holders of such rights for injury caused.

Term 25: This registration does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the registrant shall obtain an incidental take permit prior to construction or operation. Registrant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this registration.

Harry M. Schueller, Chief
Division of Water Rights

Dated: APR 26 1999

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 242

Application 30343R of George Livingston or Jill Livingston

12 Horse Creek Road, Horse Creek, CA 96045

filed with the State Water Resources Control Board on March 30, 1994 meets the requirements for registration of small domestic use specified in Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code. The appropriation is subject to the following conditions.

1. Source: Group of Four Unnamed Springs (Junction)

Tributary to: Klamath River

2. Location of Point of Diversion:	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 907,500 feet and East 1,730,850 feet by California Coordinate System, Zone 1	NE¼ of NE¼	22	46N	10W	MD

County of Siskiyou

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	SE¼ of SW¼	15	46N	10W	MD	

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

5. Quantity and Season:

The water appropriated shall be limited to the quantity which can be reasonably and beneficially used and shall not exceed 200 gallons per day by direct diversion beginning January 1 and ending December 31 of each year.

6. Appropriation of water pursuant to this registration shall be made in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.

7. The appropriation registered herein shall be limited to the use of water in houses, resorts, motels, organization camps, campgrounds, and other similar facilities, including the incidental watering of domestic stock for family sustenance or enjoyment, the irrigation of not to exceed one-half acre of lawn, ornamental shrubbery, or gardens at any single establishment, and the human consumption, cooking, and sanitary needs at campgrounds or resorts.

8. Any storage of water registered herein may include impoundment for incidental aesthetic, recreational, or fish and wildlife purposes.

9. This appropriation is limited to the season of diversion specified in condition 5 herein. If such specified season is less than the actual season of need an alternative supply of water, or other valid right, shall be utilized for all uses outside of the season registered herein.

10. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this registration, 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.

11. This appropriation is subject to prior rights.

12. Registrant 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 and conditions of this registration.

13. If the registrant does not own the point of diversion, this registration shall not be construed as conferring upon the registrant right of access to the point of diversion.

14. To the extent that water available for use under this registration is return flow, imported water, or wastewater, this registration shall not be construed as giving any assurance that such supply will continue.

15. Diversion works shall be constructed and water applied to beneficial use with due diligence.

16. In accordance with Sections 1600 through 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until registrant has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the registrant.

17. In compliance with Section 5937 of the Fish and Game Code, if storage or diversion of water under this registration is by means of a dam, registrant shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided, that during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will

be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

18. All lawful conditions required by the California Department of Fish and Game are conditions upon this appropriation. No construction shall take place and no water shall be diverted under this registration until registrant has received a written statement from the Director of the Department of Fish and Game setting forth the Department's conditions or indicating that no conditions are required.

19. The facilities for diversion under this registration shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Game.

20. No construction shall be commenced and no water shall be diverted under this registration until all necessary federal, state, and local approvals have been obtained, including obtaining and complying with any waste discharge requirements from the appropriate California Regional Water Quality Control Board.

21. This registration is subject to the submittal of a report of water use and satisfactory renewal of the registration, on forms to be furnished by the State Water Resources Control Board, including payment of the then current renewal fees prior to the expiration of each five-year period following the date of first filing the completed registration.

22. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Resources Control Board, including payment of the then current registration fee. Such change shall not operate to the injury of any legal user of the water involved.

23. The appropriation registered herein shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.

24. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the State Water Resources Control Board if 1) the Board finds that the registrant knowingly made any false statement, or knowingly concealed any material fact, in the registration; 2) the registration is not renewed as required by the conditions of this certificate; or 3) the Board finds that the registrant is in violation of the conditions of this registration.

Dated: JUNE 21 1994

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights