CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

MAR 12 2014

In Reply Refer to:
MJM:30684

Mr. Yale Penzell
21124 Alaminos Drive
Saugus, CA 91350

Dear Mr. Penzell:

REVOCATION OF WATER RIGHT CERTIFICATE D369 (APPLICATION D030684), ROCKY CREEK IN MONTEREY COUNTY

Pursuant to California Water Code section 1228.5, subdivision (d), Water Right Certificate D369 has been revoked for failure to renew the registration or pay the renewal fee. This is a final action not subject to reconsideration by the State Water Resources Control Board (State Water Board).

It is your responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. Unauthorized diversion and use of water is considered a trespass and is subject to enforcement action under California Water Code sections 1052 and 1831. Pursuant to California Water Code section 1052, any diversion of water from the points of diversion identified in this water right certificate 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 California Water Code section 1831.

Before initiating any work in a stream channel, you should consult with the California Department of Fish and Wildlife 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. You must also consult the Department of Water Resources, Division of Safety of Dams if a jurisdictional size dam will be removed or breached (dam height 15 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.

Some diverters claim rights to divert 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, California Water Code section 5101 requires that a Statement of Water Diversion and Use (Statement) be filed for these diversions. California 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 State Water 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. This letter serves as your notice of the statement requirement and potential penalty.

MAR 1 2 2014

If you require further assistance, please contact me at matthew.mccarthy@waterboards.ca.gov or (916) 341-5310. Written correspondence or inquiries should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
Attn: Matt McCarthy
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Matthew McCarthy, Senior
Coastal Streams Unit
Division of Water Rights

cc: California Department of Fish and Wildlife
Bay Delta Region
c/o Ms. Corinne Gray
7329 Silverado Trail
Napa, CA 95448

ec: Ms. Corinne Gray
California Department of Fish and Wildlife
corinne.gray@wildlife.ca.gov

RENEWAL OF

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. 369R
APPLICATION D030684R

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 which expires on March 2, 2013, based on the first filing date of the completed registration.

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

Approved by:

KATHY MROWKA, Chief
Inland Streams Unit

Date of Renewal: February 8, 2010

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

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 369

Application 30684R of Bette & Yale Penzell

597-B Avenida Majorca, Laguna Hills, CA 92653

filed with the State Water Resources Control Board on January 12, 1998 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: Rocky Creek

Tributary to: Pacific Ocean

2. Location of Point of Diversion:	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
By California Coordinate System, Zone 4, North 395,000 and East 1,159,000	SE¼ of NE¼	9	18S	1E	MD

County of Monterey

WR 41 (6/94)

APPLICATION 30684R REGISTRATION CERTIFICATE NO. R. 369

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	SE¼ of NE¼	9	18S	1E	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 4,500 gpd by direct diversion and 5.0 acre-feet per annum by storage from January 1 to December 31 of each year. Total diversions under this right shall not exceed 10 acre-feet per annum.

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. 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.

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 California 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: AUGUST 26 1998

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

WR 41-2 (6/94)