



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

In Reply Refer
to:sjw:D030765R

CERTIFIED MAIL
February 16, 2010
Tracy E. Turner
Elizabeth W. Jacobs
55 Santa Clara Ave. #245B
Oakland, CA 94610

Dear Ms. Turner and Ms. Jacobs:

REVOCATION OF CERTIFICATE R376 (SMALL DOMESTIC USE REGISTRATION D030765R)

The subject Small Domestic Use Registration, Certificate R376 has been revoked for failure submit a renewal report and to pay the renewal fee subject to Water Code section 1228.5(d). On August 5, 2008, and again on February 26, 2009, you were notified of renewal requirements of Certificate R376 and sent the necessary forms. The Division of Water Rights never received a reply. This is a final action not subject to reconsideration by the State Water Resources Control Board (State Water Board).

If the Registrant has constructed any of the project facilities, it is the Registrant's responsibility to remove or modify any diversion works and/or impoundments to ensure that water is no longer diverted. Please consult with the Department of Fish and Game and the Regional Water Quality Control Board in order to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. These agencies may require you to obtain a permit prior to any construction activity.

Pursuant to Water Code section 1052, any diversion of water from the point of diversion identified in this 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 Water Code section 1831.

If diversions will be made under claim of riparian or pre-1914 appropriative rights, diversions shall be documented by the filing of a Statement of Water Diversion and Use in accordance with Water Code sections 5100 through 5108.

Jane Ling is the staff person presently assigned to this matter. Please contact Ms. Ling at (916) 341-5335 if you require further assistance.

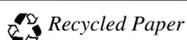
Sincerely,

Original Signed by:

Steven Herrera, Manager
Water Rights Permitting Section

cc: (See next page.)

California Environmental Protection Agency



Tracy E. Turner
Elizabeth W. Jacobs

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cc: Department of Fish and Game
Bay Delta Region
P.O. Box 47
Yountville, CA 94599

bcc: Phillip Crader

sjw:10282009 DCC: 10/29/09

u:\perdrv\swilson\LSU SDU Registrations\D030765R Revocation Letter Operation of Law

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

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 376

Application 30765R of Bruce Lindsley & Cary Rathjen

P.O. Box 94, Jenner, CA 95450

filed with the State Water Resources Control Board on September 15, 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:

Tributary to:

East Branch of Russian Gulch

Russian Gulch thence

Pacific Ocean

2. Location of Point of Diversion: by California Coordinate System, Zone 2	Point is within (40-acre subdivision)	Projected Section	Township	Range	Base and Meridian
North 299,300 feet and East 1,674,500 feet	SE¼ of NW¼	1	7N	12W	MD

County of Sonoma

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	SW ¹ / ₄ of SW ¹ / ₄	36	8N	12W	MD	1/2

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 beneficially used and shall not exceed 900 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 1.0 acre-feet per year. (0000005)

The total amount of water to be taken from the source shall not exceed 1.0 acre-feet per water year of October 1 to September 30.

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 1607 and 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 does not authorize 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). The registrant should seek guidance from the Endangered Species Act agency on whether an incidental take is advisable for this activity and pursue obtaining a permit as appropriate.

22. 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.

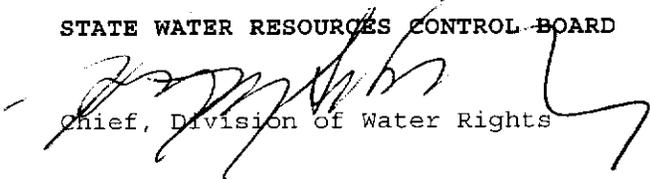
23. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Resources Control Board, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user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

24. 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.

25. 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.

Date: **SEPTEMBER 28 1998**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights