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

DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 672

Application D31483R of **Tupin Family Limited Liability Company**
c/o Joe Tupin, Manager
44761 Garden Court
El Macero, CA 95618

filed with the State Water Resources Control Board (SWRCB) on **December 17, 2003** 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: **Mule Gulch**

Tributary to: **Indian Creek thence Trinity River**

within the County of **Trinity.**

2. Location of Point of Diversion: By California Coordinate System of 1927, **Zone 1**	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
#1, Upper Mule Gulch North 462,768 feet and East 1,770,016 feet	**NE¼ of NE¼**	**25**	**32N**	**9W**	**MD**
#2, Lower Mule Gulch North 462,114 feet and East 1,769,816 feet	**NE¼ of SE¼**	**25**	**32N**	**9W**	**MD**
#3, Confluence Mule Gulch and Indian Creek, North 461,713 feet and East 1,769,867 feet	**NE¼ of SE¼**	**25**	**32N**	**9W**	**MD**

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	**NE¼ of SE¼**	**25**	**32N**	**9W**	**MD**	

The place of use is shown on a map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2,500 gallons per day by direct diversion diverted from January 1 to December 31 of each year and 2.4 acre-feet per annum by storage from October 1 of each year to June 30 of the succeeding year. The capacity of the reservoir shall not exceed 2.4 acre-feet which is the stated capacity shown in the registration.

   The total amount of water to be taken from the source shall not exceed 5.2 acre-feet per water year of October 1 to September 30.

   The maximum rate of diversion to offstream storage shall not exceed 0.007 cubic foot per second.

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

8. 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.

9. 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 SWRCB 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.

10. Registrant shall allow representatives of the SWRCB, and other parties as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms and conditions of this registration.

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. 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.

13. 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.

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

15. No work shall commence and no water shall be diverted, stored or used under this certificate until registrant has received a stream or lake alteration permit from the California Department of Fish and Game. Compliance with the terms and conditions of the permit is the responsibility of the registrant. If a permit is not necessary for this project, the registrant should retain a written waiver from the California Department of Fish and Game.

16. 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.

17. 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.

18. 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.

19. 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 "take" will result from any act authorized under this water right, the registrant shall obtain authorization for an incidental take prior to construction or operation of the project. Registrant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this registration.

20. 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 SWRCB, 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.

21. 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 SWRCB, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user of the water involved.

22. 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.

23. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the SWRCB if 1) the SWRCB 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 SWRCB finds that the registrant is in violation of the conditions of this registration.

Dated: MAR 3 0 2005

STATE WATER RESOURCES CONTROL BOARD

Steven Herrera for

Victoria A. Whitney
Division Chief

PLM

State of California - The F rce ncy
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov

601 Locust Street
Redding, CA 96001
(530) 225-2300

GRAY DAVIS, *Governor*

STATE WATER RESOURCES CONTROL BOARD

2003 SEP -8 PM 12:00

DIV OF WATER RIGHTS SACRAMENTO

September 2, 2003

Mr. Joe Tupin
Tupin Family Limited Liability Company
44761 Garden Court
El Macero, California 95618

Dear Mr. Tupin:

The California Department of Fish and Game has evaluated your Small Domestic Use Application on Mule Gulch and Indian Creek in Trinity County and determined that no special measures are required to protect fish and wildlife.

If you have any questions regarding this matter, please contact Environmental Scientist Jane Vorpagel at the letterhead address or telephone (530) 225-2124.

Sincerely,

Marc Slater

for **DONALD B. KOCH**
Regional Manager

cc: Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

Ms. Jane Vorpagel
Northern California-North Coast Region
Department of Fish and Game
601 Locust Street
Redding, California 96001

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