



# State Water Resources Control Board

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**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)

**Arnold Schwarzenegger**  
Governor

In Reply Refer  
to:sjw:D031479R

CERTIFIED MAIL

February 16, 2010

Volker Flache  
Ursula Flache  
2808 Hillegass Avenue  
Berkeley, CA 94705

Dear Mr. and Mrs. Flache:

## REVOCATION OF CERTIFICATE R712 (SMALL DOMESTIC USE REGISTRATION D031479R)

The subject Small Domestic Use Registration, Certificate R712 has been revoked for failure submit renewal report and to pay the renewal fee subject to Water Code section 1228.5(d). You were notified of the requirement to renew Certificate R712 and sent the necessary forms on November 13, 2009, and again via certified mail on February 26, 2009. However, we received no reply from you. Revocation of a certificate for failure to renew within five years or pay the renewal fee 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.

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*California Environmental Protection Agency*



Recycled Paper

Volker Flache  
Ursula Flache

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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, Program Manager  
Water Rights Permitting Section

cc: California Department of Fish and Game  
North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670

Forest Service-Tahoe National forest  
Attn: Art Umland  
Land Uses  
631 Coyote Street  
Nevada City, CA 95959

bcc: Phillip Crader

sjw:10272009 DCC: 10/29/09  
u:\perdrv\swilson\LSU SDU Registrations\d031479r 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 712

Application D31479R of **Volker Flache**  
**2808 Hillegass Avenue**  
**Berkeley, CA 94705**

filed with the State Water Resources Control Board (State Water Board) 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: <u>Unnamed Spring</u> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	Tributary to: <u>Unnamed Stream thence</u> <hr/> <u>South Fork Oregon Creek thence</u> <hr/> <u>Oregon Creek thence</u> <hr/> <u>Middle Fork Yuba River thence</u> <hr/> <u>Yuba River thence</u> <hr/> <u>Feather River thence</u> <hr/> <u>Sacramento River</u> <hr/>
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within the County of **Sierra**.

2. Location of Point of Diversion: By California Coordinate System of 1927, <b>Zone 2</b>	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
<b>North 665,735 feet and East 2,325,915 feet</b>	<b>SE¼ of NW¼</b>	<b>27</b>	<b>19N</b>	<b>10E</b>	<b>MD</b>

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
<b>DOMESTIC</b>	<b>SW¼ of NW¼</b>	<b>27</b>	<b>19N</b>	<b>10E</b>	<b>MD</b>	

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

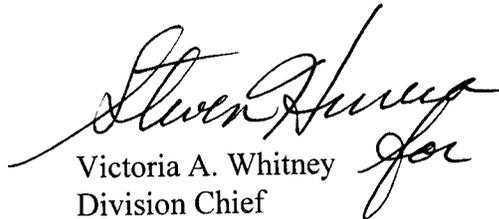
5. The water appropriated shall be limited to the quantity, which can be beneficially used and shall not exceed 4500 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this registration shall not exceed 2.2 acre-feet per year.
6. Appropriation 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. 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 State Water 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.
10. Registrant shall allow representatives of the State Water Board, and other parties as may be authorized from time to time by the State Water Board, 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 (DFG). 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 DFG.
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 DFG, 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 DFG.
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 State Water 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.
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 State Water 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.
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 State Water Board if 1) the State Water 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 State Water Board finds that the registrant is in violation of the conditions of this registration.

Dated: **MAY 04 2006**

**STATE WATER RESOURCES CONTROL BOARD**

  
Victoria A. Whitney  
Division Chief

DEPARTMENT OF FISH AND GAME

SACRAMENTO VALLEY AND CENTRAL SIERRA REGION  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CALIFORNIA 95670  
Telephone (916) 358-2900

STATE WATER RESOURCES  
CONTROL BOARD

2003 OCT 14 AM 11:00

DIVISION OF WATER RIGHTS  
SACRAMENTO

October 9, 2003



Handwritten initials: GDF, PFA, PCM

Mr. Volker Flache  
2808 Hillegass Avenue  
Berkeley, CA 94705

Dear Mr. Flache:

Registration of Small Domestic Use Appropriation

Registration of water use, pursuant to the Water Code (§ 1228.3), requires consultation with the Department of Fish and Game (Department) and compliance with all lawful conditions required by the Department. The Department reviews the appropriation of water to ensure fish and wildlife resources are protected.

The Department has evaluated your Small Domestic Use Registration application for a water diversion on an unnamed spring that is tributary to South Fork Oregon Creek, Sierra County. The Department has determined that no special measures are required to protect fish and wildlife.

If you have questions regarding this matter, please contact Mr. Gary Hobgood, Environmental Scientist at (916) 983-6920 or Ms. Terry Roscoe, Habitat Conservation Planning Supervisor at (916) 358-2382.

Sincerely,

Larry L. Eng, Ph. D.  
Deputy Regional Manager

cc: Mr. Edward C. Anton  
State Water Resources Control Board  
Division of Water Rights  
Post Office Box 2000  
Sacramento, CA 95812-2000

Ms. Terry Roscoe  
Mr. Gary Hobgood  
Department of Fish and Game  
Sacramento Valley - Central Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670