



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D31397

CERTIFICATE D720

Right Holder: Reynaldo Gutierrez
5750 Gods Way
Anderson, CA 96007

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **February 20, 2003**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation and that the registration renewal requirements have been met, therefore the registration is renewed. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Source of water: **Unnamed Stream**

tributary to: **Unnamed Stream thence Olinda Creek thence Anderson Creek thence the Sacramento River**

within the County of **Shasta**

2. Location of place of storage

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
North 2,048,683 feet and East 6,436,944 feet	Shasta	206-120-035

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and the following incidental uses: Aesthetic, Recreational and Fish and Wildlife Preservation and Enhancement	Shasta	206-120-035

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

5. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.8 acre-foot per year** to be collected from September 1 of each year to June 14 of the succeeding year. The capacity of the reservoir shall not exceed **0.8 acre-foot**.

6. If construction or rehabilitation work is required for the diversion works covered by this right within the bed, channel, or bank of any river, stream, or lake, then prior to commencement of work, right holder shall provide notification of lake or streambed alteration to the California Department of Fish and Wildlife, and either (1) provide the Division of Water Rights a copy of a lake or streambed alteration agreement between the California Department of Fish and Wildlife and the right holder for the project covered by this right, or (2) provide the Division of Water Rights a copy of a letter signed by the California Department of Fish and Wildlife indicating that an agreement is not necessary for the project covered by this right. (Fish & G. Code, § 1600 et seq.)
7. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
8. Diversion works shall be constructed and water applied to beneficial use with due diligence.
9. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
10. No water shall be diverted under this right unless it is diverted 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.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, 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.
12. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
- a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

13. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder 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, right holder may be required to otherwise compensate the holders of such rights for injury caused.
14. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
15. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
16. If storage or diversion of water under this right is by means of a dam, right holder 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 Wildlife, 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. (Fish & G. Code, § 5937.)
17. The facilities for diversion under this right 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 Wildlife.
18. This right does not authorize any act which results in the taking of a threatened, endangered or candidate 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 section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
19. This right is subject to the submittal of a report of water use and satisfactory renewal, 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 priority date of this right. (Wat. Code, § 1228.5.)
20. This right 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.
21. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
KATHERINE MROWKA FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: August 19, 2013

**AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION
FISH AND GAME CODE SEC. 1600 ET SEQ.**

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, represented by R.K.MATIRKO, and REYNALDO GUTIERREZ, representing HIMSELF of ANDERSON, State of California, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 1603 of the California Fish and Game Code, the Operator, on the 17TH day of OCTOBER notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed channel, or bank of, or use material from the streambed of, the following water: UNNAMED, a tributary of ANDERSON CREEK, in the County of SHASTA, State of California, in S5, 30N, 5W

WHEREAS, the Department has determined that the activities proposed in the Operator's notification may substantially adversely affect existing fish and wildlife resources, N/A.

THEREFORE, IT IS AGREED THAT:

1. This agreement is not intended to represent the Department's recommendations to, or imply that the Operator has complied with, the requirements of the California Environmental Quality Act. Any representations to that effect shall result in the immediate termination of this agreement.
2. If this agreement is found to be in conflict with any other provision of law or general conditions of public safety, it is void.
3. This agreement does not constitute or imply the approval or endorsement of a project or of specific project features by the Department, nor does it assure concurrence by the Department with the issuance of permits from other agencies. Independent review and recommendations will be provided by the Department as appropriate on those projects where local, state, or federal permits or other environmental reports are required.
4. To the extent that the provisions of this agreement provides for the diversion of water, we are agreed to with the understanding that the Operator possesses the right to so divert such water. In the absence of such right, this agreement is void.

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5. All provisions of this agreement remain in force throughout the term of the agreement. Any provision of the agreement may be amended or the agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original agreement and are subject to all previously negotiated provisions.
6. A copy of this agreement must be provided to all contractors and subcontractors, and the Operator's project supervisors. Copies of this agreement shall be available at the project site during all periods of active work, and must be presented to Department personnel upon demand. Department personnel shall be allowed onto the work site at any time during the period covered by this agreement for the purposes of establishing compliance with this agreement.
7. The Operator, contractor, or subcontractor are jointly and severally liable for compliance with the terms of this agreement. Any violation of the terms of this agreement shall make this agreement null and void, and all activity must stop until another agreement is made.
8. Except as otherwise stipulated, the implementation of the provisions of this agreement and any incurred costs related to these activities are the responsibility of the Operator.

PROVISIONS:

- A. This agreement provides for THE CONSTRUCTION OF A SMALL EARTHEN DAM ACROSS A MINOR EPHEMERAL DRAINAGE ON THE APPLICANTS PROPERTY.... All work shall be as specified in the operator's notification and the following conditions.

CONDITIONS

1. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible.
2. Restoration shall include the revegetation of stripped or exposed areas.
3. Rock, riprap or other erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become reestablished.

4. WORK IN OR NEAR THE STREAM SHALL BE CONFINED TO THE PERIOD JULY THROUGH OCTOBER 15, WHEN THE STREAM IS DRY AND FREE OF FLOWING WATER.
5. A DETAILED PLAN SHALL BE SUBMITTED TO THE DEPARTMENT FOR EVALUATION PRIOR TO START OF OPERATIONS.
6. DAM IS LOCATED ON AN EPHEMERAL STREAM WITH OUT BENEFIT OF A FISHERY, IMPOUNDMENT SHOULD ENHANCE WILDLIFE HABITAT.
7. STRUCTURE SHALL BE KEYED BELOW GROUND A DISTANCE EQUAL TO AT LEAST $\{1/3\}$, ONE THIRD DAM HEIGHT, CONSTRUCTED OF IMPERVIOUS MATERIAL. ABOVE GROUND FILL WILL BE COMPACTED TO 95% MINIMUM.
8. FINISHED STRUCTURE SHALL NOT EXCEED TEN FEET, $\{10'\}$ IN HEIGHT, &/OR IMPOUND MORE THAN TEN, $\{10'\}$ ACRE FEET OF WATER.
9. No equipment will be operated in live stream channels.
10. OVERFLOW FEATURE WILL BE CONSTRUCTED IN UNDISTURBED GROUND OUTSIDE OF DAM FILL. SPILLWAY SHALL BE ROCK LINED TO CONTROL EROSION.
11. UPON COMPLETION OF OPERATIONS, ALL DISTURBED EARTHEN MATERIAL OUTSIDE OF IMPOUNDMENT HIGH WATER LINE WILL BE SEED AND MULCHED FOR EROSION CONTROL.
12. NO SIDECAST OF OVERBURDEN TO STREAM CHANNEL SHALL OCCUR.
13. NO DISTURBANCE TO STREAM CHANNEL DOWNSTREAM OF DAM CONSTRUCTION PARAMETERS SHALL OCCUR.
14. CONFIRMATION FROM THE DEPARTMENT OF WATER RESOURCES AGENCY, [916] 341-5300, OF PROJECT APPROVAL MUST BE OBTAINED PRIOR TO START OF OPERATIONS.
15. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
16. Wash water containing mud or silt from aggregate washing or other operations shall not be allowed to enter a lake or flowing streams.
17. If a stream channel has been altered during the operations, its low flow channel shall be returned as nearly as possible to its natural state without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area. The gradient of the streambed shall be as nearly as possible the same gradient as existed prior to disturbance.

18. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

19. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

20. The operator will notify the Department of Fish and Game of the date of commencement of operations and the date of completion of operations at least five days prior to such completion.

If the Operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department. Failure to comply with the provisions and requirements of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652, and 5948, may result in prosecution.

Nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated agreement does not necessarily constitute Department endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This agreement becomes effective upon receipt of signed agreement by all parties, & TERMINATES OCTOBER 15, 2003.

Operator Reynaldo Gutierrez
Title owner
Organization _____
Date 11/1/02

D. D. Kell
Department Representative
Title: Regional Manager
Department of Fish & Game
State of California
Date 11/12/02

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

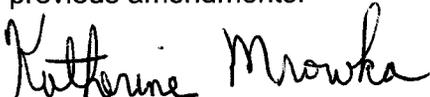
SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER FOR CERTIFICATE NO. R720

Application D031397R of Reynaldo Gutierrez, was filed with the State Water Resources Control Board (State Water Board) on February 20, 2003. The State Water Board issued Certificate No. R720 on October 5, 2006.

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 February 19, 2013, 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.

for 
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **MAY 7, 2008**

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

DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R720

Application D31397R of **Reynaldo Gutierrez**
16391 Scout Avenue
Anderson, CA 96007

filed with the State Water Resources Control Board (State Water Board) on **February 20, 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:
Unnamed Drain

Tributary to:
Unnamed Stream thence
Olinda Creek thence
Anderson Creek thence
Sacramento River

within the County of **Shasta**.

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
North 408,304 feet and East 1,875,587 feet	SE¼ of NE¼	17	30N	5W	MD

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	SE¼ of NE¼	17	30N	5W	MD	

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 0.8 acre-foot per annum to be collected from September 1 of each year to June 14 of the succeeding year. The capacity of the reservoir shall not exceed 0.8 acre-foot which is the stated capacity shown in the registration.

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. 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 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:

STATE WATER RESOURCES CONTROL BOARD

OCT 05 2006



Victoria A. Whitney
Division Chief

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

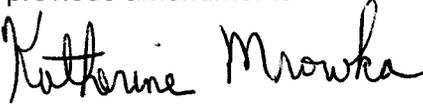
SMALL DOMESTIC USE REGISTRATION

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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 February 19, 2013, 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.

for 
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **MAY 7, 2008**

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

DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

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1. Source:
Unnamed Drain

Tributary to:
Unnamed Stream thence
Olinda Creek thence
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within the County of **Shasta**.

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
North 408,304 feet and East 1,875,587 feet	SE¼ of NE¼	17	30N	5W	MD

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	SE¼ of NE¼	17	30N	5W	MD	

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 0.8 acre-foot per annum to be collected from September 1 of each year to June 14 of the succeeding year. The capacity of the reservoir shall not exceed 0.8 acre-foot which is the stated capacity shown in the registration.

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.
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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.

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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:

STATE WATER RESOURCES CONTROL BOARD

OCT 05 2006



Victoria A. Whitney
Division Chief