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

DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R767

Application D031769R of **Jimmie E. Walker**
P.O. Box 310
Hayfork, CA 96041

filed with the State Water Resources Control Board (State Water Board) on **May 12, 2009** 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: **Duncan Creek**

Tributary to: **Carr Creek thence Hayfork Creek thence South Fork Trinity River**

within the County of **Trinity**

2. Location of Point of Diversion: By California Coordinate System of 1983, **Zone 1**	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 2,095,696 feet and East 6,261,139 feet	**SW¼ of SW¼**	**35**	**32N**	**11W**	**MD**

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	**SW¼ of SW¼**	**35**	**32N**	**11W**	**MD**	

The place of use is shown on a 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 1,200 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 0.3 acre-foot 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. 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: JUN 1 5 2009

STATE WATER RESOURCES CONTROL BOARD

Steven Herrera for
Victoria A. Whitney
Deputy Director for Water Rights

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
601 Locust Street, Redding, CA 96001
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director

May 18, 2009

2009 JUN -3 PM 2:09
DIV OF WATER RIGHTS
SACRAMENTO

Mr. Jimmie E. Walker
P.O. Box 310
Summit Creek Road
Hayfork, CA 96041-0310

Dear Mr. Walker:

The California Department of Fish and Game (Department) has evaluated your Small Domestic Use Registration on Duncan Creek, tributary Carr Creek in Trinity County.

Registration of water use, pursuant to the Water Code (§ 1228.3), requires consultation with the 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 recommends the following condition for your project to avoid significant adverse environmental impacts.

1. Prior to any construction work within or adjacent to the stream, notify the Department pursuant to Section 1603 of the Fish and Game Code and obtain a Lake or Streambed Alteration Agreement (LSAA) from the Department. Visit the Department's Web Site at http://www.dfg.ca.gov/1600 or call (530) 225-2367 to obtain the notification forms for LSAA. Provide the Department a copy of your Small Domestic Use Registration Certificate and a copy of this letter when submitting your notification to the Department. Please note that the Department's decision to execute a LSAA pursuant to Fish and Game Code Section 1600 is subject to the California Environmental Quality Act (CEQA)(Public Resources Code Sections 21000 *et seq.*) and may require environmental review.

You have already applied for and received Streambed Alteration Agreement R1-09-0095. You must comply with all conditions in the referenced agreement.

There are no further conditions required by the Department.

If you have any questions regarding this matter, please contact Staff Environmental Scientist Jane Vorpagel at (530) 225-2124.

Sincerely,

Gary B. Stacey

GARY B. STACEY
Regional Manager

Enclosures

cc: Division of Water Rights
State Water Resources Control Board
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Sacramento, CA 95812-2000

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