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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION L031480 CERTIFICATE L71

Right Holder: Vanlee Waters
P.O. Box 196
Comptche, CA 95427

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 **December 17, 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 livestock stockpond 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: **North Fork Albion River thence Albion River thence the Pacific Ocean**

within the County of **Mendocino**

2. Location of point of diversion and place of storage

By California Coordinate System of 1983 in Zone 2	County	Assessor's Parcel Number
North 2,232,691 feet and East 6,110,509 feet	**Mendocino**	**125-040-45**

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Stockwatering and the following incidental uses: Aesthetic, Recreational and Fish and Wildlife Preservation and Enhancement	**Mendocino**	**125-040-45**

The place of use is shown on 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 **2.6 acre-feet per year** to be collected from January 1 to March 1 of each year. The capacity of the reservoir shall not exceed 2.6 acre-feet.

6. 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.

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

8. 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).)

9. 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.

10. 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.

11. 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.

12. 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.

13. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

14. 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.

15. 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.)

16. 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.

17. 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.

18. 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.)

19. This right shall be revoked by operation of law upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5, subd. (d).)

20. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, (3) failure to observe any of the terms or conditions of this right, or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration, may be cause for the State Water Board to

consider revocation (including partial revocation) of this right. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

For

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: AUG 19 2016

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

DIVISION OF WATER RIGHTS

LIVESTOCK STOCKPOND USE REGISTRATION

CERTIFICATE NO. L 71

Application L31480 of **Vanlee Waters**
P.O. Box 196
Comptche, CA 95427-0196

filed with the State Water Resources Control Board (State Water Board) on **December 17, 2003** meets the requirements for registration of livestock stockpond 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 Stream**

Tributary to: **North Fork Albion River thence Albion River thence Pacific Ocean**

within the County of **Mendocino.**

2. Location of Point of Diversion: By California Coordinate System of 1927, **Zone 2**	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 592,296 feet and East 1,549,150 feet	**SW¼ of SE¼**	**36**	**17N**	**16W**	**MD**

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
STOCKWATERING, INCIDENTAL AESTHETIC, RECREATIONAL, FISH AND WILDLIFE	**SW¼ of SE¼**	**36**	**17N**	**16W**	**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 2.6 acre-feet per annum to be collected from January 1 to March 1 of each year. The capacity of the reservoir shall not exceed 2.6 acre-feet per year 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. After the initial filling of the storage reservoir, registrant's right under this certificate extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

8. 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.

9. 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.

10. 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.

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 over, around, or through 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. 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.

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

14. 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.

15. 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.

16. 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.

17. 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.

18. More than one appropriation for livestock stockpond use may be in effect at any time if stockponds subject to registration for this registrant do not exceed the ratio of one per 50 acres.

19. 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.

20. 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.

21. 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.

22. 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: DEC 22 2005

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
STEVEN HERRERA FOR

Victoria A. Whitney, Chief
Division of Water Rights

State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

October 17, 2003

Mr. Vanlee Waters
Post Office Box 196
Comptche, CA 95427-0196

Dear Mr. Waters:

Registration of a Livestock Stockpond Appropriation by
Vanlee Waters from an Unnamed Stream Tributary
to the North Fork Albion River in Mendocino County

Department of Fish and Game (DFG) personnel have visited the site and reviewed your State Water Resources Control Board (SWRCB) registration application, dated September 19, 2003, for an appropriation for livestock stockpond use.

The existing, but unpermitted, reservoir is located on an unnamed tributary to the North Fork of the Albion River, at 10500 Oak Knoll Drive (Assessor Parcels # 125-040-45 and 121-120-82) near the Town of Comptche in Mendocino County. The application states that the pond is approximately 15 feet deep with a surface area of approximately 0.25-acre. The application requests to divert and use 2.6 acre-feet of water from January 1 to March 1 of the following year.

Pursuant to Section (§) 1228.3 of the State Water Code, registration of appropriations for Livestock Stockpond requires consultation with DFG. DFG will not place any bypass flow requirements on the current facility based on our site visit, the fact that the current use is non-consumptive, and the location and size of the pond. However, there is the possibility that stocked fish inadvertently released from this reservoir may cause significant adverse impacts to the populations of sensitive native salmonids utilizing downstream reaches. For these reasons, DFG's terms and conditions are limited to a prohibition on any stocking of this pond.

The issuance of this letter by DFG does not constitute a valid water right. SWRCB must first issue you a valid Livestock Stockpond Registration certificate before you may divert water. Under State Water Code § 1052, the diversion and use of water without a valid basis of right is a trespass against the State of California and is subject to enforcement action by SWRCB.

This letter may be subject to modification or cancellation by DFG should facts warranting such action come to light at a later date or if the purpose of use changes. If you have questions regarding these conditions, please contact Ms. Linda Hanson, Environmental Scientist, at (707) 944-5562; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,

Jeni Swanson

for Robert W. Floerke
Regional Manager
Central Coast Region

cc: Mr. Edward Anton, Chief
Attention Ms. Pat Meroney
State Water Resources Control Board
Division of Water Rights
Post Office Box 2000
Sacramento, CA 95812-2000

Mr. Stacy Li
Mr. William Hearn
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404-3528