e-WRIMS Point of Diversion

[Return to Water Right Search]

Application ID: S010857 **Water Right Type:** Statement of Div and Use

Permit ID: None **Water Rights Status:** Claimed (06/22/1982)

License ID: None **Primary Owner:** RICHARD MOSS

Application | Parties | Status | Uses and Seasons | PODs and Sources | Permit | License | Related Rights | Petitions | Routing Slips

Enforcements | Billings | Inspections

Enter/modify form data below and click "Save POD Details".			
POD Nbr (*):	01	POD Unit:	Cubic Feet per Second
POD Status:	Active		
Direct Div Amount:	5.0	Direct Div Ac Ft:	0.0
Amount Storage:	0.0		
Source Max DD:	5.0	Source Max Dd Unit:	Cubic Feet per Second
Source Max Storage:	0.0	Source Max Storage Unit:	Acre-feet per Year
Diversion Code:	Diversion point	Diversion Type:	Direct Diversion
Storage Type:	Diversion point		
Comments:	0 Comments	Attachments:	0 Attachments
History:	History		
Last Update Date:		Last Update User:	

Save POD Details

update
WT 3/4/09

GIS Maintained Data displayed in NAD83			
Appl Id	S010857	Object Id	186873
Pod Number	01	Has Opod	Y
Appl Pod	S010857_01	podId [redacted]	42816 [redacted]
County	Mono	Parcel Number	
Sp Zone	3		
North Coord	~~2012392~~ [redacted]	East Coord	~~7195378~~ [redacted] 7177650
Quarter Quarter	~~NW~~ [redacted] SE	Quarter	~~NW~~ [redacted] SE
Section Classifier	P	Section Number	~~23~~ [redacted]
Township Number	~~5~~ [redacted]	Township Direction	S
Range Number	33	Range Direction	E
Meridian	21	Location Method	DD_NE

GIS Maintained NHD Source Information			
Source Name	MIDDLE CREEK		
TribDesc			
Watershed	OWENS		
USGS Map Information			
Quad Map Name	WHITE MTN PEAK	Quad Map Number	II033

Map It

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

JUN 30 2008

In Reply Refer to:
331:WT:401, A19237, A27468, S10855-S10857

Donald Moss
Cinnamon Ranch Hydroelectric
8381 Poppiano Way
Sacramento, CA 95829

Dear Mr. Moss:

APPLICATION FOR A 401 WATER QUALITY CERTIFICATION FOR CINNAMON RANCH HYDROELECTRIC FACILITY (FEDERAL ENERGY REGULATORY COMMISSION NUMBER 6885) IN MONO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) acknowledges the receipt of your April 29, 2008 letter pertaining to the water quality certification requested under the Federal Energy Regulatory Commission (FERC) re-licensing process of the Cinnamon Ranch Hydroelectric Project (Project). Preparation of a water quality certification under section 401 of the Clean Water Act (401 WQC) by the Division cannot proceed without your submittal of an application (enclosed). The 401 WQC application must be completed to satisfy the requirements under section 3856 (Contents of a Complete Application) of the California Code of Regulations (CCR). The Division will not opt to waive its authority for action on an application for a 401 WQC.

Issuance of water quality certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). A complete application for water quality certification must include a description of any steps that have been, or will be, taken to avoid, minimize, or compensate for loss of significant adverse impacts to beneficial uses of water. We may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. (Cal. Code Regs., tit. 23, § 3856). Supplemental information may include evidence of compliance with the water quality control plan. (Cal. Code Regs., tit. 23, § 3836(a).)

A review of the Division's database indicates power generation by the Project is authorized under Water Right License 8104 (Application 19237) and Permit 19110 (Application 27468). Full beneficial water use under Permit 19110 was to have been completed by December 31, 2004. Claims of water rights with power usage under Statements of Water Diversion and Use (Statement) Numbers 10855, 10856 and 10857 have also been filed. Electric power generated under a riparian and/or other right requires Division certification of the rights. (California Public Utilities Code, § 2821(d)(1)(B).) The Division's records also indicate that the Project is owned by Mr. Richard Moss (Owner). It is unclear which water right held by the Owner is covered under the FERC license.

SURNAME CW 6/30/08

The Division's files also indicate that the last annual reports submitted by the Owner are as follows: 1984 for License 8104, 1986 for Permit 19110, and 1990 for the three Statements. The conditions of the State issued license and permit require the submittal of annual reports, and the submittal of Supplemental Statements is a statutory requirement (California Water Code, § 5104). In addition, pre-1914 and post-1914 appropriative rights can be lost with five consecutive years of non-use of water. The Owner has not documented his water usage with the Division under his State issued water rights and the rights claimed under the Statements for over 17 years.

Finally, the Division's records indicate that the owner has not made full payment for the FERC annual fees and has not made payment for the annual water right fees for fiscal year 2007/2008. In order for Division staff to process a 401 WQC, the appropriate filing fee must accompany the application. The application fee for a 401 WQC is $1,000 plus $0.13 per kilowatt. The Project generates 150 kilowatts, so the application fee would be $1,019.50.

If you have any questions, please contact me at (916) 341-5408 or e-mail at wtoy@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Whalen Toy
Water Resources Control Engineer
Water Quality Certification & Special Programs Unit

Enclosure: Application for 401 WQC (Addressee only)

cc: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: PJ-12.1
888 First Street, N.E.
Washington, D.C. 20426

Ms. Alexis Strauss, Director
Water Division
USEPA, Region
75 Hawthorne Street
San Francisco, CA 94105

Department of Fish and Game
Bishop Field Office
407 West Line Street, Room 1
Bishop, CA 93514

Mr. David Castanon
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles CA 90053-2325

Mr. Harold Singer
Lahontan Regional Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392

bcc: LFG, RK, CKW, JW, JP, TL, JO, SN, Matt Bullock (OCC)

WToy:ds June 27 and June 30, 2008
U:\Herdrv\WTOY\401 FERC\cinnamon ranch\cinnamon Ranch def ltr 6-08(ckw6-29-08).doc

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503
(916) 324-5676

STATE WATER RESOURCES CONTROL BOARD
1991 FEB 20 AM 8:08
DIV. OF WATER RIGHTS SACRAMENTO

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD: STATEMENT NO: 010857

RICHARD MOSS
ROUTE 4, BOX 17
BISHOP, CALIF 93514

TELEPHONE NUMBER: ~~619(714)~~ 933-2295

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: MIDDLE CREEK

TRIBUTARY TO: HAMMIL VALLEY

COUNTY: MONO

DIVERSION
WITHIN: NW1/4 OF NW1/4 SECTION 08, T03S, R33E, MDB&M.

INSTRUCTIONS: Please complete Items A. B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☑ all water in stream (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1989	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1990	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 600 Acres

Stockwatering 25 Cows 800 head Sheep 2 months

Domestic 12 People

Other (specify) Hydro - Electric

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 1/28, 19 91, at Bishop, California

Signature: Richard Moss

WR 40-I (2/90)

1175 1990

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

WRAPP

Action Edit Query Block Record Field Window Help

WRAPP

General Query | Application | Applicant-Namelink | Source - Tributary | Source - Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Record Delete ○ Yes ◉ No

Record Delete Reason

Water Rights Application

Appl Id: S010857

Appl Status Code: A

Appl File Date: 06/22/1982

Protest ○ Yes ◉ No

Cust No:

Appl Fee Amt: 0

Max Dd Appl: 5

Max Dd Ann: 0

Max Use Ann: 0

Permit:

Permit Fee Amt: 0

Const Begin:

Complete Use:

License:

Appl Recvd Date:

Appl Status Date: 06/22/1982

Date Advertised:

Cust Type:

Appl Fee Amt Recd: 0

Max Dd Units: C

Max Storage: 0

Year First Use: 1876

Permit Issue Date:

Permit Fee Amt Rec: 0

Const End:

License Issue Date:

Record Update User Id: SHIUHLIN

Record Update Date: 09/15/1994

Record Create User Id: SHIUHLIN

Record Create Date: 09/15/1994

Record: 1/1 <OSC> <DBG>

Start | Novell GroupWise - ... | Mail From: Camilla ... | WRAPP | Document1 - Micros... | 9:32 AM

NAMELINK-NAMEINFO

Action Edit Query Block Record Field Window Help

LINK_INFO

General Query | Application | Applicant-Namelink | Source - Tributary | Source - Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Applicant And Namelink

Appl Id: S010857

NAMELINK

Record Delete: Yes No Record Delete Reason:

Name Type: Owner Agent Appl Id: S010857

Mail Code: Mail List Void

Primary Owner: Yes No Name Id: 10010123

Primary Owner: C.C. No Unknown

Record Create Date: 09/15/1994

Record Create User Id: SHIUHLIN

Record Update Date: 09/15/1994

Record Update User Id: SHIUHLIN

NAMEINFO

Record Delete: Yes No Record Delete Reason:

Name Id: 10010123

Salutation:

Last Name: MOSS

Middle Name:

First Name: RICHARD

Company:

Dept:

Street: 1049 CINNAMON RANCH RD

Pobox:

City: BISHOP

State: CA Zip: 93514

Areacode: 760 Phone: 9332295

Etal: Xref Name Id:

Record Create Date: 09/15/1994

Record Create User Id: SHIUHLIN

Record Update Date: 12/07/2001

Record Update User Id: WTOY

Record: 1/1 <OSC> <DBG>

Start | Novell GroupWise ... | Mail From: Camilla ... | NAMELINK-NAM... | Document1 - Micros... | 9:32 AM

WRSOUR-WRTRIB

Action Edit Query Block Record Field Window Help

SOUR_TRIB

General Query | Application | Applicant-Namelink | Source - Tributary | Source - Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Appl Id: S010857

WRSOUR - WRTRIB

WRSOUR

Appl Id: S010857

Source Id: S010857 01

Source Seq: 01

Source Name: MIDDLE CREEK

Stream Code: 600998390

Source Max Dd: 5

Source Max Storage: 0

Source Unit: C

Record Delete: No Yes

Record Delete Reason:

Record Update Date: 09/15/1994

Record Update User Id: SHIUHLIN

Record Create Date: 09/15/1994

Record Create User Id: SHIUHLIN

WRTRIB

Appl Id	Source Id	Trib Id	Tributary Name	Record delete	Delete Reason	Record Update Date	Record Update User Id	Record Create Date	Record Create User Id
S010857	S010857 01	01	HAMMIL VALLEY	No Yes		09/15/1994	SHIUHLIN	09/15/1994	SHIUHLIN
S010857	S010857 01	02	OWENS RIVER	No Yes		09/15/1994	SHIUHLIN	09/15/1994	SHIUHLIN
				No Yes					
				No Yes					

Record: 1/1 <OSC> <DBG>

Start | Novell GroupWise - ... | Mail From: Camilla ... | WRSOUR-WRT... | Document1 - Micros... | 9:33 AM

WRSOUR-WRPOD

Action Edit Query Block Record Field Window Help

SOUR_POD

General Query | Application | Applicant-Namelink | Source Tributary | Source Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRSOUR - WRPOD

WRAPP

Appl Id: S010857

WRSOUR

Appl Id: S010857 Source Seq: 01 Source Id: S010857 01

Source Name: MIDDLE CREEK

Stream Code: 600998390

Source Max Dd: 5

Source Max Storage: 0

Source Unit: C

Record Delete: No Yes

Record Delete Reason:

Record Update Date: 09/15/1994

Record Update User Id: SHIUHLIN

Record Create Date: 09/15/1994

Record Create User Id: SHIUHLIN

WRPOD

Appl Id: S010857 Source Id: S010857 01

Zone: 3

Pod Id: 01

Lot Number:

Lot Sixteenth: NW

Lot Quarter: NW

Section Classifer: P

Section Number: 08

Township Number: 03

Township Direction: S

Range Number: 33

Range Direction: E

Base Meridian: M

North Coord: 0372000

East Coord: 2634000

County: 26 LOV MONO

Diversion Code:

Diversion Type:

Well Number:

Quad Map Number: II033

Quad Map Name: WHITE MTN PEAK

Quad Map Min Ser: 15

Latitude:

Longitude:

Direct Div Amount: 5

Pod Unit: C

Direct Div Ac Ft: 0

Amount Storage: 0

Pod Code:

Parcel Number:

Well Owner Desig:

Record Delete: No Yes

Record Delete Reason:

Record Update Date: 09/15/1994

Record Update User Id: SHIUHLIN

Record Create Date: 09/15/1994

Record Create User Id: SHIUHLIN

Record: 1/1 <OSC> <DBG>

Start | Novell GroupWise ... | Mail From: Camilla ... | WRSOUR-WRP... | Document1 - Micros... | 9:33 AM

WRUSE

Action Edit Query Block Record Field Window Help

WRUSE

General Query | Application | Applicant-Namelink | Source - Tributary | Source - Pod | Water Use

Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Record Delete ○ Yes ◉ No Appl Id S010857

WRUSE

Record Delete ○ Yes ◉ No

Record Delete Reason

Water Rights Use

Appl Id	S010857	Use Code	S LOV
Season Dd Primary Begin Month	1	Season Dd Primary Begin Day	1
Season Dd Primary End Month	12	Season Dd Primary End Day	31
Season Dd Second Begin Month	0	Season Dd Second Begin Day	0
Season Dd Second End Month	0	Season Dd Second End Day	0
Annual Dd	0	Season Store Begin Month	0
Season Store Begin Day	0	Season Store End Month	0
Season Store End Day	0	Season Collect	0
Season Net Acres	0	Season Gross Acres	0
Population	1	Season Dd Primary Period	365
Season Dd Second Period	0	Season Store Period	0
Use Comments			

Record Update User Id	SHIUHLIN
Record Update Date	09/15/1994
Record Create User Id	SHIUHLIN
Record Create Date	09/15/1994

Record: 1/1 <OSC> <DBG>

Start | Novell GroupWise - ... | Mail From: Camilla ... | WRUSE | Document1 - Micros... | 9:33 AM

WRUSE

Action Edit Query Block Record Field Window Help

WRUSE

General Query | Application | Applicant-Namelink | Source Tributary | Source Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Record Delete ○ Yes ◉ No Appl Id S010857

WRUSE

Record Delete ○ Yes ◉ No

Record Delete Reason

Water Rights Use

Appl Id	S010857	Use Code	D LOV
Season Dd Primary Begin Month	1	Season Dd Primary Begin Day	1
Season Dd Primary End Month	12	Season Dd Primary End Day	31
Season Dd Second Begin Month	0	Season Dd Second Begin Day	0
Season Dd Second End Month	0	Season Dd Second End Day	0
Annual Dd	0	Season Store Begin Month	0
Season Store Begin Day	0	Season Store End Month	0
Season Store End Day	0	Season Collect	0
Season Net Acres	0	Season Gross Acres	0
Population	1	Season Dd Primary Period	365
Season Dd Second Period	0	Season Store Period	0
Use Comments			

Record Update User Id	SHIUHLIN
Record Update Date	09/15/1994
Record Create User Id	SHIUHLIN
Record Create Date	09/15/1994

Record: 2/? <OSC> <DBG>

Start | Novell GroupWise ... | Mail From: Camilla ... | WRUSE | Document1 - Micros... | 9:33 AM

WRUSE

Action Edit Query Block Record Field Window Help

WRUSE

General Query | Application | Applicant-Namelink | Source Tributary | Source Pod | Water Use | Term | Decision | Extension | FERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Record Delete ○ Yes ◉ No AppliId S010857

WRUSE

Record Delete ○ Yes ◉ No

Record Delete Reason

Water Rights Use

Appl Id	S010857	Use Code	P LOV
Season Dd Primary Begin Month	1	Season Dd Primary Begin Day	1
Season Dd Primary End Month	12	Season Dd Primary End Day	31
Season Dd Second Begin Month	0	Season Dd Second Begin Day	0
Season Dd Second End Month	0	Season Dd Second End Day	0
Annual Dd	0	Season Store Begin Month	0
Season Store Begin Day	0	Season Store End Month	0
Season Store End Day	0	Season Collect	0
Season Net Acres	0	Season Gross Acres	0
Population	0	Season Dd Primary Period	365
Season Dd Second Period	0	Season Store Period	0
Use Comments			

Record Update User Id	SHIUHLIN
Record Update Date	09/15/1994
Record Create User Id	SHIUHLIN
Record Create Date	09/15/1994

Record: 3/7 | 1 | <OSC> | <DBG>

Start | Novell GroupWise - ... | Mail From Camilla ... | WRUSE | Document1 - Micros... | 9:33 AM

WRUSE

Action Edit Query Block Record Field Window Help

WRUSE

General Query | Application | Applicant-Namelink | Source - Tributary | Source - Pod | Water Use | Term | Decision | Extension | EERC | Irrigation

Today's Date: 06/09/2008

WRAPP

Record Delete ○ Yes ◉ No

Appl Id S010857

WRUSE

Record Delete ○ Yes ◉ No

Record Delete Reason

Water Rights Use

Appl Id	S010857	Use Code	LOV
Season Dd Primary Begin Month	1	Season Dd Primary Begin Day	1
Season Dd Primary End Month	12	Season Dd Primary End Day	31
Season Dd Second Begin Month	0	Season Dd Second Begin Day	0
Season Dd Second End Month	0	Season Dd Second End Day	0
Annual Dd	0	Season Store Begin Month	0
Season Store Begin Day	0	Season Store End Month	0
Season Store End Day	0	Season Collect	0
Season Net Acres	400	Season Gross Acres	0
Population	0	Season Dd Primary Period	365
Season Dd Second Period	0	Season Store Period	0
Use Comments			

Record Update User Id	SHIUHLIN
Record Update Date	09/15/1994
Record Create User Id	SHIUHLIN
Record Create Date	09/15/1994

Record: 4/4 <OSC> <DBG>

Start | Novell GroupWise ... | Mail From: Camilla ... | WRUSE | Document1 - Micros... | 9:33 AM