

**EXHIBIT 11**

**STATE WATER RESOURCES CONTROL BOARD**  
 THE PAUL R. BONDERSON BUILDING  
 901 P STREET  
 SACRAMENTO, CA 95814

Mailing Address:  
**DIVISION OF WATER RIGHTS**  
 P.O. BOX 2000, Sacramento, CA 95812-2000



**NOTICE OF APPLICATION TO APPROPRIATE WATER**

**APPLICATION 29977**

Notice is hereby given that on July 12, 1991

G. Scott Fahey  
 120 North Bryan  
 Oakdale, CA 95361

Applied to the State Water Resources Control Board for a permit to appropriate water, subject to vested rights. The Board has determined that the application is in compliance with Section 65943 of the Government Code.

**DESCRIPTION OF PROJECT**

The applicant proposes to construct facilities to divert 0.031 cubic foot per second (cfs) from Deadwood Spring and 0.031 cfs from Cottonwood Spring by gravity flow through approximately 15,000 feet of two-inch-diameter buried fiberglass pipeline. Water will be held in a 16,500 gallon buried stainless steel holding tank from which approximately 2,000 feet of four inch fiberglass pipeline will convey the water to a tanker-truck filling point located near the center of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 30, T2N, R17E, MDB&M. The water will then be transported off-site to a bottled water plant.

The applicant entered into an agreement with the Department of Fish and Game for the purposes of establishing protective features for fish and wildlife regarding activities associated with the proposed project.

The applicant also has entered into a water exchange agreement with the Turlock Irrigation District and the Modesto Irrigation District for the period from June 16 to October 31 of each year, when water is not available for appropriation in the Tuolumne River and the Sacramento-San Joaquin Delta systems. Any water that the applicant diverts pursuant to Application 29977 during this period will be replenished into the Roger Creek arm of Lake Don Pedro by pumping an equal amount of groundwater from a well located in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 8, T3S, R15E, MDB&M.

The project is located approximately four miles southeast of Wil-Wuk Village.

**APPLICATION INFORMATION**

Water to be appropriated from Unnamed Spring (aka Cottonwood Spring) tributary to Cottonwood Creek thence Clavey River thence Tuolumne River  
 Point of Diversion within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 16, T2N, R17E, MDB&M

Water to be appropriated from Deadwood Spring tributary to Unnamed Stream (aka Deadwood Creek) thence Basin Creek thence North Fork Tuolumne River  
 Point of Diversion within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 16, T2N, R17E, MDB&M

In the County of Tuolumne  
 Amount applied for: 0.062 cu-ft/sec  
 Water to be used for: Industrial purposes  
 Diversion season named: January 1 to December 31

**ENVIRONMENTAL INFORMATION**

According to the California Environmental Quality Act (CEQA) and its guidelines, Tuolumne County is the lead agency and will be responsible for preparation of appropriate environmental documents for the project and for determining whether or not the project will cause a significant effect on the environment. If you have any information which indicates that the project will have a significant effect on the environment, please send this information to the lead agency immediately and also send a copy to Mr. Mike Falkenstein, State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

**APPLICATION 29977**

**Page 2**

**RELATIVE TO PROTESTS**

Protests may be based on possible injury to vested rights or an allegation that the proposed appropriation would not be within the Board's jurisdiction, would not be in the public interest, would have an adverse environmental impact, would result in waste, unreasonable method of use, or unreasonable method of diversion, would impair public trust uses, or would be contrary to law. Any person desiring to protest the Board's issuance of a permit pursuant to this application shall within 40 days from date of notice shown below (or within such further time as may, for good cause shown, be allowed) file a written protest with the State Water Resources Control Board, P.O. Box 2000, Sacramento, California 95812-2000 in care of the contact person specified below. Protest forms will be furnished free of charge upon request. A copy of any protest shall be sent to the applicant.

**CONTACT PERSON**

- . For protest forms, call (916) 657-2170.
- . For information regarding protests and time extensions, call Yoko Mooring (916) 657-1965.
- . For information regarding CEQA, call Mike Falkenstein (916) 657-1377.

**Date of Notice:      JANUARY 29 1993**