

**EXHIBIT 27**

MINIMUM FILING FEE: \$100.00  
 FILE ORIGINAL & ONE COPY  
 TYPE OR PRINT IN BLACK INK  
 (For explanation of entries required, see  
 booklet "How to file an Application to  
 Appropriate Water in California")

State of California STATE WATER RESOURCES CONTROL BOARD  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
 P.O. Box 2000, Sacramento, CA 95812-2000  
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>  
 DIV. OF WATER RIGHTS SACRAMENTO

**APPLICATION TO APPROPRIATE WATER**

APPLICATION No. 31491  
 (Leave Blank)

**1. APPLICANT**

G. Scott Fahey (Name of applicant) (208) 345-5170 (Telephone - between 8 a.m. and 5 p.m.)

2787 Stony Fork Way (Mailing address) Boise (City or town) Idaho (State) 83706 (Zip code)

**2. SOURCE**

a. The name of the source at the point of diversion is (1) Myro Springs  
(2) Polo Springs  
Wet Meadows Springs (If unnamed, state that it is an unnamed stream, spring, etc.)  
 tributary to Hull Creek, thence the Clavey River, thence the Tuolumne River

b. In a normal year does the stream dry up at any point downstream from your project? YES  NO   
 If yes, during what months is it usually dry? From \_\_\_\_\_ to \_\_\_\_\_  
 What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? None

**3. POINTS of DIVERSION and REDIVERSION**

a. The point(s) of diversion will be in the County of Tuolumne  
 and within Assessor's Parcel Number (APN #) 52-01-26

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
<u>2,000' N + 1,000' E of SW Corner Sec 11</u>	<u>NW 1/4 of SW 1/4</u>	<u>11</u>	<u>2N</u>	<u>17E</u>	<u>M.D.</u>
<u>150 S + 16.677' E 2,120,557, Zone 3</u>	<u>1/4 of 1/4</u>				
<u>150 S + 1,500 W of NE Corner of Sec 22</u>	<u>NW 1/4 of NE 1/4</u>	<u>22</u>	<u>2N</u>	<u>17E</u>	<u>MD</u>
<u>1,100 S + 850 W of NE Corner of Sec 22</u>	<u>NE 1/4 of NE 1/4</u>	<u>22</u>	<u>2N</u>	<u>17E</u>	<u>MD</u>

Does applicant own the land at the point of diversion? YES  NO

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: U.S. Forest Service; Amendment of Existing Special Use Permit

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>".  
 Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

11-8-02  
 100-  
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**4. PURPOSE of USE, AMOUNT and SEASON**

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT Acre-feet per annum	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)		Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Industrial	0.089	64.5	01/01	12/31			

b. Total combined amount taken by direct diversion and storage during any one year will be 64.5 acre-feet.

**5. JUSTIFICATION of AMOUNT**

a. IRRIGATION: Maximum area to be irrigated in any one year is \_\_\_\_\_ acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is 120. Separately owned?  YES  NO  
 Total number of people to be served is \_\_\_\_ Estimated daily use per person is \_\_\_\_ (Gallons per day)  
 Total area of domestic lawns and gardens is \_\_\_\_ square feet.  
 Incidental domestic uses are \_\_\_\_\_  
 (Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock \_\_\_\_\_ Maximum number \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (Feed lot, dairy, range, etc.)

d. RECREATIONAL: Type of recreation: Fishing  Swimming  Boating  Other

e. MUNICIPAL: (Estimated projected use)

POPULATION		MAXIMUM MONTH		ANNUAL USE		
5-Year periods until use is completed		Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
PERIOD	POP.					
Present						

Month of maximum use during year is \_\_\_\_\_ Month of minimum use during year is \_\_\_\_\_

f. HEAT CONTROL: The total area to be heat protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The heat protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The frost protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)

h) INDUSTRIAL: Type of industry is bottled spring water  
 Basis for determination of amount of water needed is market demand

i. MINING: The name of the claim is \_\_\_\_\_ Patented  Unpatented   
 The nature of the mine is \_\_\_\_\_ Mineral to be mined is \_\_\_\_\_  
 Type of milling or processing is \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_  
 (Name of stream)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M. \_\_\_\_\_  
 (40-acre subdivision)

j. POWER: The total fall to be utilized is \_\_\_\_\_ feet. The maximum amount of water to be used through the penstock is \_\_\_\_\_ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is \_\_\_\_\_ kilowatts at \_\_\_\_\_ % efficiency.  
 (Cubic feet per second x fall + 8.8) (Ap x 0.746 + efficiency)  
 After use, the water will be discharged into \_\_\_\_\_  
 (Name of stream)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M. FERC No. \_\_\_\_\_  
 (40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES  NO  If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.

l. OTHER: Describe use: \_\_\_\_\_ Basis for determination of amount of water needed is \_\_\_\_\_

6. PLACE OF USE

a. Does applicant own the land where the water will be used? YES  NO  Is land in joint YES  NO  ownership?  
 (All joint owners should include their names as applicants and sign the application.)  
 If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. Sierra Pacific Industries; P.O. Box 496014 Redding, CA 96049-6014 - Lease Agreement

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
SE 1/4 of NW 1/4	30	2N	17E	M.D.		
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

**7. DIVERSION WORKS**

- a. Diversion will be by gravity by means of 33,800 Ft of 3" pipe  
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from \_\_\_\_\_ Pump discharge rate \_\_\_\_\_ Horsepower \_\_\_\_\_  
(Depth of the well \_\_\_\_\_) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel):	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not):	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width):	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Amvex Ser. 3000	3" $\phi$	33,800	530	-	75 GPM

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if an	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by:  Pumping  Gravity

**8. COMPLETION SCHEDULE**

- a. Year work will start June 2003 b. Year work will be completed August 2004  
 c. Year water will be used to the full extent intended 12/06 d. If completed, year of first use -0-

**9. GENERAL**

- a. Name of the post office most used by those living near the proposed point of diversion is Toulumne City  
 Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES  NO   
 If yes, state name of the subdivision \_\_\_\_\_  
 If no, is subdivision of these lands contemplated? YES  NO   
 Is it planned to individually meter each service connection? YES  NO  If yes, when? \_\_\_\_\_
- b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See attached statement.
- c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES  NO  If yes, explain \_\_\_\_\_

## APPLICATION TO APPROPRIATE WATER

APPLICATION No. \_\_\_\_\_

### 9. GENERAL

- b. List the name and address of diverters of water from the source of supply downstream from the proposed point of diversion:

City and County of San Francisco  
City Hall, Room 287  
San Francisco, CA 94102

Modesto & Turlock Irrigation Districts  
c/o Turlock Irrigation District  
P.O. Box 949  
Turlock, CA 95381-0949

### ADDITIONAL STATEMENT

The applicant hereby accepts and understands that the current application to appropriate and use water from Wet Meadows Springs shall be conditional upon and subject to the terms and conditions of the following:

- Agreement, dated December 12, 1992, between G. Scott Fahey and the Turlock & Modesto Irrigation Districts, and as enumerated by the State Water Resource Control Board, Division of Water Rights, Permit #20784, Item 19.
- Conditions 1, 2a, 2b, 2c, 2d, and 2e within the City of San Francisco letter, dated December 19, 1994, and as enumerated by the State Water Resource Control Board, Division of Water Rights, Permit #20784, Item 20.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

Dated August 9, 2002 at Boise, Idaho

  
(Signature of applicant)

**10. EXISTING WATER RIGHT**

Do you claim an existing right for the use of all or part of the water sought by this application? YES  NO   
 If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

**11. AUTHORIZED AGENT (Optional)**

With respect to  all matters concerning this water right application  those matters designated as follows:

\_\_\_\_\_

(Name of agent) (Telephone number of agent between 8 a.m. and 5 p.m.)

\_\_\_\_\_

(Mailing address) (City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

**12. SIGNATURE OF APPLICANT**

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated August 9 2002 at Boise, Idaho California

Ms. Mr. \_\_\_\_\_  
 Miss. Mrs. \_\_\_\_\_  
 (Signature of applicant)

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr. \_\_\_\_\_  
 Miss. Mrs. \_\_\_\_\_  
 (Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

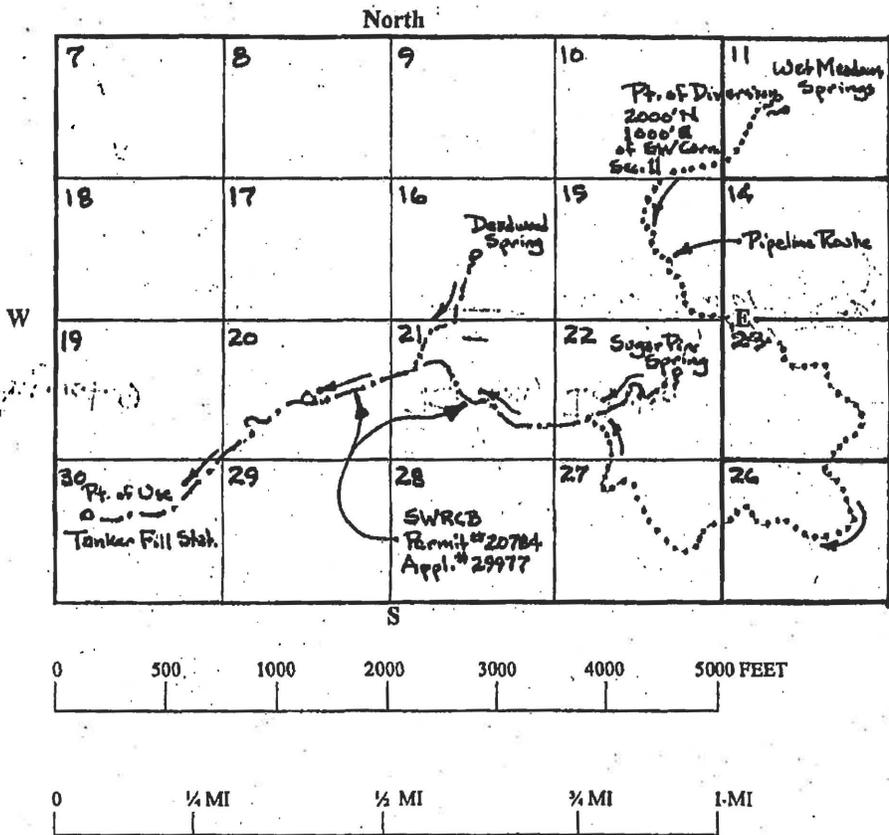
**NOTE:**

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

**13. MAP**

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) As Shown Below TOWNSHIP 2 N RANGE 17 E M.D. B. & M.



- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water.

**14. SUPPLEMENTAL INFORMATION**

- a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
- b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

X3488

JShape

File Edit Command Layer Help

California Water Rights Online GIS

UnZoom ZoomIn ZoomOut Pan Identify Select Clear

WSLoad - Water Rights WSLoad - Rivers Distance Report SDELoad

Execute > Query >

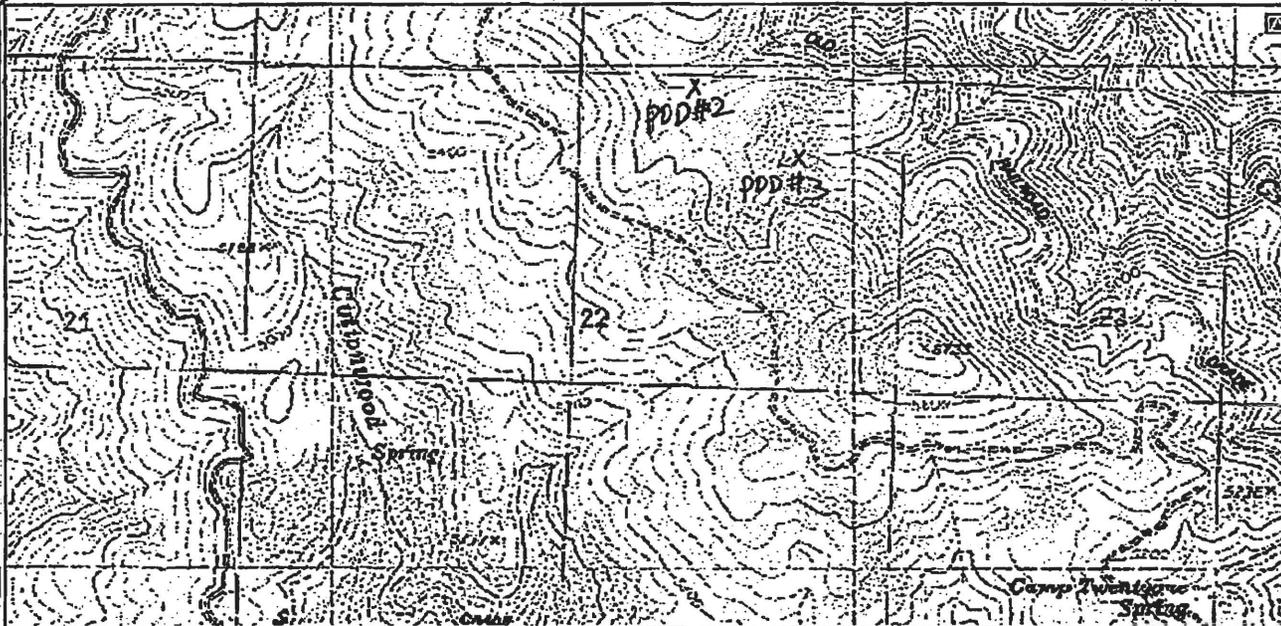
Water Rights  
 [map] [Loa]

Rivers  
 [map] [Loa]

24K Quad Map  
 [map] [Loa]

100K Quad Map  
 [map] [Loa]

250K Quad Map  
 [map] [Loa]



QUAD HH59, HULL CREEK, SECTION 22

POD#2: State Plane> Zone:3,N:554128.64,E:2117885.4: LatLong> -120.0907,38.0212: Albers> -7953.0046,357.022809  
POD#3: State Plane> Zone:3,N:553184.56,E:2118494.5: LatLong> -120.0886,38.0186: Albers> -7769.8039,73.3571254

000582

X3488

JShape

File Edit Command Layer Help

California Water Rights Online GIS

UnZoom ZoomIn ZoomOut Pan Identify Select Clear

WSLoad - Water Rights WSLoad - Rivers Distance Report SDELoad

Execute > Query >

Water Rights  [Loa]

Rivers  [Loa]

24K Quad Map  [map] [Loa]

100K Quad Map  [map] [Loa]

250K Quad Map  [map] [Loa]

State Plane Zone: 3N:561677.13E:2120357.9  
 Lat: Long: -120.0820, 38.0419  
 Alberts: -7190.6098, 2654.98212

POD #1  
 It's not on stream.  
 New Spring



State of California  
State Water Resources Control Board  
DIVISION OF WATER RIGHTS CONTROL BOARD  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

DIV. OF WATER RIGHTS  
SACRAMENTO

**APPLICATION TO APPROPRIATE WATER BY PERMIT  
ENVIRONMENTAL INFORMATION**

**(THIS IS NOT A CEQA DOCUMENT)**

APPLICATION NO. 31491

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

See attached statement.

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*The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>. Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).*

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Robin Wood Date of contact 8/14/02  
Department County Planning Telephone (209) 533-5633
- b. Assessor's Parcel No. 52-01-26
- c. County Zoning Designation Public District
- d. Are any county permits required for your project? No  
If yes, check appropriate space below:  
\_\_\_\_\_ Grading Permit, \_\_\_\_\_ Use Permit, \_\_\_\_\_ Watercourse  
Obstruction Permit, \_\_\_\_\_ Change of Zoning, \_\_\_\_\_ General Plan  
Change, Other (explain):  
\_\_\_\_\_  
\_\_\_\_\_

e. Have you obtained any of the required permits described above? N/A  
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type Special Use Permit  
Person (s) contacted Beth Martinez Agency U.S. Forest Service  
Date of contact 8/14/02 Telephone (209) 586-3234

4. Has any public agency prepared an environmental document for any aspect of your project?  
\_\_\_\_\_  
If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

The U.S. Forest will be preparing a NEPA document  
related to the amendment of the applicant's Special  
Use Permit.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: \_\_\_\_\_

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? No

Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_

What method of treatment and disposal will be used? \_\_\_\_\_

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? Yes, for the NEPA document.

Do you know of any archeological or historic sites located within the general project area?

No If so, explain: \_\_\_\_\_

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- a. Along the stream channel immediately downstream from the proposed point(s) of diversion
  - b. Along the stream channel immediately upstream from the proposed point(s) of diversion
  - c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below):

Tree Dominated Communities

- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities

- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities

- Annual Grassland
- Perennial Grassland
- Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities

- Riverine
- Lacustrine
- Estuarine
- Marine

Developed Communities

- Cropland
- Orchard-Vineyard
- Urban

Literature source; Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 324-3812).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

See attached statement

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

Same as Application #299778 (Deadwood/Sugar Pine Springs)

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by \* below):

Same as Application # 299798 (Deadwood/Sugar Pine Spring)

\*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No  
If so, explain: \_\_\_\_\_

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date August 9, 2002 Signature [Handwritten Signature]

## APPLICATION TO APPROPRIATE WATER BY PERMIT ENVIRONMENTAL INFORMATION

### PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operations, including how the water will be used.

The development of Wet Meadows Springs will be done by excavating a pit in a Ponderosa Pine stand to the northwest of Wet Meadows. The pit will be excavated to a depth of approximately fifteen (15) to twenty-five (25) feet. The excavation will provide a working platform at a lower elevation than the surface of Wet Meadows. From the working platform a horizontal-boring machine will bore a five-inch (5") diameter hole on a three percent (3%) down-slope. The maximum boring length will be eight hundred (800) feet.

Once the water bearing fault, which creates the springs is reached by the horizontal-boring, the first section of diversion pipeline will be installed. It will be a three-inch (3") diameter PVC pipe. The first one hundred (100) feet of pipe installed will be perforated. Solid PVC pipe will follow the perforated section to the bore hole outlet. To seal the bore hole the interstices between the bore hole and the outside of the PVC pipe will be pressure grouted to prevent surface born contamination. At the bore hole outlet a tee section will create an interface between: the bore hole PVC pipeline; a two-inch (2") diameter vertical polypropylene pipeline air vent; and the three-inch (3") diameter Ameron Series 3000 Proto-Lok pipe, which will be used as the main diversion pipeline. The air vent pipeline will terminate and be connected to a 0.1 micron air-filter to ensure only bacteria-free air will contact the diverted spring water. The air-filter will be housed below ground in a corrugated metal manhole with a locked metal cover.

Progressing downstream from the bore hole (0+00), the diversion pipeline will run down-slope in a trench becoming shallower from bore hole depth to a minimum depth of four (4) feet, which thereafter will be the typical trench depth. Eight hundred (8+00) feet downstream from the bore hole outlet, a three-way valve will be installed enabling all diversion flow to travel down the diversion pipeline, or be redirected into the existing Wet Meadows Springs streambed, or simultaneously divert and redirect water.

At 24+00 a three-way valve/fire hydrant unit will be installed. This unit will enable all diversion flow to travel down the diversion pipeline, or through the hydrant, or simultaneously have water diverted and flow through the hydrant. The only live stream along the proposed diversion pipeline route, Hull Creek, will be crossed at 38+00. Beginning at 46+00 the remainder of the diversion pipeline route will follow an abandon railroad grade, which has had its rails and ties removed and is overgrown with brush. Another three-way valve/fire hydrant unit will be installed at 170+00, where U.S. Forest Service roadway 2N06 crosses the abandon railroad grade. The diversion pipeline will terminate at 338+00 by intersecting a pipeline previously installed pursuant to SWRCB Permit #20784 (Application #299778).

ENVIRONMENTAL SETTING

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structure, water distribution and use facilities, and changes in the place of use due to additional water development.

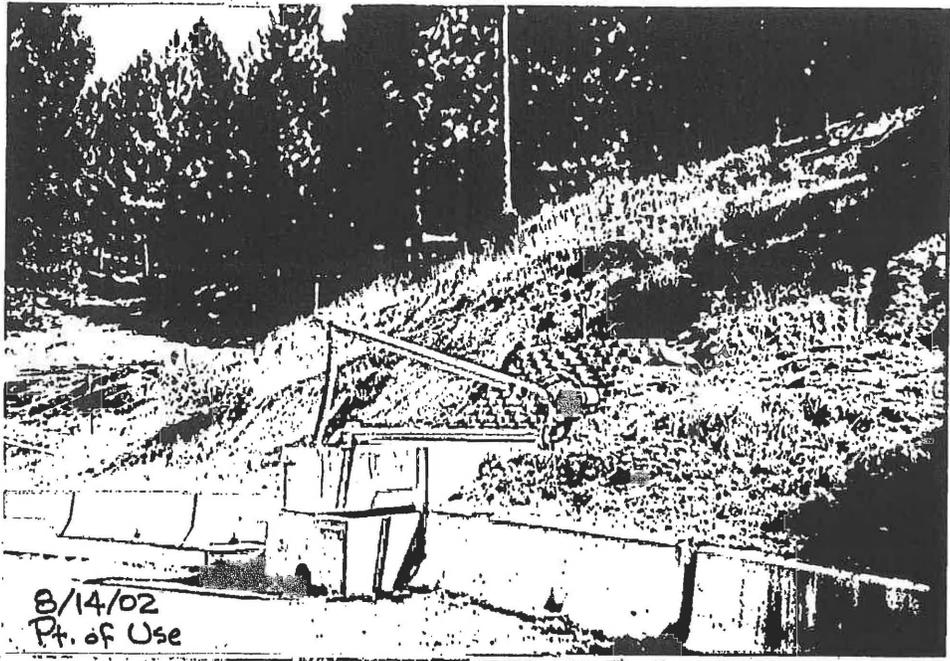
TREES

<u>Type</u>	<u>Number</u>	<u>Size</u>
Ponderosa Pine ( <i>Pinus ponderosa</i> )	12	8" - 18"

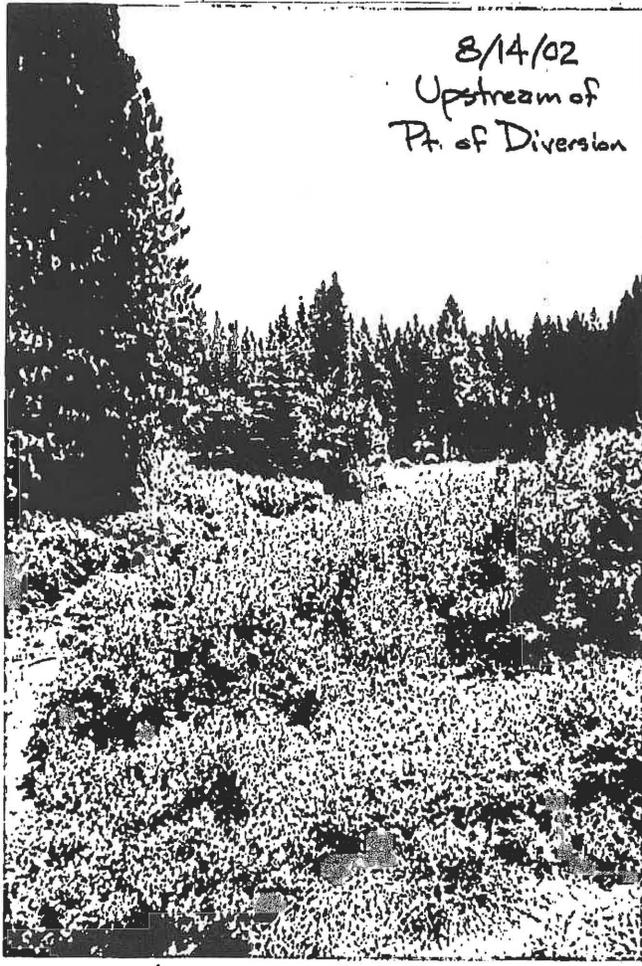
SHRUBS

<u>Type</u>	<u>Number*</u>	<u>Size</u>
Deerbrush ( <i>Ceanothus integerrimus</i> )		½" - 1"
Snowbrush		0 - ½"
Manzanita		½" - 1½"

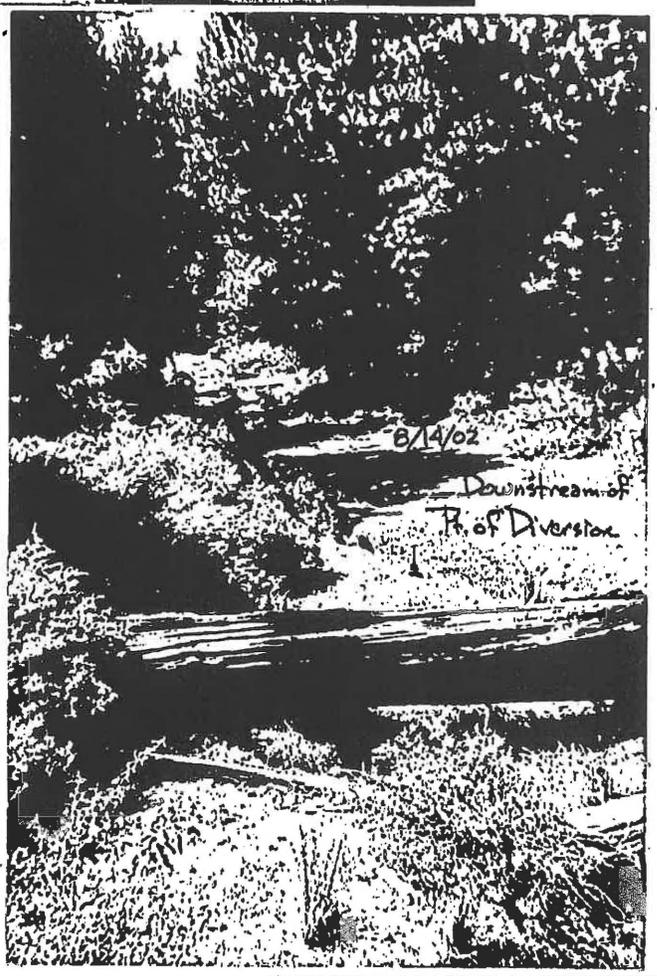
\*Total area of brush field, 1 acre.



8/14/02  
Pt. of Use



8/14/02  
Upstream of  
Pt. of Diversion

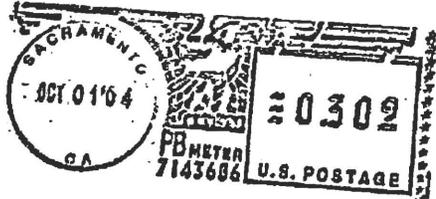


8/14/02  
Downstream of  
Pt. of Diversion

YM 31491

Water Resources Control Board  
Division of Water Rights  
P O Box 2000  
Sacramento CA 95810-0000

FRESNO  
FIRST CLASS



GARY SAWYERS  
LAW OFFICES OF GARY W SAWYERS  
575 E. ALLUVIAL AVE STE 101  
FRESNO CA 93720-2822

*10/20/04  
11/2/04  
10/5/04*

*Please  
remailed  
10/20/04  
by IAR  
re-mail to  
this address  
HGJFTMM 93720*

SAWYS75\* 937203517 1603 18 10/05/04  
FORWARD TIME EXP RTN TO SEND  
SAWYERS GARY W LAW OFFICES OF  
6715 N PALM AVE STE 116  
FRESNO CA 93704-1073

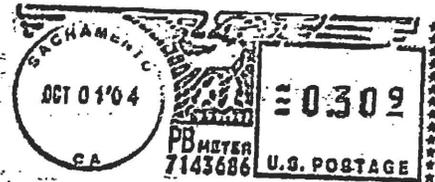
RETURN TO SENDER

mailed on NOV 05 2004

YM  
31491

Water Resources Control Board  
Division of Water Rights  
P O Box 2000  
SACRAMENTO CA 95830-2000

PRESO  
FIRST



RETURNED TO SENDER

- Moved, Left No Address
- Forwarding Order Expired
- Attempted - Not Known
- Unclaimed  Refused
- No Such Street
- No Such Number
- Insufficient Address

YX10-02-04 SAC, CA 958/ FRST 1ST, CLAS

LOWER TULE RIVER IRRIGATION DISTRICT  
PO BOX 4388  
PORTERVILLE CA 93258-4388

357 E. Olive Ave.  
Tipton, CA 93272-9627  
(559) 952-5050

UTF

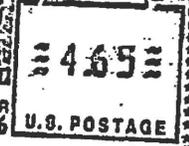
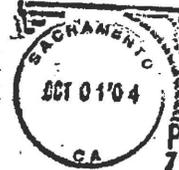
RETURN TO SENDER  
NOT DELIVERABLE



**CERTIFIED MAIL**



7001 0320 0001 1830 5201



*Please mail  
by cert  
206 City Hall, Room 287  
S.F. CA 94102*

City and County of San Francisco  
City Hall, Room 287  
San Francisco, CA 94102

**RETURNED TO SENDER**

REASON CHECKED

Unclaimed  Refused

Attempted-Not known

Inefficient Address

No such street number

No office in state

Do not remain in this section

94102/4603





Working Copy

MINIMUM FILING FEE: \$100.00  
FILE ORIGINAL & ONE COPY  
TYPE OR PRINT IN BLACK INK  
(For explanation of entries required, see booklet "How to file an Application to Appropriate Water in California")

State of California STATE WATER RESOURCES  
State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov  
2005 JUN 27 PM 3:30  
DIVISION OF WATER RIGHTS  
SACRAMENTO

### APPLICATION TO APPROPRIATE WATER

APPLICATION No. 031491  
(Leave Blank)

#### 1. APPLICANT

G. Scott Fahey (Name of applicant) (208) 345-5170 (Telephone - between 8 a.m. and 5 p.m.)

2787 Stony Fork Way (Mailing address) Boise (City or town) Idaho (State) 83706 (Zip code)

#### SOURCE

See 10/29/03/03/04  
ym  
ym 7/26/04

a. The name of the source at the point of diversion is

- (1) UNST (AKA Polo Spring)
- (2) UNST (AKA Marco Spring) per 8-10-06 letter kdm
- (3) ~~Wet Meadows Springs~~ letter kdm  
(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to (1) UNST thence  
(2) Hull Creek, thence the Clavey River, thence the Tuolumne River  
(3) UNST thence Hull Creek

b. In a normal year does the stream dry up at any point downstream from your project? YES  NO

If yes, during what months is it usually dry? From \_\_\_\_\_ to \_\_\_\_\_  
What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? NONE

#### 3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Tuolumne  
and within Assessor's Parcel Number (APN) 52-01-26

b.

List all points giving coordinate distances from section corner or other Ne as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
<u>2,000' N &amp; 1,000' E of SW Corner Sec 11</u>	<u>NW 1/4 of SW 1/4</u>	<u>11</u>	<u>2N</u>	<u>17E</u>	<u>M.D.</u>
<u>150S &amp; 1,500W of NE Corner of Sec 22</u>	<u>NW 1/4 of NE 1/4</u>	<u>22</u>	<u>2N</u>	<u>17E</u>	<u>MD - Marcus</u>
<u>1,100 S &amp; 850 W of NE Corner of Sec 22</u>	<u>NE 1/4 of NE 1/4</u>	<u>22</u>	<u>2N</u>	<u>17E</u>	<u>MD - Polo Sp</u>

per GIS  
ym  
see 10/29/03/04  
ym

Does applicant own the land at the point of diversion? YES  NO

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: U.S. Forest Service; Amendment of Existing Special Use Permit

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov". Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

11-8-02  
10/29/03  
9/25/04

**4. PURPOSE of USE, AMOUNT and SEASON**

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Industrial	0.089	64.5	01/01	12/31			

b. Total combined amount taken by direct diversion and storage during any one year will be <sup>(=39,990)</sup> 64.5 acre-feet.

**5. JUSTIFICATION of AMOUNT**

a. IRRIGATION: Maximum area to be irrigated in any one year is \_\_\_\_\_ acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is 17. Separately owned?  YES  NO  
 Total number of people to be served is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_  
 Total area of domestic lawns and gardens is \_\_\_\_\_ square feet. (Gallons per day)  
 Incidental domestic uses are \_\_\_\_\_  
 (Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock \_\_\_\_\_ Maximum number \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (Feed lot, dairy, range, etc.)

d. RECREATIONAL: Type of recreation: Fishing  Swimming  Boating  Other

e. MUNICIPAL: (Estimated projected use)

POPULATION		MAXIMUM MONTH		ANNUAL USE		
5-Year periods until use is completed		Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
PERIOD	POP.					
Present						

Month of maximum use during year is \_\_\_\_\_ Month of minimum use during year is \_\_\_\_\_

- f. HEAT CONTROL: The total area to be heat protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The heat protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)
- g. FROST PROTECTION: The total area to be frost protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The frost protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)
- h. INDUSTRIAL: Type of industry is bottled spring water  
 Basis for determination of amount of water needed is market demand
- i. MINING: The name of the claim is \_\_\_\_\_ Patented  Unpatented   
 The nature of the mine is \_\_\_\_\_ Mineral to be mined is \_\_\_\_\_  
 Type of milling or processing is \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_  
 (Name of stream)  
 in \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M.  
 (40-acre subdivision)
- j. POWER: The total fall to be utilized is \_\_\_\_\_ feet. The maximum amount of water to be used through the penstock  
 is \_\_\_\_\_ cubic feet per second. The maximum theoretical horsepower capable of being generated  
 by the works is \_\_\_\_\_. Electrical capacity is \_\_\_\_\_ kilowatts at \_\_\_\_\_ % efficiency.  
 (Cubic feet per second x fall + 8.8) (Hp x 0.746 + efficiency)  
 After use, the water will be discharged into \_\_\_\_\_  
 (Name of stream)  
 in \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M. FERC No. \_\_\_\_\_  
 (40-acre subdivision)
- k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES  NO  If yes, list  
 specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information  
 form APP-ENV.
- l. OTHER: Describe use: \_\_\_\_\_ Basis for determination of amount of water needed  
 is \_\_\_\_\_

6. PLACE OF USE

- a. Does applicant own the land where the water will be used? YES  NO  Is land in joint YES  NO   
 (All joint owners should include their names as applicants and sign the application.) ownership?  
 If applicant does not own land where the water will be used, give name and address of owner, and state what  
 arrangements have been made with the owner. Sierra Pacific Industries; P.O. Box 496014  
Redding, CA 96049-6014 - Lease Agreement

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	30	2N	17E	M.D.		
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

**7. DIVERSION WORKS**

- a. Diversion will be by gravity by means of 33,800 Ft of 3" pipe  
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from \_\_\_\_\_ Pump discharge rate \_\_\_\_\_ Horsepower \_\_\_\_\_  
(Depth of the well \_\_\_\_\_) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel):	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not).	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width).	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Amuron Ser. 3000	3" $\phi$	33,800	530	-	75 GPM

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if an	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	RESERVOIR		
					Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL		HEAD		Estimated storage below outlet pipe entrance (dead storage)
		(Vertical distance between entrance and exit of outlet pipe in feet)	(Vertical distance from spillway to outlet pipe in reservoir in feet)	(Vertical distance from spillway to outlet pipe in reservoir in feet)	(Vertical distance from spillway to outlet pipe in reservoir in feet)	

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by:  Pumping  Gravity

**8. COMPLETION SCHEDULE**

- a. Year work will start June 2003 b. Year work will be completed August 2004  
 c. Year water will be used to the full extent intended 12/06 d. If completed, year of first use -0-

**9. GENERAL**

- a. Name of the post office most used by those living near the proposed point of diversion is Toulumne City  
 Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES  NO   
 If yes, state name of the subdivision \_\_\_\_\_  
 If no, is subdivision of these lands contemplated? YES  NO   
 Is it planned to individually meter each service connection? YES  NO  If yes, when? \_\_\_\_\_
- b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See attached statement.
- c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES  NO  If yes, explain \_\_\_\_\_

**APPLICATION TO APPROPRIATE WATER**

**APPLICATION No.** \_\_\_\_\_

**9. GENERAL**

- b. List the name and address of diverters of water from the source of supply downstream from the proposed point of diversion:

City and County of San Francisco  
City Hall, Room 287  
San Francisco, CA 94102

Modesto & Turlock Irrigation Districts  
o Turlock Irrigation District  
P.O. Box 949  
Turlock, CA 95381-0949

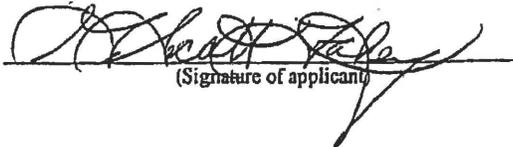
**ADDITIONAL STATEMENT**

The applicant hereby accepts and understands that the current application to appropriate and use water from Wet Meadows Springs shall be conditional upon and subject to the terms and conditions of the following:

- Agreement, dated December 12, 1992, between G. Scott Fahey and the Turlock & Modesto Irrigation Districts, and as enumerated by the State Water Resource Control Board, Division of Water Rights, Permit #20784, Item 19.
- Conditions 1, 2a, 2b, 2c, 2d, and 2e within the City of San Francisco letter, dated December 19, 1994, and as enumerated by the State Water Resource Control Board, Division of Water Rights, Permit #20784, Item 20.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

Dated August 9, 2002 at Boise, Idaho

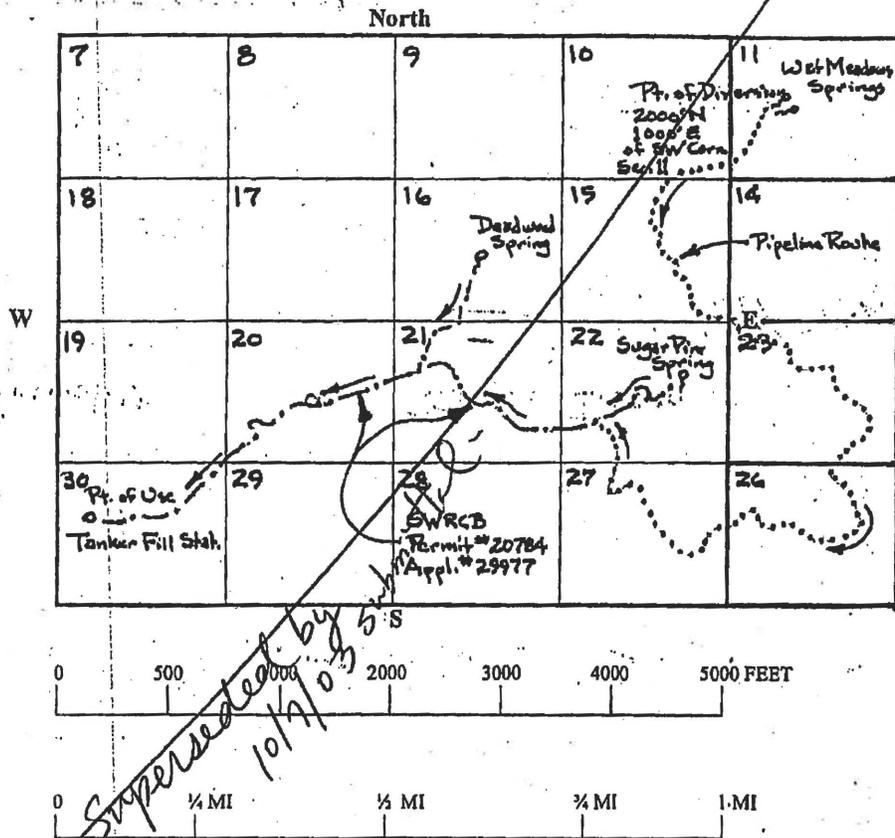
  
(Signature of applicant)



13. MAP

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) As Shown Below TOWNSHIP 2N RANGE 17E M.D. B. & M.



- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water.

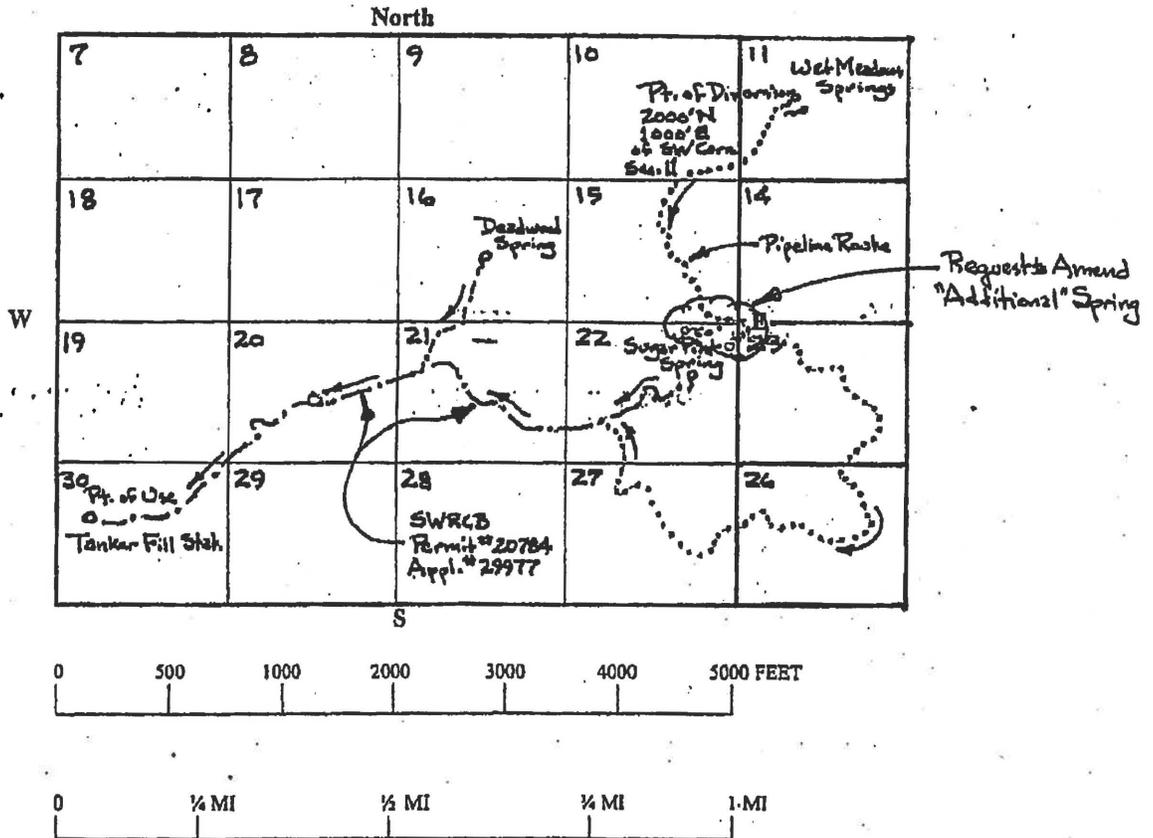
14. SUPPLEMENTAL INFORMATION

- a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
- b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

13. MAP

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) As Shown Below TOWNSHIP 2 N RANGE 17 E , M.D. B. & M.



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X3488

Shape

File Edit Command Layer Help

California Water Rights Online GIS

UrZoom ZoomIn ZoomOut Pan Identify Select Clear

WSLoad - Water Rights WSLoad - Rivers Distance Report SDELoad

Execute > Query >

Water Rights  [Loa]

Rivers  [Loa]

24K Quad Map  [map] [Loa]

100K Quad Map  [map] [Loa]

250K Quad Map  [map] [Loa]

Stat Plan > Zone: 3.N: 561677.13.E: 2120357.9  
 LatLong: -120.0820, 38.0419  
 Albers: -7190.6098, 2654.98212

*POD #1 not on stream  
 New Spring*

DIVISION OF WATER RIGHTS  
SACRAMENTO

**APPLICATION TO APPROPRIATE WATER BY PERMIT  
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 31491

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

See attached statement.

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*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>".*  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Robin Wood Date of contact 8/14/02  
Department County Planning Telephone (209) 533-5633
- b. Assessor's Parcel No. 52-01-26
- c. County Zoning Designation Public District
- d. Are any county permits required for your project? No  
If yes, check appropriate space below:  
Grading Permit, \_\_\_\_\_ Use Permit, \_\_\_\_\_ Watercourse  
Obstruction Permit, \_\_\_\_\_ Change of Zoning, \_\_\_\_\_ General Plan  
Change, Other (explain):  
\_\_\_\_\_  
\_\_\_\_\_

e. Have you obtained any of the required permits described above? N/A  
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type Special Use Permit  
Person (s) contacted Beth Martinez Agency U.S. Forest Service  
Date of contact 8/14/02 Telephone (209) 586-3234

4. Has any public agency prepared an environmental document for any aspect of your project?

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

The U.S. Forest will be preparing a NEPA document  
related to the amendment of the applicant's Special  
Use Permit.

**Note:** When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: \_\_\_\_\_

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? No

Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_

What method of treatment and disposal will be used? \_\_\_\_\_

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? Yes, for the NEPA document.

Do you know of any archeological or historic sites located within the general project area?

No If so, explain: \_\_\_\_\_

ENVIRONMENTAL SETTING

7. Attach THREE COMPLETE SETS of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- a. Along the stream channel immediately downstream from the proposed point(s) of diversion
  - b. Along the stream channel immediately upstream from the proposed point(s) of diversion
  - c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below):

Tree Dominated Communities

- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities

- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities

- Annual Grassland
- Perennial Grassland
- Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities

- Riverine
- Lacustrine
- Estuarine
- Marine

Developed Communities

- Cropland
- Orchard-Vineyard
- Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 324-3812).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

See attached statement

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

Same as Application #299778 (Deadwood/Sugar Pine Springs)

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by \* below):

Same as Application # 299778 (Deadwood/Sugar Pine Spring)

\*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain:

#### CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date August 9, 2002

Signature [Signature]

## APPLICATION TO APPROPRIATE WATER BY PERMIT ENVIRONMENTAL INFORMATION

### PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operations, including how the water will be used.

The development of Wet Meadows Springs will be done by excavating a pit in a Ponderosa Pine stand to the northwest of Wet Meadows. The pit will be excavated to a depth of approximately fifteen (15) to twenty-five (25) feet. The excavation will provide a working platform at a lower elevation than the surface of Wet Meadows. From the working platform a horizontal-boring machine will bore a five-inch (5") diameter hole on a three percent (3%) down-slope. The maximum boring length will be eight hundred (800) feet.

Once the water bearing fault, which creates the springs is reached by the horizontal-boring, the first section of diversion pipeline will be installed. It will be a three-inch (3") diameter PVC pipe. The first one hundred (100) feet of pipe installed will be perforated. Solid PVC pipe will follow the perforated section to the bore hole outlet. To seal the bore hole the interstices between the bore hole and the outside of the PVC pipe will be pressure grouted to prevent surface born contamination. At the bore hole outlet a tee section will create an interface between: the bore hole PVC pipeline; a two-inch (2") diameter vertical polypropylene pipeline air vent; and the three-inch (3") diameter Ameron Series 3000 Proto-Lok pipe, which will be used as the main diversion pipeline. The air vent pipeline will terminate and be connected to a 0.1 micron air-filter to ensure only bacteria-free air will contact the diverted spring water. The air-filter will be housed below ground in a corrugated metal manhole with a locked metal cover.

Progressing downstream from the bore hole (0+00), the diversion pipeline will run down-slope in a trench becoming shallower from bore hole depth to a minimum depth of four (4) feet, which thereafter will be the typical trench depth. Eight hundred (8+00) feet downstream from the bore hole outlet, a three-way valve will be installed enabling all diversion flow to travel down the diversion pipeline, or be redirected into the existing Wet Meadows Springs streambed, or simultaneously divert and redirect water.

At 24+00 a three-way valve/fire hydrant unit will be installed. This unit will enable all diversion flow to travel down the diversion pipeline, or through the hydrant, or simultaneously have water diverted and flow through the hydrant. The only live stream along the proposed diversion pipeline route, Hull Creek, will be crossed at 38+00. Beginning at 46+00 the remainder of the diversion pipeline route will follow an abandon railroad grade, which has had its rails and ties removed and is overgrown with brush. Another three-way valve/fire hydrant unit will be installed at 170+00, where U.S. Forest Service roadway 2N06 crosses the abandon railroad grade. The diversion pipeline will terminate at 338+00 by intersecting a pipeline previously installed pursuant to SWRCB Permit #20784 (Application #299778).

ENVIRONMENTAL SETTING

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structure, water distribution and use facilities, and changes in the place of use due to additional water development.

TREES

<u>Type</u>	<u>Number</u>	<u>Size</u>
Ponderosa Pine (Pinus ponderosa)	12	8" - 18"

SHRUBS

<u>Type</u>	<u>Number*</u>	<u>Size</u>
Deerbrush (Ceanothus integrifolius)		1/2" - 1"
Snowbrush		0 - 1/2"
Manzanita		1/2" - 1 1/2"

\*Total area of brush field, 1 acre.