**062D** *Last Updated: 07/01/2012*

*Category:*

Fish and Wildlife

*Title:*

Bypass, Device, Active

*When Used:*

For all water rights that include term 60 (local bypass flow) and conditions exist that preclude the use of a passive bypass device.

*Background/Justification:*

Wat. Code § 1058; Policy for Maintaining Instream Flows in Northern California Coastal Streams section 5.0, Appendix E

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No water shall be diverted under this right unless right holder is recording the bypass flow(s) required by this right. This recording shall be conducted using a device(s), satisfactory to the Deputy Director for Water Rights. The device(s) shall be capable of continuous\* recording of the instantaneous rate of water bypassed and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the device(s) has/have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device(s) is/are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights. Evidence required by this condition shall include current photographs of the system in place and a statement, signed by the right holder, certifying that the system is still operating as designed.

Right holder shall maintain a record of all bypassed flow under this right that includes the date, time, and the rate of bypassed flow at time intervals of one hour or less\*. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

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\*Continuous recording is required in the Policy area or in critical watersheds.