**103** *Last Updated: 12/11/2012*

*Category:*

Water Quality

*Title:*

Water Quality, Clean Water Act Compliance

*When Used:*

For use in all rights, unless you are including term 203 in the mandatory terms, where activity may result in the discharge of material into waters of the United States.

*Background/Justification:*

Wat. Code §§ 1058; Cal. Code Regs., tit. 23, § 3855 et seq.; 33 U.S.C. §§ 1344, 1341(A)(1)

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No water shall be diverted under this right, and no construction related to such diversion shall commence, unless right holder complies with the requirements of the Clean Water Act. In order to demonstrate such compliance, right holder shall obtain a Clean Water Act section 404 permit from the U.S. Army Corps of Engineers, or evidence that such a permit is not required, and provide such permit or evidence to the Division of Water Rights. If it is determined that a Clean Water Act section 404 permit is required, right holder shall further demonstrate compliance by obtaining a Clean Water Act section 401 certification from the State Water Board.

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