

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

**RESOLUTION ESTABLISHING GENERAL CONDITIONS TO BE APPLIED TO
SMALL DOMESTIC USE AND LIVESTOCK STOCKPOND USE REGISTRATIONS**

WHEREAS:

1. Senate Bill 1839 (1987-1988 Reg. Sess.), also known as the Water Rights Permitting Reform Act of 1988, established Water Code sections 1228 through 1229.1, collectively known as the Water Rights Registration Program, which provides for the acquisition of water rights for Small Domestic Use purposes through registration of the use with the State Water Resources Control Board (State Water Board). Senate Bill 1775 (1999-2000 Reg. Sess.) modified the Water Rights Registration Program to add Livestock Stockpond Use to the program. Assembly Bill 964 (2011-2012 Reg. Sess.) modified the Water Rights Registration Program to add Small Irrigation Use to the program, and modified certain Water Code sections to provide for additional options for Small Domestic Use registration. Assembly Bill 1905 (2013-2014 Reg. Sess.) modified certain Water Code sections related to the Water Rights Registration Program, including the provisions related to situations when registrations are submitted for the same facilities.
2. Water Code section 1228.6 requires the State Water Board to establish, and from time to time revise, reasonable general conditions for the Water Rights Registration Program.
3. On May 4, 2010, the State Water Board adopted Resolution No. 2010-0021, adopting the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy) in accordance with California Water Code section 1259.4 (Cal. Code Regs., tit. 23, § 2921). By State Water Board Resolution, the Policy was later vacated, readopted, and became effective again on February 4, 2014. The Policy applies to the Water Rights Registration Program for all streams and tributaries discharging to the Pacific Ocean from the mouth of the Mattole River south to San Francisco, and all streams and tributaries discharging to northern San Pablo Bay. The Policy restricts the use of the Water Rights Registration Program, unless an exception is granted from the State Water Board, for onstream dams constructed on a Class I or Class II stream after July 19, 2006.
4. The delegation of authorities from the State Water Resources Control Board to the Deputy Director for Water Rights (Resolution 2012-0029) authorizes the Deputy Director for Water Rights to establish and revise a list of general conditions to be applied to registrations for Small Domestic Use, Livestock Stockpond Use, and Small Irrigation Use.

THEREFORE BE IT RESOLVED THAT:

The Deputy Director for Water Rights establishes the general conditions listed below to be applied to registrations for Small Domestic Use and Livestock Stockpond Use, except that these registrations may not be submitted for the storage or diversion of water by means of an onstream dam constructed on a Class I or Class II stream after July 19, 2006 within the area described in paragraph (1) of subdivision (a) of Water Code section 1259.4.

GENERAL CONDITIONS

1. *For quantity and season: Division staff will insert the applicable paragraph for your project, as shown in Attachment 1.*
2. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
3. Diversion works shall be constructed and water applied to beneficial use with due diligence.
4. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
5. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
6. *Include the following term where Purpose of Use includes Domestic:*
No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
7. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
8. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

9. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, the right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, the right holder may be required to otherwise compensate the holders of such rights for injury caused.
10. This right shall not be construed as conferring right of access to any lands or facilities not owned by the right holder.
11. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
12. If storage or diversion of water under this right is by means of a dam, the right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
13. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife.
14. This right does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
15. No water shall be diverted under this right unless the right holder complies with the reporting, measuring, and monitoring requirements of Chapters 2.7 and 2.8 of Division 3 of Title 23 of the California Code of Regulations. If there is any conflict or inconsistency between these regulations and the conditions in this right for reporting, measuring, and monitoring the diversion and use of water, the more stringent requirement or requirements shall control in each instance.
16. This right is subject to renewal prior to the expiration of each five-year period following the priority date of this right. This right shall be renewed only if the right holder has paid the renewal fee and properly reported the diversion and use of water under this right in accordance with the requirements of the State Water Board. This right shall be revoked upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5.)

17. Right holder is on notice that any of the following may be cause for the State Water Board to consider revocation (including partial revocation) of this right: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence; (2) cessation or partial cessation of beneficial use of water; (3) failure to observe any of the terms or conditions of this right; or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Leslie F. Grober, Deputy Director
Division of Water Rights*

Dated: NOV 22 2016

RESOLUTION ESTABLISHING GENERAL CONDITIONS TO BE APPLIED TO
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ATTACHMENT 1: QUANTITY AND SEASON TERM

Direct diversion:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion to be diverted from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

Storage in one reservoir or one or more tanks:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] acre-feet per year** to be collected from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**.

Storage in more than one reservoir:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] acre-feet per year** to be collected from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall not exceed the following: **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, etc.

Direct diversion and storage in one reservoir or one or more tanks within the same season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in one reservoir or one or more tanks within different seasons:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in more than one reservoir within the same season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall

not exceed the following: **[Amount]** acre-feet for **[Reservoir # or Name Reservoir]**, **[Amount]** acre-feet for **[Reservoir # or Name Reservoir]**, etc. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in more than one reservoir within different seasons:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount]** acre-feet per year in **[Reservoir # or Name Reservoir]**, **[Amount]** acre-feet per year in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall not exceed the following: **[Amount]** acre-feet for **[Reservoir # or Name Reservoir]**, **[Amount]** acre-feet for **[Reservoir # or Name Reservoir]**, etc. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **[Amount] acre-feet per year**.