

2007 MAY -2 PM 4:10

COLIN L. PEARCE  
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DIV OF WATER RIGHTS  
SACRAMENTO

www.duanemorris.com

April 27, 2007

**VIA HAND DELIVERY**

State Water Resources Control Board  
Division of Water Rights  
Records Unit  
1001 "I" Street, Second Floor  
Sacramento, CA

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PRINCETON  
LAKE TAHOE

**Re: Resubmission of Application to Appropriate Water by City of Bakersfield**

Dear SWRCB:

Through this letter, the City of Bakersfield ("City") resubmits the enclosed application to appropriate water from the Kern River.

The City originally submitted this application to the State Water Resources Control Board ("SWRCB") on October 10, 1996. The City explained in the enclosed cover letter that it submitted the application in anticipation of the outcome of pending litigation relating to water rights on the Kern River (*North Kern Water Storage District v. Kern Delta Water District et al.*, Tulare County Superior Court Case No. 96-172919).

The City submitted the application because it expected that the court would find "that significant quantities of Kern River water have been forfeited to the State and thus are available for appropriation." The City further explained: "Should the court find that, in effect, there is water available for appropriation on the Kern River, the City requests that the SWRCB immediately provide for notice and a hearing to revise the fully appropriated status of the Kern River. (Wat. Code § 1205(c).) The City would then expect the SWRCB to formally accept its application to appropriate forwarded with this correspondence and acknowledge the City's priority right to the unappropriated water. (See Wat. Code §§ 106, 106.5, 1460.)"

In an April 23, 1997 letter, the SWRCB acknowledged receipt of the application, and informed the City that it would "retain your petition and unaccepted application pending the outcome of the trial." In correspondence dated April 16, 1999 and October 8, 1999, the SWRCB again informed the City that it would "defer action" on the City's application "until completion of the on-going litigation."

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On May 26, 2005, the SWRCB informed the City and 10 other water agencies that had also filed applications to appropriate water from the Kern River that it was rejecting the applications and petitions, "without prejudice," because the litigation had still not concluded. The SWRCB directed the City and the other entities to refile their applications after the final conclusion of the litigation.

The Kern River litigation has now finally concluded. On April 25, 2007, the California Supreme Court denied petitions for review filed by the Kern Delta Water District ("Kern Delta") and the North Kern Water Storage District ("North Kern"). The Supreme Court's denial of the petitions constitutes the final step in the litigation, and concludes the matter.

The City resubmits its application because, as a result of the recently concluded litigation, there is forfeited water available for appropriation on the Kern River. The Tulare County Superior Court has determined, in two judgments, that Kern Delta forfeited pre-1914 appropriative water rights on the Kern River, that the Kern River is no longer fully appropriated, and that such water is subject to appropriation.

The California Court of Appeal, Fifth Appellate District, has similarly confirmed, on two occasions, that pre-1914 water rights forfeited by Kern Delta through the litigation is available for appropriation through the Water Code permit procedures. Recently the Court of Appeal confirmed, in *North Kern Water Storage District v. Kern Delta Water District* (2007) 147 Cal.App.4th 555, that the SWRCB has exclusive jurisdiction to determine claims to the forfeited water.

The City resubmits its application at this time to preserve the City's November 10, 1996 filing priority. The City also resubmits its application based on the SWRCB's statements that it would accept the application at the conclusion of the litigation, or that the City should resubmit the application upon the conclusion of the litigation.

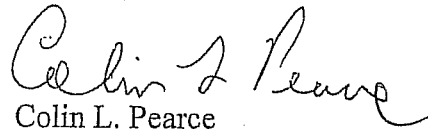
The City reserves the right to submit additional materials and documents to the SWRCB with regard to the application, including an amended application, additional supporting documents, and a formal petition, pursuant to Water Code Section 1205, to revise the SWRCB's declaration that the Kern River is fully appropriated.

The City included a proper filing fee when it initially filed its application in 1996. Since the City is not filing a new application, but is resubmitting its previously submitted application, the City does not believe a new filing fee is necessary. If the SWRCB disagrees with this assessment, however, please let us know.

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If the SWRCB has any questions with regard to the enclosed application, or if the SWRCB requires additional information, please contact the undersigned, at 415-957-3015. We thank you for your attention to this matter.

Sincerely,



Colin L. Pearce  
For DUANE MORRIS

CLP/cwc

Enclosures

cc: Florn Core  
Virginia Gennaro  
Alan Tandy

A031674



California Environmental Protection Agency

STATE WATER RESOURCES CONTROL BOARD

TYPE OR PRINT IN BLACK INK (For instructions, see booklet: "How to File an Application to Appropriate Water in California")

State Water Resources Control Board Division of Water Rights P.O. Box 2000, Sacramento, CA 95812-2000 Tel: (916) 341-5300 Fax: (916) 341-5400 www.waterrights.ca.gov

2007 MAY -4 AM 9:19

APPLICATION NO. (leave blank)

DIV. OF WATER RIGHTS SACRAMENTO

APPLICATION TO APPROPRIATE WATER

SECTION A: NOTICE INFORMATION

1. APPLICANT/AGENT

Table with 3 columns: Name, APPLICANT, ASSIGNED AGENT (if any). Rows include Name (City of Bakersfield), Mailing Address (1000 Buena Vista Road), City, State & Zip (Bakersfield, CA 93311), Telephone, Fax, and E-mail.

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Ownership options: Sole Owner, Limited Partnership\*, Corporation, Limited Liability Company (LLC), Business Trust, Joint Venture, General Partnership\*, Husband/Wife Co-Ownership, Other Municipality - A Charter City and Municipal Corporation.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)

The Project is to divert Kern River water through existing facilities and into the natural Kern River channel through the Bakersfield area. There will be no construction, grading or excavations required for this Project.

For continuation, see Attachment No. 1

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

Table with columns: PURPOSE OF USE, DIRECT DIVERSION (AMOUNT, SEASON OF DIVERSION), STORAGE (AMOUNT, SEASON OF COLLECTION). Rows include Municipal, Recreation, Fish & Wildlife Enhancement, and Water Quality.

See Attachment No. 2

\* If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

- Project details: Total combined amount taken by direct diversion and storage during any one year will be 90,000 acre-feet. Reservoir storage is: onstream, offstream, underground. County in which diversion is located: Kern. Assessor's Parcel Number(s): Exempt from tax roles.

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

- Sources and Points of Diversion (POD)/Points of Rediversion (PORD): POD / PORD # : tributary to thence

See Attachment No. 3

Handwritten notes: 5/4/07, \$410,000.00, \$850.00, DC

b. State Planar and Public Land Survey Coordinate Description:

| POD/<br>PORD<br># | CALIFORNIA<br>COORDINATES<br>(NAD 27) | ZONE | POINT IS WITHIN<br>(40-acre subdivision) | SECTION | TOWN<br>-SHIP | RANGE | BASE AND<br>MERIDIAN |
|-------------------|---------------------------------------|------|--|---------|---------------|-------|----------------------|
|                   |                                       |      | ¼ of ¼                                   |         |               |       |                      |
|                   |                                       |      | ¼ of ¼                                   |         |               |       |                      |
|                   |                                       |      | ¼ of ¼                                   |         |               |       |                      |
|                   |                                       |      | ¼ of ¼                                   |         |               |       |                      |

See Attachment No. 4

c. Name of the post office most often used by those living near the proposed point(s) of diversion:  
Kernville, CA (93238); Bakersfield, CA (93301, 93305, 93306, 93309, 93311, 93312)

**6. WATER AVAILABILITY**

a. Have you attached a water availability analysis for this project?  YES  NO

If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation:

\_\_\_\_\_

\_\_\_\_\_

See Attachment No. 5

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion?  YES  NO

c. In an average year, does the stream dry up at any point downstream of your project?  YES  NO If YES, during which months?  Jan  Feb  Mar  Apr  May  Jun  Jul  Aug  Sep  Oct  Nov  Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.)  
Groundwater

See Attachment No. \_\_\_\_\_

**7. PLACE OF USE**

| USE IS WITHIN<br>(40-acre subdivision) | SECTION* | TOWNSHIP | RANGE | BASE &<br>MERIDIAN | IF IRRIGATED |  |
|--|----------|----------|-------|--------------------|--------------|--|
|  |          |          |       |                    | Acres        | Presently cultivated?                                    |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ¼ of ¼                                 |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Total:                                 |          |          |       |                    |              |  |

\*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. 6

**8. PROJECT SCHEDULE**

a. Project is:

proposed. Year construction will begin: \_\_\_\_\_

partially complete. Extent of completion: \_\_\_\_\_

complete. Year completed: 2001

b. Year of first use: 2007 Year water will be used to the full extent intended: 2007

(See attached Underground Storage Supplement)

**SECTION B: MISCELLANEOUS DIVERSION INFORMATION**

**1. JUSTIFICATION OF AMOUNTS REQUESTED**

a.  IRRIGATION: Maximum area to be irrigated in any one year: 5000 acres.

| CROP                          | ACRES | METHOD OF IRRIGATION<br>(sprinklers, flooding, etc.) | WATER USE<br>(Acre-feet/Yr.) | SEASON OF WATER USE             |                              |
|-------------------------------|-------|--|------------------------------|---------------------------------|------------------------------|
|                               |       |  |                              | Beginning date<br>(month & day) | Ending date<br>(month & day) |
| Agricultural<br>Trees & Vines | 5,000 | Sprinkler/Drip                                       | 10,000                       | March 1                         | August 31                    |
|                               |       |  |                              |                                 |                              |
|                               |       |  |                              |                                 |                              |

See Attachment No. \_\_\_\_\_

b.  DOMESTIC: Number of residences to be served: 90,000 Separately owned?  YES  NO  
 Number of people to be served: 270,000 Estimated daily use per person is: 325 gallons per day  
 Area of domestic lawns and gardens: 4,000 -square-feet- acres  
 Incidental domestic uses: \_\_\_\_\_  
 (dust control area, number and kind of domestic animals, etc.)

c.  STOCK WATERING: Kind of stock: \_\_\_\_\_ Maximum number: \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (feedlot, dairy, range, etc.)

d.  RECREATIONAL: Type of recreation:  Fishing  Swimming  Boating  Other Aesthetics, Wading

e.  MUNICIPAL:

| POPULATION                                     |            | MAXIMUM MONTH                             |                            | ANNUAL USE                                |                           |                      |
|--|------------|---|----------------------------|---|---------------------------|----------------------|
| List for 5-year periods until use is completed |            |   |                            |   |                           |                      |
| Period   | Population | Average daily use<br>(gallons per capita) | Rate of diversion<br>(cfs) | Average daily use<br>(gallons per capita) | Acre-foot<br>(per capita) | Total<br>(acre-feet) |
| Present  | 323,213    |   |                            | 325                                       |                           | 117,500              |
|  |            |   |                            |   |                           |                      |
| 2030   | 600,000    |   |                            | 300                                       |                           | 201,500              |

See Attachment No. \_\_\_\_\_

Month of maximum use during year: July Month of minimum use during year: February

f.  HEAT CONTROL: Area to be heat controlled: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 Heat protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

g.  FROST PROTECTION: Area to be frost protected: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 The frost protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

h.  INDUSTRIAL: Type of industry: Petroleum refining, food processing, manufacturing  
 Basis for determination of amount of water needed: Records

i.  MINING: Name of the claim: \_\_\_\_\_  Patented  Unpatented  
 Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_  
 Type of milling or processing: \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ % of \_\_\_\_\_ % of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.

j.  POWER: Total head to be utilized: \_\_\_\_\_ feet  
 Maximum flow through the penstock: \_\_\_\_\_ cfs  
 Maximum theoretical horsepower capable of being generated by the works (cfs x fall + 8.8): \_\_\_\_\_  
 Electrical capacity (hp x 0.746 x efficiency): \_\_\_\_\_ kilowatts at: \_\_\_\_\_ % efficiency  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ % of \_\_\_\_\_ % of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M. FERC No.: \_\_\_\_\_

k.  FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced in Item 7a of Section C. Refer to Environmental Impact Reports and studies included in this application.

l.  OTHER: Describe use: See Attachment No. 1  
 Basis for determination of amount of water needed: Current and projected demand.

**2. DIVERSION AND DISTRIBUTION METHOD**

a. Diversion will be by gravity by means of: existing diversion weirs described on Attachment No. 4  
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: \_\_\_\_\_  
(sump, offset well, channel, reservoir, etc)

Pump discharge rate: \_\_\_\_\_  cfs or  gpd Horsepower: \_\_\_\_\_ Pump Efficiency: \_\_\_\_\_

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

| CONDUIT<br>(pipe or channel) | MATERIAL<br>(type of pipe or channel lining; indicate if pipe is buried or not) | CROSS-SECTION<br>(pipe diameter, or ditch depth and top and bottom width)<br>(inches or feet) | LENGTH<br>(feet) | TOTAL LIFT OR FALL |        | CAPACITY<br>(cfs, gpd or gpm) |
|------------------------------|---|---|------------------|--------------------|--------|-------------------------------|
|                              |   |   |                  | feet               | + or - |                               |
|                              | Existing  | Facilities  |                  |                    |        |                               |

See Attachment No. \_\_\_\_\_

d. Storage reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

| RESERVOIR NAME OR NUMBER | DAM   |                       |               |   | RESERVOIR                      |                      |                            |
|--------------------------|---|-----------------------|---------------|---|--------------------------------|----------------------|----------------------------|
|                          | Vertical height from downstream toe of slope to spillway level (feet) | Construction material | Length (feet) | Freeboard: dam height above spillway crest (feet) | Surface area when full (acres) | Capacity (acre-feet) | Maximum water depth (feet) |
|                          | Existing  | Facilities            |               |   |                                |                      |                            |

See Attachment No. \_\_\_\_\_

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

| RESERVOIR NAME OR NUMBER | OUTLET PIPE       |               |   |   |   |
|--------------------------|-------------------|---------------|---|---|---|
|                          | Diameter (inches) | Length (feet) | Fall: vertical distance between entrance and exit of outlet pipe (feet) | Head: vertical distance from spillway to entrance of outlet pipe (feet) | Dead Storage: storage below entrance of outlet pipe (acre-feet) |
|                          | Existing          | Facilities    |   |   |   |

See Attachment No. \_\_\_\_\_

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

**3. CONSERVATION AND MONITORING**

a. What methods will you use to conserve water? Explain. Groundwater storage, Municipal Code enforcement of wastage, Building Codes for water conservation devices and public education.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water?  Weir  Meter  Periodic sampling  Other (describe) The City of Bakersfield provides measuring and record keeping services for all water right holders of the Kern River

**4. RIGHT OF ACCESS**

a. Does the applicant own all the land where the water will be diverted, transported and used?  YES  NO  
 If NO, I  do  do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access: \_\_\_\_\_

See Attachment No. \_\_\_\_\_

**5. EXISTING WATER RIGHTS AND RELATED FILINGS**

a. Do you claim an existing right for the use of all or part of the water sought by this application?  YES  NO  
 If YES, please specify:  Riparian  Pre-1914  Registration  Permit  License

Percolating groundwater  Adjudicated  Other (specify) \_\_\_\_\_  
 b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of

water diversion and use, if applicable. Prior "Statement of Water Diversion and Use" on file at Division of Water Rights and at City of Bakersfield Water Resources Department files.

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion? \_\_\_\_\_

See Attachment No. 7

**6. OTHER SOURCES OF WATER**

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project?  Yes  No If yes, please explain: \_\_\_\_\_

**7. MAP REQUIREMENTS**

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.

See Attachment No. 8

**SECTION C: ENVIRONMENTAL INFORMATION**

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (SWRCB) must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

**1. COUNTY PERMITS**

- a. Contact your county planning or public works department and provide the following information:

Person contacted: Not Applicable Date of contact: \_\_\_\_\_  
 Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

- Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

- b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No.     

**2. STATE/FEDERAL PERMITS AND REQUIREMENTS**

- a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission  U.S. Forest Service  U.S. Bureau of Land Management  
 U.S. Corps of Engineers  U.S. Natural Res. Conservation Service  Calif. Dept. of Fish and Game  
 State Lands Commission  Calif. Dept. of Water Resources (Div. of Safety of Dams)  
 Calif. Coastal Commission  State Reclamation Board  Other (specify) \_\_\_\_\_

- b. For each agency from which a permit is required, provide the following information:

| AGENCY | PERMIT TYPE | PERSON(S) CONTACTED | CONTACT DATE | TELEPHONE NO. |
|--------|-------------|---------------------|--------------|---------------|
|        |             |                     |              |               |
|        |             |                     |              |               |
|        |             |                     |              |               |

See Attachment No.



- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake?  YES  NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: \_\_\_\_\_

### 3. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
c. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: City of Bakersfield  
d. If NO, check the appropriate box and explain below, if necessary:  
 The applicant is a California public agency and will be preparing the environmental document.\*  
 I expect that the SWRCB will be preparing the environmental document.\*\*  
 I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_  
 See Attachment No. 9

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your application cannot proceed until these documents are submitted.

\*\* **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

### 4. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  YES  NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

- b. Will a waste discharge permit be required for your project?  YES  NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

### 5. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project?  YES  NO See Environmental Impact Reports included.  
b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO  
c. Do you know of any archeological or historic sites located within the general project area?  YES  NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

### 6. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from the proposed point(s) of diversion.  
 Along the stream channel immediately upstream from the proposed point(s) of diversion.  
 At the place(s) where the water is to be used.  
 See Attachment No. 10

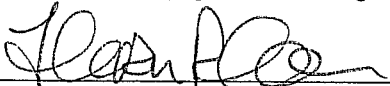
## SECTION D: SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website ([www.waterrights.ca.gov](http://www.waterrights.ca.gov)).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the environmental review fee, payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

## SECTION E: DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

|   |  |             |
|---|--|-------------|
|  | Water Resources Manager<br>City of Bakersfield | May 4, 2007 |
| Signature of Applicant  | Title or Relationship                          | Date        |
|   |  |             |
| Signature of Co-Applicant (if any)  | Title or Relationship                          | Date        |



### "APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- Answer each question completely in Sections A, B, and C.
- Number and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet (Item B6).
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- Include three complete sets of color photographs of the project site (Item C6).
- Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- Enclose a \$850 check for the environmental review fee, payable to the Department of Fish and Game, as specified in Section D.
- Sign and date the application in Section E.

Send the original and one copy of the entire application to:

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000