**021A** *Last Updated: 06/01/2012*

*Category:*

Supplemental

*Title:*

Duplication of Existing Rights, Claimed

*When Used:*

For use in all rights if right holder claims an existing prior right (e.g., riparian, pre-1914, or prescriptive) for the same place of use but the existing right has not been adjudicated or otherwise finally determined.

*Background/Justification:*

Cal. Code Regs., tit. 23, § 731, subd. (a), (c), (e)

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If the claimed existing prior right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the total quantity of water diverted and/or collected to storage, the rate of diversion, and the amount beneficially used under this right shall be reduced by the net of the face value specified in this water right less the respective amounts recognized under the quantified existing prior right during the season specified in this water right. No water shall be diverted to the place of use during the season authorized by this right, whenever the amounts diverted can be covered by the quantified existing prior right.

The holder of this right shall forfeit the right if he/she transfers all or any part of the claimed existing right for the place of use covered by this right to another place of use without the prior approval of the State Water Board.

The holder of this right shall divert water under the claimed existing right only in accordance with the law.

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