



WATER-RIGHT DOCKET

Point Reyes National Seashore

Docket No: 26

OLEMA CREEK LICENSE#:003800 AND APPL#:A013322

Preliminary Docket Information

00-00-0000: Coordinates: Points of Diversion

POINT REYES NATIONAL SEASHORE

Coordinates: Points of Diversion

*Used to
amend
licenses.
Eld
12-7-11*

(1) License 4324A (Waldo Giacomini):

Old Surface Diversion Intake on Lagunitas Creek

N 38° 03' 53.2"

W 122° 48' 38.0"

Pump (Lagunitas Creek)

N 38° 03' 53.7"

W 122° 48' 38.4"

Points of Diversion: Within SW ¼ NW ¼, projected Section 36; within
SW ¼ SE ¼, projected Section 25; within SE ¼ NE ¼, projected
Section 25, T 3 N, R 9 W, MDB&M

(2) License 9730 (Waldo Giacomini): Fish Hatchery Creek

E 515,399m

N 4, 213,767m (UTM coordinates)

Points of Diversion:

(3) License 3800 (Smoot): Olema Creek

N 37° 59' 45.2"

W 122° 45' 21.8"

Point of Diversion: SE ¼ NW ¼, Section 28, T 2 N, R 8 W, MDB&M

(4) License 3827 (Lupton): Olema Creek

N 37° 59' 56.6"

W 122° 45' 16.6"

Point of Diversion: NE ¼ SE ¼, projected Section 20, and SW ¼ SW ¼,
projected Section 21, T 2N, R 8 W, MDB&M

OLEMA CREEK - 'SMOOT SITUATION'

license No. 3800
Issued to S.A. Smoot, et ux
Priority Date: Aug. 31, 1949

After investigating this license it was found that the place of diversion, stated in license 3800, is not at the Randall House, but at the Smoot Ranch. There was great confusion as to the location of the diversion site. At first it was believed that the Randall House was the Smoot property, but this is not the case. The license is in use, by Ralph Giacomini, at the Smoot Ranch main house (tract 04-104). A brief history will explain this situation in the following paragraphs.

This situation deals with four land tracts, just south of the Five Brooks area. Looking at the map provided you will see the four tracts, land tracts 04-104 and 04-103 are in the Golden Gate NRA and tracts 04-108 and 04-107 are in PORE NS. Tract 04-108 was sold to the parks in 1971 (book: 2468 page 610) and consists of a long thin tract of land on the west side of Highway 1. This tract, 04-108, is the tract sold by Smoot, et ux. Because this tract extends down to the site of the Randall House it was assumed that the Randall House was the site of the licensed diversion. After searching this area it was evident there was not a diversion works present. There was, however, a well about 300 to 400 yards south of the Randall House. This well, a 5' x 5' x 15' deep hole next to Olema Creek, was pointed out by Mr. Giacomini. The area was too overgrown to actually see the well and cover but he assured me it was there and in operation up until someone stole his pump in the early '70s. There are correspondences dated after 1971 asking Mr. Giacomini to remove the electric line that ran to the stolen pump.

Further investigation and interviews led to the conclusion that the licensed diversion is not by the Randall House but about two miles north at the current residence of Mr. Giacomini. The actual site of diversion, that is in the licenses, is in the north west section of tract 04-108 (Smoot), about 200 yards off the highway. Mr. Giacomini has a small weir dam that collects the water and then a pump transports the water, through a two inch plastic pipe, across the road to a 10,000 gal. storage tank (this tank is bad shape and Mr. Giacomini intends to place a liner inside). This diversion has been in operation since the 1950's, and at least since 1958 when Mr. Giacomini began to live there and began to operate his dairy.

Mr. Giacomini has a special use permit (SUP) with the park that covers tracts 04-104 and 04-103. He uses the diverted water for his domestic use and to water about 40 Beef Cows. From the assessors documents on the Sierroity Co. Inc. property (04-103) the well found south of the Randall House is the only supply for that building. The well, pump, and storage tank have all been removed and that source is no longer in use. Because it was a well, on riparian land (before the land was partitioned off and sold) no license was needed, but the diversion in the north, license 3800, was on two separate parcels and a license was filled.

ABOUT THE REPORT OF LICENSEE

The license states that the diverted water be used for domestic and industrial use (industrial use was for the Milking Parlor use), the use is not as stated today. The Dairy is not in operation any more and the Giacominis are only running Beef cows now. The new purpose of the license should read: Domestic and Stock watering, not Domestic and Industrial.

Using the state provided conversion chart and information collected from the Giacominis, the total calculated daily use of this license 3800 is 817 gpd. This is 12,183 less than allowed in this license! Let me describe how I arrived at this figure and then explain why its use has shrank.

The number of Beef Cows that Giacomini runs is 90, but he keeps only 40 or so on this property (04-104) the rest range over the other property (04-104). He also has a spring box in the north east corner of this tract (04-104) for the cows to use.

40 head of range cows, given 15 gpd (the state water duty for range cattle and horses) :

$$40 \times 15 \text{ gpd} =$$

600 gpd

2 head of horses, given 15 gpd (the state duty):

$$2 \times 15 \text{ gpd} =$$

30 gpd

2 persons (living in a plumbing equipped home) given 75 gpd (the maximum duty allotted):

$$2 \times 75 \text{ gpd} =$$

150 gpd

200 sq. feet of lawn (estimated) given 18.5 gpd per 100 sq. feet (maximum duty allotted for lawn watering)

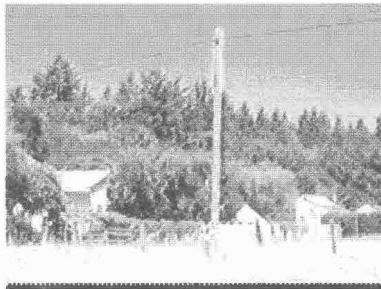
$$200 / 100 = 2 \text{ units} \times 18.5 \text{ gpd} =$$

37 gpd

TOTAL 817 GPD (+ or - and error of 100 to 200 gpd)

POSSIBLE EXPLANATIONS

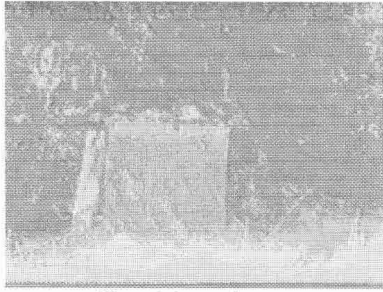
When this license was issued, in 1949, there was an active dairy ranch using the water. The Milking Parlor was using this diversion for the everyday operation. The duty the state allows for milking cows is 30 gpd and hosing out the Milking Parlors is 35 gpd per head. Mr. Giacomini told me that when he first started dairying in the 50's he always milked anywhere from 150 to 200 cows. This corresponds to around 9,750 gpd to 13,000 gpd alone. Mr. Giacomini also told me that back then he had an extra seven to ten people living and working on the ranch. With Giacomini's retirement from dairy ranching in the 70's, spring developments, and lowered domestic residences population it is easy to see why use of the diverted water has been lowered to such a small amount.



Smoot House



Randell House



Giacomini pump house

BHL '93

HAS NOT BEEN USING TOTAL AMOUNT, ONLY
ABOUT 817 gpd A DAY.

SECOND SHEET NOT APPLICABLE. BECAUSE RANGE CATTLE.

* THIS NOT BEING USED AS INDUSTRIAL:

IS USED AS:

DOMESTIC

STOCKWATERING

SHOULD CHECK ON LICENSE OF STOCK POND, (NUDDY POND)
GIACOMINI WATERS CATTLE THERE (ABOUT 40 HEAD)

- THIS IS MOST CURRENT AND SEEMS REASONABLE TO
ASSUME SAME FOR 1986-87-88.

1982-84-85: GIACOMINI HAS BEEN OUT OF DRYING AND
OPERATING UNDER THESE CONDITIONS SINCE
AROUND, AT LEAST 1980!

'83-85 WAS FILLED OUT BUT NOT SIGNED, INFO.
SHOULD BE UPDATED

Report

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA
(916) 324-5626

AWR #7
Smoot

REPORT OF LICENSEE FOR

1989, 1990, 1991

OWNER OF RECORD:

APPLICATION: A013322

POINT REYES NATIONAL SEASHORE
U S NATL PARK SERVICE, WEST REG, DWR
450 GOLDEN GATE AVENUE, P O BOX 36063
SAN FRANCISCO, CA 94102

LICENSE: 003800

TELEPHONE NUMBER:
() -

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

COUNTY:

OLEMA CREEK

MARIN

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

DOMESTIC
INDUSTRIALJAN 01 TO DEC 31
JAN 01 TO DEC 31.0 AC
.0 AC

AMOUNT: 13000.000 GPD

D.C. AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [] NO []. I am complying with the conditions of my license: YES [] NO []. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [] NO []

COMPLETE FOR DIRECT DIVERSION PROJECTS

- Have you used the full licensed amount of water each year? YES [] NO [].
- State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1989	X	X	X	X	X	X	X	X	X	X	X	X	—
1990	X	X	X	X	X	X	X	X	X	X	X	X	—
1991	X	X	X	X	X	X	X	X	X	X	X	X	—

COMPLETE FOR STORAGE PROJECTS

	1989	1990	1991
3. Did your reservoir spill this year?	—	—	—
4. If not, how many feet below spillway vertically was the water level at maximum storage?	—	—	—
5. Have you emptied the reservoir?	—	—	—
6. How many feet below spillway vertically was it drawn down at end of season?	—	—	—

USE (COMPLETE FOR ALL PROJECTS)

	1989	1990	1991
7. Acreage irrigated	—	—	—
Crops grown	—	—	—
8. Stockwatering — number of stock	40	40	40
kind of stock	BEEF CATTLE	BEEF CATTLE	BEEF CATTLE
9. Domestic — number of persons	2	2	2
garden area, etc.	200 sq. ft.	200 sq. ft.	200 sq. ft.
10. Recreational — nature of use	—	—	—
11. Industrial — nature of use	—	—	—
12. Municipal — approximate population	—	—	—
13. Power generation — K.W.	—	—	—
14. Other	—	—	—
15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".	—	—	—
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".	—	—	—

WR 17/89/1

Report
(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR

- PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program []; (2) Lining canals []; (3) Phreatophyte and aquatic vegetation control []; (4) Other (describe in "Remarks") [].
18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable []; (2) Return flow systems on individual farms []; (3) Return flow system areawide []; (4) Water pricing to encourage reduced use []; (5) Charges for drainage of irrigated lands []; (6) Other (describe in "Remarks") [].
19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use []; (2) Public education program on water conservation []; (3) Pricing to encourage reduced use []; (4) Assistance to industry in design of recycle systems []; (5) Other (describe in "Remarks") [].
20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system []; (2) Water use for major crops by each farm []; (3) Other (describe in "Remarks") [].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____
22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
19____ 19____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____
24. After use, the water is (1) retained in reservoir []; (2) discharged into a stream or lake []; (3) discharged into settling ponds []; (4) Other []. Describe: _____
25. Does or will water being discharged contain waste materials? YES [] NO [].
(1) Domestic []; (2) Municipal []; (3) Industrial []; (4) Agricultural []; (5) Other []. Describe: _____
26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [] NO []. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [] NO [].
If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.
28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [] NO [].
If yes, please describe. _____
29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?
30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?
31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief

Date _____ Sign Here: _____

LICENSEE (OR AGENT OR DESIGNEE)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-6626

REPORT OF LICENSEE FOR

1986, 1987, 1988

OWNER OF RECORD:

APPLICATION: A013322

POINT REYES NATIONAL SEASHORE
U S NATIONAL PARK SERVICE, WESTERN REGION
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

LICENSE: 003800

TELEPHONE NUMBER:
() -

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

COUNTY:

OLEMA CREEK

MARIN

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

DOMESTIC ☒
INDUSTRIAL ☐JAN 01 TO DEC 31
JAN 01 TO DEC 310.0 AC
0.0 AC

AMOUNT: 13000.000 GPD

0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [☒] NO [☐]. I am complying with the conditions of my license: YES [☐] NO [☐]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [☐] NO [☒]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [☐] NO [☒].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1986													
1987													
1988													

COMPLETE FOR STORAGE PROJECTS

	1986	1987	1988
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons			
garden area, etc.			
10. Recreational — nature of use			
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other			
15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".			
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".			

REPORT OF LICENSEE FOR

- PAGE 2

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CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program []; (2) Lining canals []; (3) Phreatophyte and aquatic vegetation control []; (4) Other (describe in "Remarks") [].
18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable []; (2) Return flow systems on individual farms []; (3) Return flow system areawide []; (4) Water pricing to encourage reduced use []; (5) Charges for drainage of irrigated lands []; (6) Other (describe in "Remarks") [].
19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use []; (2) Public education program on water conservation []; (3) Pricing to encourage reduced use []; (4) Assistance to industry in design of recycle systems []; (5) Other (describe in "Remarks") [].
20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system []; (2) Water use for major crops by each farm []; (3) Other (describe in "Remarks") [].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____
22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
19____ 19____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____
24. After use, the water is (1) retained in reservoir []; (2) discharged into a stream or lake []; (3) discharged into settling ponds []; (4) Other []. Describe: _____
25. Does or will water being discharged contain waste materials? YES [] NO [].
(1) Domestic []; (2) Municipal []; (3) Industrial []; (4) Agricultural []; (5) Other []. Describe: _____
26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [] NO []. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [] NO [].
If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.
28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [] NO [].
If yes, please describe. _____
29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?
30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?
31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief

Date: _____ Sign Here: _____
LICENSEE / AGENT OR DESIGNEE

DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95811
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR

1983, 1984, 1985

OWNER OF RECORD:

APPLICATION: AC13322

POINT REYES NATIONAL SEASHORE
U S NATIONAL PARK SERVICE, WESTERN REGIO
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

LICENSE: OC3800

TELEPHONE NUMBER:
(415) 556 - 8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

COUNTY:

OLEMA CREEK

MARIN

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

DOMESTIC ?
INDUSTRIAL *

JAN 01 TO DEC 31
JAN 01 TO DEC 31

.0 AC
.0 AC

AMOUNT: 13000.000 GPD

0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO []. I am complying with the conditions of my license: YES [X] NO []. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [x] NO [].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1983	x	x	x	x	x	x	x	x	x	x	x	x	
1984	x	x	x	x	x	x	x	x	x	x	x	x	
1985	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS

3. Did your reservoir spill this year?
4. If not, how many feet below spillway vertically was the water level at maximum storage?
5. Have you emptied the reservoir?
6. How many feet below spillway vertically was it drawn down at end of season?

USE (COMPLETE FOR ALL PROJECTS)

7. Storage - number of
8. Crops grown
9. Stockwatering - number of stock
10. kind of stock
11. Domestic - number of persons
12. garden area, etc.
13. Recreational - nature of use
14. Industrial - nature of use
15. Municipal - approximate population
16. Power generation - K.W.
17. Other
18. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
19. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not been obtained, please describe nature of change on the reverse side under "Remarks".

1985

PART CONTINUES ON REVERSE SIDE

REPORT OF LICENSEE FOR

- PAGE 2

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CONSERVATION OF WATER (WATER PURVEYORS)

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22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
1978 _____ 1979 _____ 1980 _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____
24. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐; (4) Other ☐. Describe: _____
25. Does or will water being discharged contain waste materials? YES ☐ NO ☐.
(1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐. Describe: _____
26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES ☐ NO ☐. Describe: _____

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28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES ☐ NO ☐.
If yes, please describe: _____
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REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

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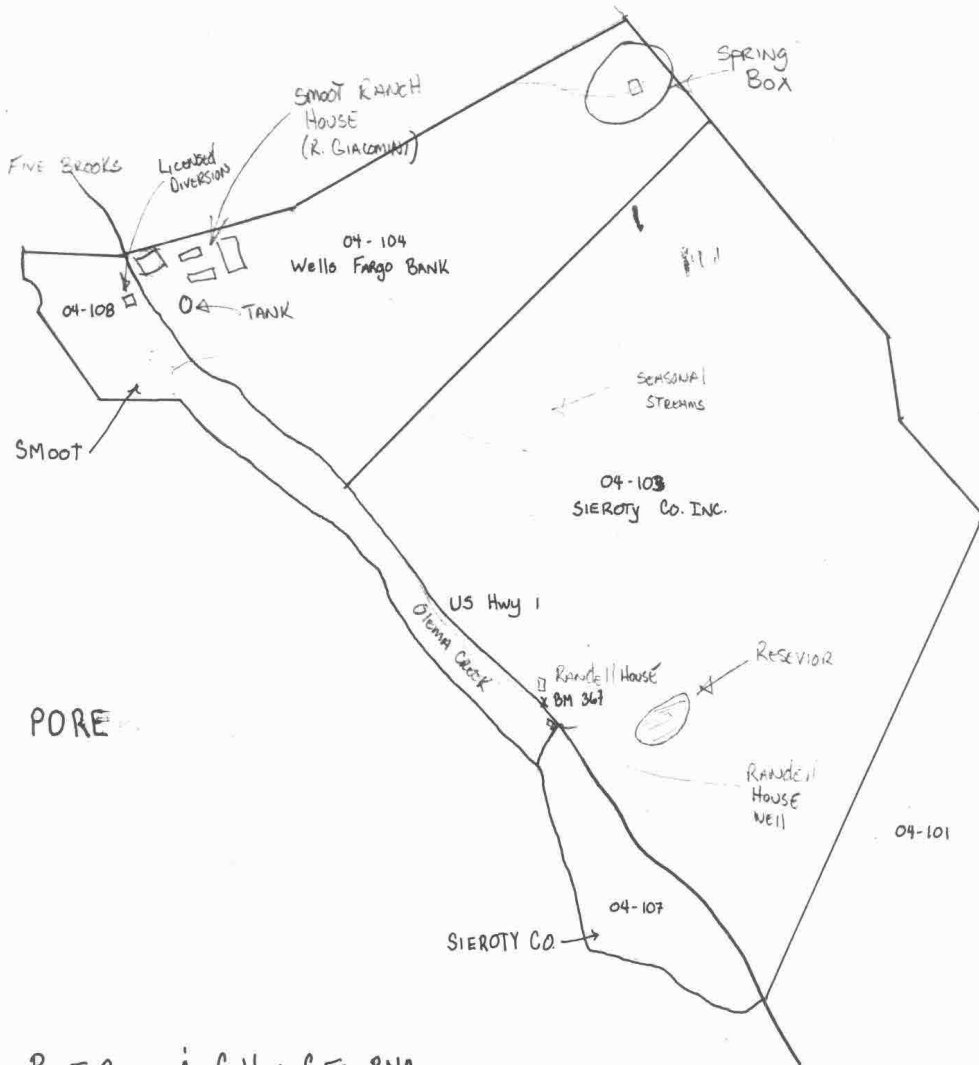
Date

1/10/86

Signed Here

(Sgd) Gerard S. Witucki

LICENSEE OR ASSISTANT OR DESIGNER



POINT REYES & Golden Gate RNA

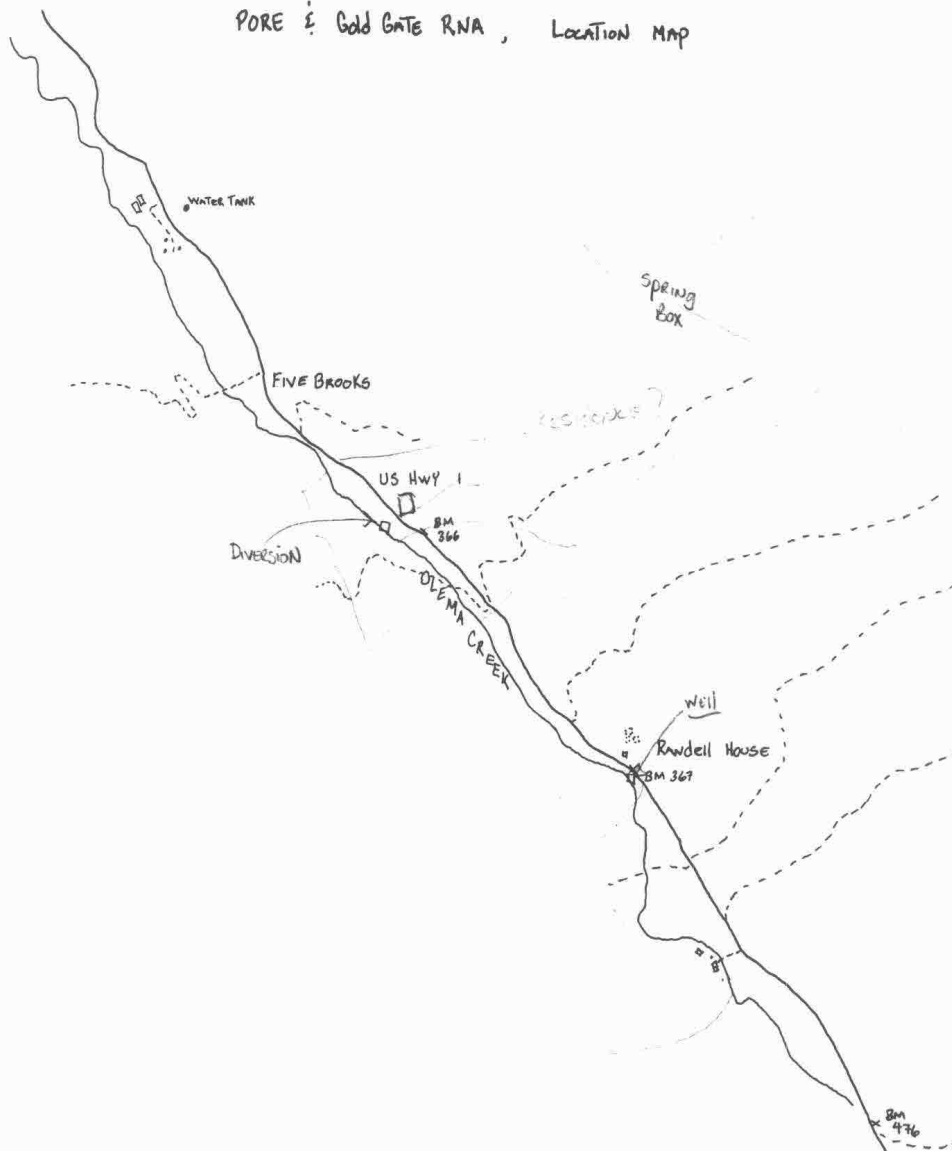
"SMOOT SITUATION"

Report

BHL

'Randell House, SMOOT SITUATION'

PORE & Gold Gate RNA, LOCATION MAP



Report

Aug. 17, 1993

Mr. and Mrs. Ralph Giacomini
PO Box 133
Olema, CA 94950

Dear Mr. and Mrs. Giacomini,

The State of California's Water Commission has informed us that we must inventory our water use within the park. The Water Commission was created by the Water Commission Act and was given the task of licensing the water use in the state. This licensing process is important to protect your water supply from intrusions. Point Reyes National Seashore is required to comply with regulations concerning water use. To comply with the Water Commissions request we are asking that you fill out a brief *Water Inventory Questionnaire*. The prompt completion of this questionnaire will help us comply with the state requirements and ensure the security of your water.

The questionnaire is composed of fill-in-the -blank type questions. Please follow the instructions and fill out the questionnaire as accurately as possible. Once the questionnaire is completed please return it as promptly as possible in the self- address and stamped envelope provided. If you have any questions please feel free to contact us. Any questions should be directed to Bryan Leese at 663-8525.

Again, we would hope that you would complete and return this form as quickly as possible. Your quick response will insure, for the park as well as for you, a secure and continuous supply of water for the future.

Thank You,

send with Report

Water Inventory Questionnaire

The goal of this plan is to locate and record the source and use of water in the Point Reyes National seashore. All the data collected from this questionnaire will be used to aid the park in the filing of mandatory State Water Licensing forms. Please answer all the questions, and give the most accurate information possible.

Name: Ralph L. Giacomini

How many ranch animals do you have:

Type	yes	no	number	
Dairy Cows		X		
Beef Cows	X		90	- 15/HEAD
Horses	X		2	- 15/HEAD
Sheep		X		
other		X		

TOTAL 600 gal per day

How many family members live on the ranch: 2 - SS-75 @ PERSON - USE 65-

How many ranch hands do you have living on the ranch: 0

Do you know what the source(s) of your water is/are:

yes	no
X	

If yes, please explain:

type	yes	no	number	use	months*
Well		X			
Continuous Flowing Stream	X		1	domestic + stock	12
Stock Pond	X		1	stock water	12
run-off Reservoir					
Stream Fed Reservoir					
Spring Development	X		1	Stock water	12

*Months used out of the year.

If you have a reservoir, has it spilled or have you released a large amount from it;

yes	no

*FIRST TIME, IS NOW REVISED

Do you have a garden that you water:

yes	no
☒	☒

TOTAL 37 gpd

If yes, how large is it: _____

water lawn

200 sq. FT.

BAL

18.5 per 100 sq FT

Do you have a pit pond (sediment pond) for the collection of animal waste for the use as fertilizer:

yes	no
☐	☒

Date: 8/18/93

Signature: Ralph F. Giacomini

TOTAL Per day

800 gpd BAL

817 gpd

+ or - 200 gpd ?

L3019

June 21, 1989

Mr. Ralph Giacomini
P.O. Box 133
Olema, CA 94950

Dear Ralph:

As called for in item 25 of your Special Use Permit, No. 8530-6-0018, Ranger Rix Callaway met with you on June 17, 1989. We appreciate the opportunity for this formal review and believe that completion of the following will satisfy permit conditions No. 21, fencing; and No. 22, maintenance of property.

1. Approximately 1/4 mile of fence will be rebuilt from the Randall House north, along Highway One. The existing fence will be strengthened as needed.
2. Ranch roads which become rutted will be graded and smoothed out annually. Specifically, the ranch roads on and around the Randall House and Hagmaier's.
3. The old pump house along Highway One near the residence will be removed. The old pump house on the west side of Highway One will be removed and a power pole will be placed in the area to support the powerline now supported by the pump house.
4. The old feeder on the south side of the residence will be removed.

Again, Ralph, we thank you for your cooperation. The recent work you completed in the Hagmaier area was nicely done and certainly appreciated.

Sincerely,

John L. Sansing
Superintendent

RCallaway:at:6/21/89

Pump
For
Giacom
Residen



Report

L3019

February 6, 1989

Mr. Ralph Giacomini
P. O. Box 133
Olema, CA 94950

Dear Ralph:

We've been receiving some public criticisms relative to your operation under our Special Use Permit #8530-6-0018. While at the moment we believe we have satisfactorily defended your operations there are several items which need attention as outlined below:

1. There are two concrete watering troughs visible from Highway One which evidently are not in use. We plan to remove them and we will contact you to ensure that they are no longer used.
2. We plan to remove the concrete pad on the hill north of the Randall House. The pad at one time was used as a base for a wooden storage tank which has collapsed.
3. There are remnants of two wooden feed troughs along Highway One and about one-half mile south of your residence. We request that you remove them since obviously they haven't been used for a number of years.
4. The power line running to the pump across the highway near the Randall House should also be removed. We will appreciate your making arrangements for the removal of the line and power poles.
5. There are a number of vehicle tracks going up the hill between the Randall pond and the Randall House. The ranch road from the Randall gate north to the creeks needs some repair and restoration work. The complaints we receive deal with erosion and we would like the tracks and road repaired and seeded. Our Rangers will specifically show you the areas of concern.

Report

[FINAL SUBMITTED VERSION]**REPORT OF LICENSEE FOR 2011**

Primary Owner: US National Park Service - Point Reyes National Seashore

Application Number: A013322

License Number: 003800

Date Submitted: 2012-06-14

1. Project Abandoned

The project has been abandoned and I request revocation of my water right license	No
---	----

2. Compliance with License Terms and Conditions

I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
---	-----

Description of noncompliance with terms and conditions	
--	--

3. Changes to the Project

Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use

Domestic	2 persons; 200 sq ft lawn/garden
Fish and Wildlife Protection and/or Enhancement	Please see remarks.
Stockwatering	40 cattle; 10 horses

5. Amount of Water Diverted and Used

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	24000.0	24000.0
February	24000.0	24000.0
March	24000.0	24000.0
April	24000.0	24000.0
May	24000.0	24000.0
June	24000.0	24000.0
July	24000.0	24000.0
August	24000.0	24000.0
September	24000.0	24000.0
October	24000.0	24000.0
November	24000.0	24000.0
December	24000.0	24000.0

REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

Total	288000	288000
-------	--------	--------

6. Maximum Rate of Diversion for each Month	
Month	Maximum Rate of Diversion ()
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

7. Storage					
Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjunctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Current consumptive uses reflect uses by lessee in support of range cattle, horses, and domestic needs. The remaining amount was changed in 2011 pursuant to Section 1707 in support of fishery and riparian habitat. Declaration: The United States gives this information to the State in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	Description	Size

REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

No Attachments

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Agent
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]**REPORT OF LICENSEE FOR 2010**

Primary Owner: US National Park Service - Point Reyes National Seashore

Application Number: A013322

License Number: 003800

Date Submitted: 2012-06-14

1. Project Abandoned

The project has been abandoned and I request revocation of my water right license	No
---	----

2. Compliance with License Terms and Conditions

I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
---	-----

Description of noncompliance with terms and conditions	
--	--

3. Changes to the Project

Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use

Domestic	2 persons; 200 sq ft lawn/garden
Fish and Wildlife Protection and/or Enhancement	Please see remarks.
Stockwatering	40 cattle; 10 horses

5. Amount of Water Diverted and Used

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	24000.0	24000.0
February	24000.0	24000.0
March	24000.0	24000.0
April	24000.0	24000.0
May	24000.0	24000.0
June	24000.0	24000.0
July	24000.0	24000.0
August	24000.0	24000.0
September	24000.0	24000.0
October	24000.0	24000.0
November	24000.0	24000.0
December	24000.0	24000.0

REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

Total	288000	288000
-------	--------	--------

6. Maximum Rate of Diversion for each Month	
Month	Maximum Rate of Diversion (GPM)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

7. Storage					
Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjunctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Current consumptive uses reflect uses by lessee in support of range cattle, horses, and domestic needs. Water not used consumptively has remained instream in support of fish and wildlife, including endangered coho salmon and threatened steelhead. NPS has filed a change petition under section 1707 of Water Code to reflect this change.

Attachments		
File Name	Description	Size

REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

No Attachments

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Agent
I read the above and agree	Yes



PORE

Princed
P. - 2.00
2/28/2



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

March 5, 2012

Designated Contact or Agent:

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525

Contact Phone Number: (970) 225-3526

Primary Owner: US National Park Service - Point Reyes National Seashore

Application ID: A013322 **License No.** 003800

First three Sources listed:

Counties:

OLEMA CREEK	Marin

Direct Diversion Rate: 13000.000 Gallons per Day **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2011

As indicated in the California Code of Regulations title 23, section 847, the State Water Resources Control Board (State Water Board) requires annual reporting of water diversion and use under licenses. The State Water Board has historically required these reports to be filed once every three years in paper form. California Water Code chapter 2.7 section 348 authorizes the State Water Board to require online reporting of water diversions. Consistent with these requirements, the State Water Board, Division of Water Rights (Division) developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). RMS allows electronic submittal of water diversion and use reports, saving both paper and resources. **All reports must be completed online through RMS; paper copies are not available.** To report online, go to www.waterboards.ca.gov/rms and login with your User ID and Password. The information required to login and access your online Report of Licensee is:

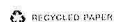
User ID (Water Right ID): **A013322**
Password (Reporting Identifier): **097124**

You are required to complete the online report for 2011 no later than **June 30, 2012**. If you do not have a computer or internet access, you should use a friend's computer, a computer in a public library, or a Division computer to fill out the form. Unfortunately, Division staff cannot fill the form out on your behalf. However, if you wish to seek assistance with the form, you may contact the Division to request a listing of attorneys and consulting firms with water rights experience. You can also review the listing on the Division's Business Information Contacts webpage at: http://www.waterboards.ca.gov/waterrights/board_info/contacts.shtml.

If you have multiple water rights, please be aware you must report water use separately for

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



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each right. Do not list total combined diversions under multiple rights on the form. To document compliance with the conditions of your water right(s), you may use RMS to submit photos (such as staff gages, measuring devices, etc.), documents (Department of Fish and Game agreements, other agency approvals, etc.), graphs, and spreadsheets.

CHANGES FOR 2011 REPORTING:

- It is possible to create one account on the RMS site to report all of your water rights. It is not necessary to create an account if you would like to report your water rights individually. Please see the RMS login page for more information and instructions.
- RMS includes the capability to amend current and past reports. Amendments to credits previously claimed pursuant to Water Code sections 1010, 1011, and 1011.5 are subject to review and may not be accepted.
- Licensees can list all of their reservoirs associated with this license in their report.
- RMS includes new on screen help tools and instructions.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the Division directly of any water right ownership change. Your county assessor's office or title company does not notify the Division of ownership changes. Failure to notify the Division of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the Division should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info.

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 323-9393 or send an email to: ewrims@waterboards.ca.gov.

Sincerely,



Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 18 2011

In Reply Refer
to: ANT: 13322

U.S. National Park Service
c/o Eric Lord
1201 Oak Ridge Dr, Ste 250
Fort Collins, CO 80525

Dear Mr. Lord:

PETITIONS FOR CHANGE FOR MULTIPLE LICENSES (APPLICATIONS 13322, 13473, 13965A, 21371) IN LAGUNITAS CREEK WATERSHED IN MARIN COUNTY

Your petitions for change under the licenses have been approved. The requested changes have been incorporated in the enclosed amended licenses. The amended licenses may be viewed at: http://www.waterboards.ca.gov/water_issues/programs/ewrims/license_search.shtml. All previous versions of the licenses have been superseded by the present version of the licenses.

The amended water rights include conditions based on any of the following which are applicable to this Project: (1) protest resolution; (2) mitigation measures based on any California Environmental Quality Act document and/or public trust evaluation prepared for the petition; (3) standard license terms related to (a) continuing authority and water quality (Cal. Code Regs., tit. 23, § 780 (a), (b)), (b) threatened and endangered species, and (c) archeology; and (4) previous orders of the State Water Resources Control Board. Please make sure that you have reviewed the amended water rights and understand your obligations.

If you require further assistance, please contact Angela Nguyen-Tan at (916) 341-5318 or anguyentan@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: "Angela Nguyen-Tan", PO Box 2000, Sacramento, CA, 95812-2000.

Sincerely,

Katherine Mrowka
for Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

Enclosure

cc: See next page

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



Mr. Eric Lord

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cc (w/o enclosure): U.S. National Park Service
Pacific West Region
333 Bush St, Ste 500
San Francisco, CA 94104-2828



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 13322
Page 1 of 4

PERMIT 7889

LICENSE 3800

THIS IS TO CERTIFY, That

US National Park Service
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes, CA 94956

has the right to the use of the waters of **Olema Creek** in **Marin County**

tributary to **Lagunitas Creek** thence **Tomaes Bay** thence the **Pacific Ocean**

for the purpose of **Domestic, Stockwatering, Fish and Wildlife Preservation and Enhancement, and Recreational uses.**

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

Additionally, the State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.)

The amended license is being issued in accordance with the redelegations of authority (Resolution No. 2007-0057.) Therefore, an amended license on **Application 13322** filed on **August 31, 1949** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended license.

Amended License 3800 supersedes the license originally issued on **August 17, 1953**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 7889**. The priority of this right dates from **August 31, 1949**. Proof of maximum beneficial use of water under this license was made as of **June 24, 1952** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **a total of thirteen thousand (13,000) gallons per day by direct diversion from January 1 to December 31 of each year as follows: (1) two thousand (2,000) gallons per day by direct diversion for Domestic and Stockwatering uses; and (2) eleven thousand (11,000) gallons per day for instream flow for Fish and Wildlife Preservation and Enhancement and Recreational uses.** The maximum diverted under this license shall not exceed fourteen and six-tenths (14.6) acre-feet per year.

APPLICATION 13322
Page 2 of 4

PERMIT 7889

LICENSE 3800

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 3, North 2,192,925 feet and East 5,911,620 feet, being within SE¼ of NE¼ of projected Section 28, T2N, R8W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

For Domestic and Stockwatering use at residence and grounds located within SE¼ of NW¼ of projected Section 28, T2N, R8W, MDB&M; and for Fish and Wildlife Preservation and Enhancement and Recreational use at stream segment between the Point of Diversion located by California Coordinate System of 1983, Zone 3, North 2,192,925 feet and East 5,911,620 feet, being within SE¼ of NW¼ of projected Section 28, T2N, R8W, MDB&M (upstream limit), and the confluence of Lagunitas Creek and Tomales Bay (downstream limit), as shown on map on file with the State Water Board.

No water shall be diverted under this license except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the Department of Fish and Game, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, to protect Central California Coast Coho salmon (*Oncorhynchus kisutch*), Central Coast steelhead (*Oncorhynchus mykiss irideus*) and Chinook salmon (*Oncorhynchus tshawytscha*), listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098 and the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). Construction, operation and maintenance costs of the required facility are the responsibility of the licensee.

(0000214)

Licensee shall install and maintain devices, satisfactory to the Deputy Director for Water Rights, to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this license. A record of such measurements shall be maintained by the licensee for ten years from the date of collection, and made available to the Deputy Director for Water Rights, upon request.

(000000R)

Licensee shall not use more water under the basis of riparian right on the Place of Use authorized by this license than licensee would have used absent the appropriation authorized by this license. Based on the information in the Division of Water Right's files, riparian water has not been used on the Place of Use. Therefore, consistent with this term, licensee may not divert any additional riparian water for use on the Place of Use authorized by this license under basis of riparian right. With the Deputy Director for Water Rights' approval, this information may be updated, and licensee may use water under basis of riparian right on the authorized Place of Use, provided that licensee submits reliable evidence to the Deputy Director for Water Rights quantifying the amount of water that licensee likely would have used under the basis of riparian right absent the appropriation authorized by this license. The Deputy Director for Water Rights is hereby authorized to approve or reject any proposal by licensee to use water under the basis of riparian right on the Place of Use authorized by this license. Licensee shall report any non-compliance with the terms of the permit to the Deputy Director for Water Rights within three days of identification of the violation.

(0560300b)

APPLICATION 13322
Page 3 of 4

PERMIT 7889

LICENSE 3800

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, 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.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered 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 sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

APPLICATION 13322
Page 4 of 4

PERMIT 7889

LICENSE 3800

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

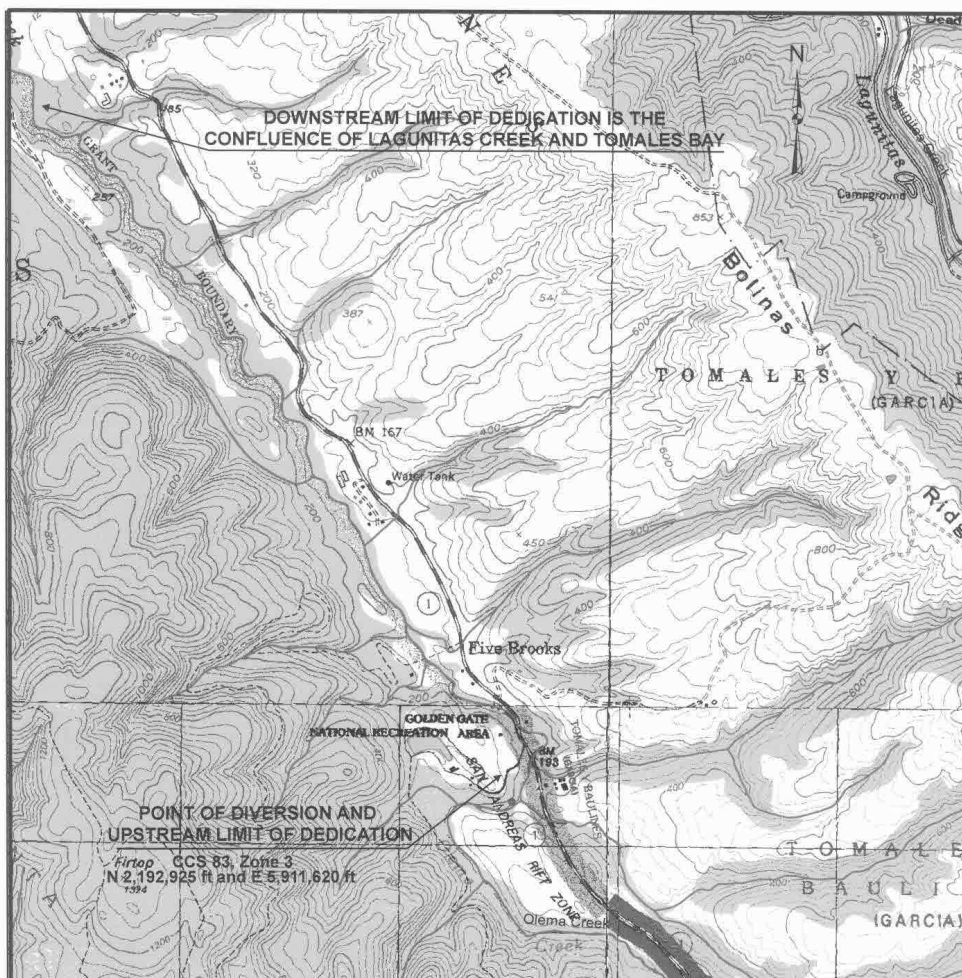
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kassel
Barbara Evoy, Deputy Director
Division of Water Rights

Dated: NOV 18 2011



OWNER U.S. NATIONAL PARK SERVICE
POINT REYES NATIONAL SEASHORE

SOURCE OLEMA CREEK

POINT OF DIVERSION WITHIN
SE1/4 OF NE1/4 OF PROJECTED SECTION 28, T2N, R8W, MDB&M

COUNTY OF MARIN

U.S.G.S. QUAD: DOUBLE POINT

DATE: 1994

SCALE: 1:24,000

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 13322

LICENSE NO. 3800

LICENSING

DATE: 9/21/11

DRAWN: ANT

CHECKED: MJM

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.



Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ (916) 341-5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California ♦ 95812-2000
FAX (916) 341-5400 ♦ Web Site Address: <http://www.waterboards.ca.gov>



Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Application ID: A013322

License No. 3800

Reporting Cycle: 3

Owner(s) of Record: US National Park Service - Point Reyes National Seashore

Primary Contact or Agent:

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525

Contact Phone: (970) 225-3526

Source(s): OLEMA CREEK in Marin County

Direct Diversion Rate: 13000 Gallons per Day Collection To Storage Amount: 0 AC-FT

ANNUAL LICENSEE REPORTING FOR 2010

The State Water Resources Control Board (State Water Board) has historically required Reports of Licensee to be filed once every three years in paper form. Senate Bill 8, which was signed into law in 2009, authorized the State Water Board to adopt regulations requiring online reporting of water diversions. Consistent with the Senate Bill, the State Water Board has adopted regulations requiring annual reporting of water diversion and use under licenses, and developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). The online RMS allows you to electronically submit your water diversion and use report, saving both paper and resources. To report on-line, go to www.waterboards.ca.gov/rms and log in with your water right ID and password. The information required to log in and access your online Report of Licensee is:

Water Right ID: **A013322**
Password: **2N8R9H**

You are required to complete the online report for 2010 no later than **July 1, 2011**. You may also submit your record of diversion and use for previous years using the RMS. To maintain a continuous record of water use under your license, Licensees with **Reporting Cycle 1** should report their monthly diversion and use for 2008, 2009, and 2010. Licensees with **Reporting Cycle 2** should report their monthly diversion and use for 2009 and 2010; and Licensees with **Reporting Cycle 3** only need to report monthly diversion and use for 2010. Please note that it is not possible at this time to amend a report submitted through the RMS.

CHANGES FOR 2010 REPORTING:

Question 4 on the previous Report of Licensee form ("Amount of Water Used") has changed. New Question 5c requires you to report both the "*Amount directly diverted and/or collected to storage*" and the corresponding "*Amount used*" for each month. For many direct diversion-only projects, these amounts will be the same and the online form provides a check box for that purpose (Question 5b).

New Questions 6a and 6b on the RMS Report of Licensee requires you to report the maximum instantaneous *rate* of diversion that has occurred in each month under the license, if available.

If your water project is covered by two or more water rights, you should only report your diversion and use of water for the project covered by the license number printed above. The total amount diverted and used under multiple water rights should not be combined and reported on a single

California Environmental Protection Agency

**Notice to Water Right Licensee
Licensee Reporting for 2010**

-2-

February 2011

form. In such cases, you should quantify your diversion under each water right, assigning water to the senior-most right first, to the extent allowed under the permit or license.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the State Water Board directly of any water right ownership change. Your county assessor's office or title company does not notify us of any ownership updates. Failure to notify the State Water Board of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the State Water Board should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 341-5431 or send an email to: ewrims@waterboards.ca.gov

Sincerely,



Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000 ♦ Fax: 916.341.5400
♦ www.waterboards.ca.gov/waterrights ♦



Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS FOR CHANGE FOR LICENSES 9730, 4324A, 3827, AND 3800 (APPLICATIONS 21371, 13965A, 13473, AND 13322, RESPECTIVELY) TO DEDICATE WATER TO ENHANCE INSTREAM FISH HABITAT (WATER CODE SECTION 1707)

COUNTY: Marin STREAM SYSTEM: Lagunitas Creek

The U. S. National Park Service - Point Reyes National Seashore (Petitioner) has filed four petitions for change in place and purpose of use, pursuant to California Water Code Section 1707. The Petitioner proposes to dedicate water diverted under Licenses 9730, 4342A, 3827, and 3800 to instream use to enhance the flow of three creeks, Lagunitas, Olema, and an Unnamed Stream (aka Fish Hatchery Creek) located within Point Reyes National Seashore, for the benefit of fish, wildlife, and recreation. The dedication of two of the existing water right licenses (4342A and 9730) to instream use is part of the Giacomini Wetland Restoration Project (Project), which involves restoring rangeland to active floodplain or wetlands. All structural diversions have been or will be removed and there will be no construction or re-grading as a result of these petitions. The impacts of the Project are addressed in the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report (2007 (Giacomini EIS/EIR))*, on file at the Division of Water Rights. Any correspondence directed to the Petitioner should be mailed to Eric Lord, 1201 Oak Ridge Drive Ste 250, Fort Collins, CO 80525, or by email at Eric_Lord@nps.gov.

Summary of License 9730 and petition for change:

Source:	Unnamed Stream (aka Fish Hatchery Creek) tributary to Tomales Bay thence the Pacific Ocean
Point of Diversion (POD):	Present: Within SE¼ of SW¼ of projected Section 26, T3N, R9W, MDB&M Proposed: POD to be abandoned
Amount and Season:	Present: Maximum amount of 150 acre-feet per year as follows: direct diversion of 0.5 cubic feet per second (cfs) from May 30 to September 30 of each year for irrigation and 7,800 gallons per day (gpd) from April 1 to May 30 and from October 1 to December 30 of each year for stockwatering Proposed: The entire licensed amount of appropriate water diverted for irrigation and stockwatering, pursuant to License 9730, will be dedicated to instream flow to benefit fish and wildlife resources and recreation from April 1 to December 30 of each year.
Purpose of Use:	Present: Irrigation and Stockwatering Proposed: Preserve and enhance fish and wildlife resources; recreation
Place of Use:	Present: 30 acres within SW¼, Section 26, T3N, R9W, MDB&M Proposed: Stream segment from POD to the mouth of the Unnamed Stream (aka Fish Hatchery Creek) as highlighted in map submitted with the petition for change

California Environmental Protection Agency



Summary of License 4324A and petition for change:

Source:	Lagunitas Creek tributary to Tomales Bay thence the Pacific Ocean
PODs:	Present: POD 1 within SW¼ of NW¼ of projected Section 36; POD 2 within SW¼ of SE¼ and POD 3 within SE¼ of NE¼ of projected Section 25; all within T3N, R9W, MDB&M; and POD 4 yet to be determined related to the report referred to in condition 1 of the Army Corps of Engineers' permit Proposed: all PODs will be abandoned
Amount and Season:	Present: Direct diversion of 2.0 cfs from May 1 to November 1 of each year Proposed: The entire licensed amount of appropriated water diverted for irrigation, pursuant to License 4342A, will be dedicated to instream flow to benefit fish and wildlife resources and recreation from May 1 to November 1 of each year.
Purpose of Use:	Present: Irrigation Proposed: Preserve and enhance fish and wildlife resources; recreation
Place of Use:	Present: 312 acres within projected Sections 26, 35, and 36, T3N, R9W, MDB&M Proposed: Stream segment from the uppermost POD to mouth of creek, as highlighted in map submitted with the petition for change

Summary of License 3827 and petition for change:

Source:	Olema Creek tributary to Lagunitas Creek thence Tomales Bay thence the Pacific Ocean
PODs:	Present: POD 1 within NE¼ of SE¼ of projected Section 20, and POD 2 within SW¼ of SW¼ of projected Section 21, both within T2N, R8W, MDB&M Proposed: all PODs will be abandoned
Amount and Season:	Present: Direct diversion of 11,500 gpd from about March 15 to about October 15 for irrigation and throughout the year as required for domestic and stockwatering Proposed: The entire licensed amount of appropriated water diverted for irrigation, stock watering, and domestic use, pursuant to License 3827, will be dedicated to instream flow to benefit fish and wildlife resources and recreation from January 1 to December 31 of each year.
Purpose of Use:	Present: Irrigation, Domestic, Stockwatering Proposed: Preserve and enhance fish and wildlife resources; recreation
Place of Use:	Present: 0.75 acre within NE¼ of SE¼ of projected Section 20 and SE¼ of SW¼ of projected Section 21, all within T2N, R8W, MDB&M. Proposed: Stream segment from the uppermost POD to confluence with Lagunitas Creek, as highlighted in map submitted with the petition for change

Summary of License 3800 and petition for change:

Source:	Olema Creek tributary to Lagunitas Creek thence Tomales Bay thence the Pacific Ocean
POD:	Present: Within SE¼ of NW¼ of projected Section 28, T2N, R8W, MDB&M Proposed: POD will be abandoned
Amount and Season:	Present: Direct diversion of 13,000 gpd from January 1 to December 31 of each year Proposed: 0.0170 cfs of appropriated water, which represents the licensed limit less current consumptive use by lessee, diverted for industrial and domestic use, pursuant to License 3800, will be dedicated to instream flow to benefit fish and wildlife resources and recreation from January 1 to December 31 of each year.
Purpose of Use:	Present: Domestic and Industrial Proposed: Preserve and enhance fish and wildlife resources; recreation
Place of Use:	Present: SE¼ of NW¼ and NE¼ of NW¼ of projected Section 28, T2N, R8W, MDB&M Proposed: Stream segment from POD to confluence with Lagunitas Creek, as highlighted on map submitted with petition for change

Project information, procedures for protesting and protest forms are available at: www.waterboards.ca.gov/waterrights. The contact person for this matter is Beth Glidewell at (916) 341-5426, or by e-mail at EGlidewell@waterboards.ca.gov.

Protests must be received by the Division of Water Rights by **4:30 p.m. on January 24, 2011**
Date of Notice: December 23, 2010

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

PETITION FOR CHANGE (Amended)
(WATER CODE 1700)

Point of Diversion, _____ Point of Rediversion XX Place of Use XX Purpose of Use
Application A013322 Permit 00789 License 3800 Statement or Other _____

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the

40-acre subdivision in which the present & proposed points lie.)

Present South eleven degrees west seven hundred five feet from center of bridge of State Route 1 over Olema Creek being within SE ¼ NW ¼, Projected Section 28, T2N, R8W, MDB&M (N 37° 59' 45.2" W 122° 45' 21.8")

Proposed NA.

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present SE ¼ of NW ¼ and NE ¼ of NW ¼, Projected Section 28, T2N, R8W, MDB&M.

Proposed Stream segment from point of diversion to confluence with Lagunitas Creek, as highlighted on attached map.

Purpose of Use

Present Domestic; Industrial

Proposed Preserve and enhance fish and wildlife resources; recreation

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes.

- GIVE REASON FOR PROPOSED CHANGE:

Amend licensed purpose to reflect NPS mission and use; enhance salmonid spawning habitat; recreation

- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? Yes.

- WATER WILL BE USED FOR Enhancement of instream flows for salmonid habitat purposes.
We seek to convert 0.0170 cfs, which represents the licensed limit less current consumptive use by lessee.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ?
Land ownership.

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No.

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.
Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

License 7411 (Application 18862), held by Fred Rodoni, authorizes diversion of 0.05 cfs from May 1 to September 30, and 2.2 acre-feet per year for storage to be drawn from October 1 through April 30. The points of diversion of this license are located approximately 6 miles downstream from the subject point of diversion. License 7411 is located within the reach we have proposed for protection. Mr. Rodoni's address P.O. Box 746, Point Reyes Station, CA 94956-0746.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated October 4, 20 10 at Fort Collins, Colorado.



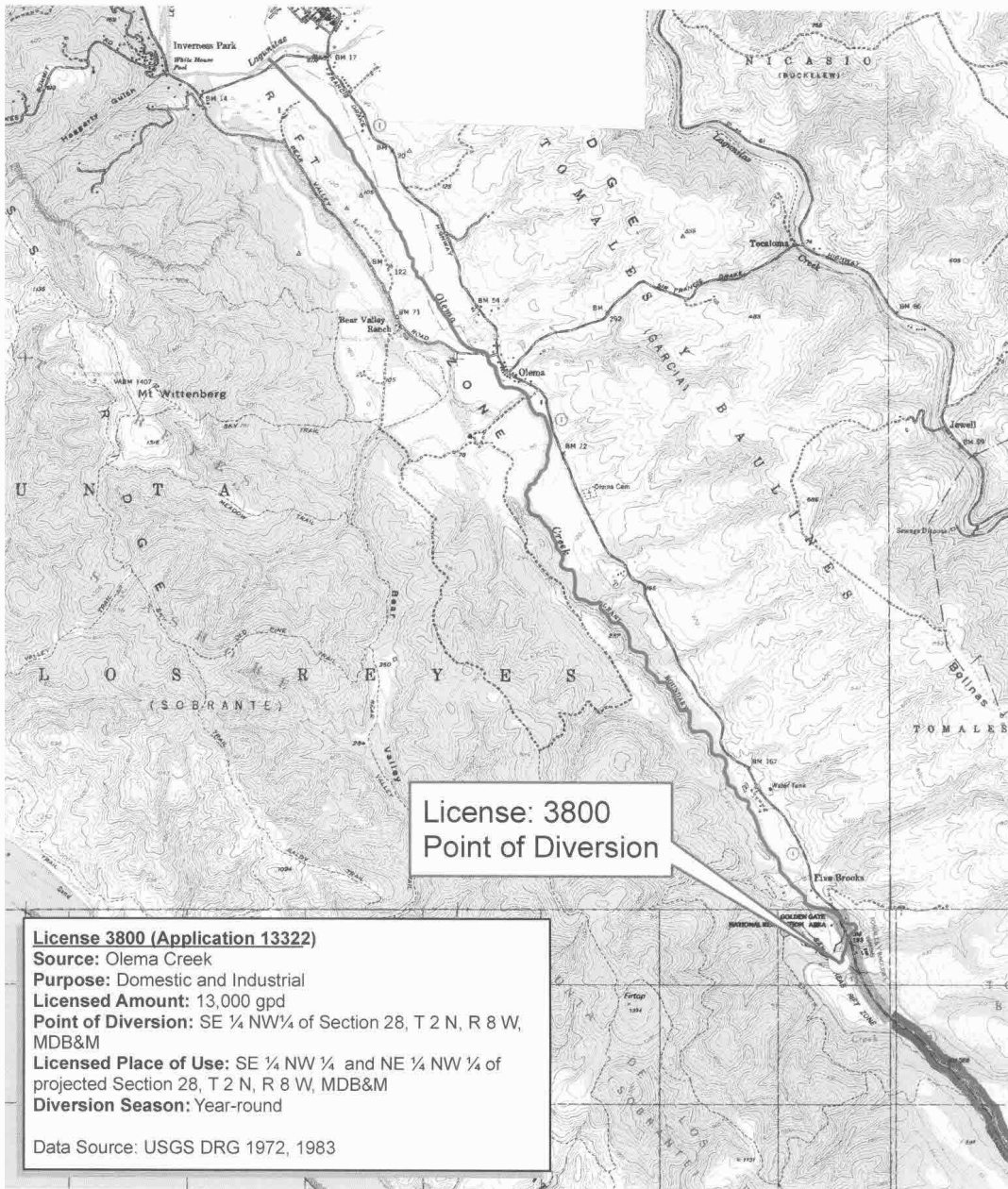
William R. Hansen
Acting Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

Point Reyes National Seashore
California

National Park Service
U.S. Department of the Interior

Amended



License: 3800
Point of Diversion

License 3800 (Application 13322)

Source: Olema Creek

Purpose: Domestic and Industrial

Licensed Amount: 13,000 gpd

Point of Diversion: SE ¼ NW¼ of Section 28, T 2 N, R 8 W, MDB&M

Licensed Place of Use: SE ¼ NW ¼ and NE ¼ NW ¼ of projected Section 28, T 2 N, R 8 W, MDB&M

Diversion Season: Year-round

Data Source: USGS DRG 1972, 1983

0 0.5 1 2 Miles

Produced by Natural Resource GIS Program

September 2010

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[FINAL SUBMITTED VERSION]**REPORT OF LICENSEE FOR 2009**

Primary Owner: US National Park Service - Point Reyes National Seashore

Application Number: A013322

License Number: 003800

Date Submitted: 2010-06-02

Compliance with License Terms and Conditions	
The project has been abandoned and I request revocation of my water right license	No
I have reviewed my water right license	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	2 persons; 200 sq.ft lawn/garden
Fish and Wildlife Protection and/or Enhancement	Please see remarks.
Stockwatering	40 cattle; 10 horses

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	24000.0	24000.0
February	24000.0	24000.0
March	24000.0	24000.0
April	24000.0	24000.0
May	24000.0	24000.0
June	24000.0	24000.0
July	24000.0	24000.0
August	24000.0	24000.0
September	24000.0	24000.0
October	24000.0	24000.0
November	24000.0	24000.0
December	24000.0	24000.0
Total	288000	288000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level
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REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

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Conservation of Water

Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjunctive Use of Groundwater and Surface Water

During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	
Amounts of groundwater used	

Additional Remarks

Current consumptive uses reflect uses by lessee in support of range cattle, horses, and domestic needs. Water not used consumptively has remained instream in support of fish and wildlife, including endangered coho salmon and threatened steelhead. NPS has filed a change petition under section 1707 of Water Code to reflect this change.

Contact Information of the Person Submitting the Form

First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]**REPORT OF LICENSEE FOR 2008**

Primary Owner: US National Park Service - Point Reyes National Seashore

Application Number: A013322

License Number: 003800

Date Submitted: 2010-06-02

Compliance with License Terms and Conditions	
The project has been abandoned and I request revocation of my water right license	No
I have reviewed my water right license	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	2 persons; 200 sq ft garden
Fish and Wildlife Protection and/or Enhancement	Please see remarks.
Stockwatering	40 cattle; 10 horses

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	24000.0	24000.0
February	24000.0	24000.0
March	24000.0	24000.0
April	24000.0	24000.0
May	24000.0	24000.0
June	24000.0	24000.0
July	24000.0	24000.0
August	24000.0	24000.0
September	24000.0	24000.0
October	24000.0	24000.0
November	24000.0	24000.0
December	24000.0	24000.0
Total	288000	288000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level
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REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

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Conservation of Water

Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjunctive Use of Groundwater and Surface Water

During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	
Amounts of groundwater used	

Additional Remarks

Current consumptive uses reflect uses by lessee in support of range cattle, horses, and domestic needs. Water not used consumptively has remained instream in support of fish and wildlife, including endangered coho salmon and threatened steelhead. NPS has filed a change petition under section 1707 of Water Code to reflect this change.

Contact Information of the Person Submitting the Form

First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]**REPORT OF LICENSEE FOR 2007**

Primary Owner: US National Park Service - Point Reyes National Seashore

Application Number: A013322

License Number: 003800

Date Submitted: 2010-06-02

Compliance with License Terms and Conditions	
The project has been abandoned and I request revocation of my water right license	No
I have reviewed my water right license	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	2 persons; 200 sq ft garden
Fish and Wildlife Protection and/or Enhancement	Please see remarks.
Stockwatering	40 cattle; 10 horses

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	24000.0	24000.0
February	24000.0	24000.0
March	24000.0	24000.0
April	24000.0	24000.0
May	24000.0	24000.0
June	24000.0	24000.0
July	24000.0	24000.0
August	24000.0	24000.0
September	24000.0	24000.0
October	24000.0	24000.0
November	24000.0	24000.0
December	24000.0	24000.0
Total	288000	288000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level
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REPORT OF LICENSEE

http://ciwqs.waterboards.ca.gov/ciwqs/ewrims_online_reporting/lice...

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Conservation of Water

Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjunctive Use of Groundwater and Surface Water

During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	
Amounts of groundwater used	

Additional Remarks

Current consumptive uses reflect uses by lessee in support of range cattle, horses, and domestic needs. Water not used consumptively has remained instream in support of fish and wildlife, including endangered coho salmon and threatened steelhead. NPS has filed a change petition under section 1707 of Water Code to reflect this change.

Contact Information of the Person Submitting the Form

First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

Return completed Report to:

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000



Or file Report online at: http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR 2007, 2008, 2009

OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct.
Point Reyes National Seashore

APPLICATION NO: A013322

LICENSE NO: 003800

CONTACT PHONE NO: 970-225-3526

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed) POD PARCEL NO
OLEMA CREEK

COUNTY LOCATION
Marin

MAX DIRECT DIVERSION RATE: 13,000 Gallons per Day

MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT

WATER RIGHT FACE VALUE: 14.6 AC-FT

LICENSED USE(S) OF WATER

(First 4 uses displayed below)

Industrial
Domestic

ACRES

(AC)

0.0

DIRECT DIVERSION SEASON

(month/day to month/day)

1/1 to 12/31

COLLECTION TO STORAGE SEASON

(month/day to month/day)

☐ YES ☐ NO The project has been abandoned and I request revocation of my water right license.

COMPLIANCE WITH LICENSE TERMS AND CONDITIONS: This Report is important since it provides a record of your actual water use as well as your compliance with the terms and conditions of your water right license. The information requested below should be filled out carefully. This Report should be promptly returned to the above address.
1. ☐ YES ☐ NO I have currently reviewed my water right license.
2. ☐ YES ☐ NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. ☐ YES ☐ NO I have changed the intake location, type(s) of use, and/or place of use authorized by the license. If Yes, explain under "Remarks" on reverse side. **Note:** A Change Petition and associated fees may be required for any significant changes to the licensed project.

BENEFICIAL USE(S) OF WATER: Under the appropriate boxes below, briefly explain how the water was used each year

4. Current Use(s) of Water	2007	2008	2009
4.a. Irrigation – specify no. of acres irrigated			
4.b. Frost Protection – specify no. of acres protected			
4.c. Heat Control – specify no. of acres protected			
4.d. Industrial – specify type			
4.e. Stockwatering – specify no. & type of animals	40 cattle 10 horses		
4.f. Municipal – approx. population served			
4.g. Domestic – specify no. of persons, lawn/garden area	2 people, 200' gdn	~800 gpd	250,000 gpd
4.h. Power Generation – installed capacity in kW, MW, or hp			
4.i. Recreational – specify (boating, fishing, water contact sports, etc.)			
4.j. Other – specify (Examples: fire protection, snowmaking, mining, etc.)			

AMOUNT OF WATER TAKEN FROM THE SOURCE: Please report only the amounts diverted and/or stored under this license.5.a. Amount of water taken each month under this license in ☐ gallons or ☐ acre-feet or ☐ million gallons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

AMOUNT OF WATER BENEFICIA L Y USED: Please report only the amounts beneficially used under this license.5.b. Amount actually used by direct diversion and/or withdrawal from storage in acre-feet ☐ Check if amounts are same as 5.a.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

Please Detach This Portion

To file this report electronically, please go to http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp and log-in using the Water Right ID and Password provided below:

Water Right ID: A013322

Password: 2N8R9H

After logging-in, you will be able to change your password by selecting the "Change E-mail or Password" link at the top of the screen. To complete your report for the current year, select the link to the year 2009. You can also complete reports for previous years by selecting "Submit a Report for a Year not Shown Above".

If you have any questions or need further assistance you may contact the eWRIMS Help Desk at 866-792-4977, Monday through Friday, 8:00 a.m. through 5:00 p.m., or by email at ewrims@waterboards.ca.gov.

Please Detach This Portion

App ID No. A013322

6. For Storage Projects only:	2007	2008	2009
6.a. Did your reservoir(s) spill?			
6.b. If No, how many feet vertically below the spillway was the water level at maximum storage?			
6.c. Have you emptied the reservoir(s)?			
6.d. If No, how many feet vertically below the spillway was the water level(s) at minimum storage?			

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW THAT ARE APPLICABLE TO YOUR WATER RIGHT PROJECT
(Please note that future amendments to the claims below will not be accepted.)

An appropriate water right can be reduced or revoked through five continuous years of nonuse. However, the California Water Code specifies that under certain conditions no reduction or loss of the appropriate water right shall occur due to: (a) water conservation efforts; (b) use of recycled, desalinated, or polluted water; and/or (c) conjunctive use of groundwater and surface water. You must report the extent and amount of water claimed for credit below. Failure to report the amounts will deprive you of the benefits allowed under the Water Code sections.

CONSERVATION OF WATER: (Water Code section 1011)

7. ☐ YES ☐ NO During the period covered by this Report, were you implementing any water conservation efforts? If YES, please describe:

8. If YES and you want to claim credit for the amount of water conserved towards the water use authorized under your license as allowed under Water Code section 1011, please show the amount of water conserved below:

Future amendments to this claim will not be accepted.

	2007	2008	2009
Amount of water conserved. Specify in acre-feet (AF) or million gallons (MG)			

WATER QUALITY AND WASTEWATER RECLAMATION: (Water Code section 1010)

9. ☐ YES ☐ NO During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?

10. If YES and you want to claim credit for the substitution of this reclaimed, desalinated, or polluted water in lieu of the surface water authorized under your license as allowed by Water Code section 1010, please show the amount of reclaimed, desalinated, or polluted water used below:

Future amendments to this claim will not be accepted.

	2007	2008	2009
Amount of reclaimed, desalinated, or polluted water used. Specify in acre-feet (AF) or million gallons (MG)			

CONJUNCTIVE USE OF GROUNDWATER AND SURFACE WATER: (Water Code section 1011.5)

11. ☐ YES ☐ NO During the period covered by this Report, were you using groundwater in lieu of the surface water authorized under your license?

12. If YES and you want to claim credit for the groundwater used in lieu of the surface water authorized under your permit as allowed under Water Code section 1011.5, please show the amount of groundwater used below:

Future amendments to this claim will not be accepted.

	2007	2008	2009
Amount of groundwater used in lieu of surface water. Specify in acre-feet (AF) or million gallons (MG)			

REMARKS: (Identify the item you are explaining; additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Signature: _____ Date: _____ Phone No.: () _____
 LICENSEE (OR AGENT / DESIGNEE)

12/2009

REPORT OF LICENSEE FOR 2007, 2008, 2009

PAGE 2



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterboards.ca.gov/waterrights



Arnold Schwarzenegger
Governor

415 663-8112

MAR 15 2010

In Reply Refer
To: ANT: 13322, et al.

Eric Lord
National Park Service
1201 Oak Ridge Drive Suite 250
Fort Collins, CO 80525

Dear Mr. Lord:

PETITION FOR CHANGE OF LICENSE 3800 (A013322), LICENSE 4324A (A013965A),
LICENSE 3827 (A013473), AND LICENSE 9730 (A21371) OF NATIONAL PARK SERVICE,
ON LAGUNITAS AND OLEMA CREEKS IN MARIN COUNTY

The Division of Water Rights (Division) has received petitions for change in the place and
purpose of use for Licenses 3800, 4324A, 3827, and 9730 on November 3, 2009. The petitions
for change have been filed pursuant to California Water Code section 1707. Preliminary review
has found that the requested changes in the place and purpose of use appear to meet the
requirements of California Water Code section 1701.2.

PETITION FOR CHANGE FILING FEE

California Code of Regulations section 1064 states that the fee for filing a petition for change
pursuant to California Water Code section 1707 is \$850.00.

3800 (A013322): Petition for Change under section 1707	\$ 850.00
4324A (A013965A): Petition for Change under section 1707	\$ 850.00
3827 (A013473): Petition for Change under section 1707	\$ 850.00
9730 (A21371): Petition for Change under section 1707	\$ 850.00

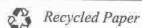
Petitions for Change Fees Submitted:	\$ 3400.00
Total Petition for Change Fees Due:	\$ 0.00

FISH AND GAME ENVIRONMENTAL FILING FEE

Section 10005 of the Public Resources Code requires the California Department of Fish and
Game (DFG) to impose an \$850 filing fee on any user of water who files an application for a
water right permit with the State Water Resources Control Board. The Division has received a
letter from DFG pursuant to the subject petitions for change stating that the DFG has waived
the filing fee per Public Resources Code section 1005 (d)(4).

All petition for change filing fees for Licenses 3800, 4324A, 3827, and 9730 have been paid in
full. No additional payment is required at this time. Please be advised that in addition to the

California Environmental Protection Agency



Eric Lord

- 2 -

above fees, all active applications, petitions for change, permits and licenses may be subject to annual fees. These fees are based upon the acre-foot per annum requested under the application or authorized under the permit or license. If a fee is required, the Division will calculate the annual fee, and the State Board of Equalization will send you a Notice of Determination requesting payment. If you have any questions regarding the calculation or payment of fees, please contact our fee line at 916-341-5431.

The Division will prepare a public notice of your petitions for change. Any party may submit a protest during the public noticing period. A protest may be based on impacts to existing water rights or impacts to the environment. You will be advised of any actions that you must take after the petition is noticed to respond to protests.

If you have any questions, please contact Angela Nguyen-Tan at (916) 341-5318 or ANGuyenTan@waterboards.ca.gov.

Sincerely,



Steven Herrera, Manager
Water Rights Permitting Section

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

PETITION FOR CHANGE

(WATER CODE 1700)

____ Point of Diversion, ____ Point of Rediversion, ____ Place of Use XX Purpose of Use
Application A013322 Permit 00789 License 3800 Statement or Other _____

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present South eleven degrees west seven hundred five feet from center of bridge of State Route 1 over Olema Creek being within SE ¼ NW ¼, projected Section 28, T2N, R8W, MDB&M (N 37° 59' 45.2" W 122° 45' 21.8")

Proposed NA.

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present SE ¼ of NW ¼ and NE ¼ of NW ¼, Projected Section 28, T2N, R8W, MDB&M.

Proposed Stream segment from headwater to confluence with Lagunitas Creek, as highlighted on attached map.

Purpose of Use

Present Domestic; Industrial

Proposed Preserve and enhance fish and wildlife resources; recreation

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes.

• GIVE REASON FOR PROPOSED CHANGE:

Amend licensed purpose to reflect NPS mission and use; enhance salmonid spawning habitat; recreation

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? Yes.

• WATER WILL BE USED FOR Enhancement of instream flows for salmonid habitat purposes.
We seek to convert 0.0170 cfs, which represents the licensed limit less current consumptive use by lessee.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ?

Land ownership.

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No.

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

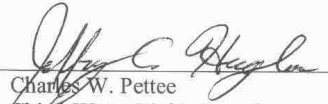
Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

License 7411 (Application 18862), held by Fred Rodoni, authorizes diversion of 0.05 cfs from May 1 to September 30, and 2.2 acre-feet per year for storage to be drawn from October 1 through April 30. The points of diversion of this license are located approximately 6 miles downstream from the subject point of diversion. License 7411 is located within the reach we have proposed for protection. Mr. Rodoni's address P.O. Box 746, Point Reyes Station, CA 94956-0746.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated October 16, 2009 at Fort Collins, Colorado.


for Charles W. Pettee
Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

Petition for Change

Application No. 13322

Permit No. 7989

License No. 3800

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the 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, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

License No. 3800 authorizes direct diversion of up to 13,000 gpd from Olema Creek. This petition seeks to return water to the stream pursuant to Section 1707 to enhance fish and wildlife habitat. No construction or building is planned; no grading or excavating; and no land use changes are planned. Some physical changes are possible, as incidental to the possible removal of water diversion facilities.

See Attachment No. ____

2. COUNTY PERMITS

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

Person contacted: Front Desk (Mary) Date of contact: February 21, 2007
Department: Marin County Planning Telephone: (415) 499-6528
County Zoning Designation: Open Area

Are any county permits required for your project? NO. (Liz Lewis, Marin County Public Works, 415-499-7226).

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

See Attachment No. _____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project: NONE
Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams)
Reclamation Board
Coastal Commission State Lands Commission Other (specify)

Contacted California Coastal Commission (Mark Delaplaine, 415 904-5289) on March 14, 2007. The point of diversion is not located within CCC jurisdiction.

- 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 or bank of any stream or lake?

NO

If YES, explain:

See Attachment No. _____

- d. Have you contacted the California Department of Fish and Game concerning your project? YES

If YES, name and telephone number of contact: Linda Hanson (retired); Greg Martinelli (707) 944-5570.

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?

NO

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: _____

If NO, check the appropriate box and explain below, if necessary:

This change is exempt from CEQA pursuant to 14 Cal. Code Regs. 15301(i), 15307, 15308, and In the Matter of Licenses 465, 466, and 4822, and Permit 854, 1995 WL 59093 (Cal. St. Wat. Res. Bd.). This change is also exempt from NEPA pursuant to NEPA Guidelines, Section 3.4, E.(2) and (4).

See Attachment No. _____

- * 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 petition 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 petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. 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?

NO. Minor temporary turbidity incidental to removal of diversion facilities may occur.

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? NO
Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used?

See Attachment No. _____

6. ARCHEOLOGY

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

See Attachment No. _____

7. ENVIRONMENTAL SETTING

Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

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.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: October 16, 2009

Signature: _____

for

Charles W. Pettie
Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

State of California
Department of Fish and Game



Memorandum

Date: September 24, 2009

To: Ms. Victoria Whitney, Chief
State Water Resources Control Board
Division of Water Rights
Post Office Box 2000
Sacramento, CA 95812
vwhitney@waterboards.ca.gov

Original signed by Cindy Catalano for
From: Charles Armor, Regional Manager
Department of Fish and Game – Bay Delta Region, Post Office Box 47, Yountville, California 94599

Subject: Fee Waiver for the National Park Service on Section 1707 Petitions for License Numbers 9730, 4324A, 3800, and 3827 on Lagunitas and Olema Creeks in the Point Reyes National Seashore, Marin County

The Department of Fish and Game (DFG) is requesting that the State Water Resources Control Board accept the four 1707 petitions from the National Park Service without the DFG filing fee required by Public Resources Code 10005. Per Section 10005 (d)(4) of the Public Resources Code, DFG is waiving the fee requirement for the four 1707 petitions referenced above on Lagunitas and Olema creeks because the purpose of the filings is to change the licenses from consumptive use to instream use for the benefit of fish and wildlife resources.

If you have questions regarding this protest, please contact Mr. Greg Martinelli, Water Conservation Supervisor, at (707) 944-5570; or by writing to DFG at the memorandum address listed above.

cc: Mr. Bill Hearn
NOAA Fisheries
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

Mr. Eric Lord, Water Rights Specialist
National Park Service
Natural Resources Program Center
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

e☒: C. Gray, G. Martinelli
CG/djh

UNITED STATES
DEPARTMENT OF THE INTERIOR
REQUISITION

☐ 2380-WRB1-NWZ WRB OPERATIONS		REQUISITION NO. 2380-09- 3540	
☒ 2380-WRB2-NWZ WRB PROJECTS	BUREAU/OFFICE Water Resources Division Fort Collins, CO 80525	DATE 9-4-09	
FORM OF PAYMENT: CIRCLE ONE ☒ CONVENIENCE CHECK ☐ IA/CA/CONTRACT ☐ CREDIT CARD ☐ 3 RD PARTY DRAFT			
VENDOR: (name, address, phone number) State Water Resources Control Board PO Box 2000 Sacramento, CA 95812-2000 (916) 341-5300		DELIVER TO: National Park Service/Water Rights Branch 1201 Oakridge Drive, Suite 250 Fort Collins CO 80525	
ITEM OR FORM NO.	DESCRIPTION	QUANTITY	UNIT UNIT PRICE AMOUNT
	Petition for Change (Water code 1707) for License No. 3800		1 850.00 850.00
JUSTIFICATION: Change water right to meet park purposes. (Point Reyes National Seashore)			
TO BE COMPLETED BY FISCAL AUTHORITY ONLY		TOTAL \$ 850.00	
FUND CERTIFICATION: Funds in the amount shown are available and chargeable to the cost authorities shown above.			
Requisitioned by (Signature) <i>E. H. G. 12/1</i>	Date 9-4-09	Approved by (Signature) <i>Charles W. Pettee</i>	Date 9/4/09
TITLE <i>Water Rights Specialist</i>		TITLE Charles W. Pettee, Chief, Water Rights Branch	
<i>M. L. Saucan 9/18/09</i>		Bureau Officer (Signature)	Date
		TITLE Chief, Water Resources Division	



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596



August 6, 2009

L54(2380)
PORE/Water Rights

Mr. Chuck Armor
Department of Fish & Game
Bay Delta Region
Post Office Box 47
Yountville, California 94599
Attention: Greg Martinelli

Re: Request for Fee Waiver

Dear Mr. Armor,

The Water Resources Division of the National Park Service is in process of filing 4 petitions pursuant to Cal. Water Code § 1707 with the State Water Resources Control Board. The purpose of the filings is to change the 4 licenses from consumptive use of water to instream use in support of fish and wildlife.

Through this letter, we are requesting, pursuant to Cal. Public Resources Code § 10005(d)(4), that the fee payable to the Cal. Department of Fish and Game be waived. Eric Lord of my office has provided draft copies of this project to your office for review and determination of the benefit to fish and wildlife.

If you need further information or have other questions, please contact Eric Lord of my staff at (970) 225-3526. I appreciate your consideration of this matter.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

License 3800
Olema Creek

Looking upstream from
Point of Diversion



September 2003

License 3800
Olema Creek

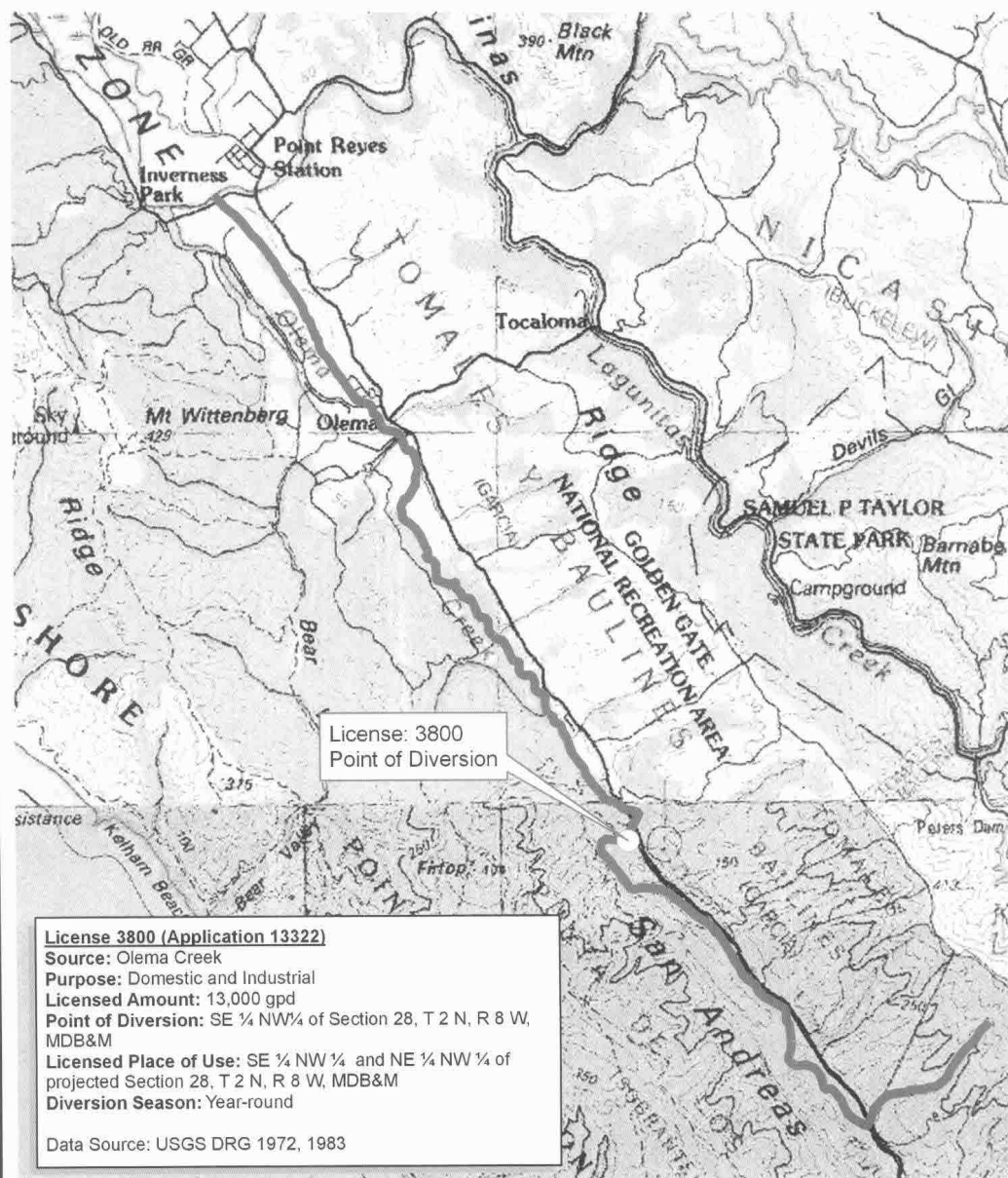
Looking downstream from
Point of Diversion



September 2003

**Point Reyes National Seashore
California**

National Park Service
U.S. Department of the Interior



0 0.5 1 2 Miles

Produced by Natural Resource GIS Program

August 2009

FILE: License3800.mxd



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13322PERMIT 7889LICENSE 3800

THIS IS TO CERTIFY, That S. A. Smoot and Alberta Smoot
137 Kentucky Street
Petaluma, California

Notice of Change (over)

have made proof as of June 24, 1952
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Olema Creek in Marin County

tributary to Tomales Bay

for the purpose of domestic and industrial uses
under Permit 7889 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from August 31, 1949;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed thirteen thousand (13,000)
gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located south eleven degrees west (S11°W)
seven hundred five (705) feet from center of bridge of State Route 1 over Olema
Creek being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 28, T 2 N, R 8 W, E1B&M.

A description of the lands or the place where such water is put to beneficial use is as follows:
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 28, T 2 N, R 8 W, E1B&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

FORM 64

288

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the service or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 17th
day of August, 1953

A. D. EDMONSTON, State Engineer

By Harvey G. Banks
Harvey G. Banks
Assistant State Engineer

61774 - Grant License to
National Lead Inc.

LICENSE 3800

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO S. A. Smoot, et al

DATED

MADE IN THE STATE PRINTING OFFICE

08/10/2006 THU 11:59 FAX

001/004



National Park Service
U.S. Department of the Interior

Point Reyes National Seashore

One Bear Valley Road
Point Reyes Station
California 94956

415 464-5100 phone
415 464-5183 fax

Point Reyes National Seashore
Natural Resources Management

Fax

To: Eric Lord
Fax Number: 970 225-9965
From: W. Smoot
Date: 8-10-06
Pages to Follow: 3
Subject: SMOOT

True

Surprise! This was front & center
in the Smoot file

Bill

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

08/10/2006 THU 11:59 FAX

002/004

ADMINISTRATIVE CERTIFICATE

WHEREAS, the United States of America has contracted to purchase Tract No. 04-104
in the Golden Gate NRA from Wells Fargo Bank
for the price of _____ and

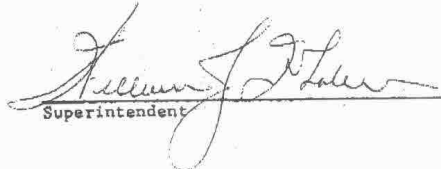
WHEREAS, the United States Attorney General has listed as objections to title the
following outstanding rights held by third parties which are:

Rights and easements as reserved in that certain Quit Claim Deed dated
January 13, 1972 from S. A. Smoot and Alberta Smoot to S. A. Smoot and
Alberta Smoot, as Co-Trustee's recorded January 17, 1972 in Book 2534 of
Official Records at page 168, Marin County Records.

Upon examination of these outstanding rights, I have determined that these rights
are not objectionable and will not interfere with the United States' contemplated
use of the property.

Date

3/15/74


Superintendent

08/10/2006 THU 11:59 FAX

003/004

1663

Recording requested by:

S. A. Smoot and
Alberta Smoot

When recorded call to:

S.A. Smoot and
Alberta Smoot
19 La Cresta Drive
Petaluma, California 94952

RECORDED AT REQUEST OF

S. A. SMOOT
AT 44 MIN. PAST 11 P.M.

JAN 17 1972

Official Records of Marin County, Calif.

1663

BOOK 2534 PAGE 168

N.J. Licomini
RECORDER

Space above this line for Recorder's use

Mail Tax Statements to:

S. A. Smoot and
Alberta Smoot
19 La Cresta Drive
Petaluma, California 94952

NO DOCUMENTARY TRANSFER TAX DUE

QUITCLAIM DEEDBy this instrument dated JANUARY 13, 1972, for a valuable consideration,

S. A. SMOOT and ALBERTA SMOOT as grantors

do hereby REMISE, RELEASE, and FOREVER QUITCLAIM to

S.A. SMOOT and ALBERTA SMOOT, as Co-Trustees

of that certain Declaration of Trust, executed on November 3, 1971
the following described real property, situated in the County of Marin, State of
California:

Beginning on Olena Creek formerly known as the Creek of Olena Lake where the County Road leading from the Town of Olena to Bolinas crosses said creek, from which point the School House Door bears North 77° West; thence South 21 3/4° East 4.64 chains; thence North 65 1/2° East 3.99 chains to a small oak, North 76 3/4° East 41.83 chains to a stake. Oak Tree blazed 57 links Easterly from said tree North 60 3/4° East 73.27 chains to fence and summit of ridge; thence along said ridge South 35 1/4° East 32.25 chains to the boundary of Mrs. Randall's land, described in Book C of Deeds, at page 94, Marin County Records; thence following said line South 48° West 113.50 chains to Olena Creek; thence down said creek to the point of beginning. (614.35 acres, more or less)

Reserving to the Grantors a perpetual and assignable easement and right-of-way in, on, over and across the above described land for ingress and egress, to maintain, replace and repair a water pipe and facilities. The location, term and conditions for said water line is set forth in License No. 3500, from the State of California, to S. A. Smoot and Alberta Smoot dated June 24, 1952, for the diversion of 13,000 gallons of water per day from Olena Creek, from January 1 to December 31 of each year. Said license was filed in the Official Records of Marin County on August 13, 1953 under Recorder's Serial No. 13994.

EXCEPTIONS:

1. That certain portion of the following described parcel of land lying West of the Western line of State Highway No. 1 formerly known as the County Road from Bolinas to Olena, as shown on "Record of Survey, Point Reyes National Seashore" filed December 20, 1963 in Book 3 of Surveys at page 56, Marin County Records. The land herein above described contains 84 acres, more or less.

2. The right to extend and maintain culverts and slopes for cuts and

Page 1 of 2 pages

BOOK 2534 PAGE 168

JAN 17 1972

08/10/2006 THU 12:00 FAX

004/004

fills adjacent to the Olono to Bolinas Road as granted to the County of Marin by instrument recorded February 15, 1928 in Book 139 of Official Records at page 257. (3.60 acres)
The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, canals and the following encumbrances:

A. Any change in the Southwesterly and Northwesterly boundary lines of the herein described property that has occurred or that may hereafter occur by natural means and by imperceptible degrees.

B. An unrecorded lease between the Grantors and Ralph and Margaret Glazomil. Lessee. Said lease expires September 1, 1973.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainders, and issues thereof.

Together with the buildings and improvements thereon and all rights and appurtenances thereto.

S. A. Smoot
S. A. SMOOT

Alberta Smoot
ALBERTA SMOOT

STATE OF CALIFORNIA }
COUNTY OF San Mateo } SS.

On January 13, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared S. A. SMOOT and ALBERTA SMOOT, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Victor Z. Falster
Notary Public in and for said County and State



Page 2 of 2 pages

2534 160

1603
JAN 17 1972



Eric Lord
03/13/2006 10:11 AM
MST

To: William Shook/PORE/NPS@NPS
cc:
Subject: Re: Rogers and Smoot

Bill,

I got the fax. The documents appear to be applicable to parcel 04-104 (NPS land tract designation). I looked on our land status maps, and I think the parcel is in GOGA located across the highway from the PORE Smoot parcel (designated as 04-108). I will fax you the grant deed from Smoot to U.S. that I believe indicates he held on to the water right. See what you think.

Eric

William Shook



William Shook
03/10/2006 04:21 PM
PST

To: Eric Lord/Partner/NPS@NPS
cc:
Subject: Rogers and Smoot

Eric,

I did a little research and have some info, but it's not definitive.

Rodgers it seems was on both a Special Use Permit (SUP) and Reservation of Possession (ROP). The SUP was only on 10 acres for 12 AUM. Sounds to me like one horse. The ROP expired 2/1/06 (25 year term, bought in '81). The permits guy is gone til next week, and I suspect he has the file, because I can't find it. I will speak with him next week and try to get a number for the cattle Rogers was running on the ROP.

As to Smoot, I looked in a number of files and found an administrative certificate signed by Supt. Bill Whalen 3/15/74. This is in reference to objections by the US Atty relating to "Rights and easements as reserved in that certain Quit Claim Deed...."

I looked at the quit claim and it appears to me that what was reserved is the easement to the water line, not the water right. The docket file for Smoot shows #3800 titled in the name of Point Reyes National Seashore.

If you want, I can fax you the Admin Cert and the first page of the quit claim showing the reservation of the easement. I'm not sure that this is the same thing you were referring to. There was another one, but I think it pertained to power transmission easement.

Let me know.

Bill

03/13/2006 MON 8:57 FAX

001/003



National Park Service
U.S. Department of the Interior

Point Reyes National Seashore

One Bear Valley Road
Point Reyes Station
California 94956

415 464-5100 phone
415 464-5183 fax

Point Reyes National Seashore
Natural Resources Management

Fax

To: Eric Lord
Fax Number: 970 225 - 9965
From: Bill Shook
Date: 3-13-06
Pages to Follow: 2
Subject: Smoot Quit Claim

Eric:
cy Admin Certificate & Quitclaim
Smoot, Parcel 05-114

[Handwritten signature]

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

03/13/2006 MON 8:57 FAX

003/003

ADMINISTRATIVE CERTIFICATE

WHEREAS, the United States of America has contracted to purchase Tract No. 04-104
in the Golden Gate NRA from Wells Fargo Bank
for the price of _____ and

WHEREAS, the United States Attorney General has listed as objections to title the
following outstanding rights held by third parties which are:

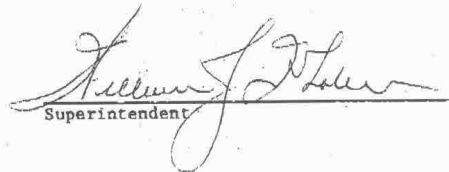
Rights and easements as reserved in that certain Quit Claim Deed dated
January 13, 1972 from S. A. Smoot and Alberta Smoot to S. A. Smoot and
Alberta Smoot, as Co-Trustee's recorded January 17, 1972 in Book 2534 of
Official Records at page 168, Marin County Records.

Upon examination of these outstanding rights, I have determined that these rights
are not objectionable and will not interfere with the United States' contemplated
use of the property.

Date

3/15/74

Superintendent



03/13/2006 MON 8:57 FAX

002/003

1663 Recording requested by:
S. A. Smoot and
Alberta Smoot

When recorded call to:
S.A. Smoot and
Alberta Smoot
19 La Cresta Drive
Petaluma, California 94952

RECORDED AT REQUEST OF
S. A. Smoot
AT 4 MIN. PAST 11 P.M.
JAN 17 1972
Official Records of Marin County, Calif.
BOOK 2534 PAGE 168
N.J. Liscomini
REC 280

1663

*Space above this line for Recorder's use

Mail Tax Statements to:
S. A. Smoot and
Alberta Smoot
19 La Cresta Drive
Petaluma, California 94952

NO DOCUMENTARY TRANSFER TAX DUE

QUITCLAIM DEED

By this instrument dated January 13, 1972, for a valuable consideration,
S. A. SMOOT and ALBERTA SMOOT as grantors
do hereby REMISE, RELEASE, and FOREVER QUITCLAIM to
S.A. SMOOT and ALBERTA SMOOT, as Co-Trustees
of that certain Declaration of Trust, executed on November 3, 1971
the following described real property, situated in the County of Marin, State of
California:

Beginning on Olona Creek formerly known as the Creek of Olona Lake where the
County Road leading from the Town of Olona to Bolinas crosses said creek, from which
point the School House Door bears North 77° West; thence South 21 3/4° East 4.64
chains; thence North 86 1/2° East 3.99 chains to a small oak, North 76 3/4° East
41.83 chains to a stake. Oak Tree blazed 57 links Easterly from said tree North
60 3/4° East 73.27 chains to fence and summit of ridge; thence along said ridge
South 35 1/4° East 32.25 chains to the boundary of Mrs. Randell's land, described
in Book C of Deeds, at page 94, Marin County Records; thence following said line
South 48° West 113.50 chains to Olona Creek; thence down said creek to the point
of beginning. (614.36 acres, more or less)

Reserving to the Grantors a perpetual and assignable easement and right-of-
way in, on, over and across the above described land for ingress and egress, to
maintain, replace and repair a water pipe and facilities. The location, term and
conditions for said water line is set forth in License No. 3500, from the State of
California, to S. A. Smoot and Alberta Smoot dated June 24, 1952, for the diversion
of 13,000 gallons of water per day from Olona Creek, from January 1 to December 31
of each year. Said license was filed in the Official Records of Marin County on
August 13, 1953 under Recorder's Serial No. 13994.

EXCEPTIONS:

1. That certain portion of the following described parcel of land lying
Westerly of the Western line of State Highway No. 1 formerly known as the County
Road from Bolinas to Olona, as shown on "Record of Survey, Point Reyes National
Seashore" filed December 20, 1953 in Book 3 of Surveys at page 56, Marin County
Records. The land herein above described contains 84 acres, more or less.
2. The right to extend and maintain culverts and slopes for cuts and

Page 1 of 2 pages

1663
JAN 17 1972
BOOK 2534 PAGE 168



Eric Lord

03/09/2006 11:45 AM

To: William Shook/PORE/NPS@NPS
CC:
Subject: Smoot (Lic. 3800)

Bill,

I went back through the information we have on the Smoot parcel. Here is the information that leads me to believe the U.S. does not own the water right:

The Grant Deed from Smoot to the U.S., dated May 24, 1971, states the following reservation:

Reserving to the Grantors [Smoot] a perpetual and assignable easement and right of way in, on, over and across the above described land for ingress and egress, to maintain, replace and repair a water pipe and facilities. The location, term and conditions for said water line is set forth in License No. 3800, from the State of California, to SA Smoot and Alberta Smoot dated June 24, 1952, for the diversion of 13,000 gallons of water per day from Olema Creek, from January 1 to December 1 of each year. Said license was filed in the Official Records of Marin County on August 13, 1953 under Recorder's Serial No. 13994.

In addition, the deed states that the land is conveyed subject to (among other things):

A "License for diversion and use of water" from Olema Creek in favor of SA Smoot and Alberta Smoot, filed August 19, 1953 under Recorder's Serial No. 13994.

Finally, the deed states that the Grantors further release and forever quit claim to the U.S. all right, title and interest which the Grantors may have in any alleys, roads, streets, ways, strips, etc. But in this paragraph, as part of the items ordinarily quitclaimed, the following phrase is crossed out and initialed by SA Smoot, Alberta Smoot, and presumably the lands people: "the banks, beds, and waters of any streams bordering the said land to be conveyed".

If you come across any information otherwise, please let me know. I came across something that I thought might have a bearing on this conclusion, but it applied to an adjacent parcel in GOGA. I will continue to look through our documents to see if there is anything to contradict this conclusion.

Eric

Eric Lord
Water Rights Specialist
National Park Service/
Colorado State University
1201 Oak Ridge Drive Suite 250
Fort Collins, CO 80525
(970) 225-3526
Eric_Lord@partner.nps.gov

L3019

June 21, 1989

Mr. Ralph Giacomini
P.O. Box 133
Olema, CA 94950

Dear Ralph:

As called for in item 25 of your Special Use Permit, No. 8530-6-0018, Ranger Rix Callaway met with you on June 17, 1989. We appreciate the opportunity for this formal review and believe that completion of the following will satisfy permit conditions No. 21, fencing; and No. 22, maintenance of property.

1. Approximately 1/4 mile of fence will be rebuilt from the Randall House north, along Highway One. The existing fence will be strengthened as needed.
2. Ranch roads which become rutted will be graded and smoothed out annually. Specifically, the ranch roads on and around the Randall House and Hagmaier's.
3. The old pump house along Highway One near the residence will be removed. The old pump house on the west side of Highway One will be removed and a power pole will be placed in the area to support the powerline now supported by the pump house.
4. The old feeder on the south side of the residence will be removed.

Again, Ralph, we thank you for your cooperation. The recent work you completed in the Hagmaier area was nicely done and certainly appreciated.

Sincerely,

John L. Sansing
Superintendent

RCallaway:at:6/21/89

Pole

Pump
For
GIACOMINI
Residence
↓

L3019

February 6, 1989

Mr. Ralph Giacomini
P. O. Box 133
Olema, CA 94950

Dear Ralph:

We've been receiving some public criticisms relative to your operation under our Special Use Permit #8530-6-0018. While at the moment we believe we have satisfactorily defended your operations there are several items which need attention as outlined below:

1. There are two concrete watering troughs visible from Highway One which evidently are not in use. We plan to remove them and we will contact you to ensure that they are no longer used.
2. We plan to remove the concrete pad on the hill north of the Randall House. The pad at one time was used as a base for a wooden storage tank which has collapsed.
3. There are remnants of two wooden feed troughs along Highway One and about one-half mile south of your residence. We request that you remove them since obviously they haven't been used for a number of years.
4. The power line running to the pump across the highway near the Randall House should also be removed. We will appreciate your making arrangements for the removal of the line and power poles.
5. There are a number of vehicle tracks going up the hill between the Randall pond and the Randall House. The ranch road from the Randall gate north to the creek needs some repair and restoration work. The complaints we receive deal with erosion and we would like the tracks and road repaired and seeded. Our Rangers will specifically show you the areas of concern.

Pore

ADMINISTRATIVE CERTIFICATE

WHEREAS, the United States of America has contracted to purchase Tract No. 04-104

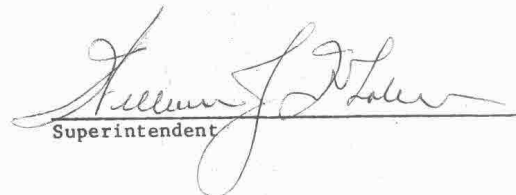
_____ in the Golden Gate NRA from Wells Fargo Bank
for the price of _____ and

WHEREAS, the United States Attorney General has listed as objections to title the
following outstanding rights held by third parties which are:

Rights and easements as reserved in that certain Quit Claim Deed dated
January 13, 1972 from S. A. Smoot and Alberta Smoot to S. A. Smoot and
Alberta Smoot, as Co-Trustee's recorded January 17, 1972 in Book 2534 of
Official Records at page 168, Marin County Records.

Upon examination of these outstanding rights, I have determined that these rights
are not objectionable and will not interfere with the United States' contemplated
use of the property.

3/15/74
Date


Superintendent

1663 Recording requested by: S. A. Snoot and Alberta Snoot When recorded mail to: S.A. Snoot and Alberta Snoot 19 La Cresta Drive Petaluma, California 94952 Mail Tax Statements to: S. A. Snoot and Alberta Snoot 19 La Cresta Drive Petaluma, California 94952	RECORDED AT REQUEST OF <u>S. A. Snoot</u> AT <u>41</u> MIN. PAST <u>11</u> A.M. JAN 17 1972 Official Records of Marin County, Calif. <u>N. J. Licomini</u> REC 2534 168 FEE 2.80 RECORDER 1663 800-2534 168 Space above this line for Recorder's use NO DOCUMENTARY TRANSFER TAX DUE <u>QUITCLAIM DEED</u> By this instrument dated <u>JANUARY 13</u>, 19<u>72</u>, for a valuable consideration, S. A. SNOOT and ALBERTA SNOOT as grantors do hereby REMISE, RELEASE, and FOREVER QUITCLAIM to S.A. SNOOT and ALBERTA SNOOT, as Co-Trustees of that certain Declaration of Trust, executed on <u>November 3, 1971</u> the following described real property, situated in the County of Marin, State of California: Beginning on Olema Creek formerly known as the Creek of Olema Lake where the County Road leading from the Town of Olema to Bolinas crosses said creek, from which point the School House Door bears North 77° West; thence South 21 3/4° East 4.64 chains; thence North 85 1/2° East 3.99 chains to a small oak, North 76 3/4° East 41.83 chains to a stake. Oak Tree blazed 57 links Easterly from said tree North 60 3/4° East 73.27 chains to fence and summit of ridge; thence along said ridge South 35 1/4° East 32.25 chains to the boundary of Mrs. Randell's land, described in Book C of Deeds, at page 94, Marin County Records; thence following said line South 48° West 113.50 chains to Olema Creek; thence down said creek to the point of beginning. (614.36 acres, more or less) Reserving to the Grantors a perpetual and assignable easement and right-of-way in, on, over and across the above described land for ingress and egress, to maintain, replace and repair a water pipe and facilities. The location, term and conditions for said water line is set forth in License No. 3800, from the State of California, to S. A. Snoot and Alberta Snoot dated June 24, 1952, for the diversion of 13,000 gallons of water per day from Olema Creek, from January 1 to December 31 of each year. Said license was filed in the Official Records of Marin County on August 13, 1953 under Recorder's Serial No. 13994. <u>EXCEPTIONS:</u> 1. That certain portion of the following described parcel of land lying <u>Westerly</u> of the Western line of State Highway No. 1 formerly known as the County Road from Bolinas to Olema, as shown on "Record of Survey, Point Reyes National Seashore" filed December 20, 1953 in Book 3 of Surveys at page 56, Marin County Records. The land herein above described contains 84 acres, more or less. 2. The right to extend and maintain culverts and slopes for cuts and Page 1 of 2 pages 800-2534 168
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1663
JAN 17 1972

fills adjacent to the Olvera to Bolinas Road as granted to the County of Marin by instrument recorded February 15, 1928 in Book 139 of Official Records at page 257. (3.60 acres)

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, canals and the following encumbrances:

A. Any change in the Southwesterly and Northwesterly boundary lines of the herein described property that has occurred or that may hereafter occur by natural means and by imperceptible degrees.

B. An unrecorded lease between the Grantors and Ralph and Margaret Giaconini, Lessee. Said lease expires September 1, 1973.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainders, and issues thereof.

Together with the buildings and improvements thereon and all rights and appurtenances thereto.

S. A. ShOOT
S. A. SHOOT

Alberta ShOOT
ALBERTA SHOOT

STATE OF CALIFORNIA }
COUNTY OF San Mateo } SS.

On JANUARY 13, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared S. A. SHOOT and ALBERTA SHOOT, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Victor E. Fauser
Notary Public in and for said County and State



1583
JAN 7 1972

ADMINISTRATIVE CERTIFICATE

WHEREAS, the United States of America has contracted to purchase Tract No. 04-104

_____ in the Golden Gate NRA from Wells Fargo Bank, Trustee
for the price of \$421,600 and

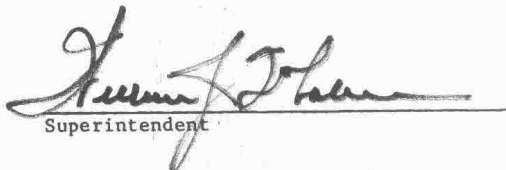
WHEREAS, the United States Attorney General has listed as objections to title the
following outstanding rights held by third parties which are:

The lease dated April 18, 1972 from Mill Enterprises, Inc., by John F.
Connolly, President, to Ralph Giscomini, recorded May 2, 1972, in Book
2564 of Official Records at page 128.

Upon examination of these outstanding rights, I have determined that these rights
are not objectionable and will not interfere with the United States' contemplated
use of the property.

Date

1/15/74


Superintendent

California Land Title Company
27555 CB

15691

THIS IS MORE THAN A RECEIPT
FOR MONEY OR PRELIMINARY
MEMORANDUM. IT WILL AFFECT
YOUR LEGAL RIGHTS. READ IT
CAREFULLY.

15691

RECORDED AT REQUEST OF
CALIFORNIA
LAND TITLE COMPANY
AT MIN. PAST 4 M.
MAY - 2 1972

Official Records of Marin County, Calif.

N. J. Giacomini
FILE # 6-655 RECORDER

LEASE - GENERAL FORM

This Lease, executed in duplicate at

day of April, 1972, by and between San Francisco, California, this 18th
MILL ENTERPRISES INC.

and RALPH GIACOMINI AND MARGARET GIACOMINI, HIS WIFE

hereinafter called respectively Lessor and Lessee, without regard to number or gender,

WITNESSETH: That Lessor hereby leases to Lessee, and Lessee hires from Lessor, for the purpose of conducting therein A GENERAL DAIRY BUSINESS

and for no other purpose, those certain premises with the appurtenances, situated in approximately four miles south of the town of Olema, State of California, and more particularly described as follows, to-wit: County of Marin,

All that certain real property and improvements commonly known as "Smoot Ranch" of approximately 526.76 acres, also known as Assessor's Parcel #188-020-05.

The term shall be for TWO (2) years FOUR (4) months ~~year~~, commencing on the 1st day of May, 1972, and ending on the 31st day of August, 1974, at the total rent or sum of ELEVEN THOUSAND TWO HUNDRED AND NO/100THS (\$ 11,200.00) Dollars, lawful money of the United States of America, which Lessee agrees to pay to Lessor, without deduction or offset, at such place or places as may be designated from time to time by Lessor, in installments as follows:

Eight Hundred and No/100ths (\$800.00) Dollars thereof upon the execution of this lease representing rent for the 1st month and a refundable deposit in the amount of Four Hundred and No/100ths (\$400.00) Dollars upon satisfactory completion of the lease; and Four Hundred and No/100ths (\$400.00) Dollars thereafter on or before the 1st day of each and every month during the term of this lease.

It is further mutually agreed between the parties as follows:

1. If Lessor, for any reason whatsoever, cannot deliver possession of the said premises to Lessee at the commencement of the said term, as hereinbefore specified, this lease shall not be void or voidable, nor shall Lessor be liable to Lessee for any loss or damage resulting therefrom; but in that event there shall be a proportionate deduction of rent covering the period between the commencement of the said term and the time when Lessor can deliver possession.

2. Lessee shall not use, or permit said premises, or any part thereof, to be used, for any purpose or purposes other than the purpose or purposes for which the said premises are hereby leased; ~~the building or buildings on the premises shall not be used for any purpose other than the purpose or purposes for which the said premises are hereby leased; Lessee shall, at his sole cost and expense, comply with any and all requirements, pertaining to said premises, of any insurance organization or company, necessary for the maintenance of reasonable and public liability insurance, covering said building and appurtenances.~~ premises

3. ~~Lessee shall not use, or permit said premises, or any part thereof, to be used, for any purpose or purposes other than the purpose or purposes for which the said premises are hereby leased; Lessee shall, at his sole cost and expense, comply with any and all requirements, pertaining to said premises, of any insurance organization or company, necessary for the maintenance of reasonable and public liability insurance, covering said building and appurtenances.~~

4. Lessee shall not vacate or abandon the premises at any time during the term; and if Lessee shall abandon, vacate or surrender said premises, or be dispossessed by process of law, or otherwise, any personal property belonging to Lessee and left on the premises shall be deemed to be abandoned, at the option of Lessor, except such property as may be under a security agreement with Lessor.

BOOK 2564 PAGE 128

TRACT
04-104
66NRA

5. Lessee shall, at his sole cost, keep and maintain said premises and appurtenances and every part thereof ~~including windows, doors and appurtenances~~ in good and sanitary order, condition and repair.

6. Lessee shall keep the demised premises and the property in which the demised premises are situated, free from any liens arising out of any work performed, materials furnished, or obligations incurred by Lessee.

7. Lessee shall, at his sole cost and expense, comply with all of the requirements of all Municipal, State and Federal authorities now in force, or which may hereafter be in force, pertaining to the said premises, and shall faithfully observe in the use of the premises all Municipal ordinances and State and Federal statutes now in force or which may hereafter be in force. The judgment of any court of competent jurisdiction, or the admission of Lessee in any action or proceeding against Lessee, whether Lessor be a party thereto or not, that Lessee has violated any such ordinance or statute in the use of the premises, shall be conclusive of that fact as between Lessor and Lessee.

8. Lessee, as a material part of the consideration to be rendered to Lessor, hereby waives all claims against Lessor for damages to goods, wares and merchandise, and all other personal property in, upon or about said premises and for injuries to persons in or about said premises, from any cause arising at any time, and Lessee will hold Lessor exempt and harmless from any damage or injury to any person, or to the goods, wares and merchandise and all other personal property of any person, arising from the use of the premises by Lessee, or from the failure of Lessee to keep the premises in good condition and repair, as herein provided.

9. Lessee shall not conduct or permit to be conducted any sale by auction on said premises. Lessee shall not place or permit to be placed any projecting sign, marquee or awning on the front of the said premises without the written consent of Lessor. Lessee, upon request of Lessor, shall immediately remove any sign or decoration which Lessee has placed or permitted to be placed in, on, or about the front of the premises and which, in the opinion of Lessor, is objectionable or offensive, and if Lessee fails so to do, Lessor may enter upon said premises and remove the same. ~~Lessee shall not place or permit to be placed upon the premises any sign or decoration which is objectionable or offensive, and if Lessee fails so to do, Lessor may enter upon said premises and remove the same.~~

10. Lessee shall pay for all water, gas, heat, light, power, telephone service and all other service supplied to the said premises.

11. Lessee shall permit Lessor and his agents to enter into and upon said premises at all reasonable times ~~for the purpose of making repairs, alterations or additions to any other portion of said building, including the erection and maintenance of such scaffolding, canopies, fences and partitions, or for the purpose of posting notices of non-responsibility for alterations, additions or repairs, or for the purpose of placing upon the property in which the said premises are situated any usual or ordinary "for sale" signs, without any rebate of rent and without any liability of Lessee for any loss of occupation or quiet enjoyment of the premises thereby occasioned; and shall permit Lessor and his agents, at any time within thirty days prior to the expiration of this lease, to place upon said premises any usual or ordinary "to let" or "to lease" signs and exhibit the same for any purpose including installation of roads, utilities and subdividing.~~

12. ~~In the event of a partial destruction of the building in which the demised premises are situated, Lessor shall forthwith repair the same, provided such repairs can be made within sixty (60) days under the laws and regulations of State, Federal, County or Municipal authorities, but such partial destruction shall in no way annul or void this lease, except that Lessee shall be entitled to a proportionate deduction of rent while such repairs are being made, such proportionate deduction to be based upon the extent to which the making of such repairs shall interfere with the business carried on by Lessee in the said premises. If such repairs cannot be made in sixty (60) days, Lessor may, at his option, make same within a reasonable time, this lease continuing in full force and effect and the rent to be proportionately rebated as aforesaid in this paragraph provided. In the event that Lessor does not so elect to make such repairs which cannot be made in sixty (60) days, or such repairs cannot be made under such laws and regulations, this lease may be terminated at the option of either party. In respect to any partial destruction which Lessor is obligated to repair or neglect to repair under the terms of this paragraph, the provisions of Section 1932, Subdivision 2, and of Section 1933, Subdivision 4, of the Civil Code of the State of California are waived by Lessee. In the event that the building in which the demised premises may be situated be destroyed to the extent of not less than 33 1/3% of the replacement cost thereof, Lessor may elect to terminate this lease, whether the demised premises be injured or not. A total destruction of the building in which the said premises may be situated shall terminate this lease. In the event of any dispute between Lessor and Lessee relative to the provisions of this paragraph, they shall each select an arbitrator, the two arbitrators so selected shall select a third arbitrator and the three arbitrators so selected shall hear and determine the controversy and their decision thereon shall be final and binding upon both Lessor and Lessee, who shall bear the cost of such arbitration.~~

13. Lessee shall not assign this lease, or any interest therein, and shall not sublet the said premises or any part thereof, or any right or privilege appurtenant thereto, or suffer any other person (the agents and servants of Lessee excepted) to occupy or use the said premises, or any portion thereof, without the written consent of Lessor first had and obtained, and a consent to one assignment, subletting, occupation or use by any other person, shall not be deemed to be a consent to any subsequent assignment, subletting, occupation or use by another person. Any such assignment or subletting without such consent shall be void, and shall, at the option of Lessor, terminate this lease. This lease shall not, nor shall any interest therein, be assignable, as to the interest of Lessee, by operation of law, without the written consent of Lessor.

14. Either (a) the appointment of a receiver ~~under any court order or decree~~ in bankruptcy or insolvency proceedings, or (b) a general assignment by Lessee for the benefit of creditors, or (c) any action taken or suffered by Lessee under any insolvency or bankruptcy act, shall constitute a breach of this lease by Lessee. Upon the happening of any such event this lease shall terminate (10) days after written notice of termination from Lessor to Lessee.

15. In the event of any breach of this lease by Lessee, then Lessor besides other rights or remedies ~~may~~ have, shall have the immediate right of re-entry and may remove all persons and property from the premises; such property may be removed and stored in a public warehouse or elsewhere at the cost of, and for the account of Lessee. Should Lessor elect to re-enter, as herein provided, or should he take possession pursuant to legal proceedings or pursuant to any notice provided for by law, he may either terminate this lease or he may from time to time, without terminating this lease, re-let said premises or any part thereof for such term or terms (which may be for a term extending beyond the term of this lease) and at such rental or rentals and upon such other terms and

conditions as Lessor in his sole discretion may deem advisable with the right to make alterations and repairs to said premises; upon each such re-letting (a) Lessee shall be immediately liable to pay to Lessor, in addition to any indebtedness other than rent due hereunder, the cost and expenses of such re-letting and of such alterations and repairs, incurred by Lessor, and the amount, if any, by which the rent reserved in this lease for the period of such re-letting (up to but not beyond the term of this lease) exceeds the amount agreed to be paid as rent for the demised premises for such period on such re-letting; or (b) at the option of Lessor rents received by such Lessor from such re-letting shall be applied: first, to the payment of any indebtedness, other than rent due hereunder from Lessee to Lessor; second, to the payment of any costs and expenses of such re-letting and of such alterations and repairs; third, to the payment of rent due and unpaid hereunder and the residue, if any, shall be held by Lessor and applied in payment of future rent as the same may become due and payable hereunder. If Lessee has been credited with any rent to be received by such re-letting under option (a), and such rent shall not be promptly paid to Lessor by the new tenant, or if such rentals received from such re-letting under option (b) during any month be less than that to be paid during that month by Lessee hereunder, Lessee shall pay any such deficiency to Lessor. Such deficiency shall be calculated and paid monthly. No such re-entry or taking possession of said premises by Lessor shall be construed as an election on his part to terminate this lease unless a written notice of such intention be given to Lessee or unless the termination thereof be decreed by a court of competent jurisdiction. Notwithstanding any such re-letting without termination, Lessor may at any time thereafter elect to terminate this lease for such previous breach. Should Lessor at any time terminate this lease for any breach, in addition to any other remedy he may have, he may recover from Lessee all damages he may incur by reason of such breach, including the cost of recovering the premises, and including the worth at the time of such termination of the excess, if any, of the amount of rent and charges equivalent to rent reserved in this lease for the remainder of the stated term over the then reasonable rental value of the premises for the remainder of the stated term, all of which amounts shall be immediately due and payable from Lessee to Lessor.

16. The voluntary or other surrender of this lease by Lessee, or a mutual cancellation thereof, shall not work a merger, and shall, at the option of Lessor, terminate all or any existing subleases or subtenancies, or may, at the option of Lessor, operate as an assignment to him of any or all such subleases or subtenancies.

17. In case suit shall be brought for an unlawful detainer of the said premises, for the recovery of any rent due under the provisions of this lease, or because of the breach of any other covenant herein contained, on the part of Lessee to be kept or performed, Lessee shall pay to Lessor a reasonable attorney's fee which shall be fixed by the court.

18. ~~Wherever the premises are used as a dwelling house, hotel or apartment house, the receiver may, if it be necessary or convenient in such premises, collect such rents and profits, conduct the business of Lessee then being carried on in such premises and may take possession of any personal property belonging to Lessee and used in the conduct of such business, and may use the same in conducting such business on the premises without compensation to Lessee for such use. Neither the application for the appointment of such receiver, nor the appointment of such a receiver, shall be construed as an election on Lessor's part to terminate this lease.~~

19. All notices to be given to Lessee may be given in writing personally or by depositing the same in the United States mail, postage prepaid, and addressed to Lessee at the said premises, whether or not Lessee has departed from, abandoned or vacated the premises.

20. If any security be given by Lessee to secure the faithful performance of all or any of the covenants of this lease on the part of Lessee, Lessor may transfer and/or deliver the security, as such, to the purchaser of the reversion, in the event that the reversion be sold, and thereupon Lessor shall be discharged from any further liability in reference thereto.

21. The waiver by Lessor of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition therein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant or condition of this Lease, either than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

22. Any holding over after the expiration of the said term, with the consent of Lessor, shall be construed to be a tenancy from month to month, at a rental of FOUR HUNDRED AND NO/100THS (\$ 400.00) Dollars a month, and shall otherwise be on the terms and conditions herein specified, so far as applicable.

23. The covenants and conditions herein contained shall, subject to the provisions as to assignment, apply to and bind the heirs, successors, executors, administrators and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.

24. Time is of the essence of this lease.

25. The captions in the margins of this lease are for convenience only and are not a part of this lease and do not in any way limit or amplify the terms and provisions of this lease.

Paragraphs 26 and 27 were attached to and made a part hereof prior to its execution by all parties hereto.

IN WITNESS WHEREOF, Lessor and Lessee have executed these presents, the day and year first above written.

LESSOR

LESSEE

MILL ENTERPRISES, INC.

By *John F. Clavelly Jr.*
By

Ralph J. Giacchini
RALPH GIACCHINI
Margaret K. Giacchini
MARGARET GIACCHINI

CONSULT YOUR ATTORNEY - This document has been prepared for submission to your attorney for his approval if he feels the same satisfies the standard of protection of your legal rights. No representation or recommendation is made by Broker or its agents or employees as to the legal sufficiency, legal effect or the meaning of this document or the transaction relating thereto. There are questions for your attorney.

BROKER IS NOT AUTHORIZED TO GIVE LEGAL OR TAX ADVICE. IF YOU DESIRE LEGAL OR TAX ADVICE CONSULT YOUR ATTORNEY BEFORE SIGNING.

8532564 PAGE 130

26. This lease may be terminated by Lessor or Lessee with 120 days prior written notice without penalty to either party.

27. Lessee shall be entitled to the hunting and fishing privileges personally, but they shall not let or rent the same for hunting and fishing purposes. Lessor shall be entitled to hunt and fish on the premises.

STATE OF CALIFORNIA,
County of Marin
On this 2nd day of May in the year one thousand nine hundred and seventy-two before me, the undersigned
a Notary Public, State of California, duly commissioned and sworn, personally appeared
Ralph Giacomini and Margaret Giacomini
known to me to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal
in the County of Marin the day and year in this
certificate first above written

Janet E. Shouder
Notary Public, State of California.
My Commission Expires _____

Notary's Form No. 32—Acknowledgment—General.
C. Sec. 11903

County of Marin
On May 2 19 72
before me, the undersigned a Notary Public, State of California, personally appeared
John P. Connolly, Jr.
President
of Hill Enterprises, Inc.
the County of Marin State of California, known to me to be the person who
subscribed to the within instrument of the Corporation, State of California, and acknowledged
the execution of the same to me.
Witness my hand and official seal.

Janet E. Shouder
Janet E. Shouder
Notary Public, State of California.
My Commission Expires _____

BOX 2564 P.O. 131

915 "D" Street - O. Box 421
San Rafael, California 9 1

Point Reyes National Seashore
Tract No. 04-108

17979

GRANT DEED

S. A. SMOOT AND ALBERTA SMOOT, husband and wife, in consideration of ONE HUNDRED TEN THOUSAND AND NO/100 (\$110,000.00) DOLLARS, to them in hand paid, receipt of which is hereby acknowledged, do hereby grant to the UNITED STATES OF AMERICA and its assigns, the following described property located in the County of Marin, State of California, to wit:

That certain portion of the following described parcel of land lying Westerly of the Western line of State Highway No. 1 formerly known as the County Road from Bolinas to Olema, as shown on "Record of Survey, Point Reyes National Seashore" filed December 20, 1963 in Book 3 of Surveys at page 56, Marin County Records.

BEGINNING on Olema Creek formerly known as the Creek of Olema Lake, where the County Road leading from the Town of Olema to Bolinas crosses said creek, from which point the School House Door bears North 77° West; thence South 21 3/4° East 4.64 chains; thence North 86 1/2° East 3.99 chains to a small oak, North 76 3/4° East 41.83 chains to a stake. Oak Tree blazed 57 links Easterly from said tree North 60 3/4° East 73.27 chains to fence and summit of ridge; thence along said ridge South 35 1/4° East 32.25 chains to the boundary of Mrs. Randell's land, described in Book C of Deeds, at page 94, Marin County Records; thence following said line South 48° West 113.50 chains to Olema Creek; thence down said creek to the point of beginning.

RESERVING to the Grantors a perpetual and assignable easement and right-of-way in, on, over and across the above described land for ingress and egress, to maintain, replace and repair a water pipe and facilities. The location, term and conditions for said water line is set forth in License No. 3800, from the State of California, to S. A. Smoot and Alberta Smoot dated June 24, 1952, for the diversion of 13,000 gallons of water per day from Olema Creek, from January 1 to December 31 of each year.

Said license was filed in the Official Records of Marin County on August 13, 1953 under Recorder's Serial No. 13994.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, canals and the following encumbrances:

- A. Any change in the Southwesterly and Northwesterly boundary lines of the herein described property that has occurred or that may hereafter occur by natural means and by imperceptible degrees.
- B. The right to extend and maintain culverts and slopes for cuts and fills adjacent to the Olema to Bolinas Road as granted to the County of Marin by instrument recorded February 15, 1928 in Book 139 of Official Records at page 257.
- C. A "License for diversion and use of water" from Olema Creek in favor of S. A. Smoot and Alberta Smoot, filed August 19, 1953 under Recorder's Serial No. 13994.
- D. An unrecorded lease between the Grantors and Ralph and Margaret Giacomini, Lessee. Said lease expires September 1, 1973.

The land hereinabove described contains 84.00 acres, more or less.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainder and remainders, and issues thereof.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

Page
04-108 = 84g
GOGA
04-104 = 526.76g

17979

AT 1:20 MIN. PAST 12 M.

JU. 1971

Official Records of Marin County, Calif.

N. J. Luscomini

FEE \$ 2.80 RECORDER

TO HAVE AND TO HOLD the same unto said UNITED STATES OF AMERICA and its assigns, forever.

And said Grantors for themselves and their heirs, executors, administrators and assigns, do hereby covenant with the UNITED STATES OF AMERICA that they are now seized in fee simple of the property hereby granted; that the said UNITED STATES OF AMERICA shall enjoy the same without any lawful disturbances; that title to the property hereby conveyed is free from any encumbrances except as noted above.

The Grantors further remise, release and forever quit claim to the UNITED STATES OF AMERICA and its assigns, all right, title and interest which the Grantors may have in ~~the banks, beds and waters of any streams bordering the said land to be conveyed and also all interest in any~~ alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand this 24 day of May, 1971.

DOCUMENTARY TRANSFER TAX \$ 71.00
 — Computed on full value of property conveyed,
 — OR Computed on full value less liens and encumbrances remaining at time of sale.
 Signature of Declarant or Agent determining tax.
 Firm Name Marin Title Insurance Co.

S. A. Smoot
 S. A. Smoot
Alberta Smoot
 Alberta Smoot

County of Sonoma

State of California

On this 24 day of May, 1971, before me

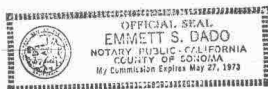
EMMETT S. DADO, a Notary Public in and for said

County and State, residing therein, duly commissioned and sworn,

personally appeared S.A. SMOOT and ALBERTA SMOOT

known to me to be the persons whose names subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.



Emmett S. Dado
 Notary Public in and for said
 County of Sonoma, State
 of California

My commission expires May 27, 1973

Form 10-116
(Rev. March 1971)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEPage 1
This permit consists
of 4 pages
including attachments.**SPECIAL USE PERMIT**
POINT REYES NATIONAL SEASHORE
POINT REYES, CALIFORNIA 94956

PERMIT NO. 8530-6-0018	EXPIRES 4/30/81
PREVIOUS PERMIT NO. 8530-246	

Ralph & Margaret Giacomini, of P. O. Box 133, Olema, California 94950 is hereby authorized during the period from May 1, 1986, through April 30, 1991, to use the following-described land in the above-named area:
Three units as follow:

1. The Sieroty Ranch (GGNRA Tract No. 04-103), consisting of 1,305 acres more or less. Fee is based on the use of 535 acres suitable for grazing as a large portion of the area is forested and brushy.
2. The Connelly Ranch (GGNRA Tract No. 04-104) consisting of 527 acres more or less, excluding the residence property, of which 275 acres are suitable for grazing.
3. The residence property of the Connelly Ranch (GGNRA Tract No. 04-104).

for the purpose of

1. Residential use and occupancy in association with operation of a beef cattle ranch, at a rental fee of \$325.00 per month. *810 grazable ac; ~ 8.5 ac/AU/yr*
2. Grazing cattle at 1140 AUM's (95 Animal Units per Year) at a rate of \$5.00 per AUM for a monthly payment at \$475.00.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of NINE THOUSAND, SIX HUNDRED & 00/100 Dollars (\$9600.00), in advance (Monthly, semiannually, etc.), or as follows: at monthly payments of \$800.00.

Payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to National Park Service, or Cash.

Issued at Point Reyes, California, this 24th day of June, 1986.
(City)

John L. Sansing

Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES		PERMITTEE (Signature)	
NAME	<u>D J Les Co</u>	NAME	<u>Ralph Giacomini</u>
ADDRESS	<u>P.O. Box 8 Olema, Ca 94950</u>	ADDRESS	<u>Box 133 Olema Ca. 94950</u>
NAME	<u>Leth J. Bhalan</u>	NAME	<u>Margaret R. Giacomini</u>
ADDRESS	<u>P.O. Box 192, Olema, CA 94950</u>	ADDRESS	<u>same</u>
APPROVED: (If approval is required by higher authority)			
NAME	TITLE	DATE	

*Sign name or names as written in body of permit; for copartnership, permittee should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

10-60000-0

Distribution--To Superintendent's File

Pore

Foré

The Property Appraised - cont.

Taxes

The ranch appraised includes Marin County Assessor's Parcels 188-030-01, 188-030-04 and 188-030-06. Total taxes for the year 1972-73 are in the amount of \$14,828.10.

Parcel 188-030-05 is noted to be included in the title report for this ranch as shown in The Addenda of this report. However, that parcel is within the Point Reyes Seashore Project and not appraised here.

Zoning

The present zone designation assigned the land appraised is A-2. Uses allowed within this zone are for limited agriculture and basically all those uses permitted in R-1, or single family dwelling zones. Lot areas are restricted to two acres in size according to Marin County zoning specifications for A-2 zones.

The chapter pertaining to A-2 zoning for Marin County is included in the Addenda of this report.

History

The ranch was acquired approximately fifteen years ago by the present owners for investment and recreation purposes. The transfer is recorded in Marin County Official Records Volume 1210, Page 113. There are no recent transfers for the property which aid as indicators to its present fair market value.

Improvements

The ranch is improved with an older two story house, barn and garage in the headquarters area. A well and septic system serve this area for water and sewage disposal needs.

South of the headquarters area there is a cabin and two reservoirs. Fencing and rough road grading are the only other improvements on the property.

Descriptions and sizes of the improvement items are noted on the following page.

Pore

Charles W. Pettex

Dan McGlothlin

W.R. Hansen *WRH*

October 27, 1997

L54 (2380)
PORE/Water Rights

*Park will redo
& submit.
WRH*

Memorandum

To: Superintendent, Point Reyes National Seashore
From: Chief, Water Rights Branch
Subject: California State Water Resources Control Board Progress Reports and Reports of Licensee

We have reviewed the thirteen reports of licensee and one progress report by permittee (attached) mailed to us in a letter dated October 6, 1997. There is missing information or discrepancies in all of the reports between the authorized beneficial purposes and the reported water uses. Before we can finalize the reports and sign them, we would like your assistance in clarifying these discrepancies. Please review our comments below and return the completed reports and/or call Bill Hansen, of my staff, at (970) 225-3532 to discuss the need for filing change applications so we are in compliance with the conditions of each permit.

Our concerns are listed below and referenced by application and permit number:

Application A029021, Permit 020434, Use of Water (5): Has use of water commenced?
If so, is any irrigation use and/or recreational use occurring?

Application A021954, Permit 009630: There is a conflict between the authorized purpose which is stockwatering and the actual uses shown on page 2. If this water is being used for domestic purposes we are in non-compliance with the permit and should file a change application to add domestic use.

No Use

Application A019955, Permit 007931: What type of recreational use is occurring (i.e., fishing, boating, etc.)? *2*

Application A019953, Permit 007929: There is a conflict between the authorized purposes which are domestic, recreational, and stockwatering and the actual uses shown on page 2. Is this water is being used for domestic purposes? If not, will it be in the future or should we file a change application to subtract domestic use? What type of recreational use is occurring (i.e., fishing, boating, etc.)?

Application A019952, Permit 007928: There is a conflict between the authorized purpose which is stockwatering and the actual uses shown on page 2. If recreational use is occurring we should file a change application. If it is not, we should not show this use on page 2.

Application A019951, Permit 007927: Is recreational use occurring? If so, what type and it should be shown on page 2.

Application A019950, Permit 007926: There is a conflict between the authorized purposes which are recreational and stockwatering and the actual uses shown on page 2. Is there actually 280 acres being irrigated, or was it intended to show 280 head of stock being watered. If irrigation is occurring we are in non-compliance with our permit. Is recreational use occurring? If so, what kind. If these discrepancies are real we will need to file a change application.

Application A020021, Permit 007941: There is a conflict between the authorized purpose which is stockwatering and the actual uses shown on page 2. If domestic use is occurring we need to file a change application to be in compliance with our permit.

Application A020022, Permit 007942: There is a conflict between the authorized purpose which is stockwatering and the actual uses shown on page 2. If domestic use is occurring we need to file a change application to be in compliance with our permit.

Application A021277, Permit 009049: There is a conflict between the authorized purposes which are recreational and stockwatering and the actual uses shown on page 2. If domestic use is occurring we need to file a change application to be in compliance with our permit. Is recreational use occurring? If so, what type and it should be shown on page 2.

Application A013473, Permit 003827: Are uses occurring in November, December, January, and February? Is irrigation occurring? If not, should we file a change application to be in compliance with our permit?

Application A013322, Permit 003800: Does use occur in January? There is a conflict between the authorized purposes which are domestic and industrial and the actual uses shown on page 2. It appears that the purpose should be changed to stockwatering since this is a beef cattle operation. Was this water used at one time for a dairy operation and the original permittee issued for industrial uses associated with dairy farming?

Application A017417, Permit 006748: There is a conflict between the authorized purpose which is recreational and the actual uses shown on page 2. If horses are being watered we are in non-compliance with our permit and should either discontinue stockwatering or file a change application to add stockwatering. *~ signed change application*

Application A019954, Permit 007930: What types of recreational use are occurring?

Attachments

cc: Shook - PORE
Fahmy - SOL
PORE Dockets 7-11, 15-20, and 25
FNP:BHANSEN:ccd:225-3532:10/27/97.S:\WRB\WRH\REPLIC.DOC



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
Point Reyes, California 94956



L54

October 6, 1997

Memorandum

To: Chief of Water Right, Water Resources Division

From: Superintendent, Point Reyes National Seashore

Subject: California State Water Resources Control Board Progress Reports

Attached for your signature are fourteen progress reports requested by the State Water Resources Control Board for water rights held by the National Park Service at Point Reyes National Seashore. Please provide copies of the completed reports for our water rights files.

Don L. Neubacher

Attachments

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000 SACRAMENTO, CA 95812-2000
901 P STREET, SACRAMENTO, CA
(916) 657-1364 FAX: (916) 657-1485



REPORT OF LICENSEE FOR 1994, 1995, 1996

OWNER OF RECORD: POINT REYES NATIONAL SEASHORE

APPLICATION: A013322

POINT REYES NATIONAL SEASHORE

LICENSE: 003800

POINT REYES, CA 94956

TELEPHONE NUMBER:
(415) 663-8522

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

COUNTY:

OLEMA CREEK

MARIN

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

DOMESTIC
INDUSTRIAL

JAN 01 TO DEC 31 /
JAN 01 TO DEC 31 /

0 AC
0 AC

AMOUNT: 13000 GPD

0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES ☒ NO ☐. I am complying with the conditions of my license: YES ☒ NO ☐. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES ☐.

COMPLETE FOR DIRECT DIVERSION PROJECTS

- Have you used the full licensed amount of water each year? YES ☐ NO ☐.
- State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1994		X	X	X	X	X	X	X	X	X	X	X	
1995		X	X	X	X	X	X	X	X	X	X	X	
1996		X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS

- Did your reservoir spill this year?
- If not, how many feet below spillway vertically was the water level at maximum storage?
- Have you emptied the reservoir?
- How many feet below spillway vertically was it drawn down at end of season?

	1994	1995	1996

(Continues on reverse side)

1996

USE (COMPLETE FOR ALL PROJECTS)

(see page 1 for year of use)

7. Acreage irrigated.	40	40	40
8. Stockwatering - number of stock.	beef cattle	beef cattle	beef cattle
9. Domestic - number of persons.	350 sq. ft.	350 sq.ft.	350 sq.ft.
garden area, etc.			
10. Recreational - nature of use.			
11. Industrial - nature of use.			
12. Municipal - approximate population.			
13. Power generation - K.W.			
14. Other.			

15. If no water was used in one or more years, briefly state the reason under "Remarks".

16. If the location of the point of diversion or place of use or type of use(s) has been changed and the permission of this Board has not yet been obtained, please describe nature of changes under "Remarks".

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR PROJECT.**CONSERVATION OF WATER**

17. Describe any water conservation efforts you may have started: _____

18. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Section 1011 of the Water Code, please show the amounts of water conserved:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

WATER QUALITY AND WASTEWATER RECLAMATION

19. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [] NO []

20. If credit toward use under this license through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used: 19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

CONJUNCTIVE USE OF SURFACE WATER AND GROUNDWATER

21. Are you now using groundwater in lieu of surface water? YES [] NO []

22. If credit toward use under this license through substitution of groundwater in lieu of appropriated water is claimed under Section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief:

Date: _____ Sign Here: _____

LICENSEE (OR AGENT OR DESIGNEE)

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Docket Information

Number of Documents in Docket 95

Documents Dated from 8/17/1953 to 6/14/2012

Docket Compiled: 6/8/2016