Docket Number: 31

LAGUNITAS CREEK (A013965A)

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 12/16/2024
Initial Docket Information Form ☒ Amendment # _____ (1,2,3 ...)
Includes Confidential Content ☐

Park Unit: PORE Docket #: 031 Docket Title Lagunitas Creek (A013965A)

Docket Type:
Select all applicable: ☐ PC/V (pre-code/vested) ☒ APP (appropriative) ☐ RIP (riparian)
☐ FRR (federal reserved right) ☐ PWR (public water reserve) ☒ ACQ (acquired)
☐ GW (groundwater) ☐ Own (ownership) ☐ Other _____

Region:
☐ NER & NCR ☐ IMR
☐ SER ☐ MWR
☐ IMR ☒ PWR
☐ AKR

Source:
☐ Groundwater ☐ Spring (When recognized by the State as separate from groundwater and surface water)
☒ Surface Water
☐ Direct Diversion ☐ Diversion to Storage ☒ Instream Flow
Name: Lagunitas Creek tributary to Tomales Bay

State: CA
County: Marin

Owner: US National Park Service - Point Reyes National Seashore (As listed by the State)

Application #: A013965A **Date:** _____
Permit #: 008632 **Date Issued:** _____
License / Certificate #: 004324A **Priority Date:** 9/26/1950
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 733.9 Duty: _____
Units: ☐ cfs ☐ gpm ☒ afy ☐ other _____ Units: ☐ cfs ☐ gpm ☐ afy ☐ other _____

Use(s): ☐ Domestic ☐ Livestock ☐ Irrigation ☐ Municipal ☐ Industrial/Commercial ☒ Wildlife ☐ Instream ☒ other Recreation

POD Name / Location: _____ ☐ Multiple PODs (see water right)
Qtr: SE Qtr: NW Sec: 25 T: 3 N R: 9 W PM: _____
Latitude: 38.07612966 Longitude: -122.79518167
UTM _____ , _____ Datum: _____

POU Name / Location: _____ ☐ Multiple POUs (see water right)
Qtr: _____ Qtr: _____ Sec: _____ T: _____ R: _____ PM: _____
Latitude: _____ Longitude: _____
UTM _____ , _____ Datum: _____

Narrative / Remarks: Enter short narrative in the space below, attach additional page(s) as needed.

Use converted from irrigation 11/18/11 - 1707 to Fish and Wildlife Protection and/or Enhancement and Recreational uses.

Land Ownership History: Waldo Giacomini, Land and water right purchased by NPS in 2000. Land was restored to wetland as part of the Giacomini Wetland Restoration Project. Changed pursuant to Section 1707 from irrigation to instream flow in 2011.

☐ Additional Page(s) Attached

03-24-2015: Note to File: Revised latitude and longitude data from park

National Park Service
U. S. Department of the Interior
Natural Resource Stewardship & Science
Water Resources Division

1201 Oakridge Dr., Ste. 250
Fort Collins, CO 80525
970-225-3548 phone
970-225-9965 fax

Water Rights Branch

Communication Record

Date: March 24, 2015
To: n/a
CC: n/a
From: Joseph Chafey, WRB Hydrologist
File: PORE – Water Right Docket (see below)
Type: email attachment
Subject: Revised Latitude and Longitude Data from Park Received 1/16/2015 and 2/9/2015

The revised latitudes and longitudes were determined by Anna Bischoff using the legal descriptions in the dockets and additional location information in the hard copy files kept at PORE.

WRB Docket Number	Application ID	Original Latitude	Original Longitude	Revised Latitude	Revised Longitude
7	A017417	38.01203552	-122.77132091	37.998244	-122.760886
9	A020021	38.08470832	-122.91639836	38.095158	-122.920331
10	A020022	38.08895341	-122.91028053	38.098447	-122.915847
15	A019950	38.11163943	-122.9158877	38.117181	-122.922536
16	A019952	38.11556564	-122.9254042	38.122797	-122.921711
17	A019951	38.11458546	-122.9330216	38.120108	-122.934408
18	A019953	38.1105461	-122.9290641	38.116264	-122.930217
19	A019954	38.11028808	-122.9148005	38.106794	-122.920283
20	A019955	38.10749082	-122.93070211	38.113344	-122.938478
22	S005292	38.01982888	-122.66321928	38.05157959	-122.75759642
24	S005294	38.01982888	-122.66321928	38.05157959	-122.75759642
28	A026421	38.0975173	-122.76864465	38.063561	-122.772625
31	A013965A	38.07612966	-122.79518167	38.065033	-122.810158
32	A020070	38.0975173	-122.76864465	38.0581220	-122.785347
	A025498	38.01982888	-122.66321928	38.052289	-122.747697
	S022979	38.1659	-122.990133	38.165597	-122.941653
	S022958	38.133625	-122.931692	38.120078	-122.934383
	S022982	38.042394	-122.622372	38.042633	-122.957097

02 STATE

Point Reyes National Seashore

LAGUNITAS CREEK (A013965A)

State Water Rights Documentation

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2023 to September 30, 2024

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: WATER RIGHTS BRANCH CHIEF - NATIONAL PARK SERVICE

Date Submitted: 12/20/2024

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0		
Fish and Wildlife Preservation and Enhancement	0		

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	

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Recreational	fishery, aesthetic
Fish and Wildlife Preservation and Enhancement	Section 1707 of the California Water Code instream flow dedication

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2023			
October	0	0	122

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
November	0	0	0
December	0	0	0
2024			
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	122
June	0	0	122
July	0	0	122
August	0	0	122
September	0	0	122
Total	0	0	732
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	No
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion**
2023	
October	
November	
December	
2024	
January	
February	
March	
April	
May	
June	
July	
August	

September	

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2024	
Amount (Acre-Feet) projected for 2025	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

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**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2023			
October			
November			
December			
2024			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Kai
Last Name	Nittenberg
Relation to Water Right	Primary Owner of Record

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Kai Nittenberg
Date of Signature	12/20/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2022 to September 30, 2023

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 02/09/2024

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0		
Fish and Wildlife Preservation and Enhancement	0		

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	

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Recreational	fishery, aesthetic
Fish and Wildlife Preservation and Enhancement	Section 1707 of the California Water Code instream flow dedication

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2022			
October	0	0	122

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
November	0	0	0
December	0	0	0
2023			
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	122
June	0	0	122
July	0	0	122
August	0	0	122
September	0	0	122
Total	0	0	732
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	No
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion**
2022	
October	
November	
December	
2023	
January	
February	
March	
April	
May	
June	
July	
August	

September	

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2023	
Amount (Acre-Feet) projected for 2024	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

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**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2022			
October			
November			
December			
2023			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Nicolas
Last Name	Anderson
Relation to Water Right	Primary Owner of Record

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Nicolas Anderson
Date of Signature	02/09/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2021 to September 30, 2022

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 01/31/2023

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0		
Fish and Wildlife Preservation and Enhancement	0		

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	

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Recreational	fishery, aesthetic
Fish and Wildlife Preservation and Enhancement	Section 1707 of the California Water Code instream flow dedication

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2021			
October	0	0	122

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
November	0	0	0
December	0	0	0
2022			
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	122
June	0	0	122
July	0	0	122
August	0	0	122
September	0	0	122
Total	0	0	732
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	No
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion**
2021	
October	
November	
December	
2022	
January	
February	
March	
April	
May	
June	
July	
August	

September	

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2022	
Amount (Acre-Feet) projected for 2023	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

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**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2021			
October			
November			
December			
2022			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Dylan
Last Name	Voeller
Relation to Water Right	Company Representative

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Dylan Voeller
Date of Signature	01/31/2023

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

January 1, 2021 to September 30, 2021

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 08/29/2022

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0		
Recreational	0		

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	

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Water Code section 1707 instream flow dedication.

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0
February	0	0	0
March	0	0	0

April	0	0	0
May	0	0	123.07
June	0	0	119.1
July	0	0	123.07
August	0	0	123.07
September	0	0	119.1
Total	0	0	607.41
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	No
Is diversion measured?	No
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion**
January	
February	
March	
April	
May	
June	
July	
August	
September	

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Other provider	
Contract number	
Source from which contract water was diverted	

Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2021	
Amount (Acre-Feet) projected for 2022	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

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**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Joseph
Last Name	Chafey
Relation to Water Right	Company Representative

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Joseph Chafey
Date of Signature	08/29/2022

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2020

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 03/29/2021

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0		
Recreational	0		

1. 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	

2. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

3. Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Water Code section 1707 instream flow dedication.

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

4. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	123.07

June	0	0	119.1
July	0	0	123.07
August	0	0	123.07
September	0	0	119.1
October	0	0	123.07
November	0	0	0
December	0	0	0
Total	0	0	730.48
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

5. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

6. Maximum Rate of Diversion	
Month	**Rate of Diversion**
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

7. Water Transfers	
7a. Water transfered	No
7b. Quantity transfered (Acre-Feet)	
7c. Dates which transfer occurred	/ to /
7d. Transfer approved by	

Water Supply Contracts	
7e. Water supply contract	No

7f. Contract with	
7g. Other provider	
7h. Contract number	
7i. Source from which contract water was diverted	
7j. Point of diversion same as identified water right	
7k. Amount (Acre-Feet) authorized to divert under this contract	
7l. Amount (Acre-Feet) authorized to be diverted in 2020	
7m. Amount (Acre-Feet) projected for 2021	
7n. Exchange or settlement of prior rights	
7o. All monthly reported diversion claimed under the prior rights	
7p. Amount (Acre-Feet) of reported diversion solely under contract	

8. 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**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Dylan

Last Name	Voeller
Relation to Water Right	Company Representative

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Dylan Voeller
Date of Signature	03/29/2021

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2019

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 05/27/2020

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0		
Recreational	0		

1. 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	

2. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

3. Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Please see section 4 comment

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

4. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	60.37
February	0	0	60.37
March	0	0	60.37
April	0	0	60.37
May	0	0	60.37

June	0	0	60.37
July	0	0	60.37
August	0	0	60.37
September	0	0	60.37
October	0	0	60.37
November	0	0	60.37
December	0	0	60.37
Total	0	0	724.44
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

5. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

6. Maximum Rate of Diversion	
Month	**Rate of Diversion**
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

7. Water Transfers	
7a. Water transfered	No
7b. Quantity transfered (Acre-Feet)	
7c. Dates which transfer occurred	/ to /
7d. Transfer approved by	

Water Supply Contracts	
7e. Water supply contract	No

7f. Contract with	
7g. Other provider	
7h. Contract number	
7i. Source from which contract water was diverted	
7j. Point of diversion same as identified water right	
7k. Amount (Acre-Feet) authorized to divert under this contract	
7l. Amount (Acre-Feet) authorized to be diverted in 2019	
7m. Amount (Acre-Feet) projected for 2020	
7n. Exchange or settlement of prior rights	
7o. All monthly reported diversion claimed under the prior rights	
7p. Amount (Acre-Feet) of reported diversion solely under contract	

8. 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	
9. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
10. Amount of water conserved	
11. I have data to support use reductions under this water right due to conservation efforts	

Water Quality and Wastewater Reclamation	
12. 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
13. Amount of reclaimed, desalinated, or polluted water used	

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

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Primary Owner of Record

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Eric Lord
Date of Signature	05/27/2020

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2018

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 07/01/2019

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0		
Fish and Wildlife Protection and/or Enhancement	0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Please see section 5 comment.

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion	
Month	**Rate of Diversion**
January	
February	
March	
April	

May	
June	
July	
August	
September	
October	
November	
December	

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	60.37
February	0	0	60.37
March	0	0	60.37
April	0	0	60.37
May	0	0	60.37
June	0	0	60.37
July	0	0	60.37
August	0	0	60.37
September	0	0	60.37
October	0	0	60.37
November	0	0	60.37
December	0	0	60.37
Total	0	0	724.44
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2018	
6p. Amount (Acre-Feet) projected for 2019	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

8. 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	
9. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
10. Amount of water conserved	
11. I have data to support use reductions under this water right due to conservation efforts	

Water Quality and Wastewater Reclamation	
12. 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
13. Amount of reclaimed, desalinated, or polluted water used	

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

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Primary Owner of Record

Information on Certification and Signatory

Name of Person Signing and Certifying the Report	Eric Lord
Date of Signature	07/01/2019

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2017

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 04/29/2018

Application Number: A013965A
Permit Number: 008632

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0		
Recreational	0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Please see section 5 comment.

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion ()**
January	
February	
March	

April	
May	
June	
July	
August	
September	
October	
November	
December	

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	60.37
February	0	0	60.37
March	0	0	60.37
April	0	0	60.37
May	0	0	60.37
June	0	0	60.37
July	0	0	60.37
August	0	0	60.37
September	0	0	60.37
October	0	0	60.37
November	0	0	60.37
December	0	0	60.37
Total	0	0	724.44
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2017	
6p. Amount (Acre-Feet) projected for 2018	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

Water Quality and Wastewater Reclamation	
11. 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
12. Amount of reclaimed, desalinated, or polluted water used	

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

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Primary Owner of Record

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Eric Lord
Date of Signature	04/29/2018

Summary

Request For Additional Time for Water Right (A013965A)

You completed the survey on 07/11/2017 10:11:10

Return to Dashboard

INTRODUCTION

This form provides diverters a standard method under which to request additional time to comply with the measurement and reporting requirements of Title 23, Division 3, Chapter 2.8, Section 931 through Section 938 of the California Code of Regulations. All extension requests must be accompanied by supporting documentation. Time extension requests are subject to review and approval.

Note: The large text boxes in the form have a character limit of 2000 characters. Responses requiring more than 2000 characters for a particular text box should be submitted as an attachment in Section C of this form.

SECTION A - REASON(S) FOR REQUEST

Complete this form if the time allowed under the regulation will expire prior to completion of the installation of the measurement or monitoring equipment. Provide attachments in Section C, if necessary. Incomplete forms may not be accepted.

(1) Please check the reason(s) you are requesting additional time: *

- ☑ Additional time needed to access site due to weather or other on-site conditions
- ☐ Additional time needed to obtain other agency permits
- ☐ Additional time needed to deal with unforeseen circumstances
- ☐ Currently awaiting grant or loan award (answer questions 2 and 3 below)

(2) Funding was requested from the following source:

(3) Funding was requested on:

SECTION B - DETAILED DESCRIPTION

All Requests for Additional Time shall be accompanied by a plan documenting the additional time needed to comply with the measurement and monitoring requirements. All initial Requests for Additional Time will be granted from the installation deadline dates specified in the Regulation, for a maximum of 24 months.

(1) Number of months (24 maximum) extension requested to complete measuring and monitoring: *

24

(2) Describe the actions already taken toward commencing or completing measurement and monitoring. Include the reasons why the measurement and monitoring program has not yet been completed. *

In 2011 the United States completed a Section 1707 Conversion: Instream Flow for Fish and Wildlife Preservation and Enhancement and Recreational uses. The location of the water right is tidally influenced at the lowest point of the watershed. Stream flow data recorded at the United States Geological Survey surface water gage USGS 114606000 LAGUNITAS C NR PT REYES STATTION CA, approximately one mile upstream is representative of the flow authorized by this water right. Efforts to determine the minimum flow at the USGS gage site are under way and would be used in an alternative compliance plan.

(5000 character max.)

(3) Describe the interim measurement and monitoring practices that will be implemented while compliance with the measurement and monitoring requirements is diligently pursued. *

The Park will use the analyzed data gathered at USGS 114606000 LAGUNITAS C NR PT REYES STATTION CA stream gage.

(5000 character max.)

SECTION C - ATTACHMENTS

Each Request for Additional Time shall be accompanied by documentation of grant or loan request or agency permit requests, as applicable. A Request for Additional Time based on unforeseen circumstances shall be accompanied by a showing of good cause and a showing that all reasonable efforts have been made to comply with the established deadlines.

(1) Attach documents that support the Request for Additional Time.

Choose File No file selected

Upload

(Uploaded files:)

(2) Provide a brief description of the attached documents.

(5000 character max.)

SECTION D - SIGNATURE

☑ I hereby certify that the above information is true and correct to the best of my knowledge and belief. *

Role * ○ Diverter ○ Agent ◉ Designated Contact

Name * Eric Lord

The State Water Board will review the facts presented to determine whether additional time may be granted. (Cal. Code Regs., tit. 23, § 936.)

The State Water Board will contact the diverter in writing to inform them if additional time is granted.

If additional time is not granted, the State Water Board may initiate enforcement action.

Failure to meet the measurement requirements is a violation subject to civil liability of up to $500 per day pursuant to Water Code section 1846

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[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2016

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 03/29/2017

Application Number: A013965A
Permit Number: 008632

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0		
Recreational	0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	Please see section 5 comment.

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion for each Month	

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

6. Amount of Water Diverted and Used			
Month	Amount directly diverted (Acre-Feet)	Amount diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	0	0	60.37
February	0	0	60.37
March	0	0	60.37
April	0	0	60.37
May	0	0	60.37
June	0	0	60.37
July	0	0	60.37
August	0	0	60.37
September	0	0	60.37
October	0	0	60.37
November	0	0	60.37
December	0	0	60.37
Total	0	0	724.44
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	

6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2016	
6p. Amount (Acre-Feet) projected for 2017	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

Water Quality and Wastewater Reclamation	
11. 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
12. Amount of reclaimed, desalinated, or polluted water used	

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

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Primary Owner of Record
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2015

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: ERIC LORD

Date Submitted: 07/19/2016

Application Number: A013965A
Permit Number: 008632

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 733.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0		
Recreational	0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	Please see section 5 comment.

5. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	60.37

February	0	0	60.37
March	0	0	60.37
April	0	0	60.37
May	0	0	60.37
June	0	0	60.37
July	0	0	60.37
August	0	0	60.37
September	0	0	60.37
October	0	0	60.37
November	0	0	60.37
December	0	0	60.37
Total	0	0	724.44
Type of Diversion	No Diversion		
Comments	License changed in 2011 pursuant to Section 1707 of Water Code in support of fishery and riparian enhancement.		

Water Transfers	
8e. Water transfered	No
8f. Quantity transfered (Acre-Feet)	
8g. Dates which transfer occurred	/ to /
8h. Transfer approved by	

Water Supply Contracts	
8i. Water supply contract	No
8j. Contract with	
8k. Other provider	
8l. Contract number	
8m. Source from which contract water was diverted	
8n. Point of diversion same as identified water right	
8o. Amount (Acre-Feet) authorized to divert under this contract	
8p. Amount (Acre-Feet) authorized to be diverted in 2015	
8q. Amount (Acre-Feet) projected for 2016	
8r. Exchange or settlement of prior rights	
8s. All monthly reported diversion claimed under the prior rights	
8t. Amount (Acre-Feet) of reported diversion solely under contract	

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	

Conjuctive 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
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Roxanne
Last Name	Foss
Relation to Water Right	Primary Owner of Record
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

Updated February 29, 2016

Water Boards

Fact Sheet

EMERGENCY REGULATION FOR MEASURING AND REPORTING ON THE DIVERSION OF WATER

Governor Edmund G. Brown Jr. signed Senate Bill (SB) 88 on June 24, 2015. Sections 15 through 18 of SB 88 add measurement and reporting requirements for a substantial number of diverters. The State Water Resources Control Board (State Water Board) adopted a regulation to implement the new law at its January 19, 2016 Board Meeting. The regulation will go into effect upon approval by the Office of Administrative Law, which is anticipated to occur in March 2016.

The measurement requirements of the regulation apply to all water right holders who divert more than 10 acre-feet of water per year. The annual reporting requirements in the regulation apply to all statement holders as well as persons authorized to appropriate water under a permit, license, registration (small domestic, small irrigation, or livestock stockpond), or certificate for livestock stockpond use.

Information on the regulation, SB 88, and related documents are available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/

If you have any questions or concerns, please contact the Division of Water Rights (Division) at:

Email Address: dwr-measurement@waterboards.ca.gov
Phone Number: (916) 341-5300

Key Provisions of Regulation

Annual Water Use Reporting Requirements for Water Right Holders

All water right holders shall report on their diversion and use of water annually, beginning with reports for the 2016 diversion season. Annual water use reports for permits, licenses, registrations and stock pond certificates must be filed by April 1 of each year starting April 1, 2017 for diversions made in 2016. The annual use reports for statements shall be filed prior to July 1 of each year. All reports will continue to document diversions during the prior calendar year. The filing dates are for the annual water use reports are summarized below:

DIVERSION/STORAGE PERIOD	WATER USE REPORT DEADLINES				
	PERMITS	LICENSES	STATEMENTS	REGISTRATIONS	CERTIFICATES
2015	JULY 1, 2016	JULY 1, 2016	JULY 1, 2016	VARIES	NOT REQUIRED
2016	APRIL 1, 2017	APRIL 1, 2017	JULY 1, 2017	APRIL 1, 2017	APRIL 1, 2017

Reporting Requirements for Water Right Holders During Times of Insufficient Supply

When the amount of water available in a surface water source is not sufficient to support the needs of existing water right holders and in-stream uses, the State Water Board may require monthly or more frequent reporting in the affected areas to provide the most accurate assessment of water demand. The State Water Board will notify diverters in affected areas when additional reporting is required.

Deadline for Complying with Measurement and Reporting Requirements

The regulation provides for a phased approach to compliance. The compliance deadlines, by volume of water diverted, are shown in the table below.

Required Accuracy for Measurement and Frequency for Monitoring

SB 88 set expectations for both the accuracy of measurement devices as well as the monitoring frequency of the device. The regulation links both device accuracy and monitoring frequency to the volume categories. Larger diversions and larger reservoirs or ponds have more stringent measurement and monitoring requirements and more stringent requirements for the installation and certification of measurement devices as described in the table below.

Type of Diversion (af = acre-feet)	Installation Deadline	Required Accuracy	Required Monitoring Frequency	Qualifications For Installation And Certification
Direct Diversion ≥ 1,000 af/year Storage ≥ 1000 af	January 1, 2017	10%	Hourly	Engineer/Contractor/Professional
Direct Diversion ≥ 100 af/year Storage ≥ 200 af	July 1, 2017	10%	Daily	Engineer/Contractor/Professional
Direct Diversion > 10 af/year Storage ≥ 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage > 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

Measurement Methods

Diverters may propose a measurement method, in lieu of a measuring device, to comply with measurement and accuracy requirements under the regulation. Examples of measurement methods include:

- Multiple water right holders on a single surface supply can propose a collaborative measurement approach.
- A single water right holder with multiple points of diversion can propose a measurement method that may preclude the need to install a measurement device at each point of diversion.

Alternative Compliance

A water right holder may request an alternative compliance approach when strict compliance is not feasible, would be unreasonably expensive, would unreasonably affect public trust resources, or would result in the waste or unreasonable use of water.

The Division is preparing the forms to request alternative measurement or alternative compliance. All requests must be submitted on the Division's forms. Please note; persons subject to the regulation are not allowed to claim "not locally cost effective".

Certification of Water Measurement Device

The regulation requires that the accuracy of the water measurement device be certified every five years, in accordance with the table above. The regulation calls for an initial certification with the first water use report filed after the device has been installed.

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CALIFORNIA
Water Boards

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

February 19, 2016

Designated Contact or Agent:
ERIC LORD
1201 OAK RIDGE DRIVE STE 250
FORT COLLINS, CO 80525

Primary Owner: US NATIONAL PARK SERVICE - POINT REYES NATIONAL SEASHORE

Application ID: A013965A **License No.** 004324A

First three Sources listed:	Counties:
LAGUNITAS CREEK	Marin

Direct Diversion Rate: 2.000 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT
1448.9 afy

LICENSEE REPORTING FOR 2015

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. 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): **A013965A**
Password (Reporting Identifier): **826162**

IMPORTANT: PLEASE NOTE BELOW

Effective immediately the Division of Water Rights will **NO LONGER** notify you via mail in the future when reporting is due. If you would like to be notified when reporting is due and other reporting related material, please subscribe to our Lyris list (Water Rights Reporting Notification) at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

You are required to complete the online report for 2015 no later than **June 30, 2016.** 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: 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 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 (California Department of Fish and Wildlife agreements, other agency approvals, etc.), graphs, and spreadsheets.

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/publications_forms/forms/index.shtml.

CHANGES FOR REPORTING AND MEASUREMENT OF DIVERSIONS MADE IN 2016, AND THEREAFTER

- See attached "Fact Sheet" for updates.

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,

Amanda Montgomery

Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

REPORT OF LICENSEE

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2014

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: Eric Lord

Date Submitted: 2015-07-21

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2.0 CFS
MAX Collection to Storage: 0.0 AC-FT
Face Value: 733.9 AC-FT

Licensed Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0.0		
Recreational	0.0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	fishery enhancement

5. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Gallons)**	**Amount diverted or collected to storage (Gallons)**	**Amount used (Gallons)**
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0

May	0	0	0
June	0	0	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
Total	0	0	0
Comments	License changed in 2011 pursuant to Section 1707.		

Water Transfers	
8e. Water transfered	No
8f. Quantity transfered (Acre-Feet)	
8g. Dates which transfer occurred	/ to /
8h. Transfer approved by	

Water Supply Contracts	
8i. Water supply contract	No
8j. Contract with	
8k. Other provider	
8l. Contract number	
8m. Source from which contract water was diverted	
8n. Point of diversion same as identified water right	
8o. Amount (Acre-Feet) authorized to divert under this contract	
8p. Amount (Acre-Feet) authorized to be diverted in 2014	
8q. Amount (Acre-Feet) projected for 2015	
8r. Exchange or settlement of prior rights	
8s. All monthly reported diversion claimed under the prior rights	
8t. Amount (Acre-Feet) of reported diversion solely under contract	

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	

Conjuctive 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
License changed in 2011 pursuant to Section 1707. Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States 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
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other: NPS (Primary Owner of Record) Employee
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

January 30, 2015

Designated Contact or Agent:
Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525

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

Application ID: A013965A **License No.** 004324A

First three Sources listed:	**Counties:**
LAGUNITAS CREEK	Marin

Direct Diversion Rate: 2.000 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2014

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. 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): **A013965A**
Password (Reporting Identifier): **826162**

You are required to complete the online report for 2014 no later than **June 30, 2015.** 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: 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 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 (California Department of Fish and Wildlife agreements, other agency approvals, etc.), graphs, and spreadsheets.

SPECIAL REPORTING FEATURES:

- 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/publications_forms/forms/index.shtml.

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,

Amanda Montgomery

Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2013

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: Eric Lord

Date Submitted: 2014-07-08

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2.0 CFS
MAX Collection to Storage: 0.0 AC-FT
Face Value: 733.9 AC-FT

Licensed Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0.0		
Recreational	0.0		

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	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	Fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	Fishery enhancement

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Gallons)**	**Amount used (Gallons)**
January	0	0

February	0	0
March	0	0
April	0	0
May	0	0
June	0	0
July	0	0
August	0	0
September	0	0
October	0	0
November	0	0
December	0	0
Total	0	0
Comments	License changed in 2011 pursuant to Section 1707.	

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	

Conjuctive 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
License changed in 2011 pursuant to Section 1707. The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other: NPS (Primary Owner of Record) Employee
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

January 30, 2014

Designated Contact or Agent:
Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525

Contact Phone Number: (-) -2781

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

Application ID: A013965A **License No.** 004324A

First three Sources listed:	Counties:
LAGUNITAS CREEK	Marin

Direct Diversion Rate: 2.000 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2013

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): **A013965A**
Password (Reporting Identifier): **826162**

You are required to complete the online report for 2013 no later than **June 30, 2014.** 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 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 (California Department of Fish and Wildlife agreements, other agency approvals, etc.), graphs, and spreadsheets.

SPECIAL REPORTING FEATURES:

- 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.
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REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

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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,

Amanda Montgomery

Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2012

Primary Owner: US National Park Service - Point Reyes National Seashore
Primary Contact: Eric Lord

Date Submitted: 2013-06-14

Application Number: A013965A
License Number: 004324A

Source(s) of Water	POD Parcel Number	County
LAGUNITAS CREEK		Marin

MAX Direct Diversion Rate: 2.0 CFS
MAX Collection to Storage: 0.0 AC-FT
Face Value: 733.9 AC-FT

Licensed Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0.0		
Recreational	0.0		

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	Changed pursuant to Section 1707.
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	Fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	Changed to fishery enhancement.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Gallons)**	**Amount used (Gallons)**
January	0	0

February	0	0
March	0	0
April	0	0
May	0	0
June	0	0
July	0	0
August	0	0
September	0	0
October	0	0
November	0	0
December	0	0
Total	0	0
Comments	Please see remarks.	

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	

Conjuctive 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
License changed in 2011 pursuant to Section 1707. 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**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2011

Primary Owner: US National Park Service - Point Reyes National Seashore
Application Number: A013965A
License Number: 004324A
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	Changed pursuant to Section 1707.
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Recreational	Fishery; aesthetics
Fish and Wildlife Protection and/or Enhancement	Changed to fishery enhancement.

5. Amount of Water Diverted and Used

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

6. Maximum Rate of Diversion for each Month

Month	Maximum Rate of Diversion (GPM)
January	0.0
February	0.0
March	0.0
April	0.0
May	0.0
June	0.0
July	0.0
August	0.0
September	0.0
October	0.0
November	0.0
December	0.0

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?	
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?	
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive 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?	
13. Amounts of groundwater used	

Additional Remarks
License changed in 2011 pursuant to Section 1707. 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
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Agent

POPE

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ 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: A013965A **License No.** 004324A

First three Sources listed:	Counties:
LAGUNITAS CREEK	Marin

Direct Diversion Rate: 2.000 Cubic Feet per Second **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): **A013965A**
Password (Reporting Identifier): **826162**

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

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

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
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

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 13965A PERMIT 8632 LICENSE 4324A
Page 1 of 4

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 **Lagunitas Creek** in **Marin County**

tributary to **Tomales Bay** thence the **Pacific Ocean**

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

The Deputy Director for Water Rights finds that the State Water Resources Control Board (State Water Board) and/or the licensee have met the following requirements for Change Petition approval: (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) demonstrated that the requirements of the California Environmental Quality Act (CEQA) have been met or that 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 13965A** filed on **September 26, 1950** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended license.

Amended License 4324A supersedes the license amended on **October 10, 2000**, 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 8632**. The priority of this right dates from **September 26, 1950**. Proof of maximum beneficial use of water under this license was made as of **April 23, 1953** (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 **two (2) cubic feet per second from May 1 to November 1 of each year. The maximum diverted under this license shall not exceed seven hundred thirty-three and nine-tenths (733.9) acre-feet per year.**

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 3, North 2,222,409 feet and East 5,901,065 feet, being within SE¼ of NE¼ of projected Section 25, T3N, R9W, MDB&M.

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

At stream segment between the Point of Diversion located by California Coordinate System of 1983, Zone 3, North 2,222,409 feet and East 5,901,065 feet, being within SE¼ of NE¼ of projected Section 25, T3N, R9W, 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.

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.

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).

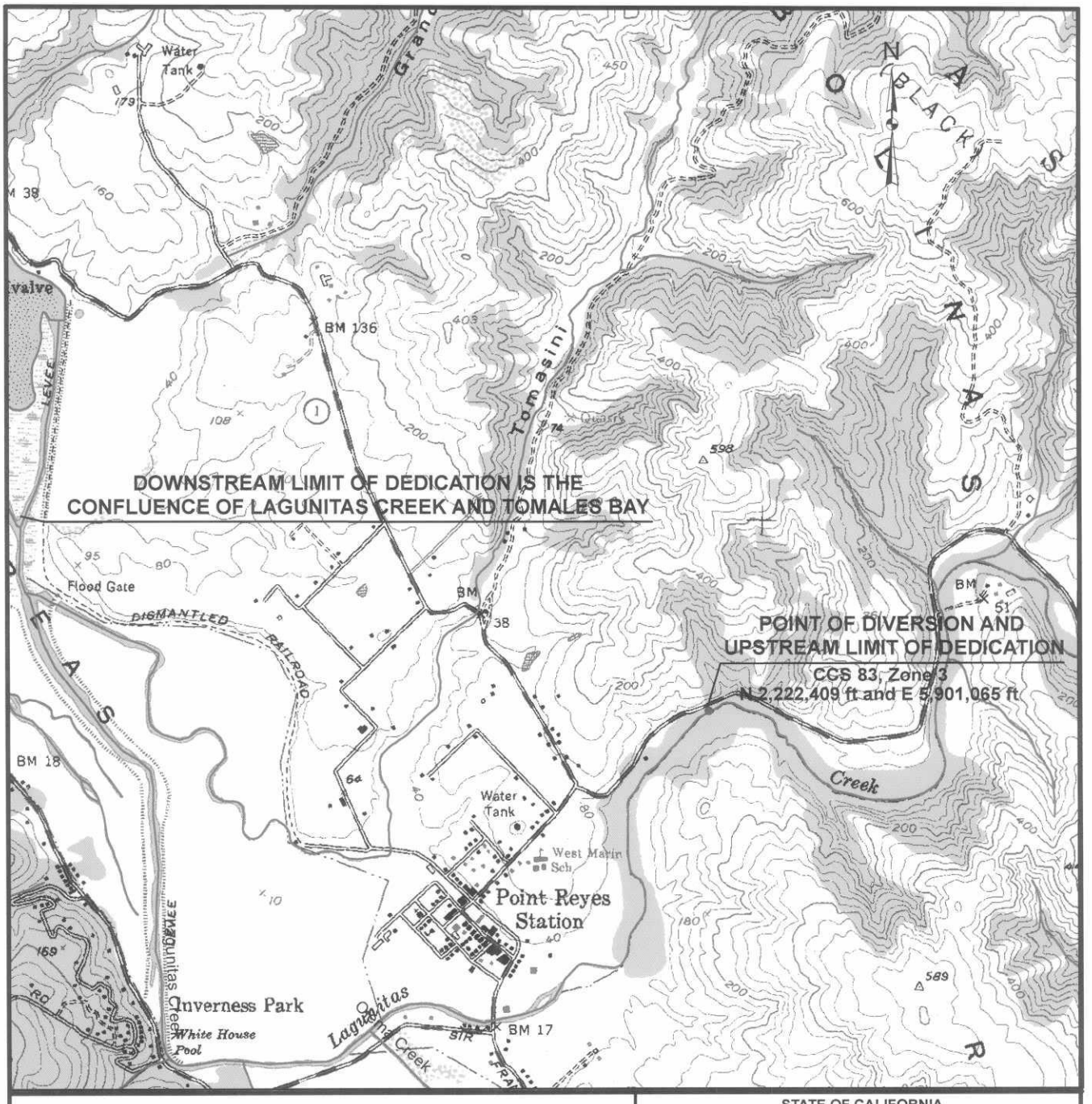
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied 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 **LAGUNITAS CREEK**

POINT OF DIVERSION WITHIN
SE1/4 OF NE1/4 OF PROJECTED SECTION 25, T3N, R9W, MDB&M

COUNTY OF **MARIN**

U.S.G.S. QUAD: **INVERNESS** DATE: **1994** SCALE: **1:24,000**

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

APPLICATION NO. **13965A**

LICENSE NO. **4324A**

LICENSING

DATE:	DRAWN:	CHECKED:
9/28/11	ANT	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.

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2010

Primary Owner: US National Park Service - Point Reyes National Seashore
Application Number: A013965A
License Number: 004324A
Date Submitted: 2011-05-16

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	No
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	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

Month	Maximum Rate of Diversion (GPM)
January	0.0
February	0.0
March	0.0

April	0.0
May	0.0
June	0.0
July	0.0
August	0.0
September	0.0
October	0.0
November	0.0
December	0.0

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	
Are you now employing water conservation efforts?	No
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?	No
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive 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?	No
Amounts of groundwater used	

Additional Remarks
This right is no longer used in support of irrigation, but is presently used by fish and wildlife. NPS has filed a petition to change this right pursuant to section 1707 of the California Water Code, in conjunction with the Giacomini Wetlands Restoration Project.

Attachments	
File Name	Size
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

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

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Done

Application ID: A013965A **License No.** 4324A **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): LAGUNITAS CREEK in Marin County
LAGUNITAS CREEK in Marin County
LAGUNITAS CREEK in Marin County

Direct Diversion Rate: 2 Cubic Feet per Second **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: **A013965A**
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 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

State V .ter Resources Contrc 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 ♦

Linda S. Adams
Secretary for
Environmental Protection

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 ranchland 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

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 A13965A **Permit 008632** **License 004324A** Statement or Other

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

Amended

Point of Diversion or Rediversion (Give coordinate distances from section ... allowed by Cal CR 715, and the 40-acre subdivision in which the present & p...
Present: **SW ¼ NW ¼, Projected Section 36, T 3 N, R 9 W, M.D.B.M.**
Proposed: **NA.**

Place of Use (If irrigation then state number of acres to be irrigated within each ...
Present: **312 acres located within Projected Sections 26, 35 and 36, T3N, R9 ... M.D.B.&M.**
Proposed: **Stream segment from points of diversion to mouth of creek, as highlighted on attached map.**

Purpose of Use
Present: **Irrigation (May 1 – November 1).**
Proposed: **Enhance habitat, fish and wildlife resources, and 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: **Realign water right to benefit Park mission, including enhancing fish and wildlife habitat, and recreation.**

- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? **Yes.**
  There are three Points of Diversion for this water right. Prior owner of this right—Waldo Giacomini and his successors— maintained an intake on Marin County parcel 119-240-67 for use on parcel 119-04-26. Following SWRCB Decision 95-17 which determined that the seasonal summer dam erected to maintain this water right affected coho salmon and steelhead trout, an upstream point of diversion was added. This point of diversion on Lagunitas Creek was from a surface flow influenced well (Downey Well) operated by North Marin Water District. The original structures associated with the original surface point of diversion (APN 119-240-67) were removed as part of the Giacomini Wetlands Restoration Project. The North Marin Water District is currently evaluating closure of the Downey Well through a separate CEQA process.

- WATER WILL BE USED FOR **Enhancement of fish and wildlife habitat pursuant to Section 1707. We are seeking to change the entire licensed amount of 2.00 cfs.**

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.
NA.
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. **No known persons are taking water from Lagunitas Creek between the old points of diversion and confluence with Tomales Bay. No known persons will be affected by this change.**

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.

Wm. R. Hansen

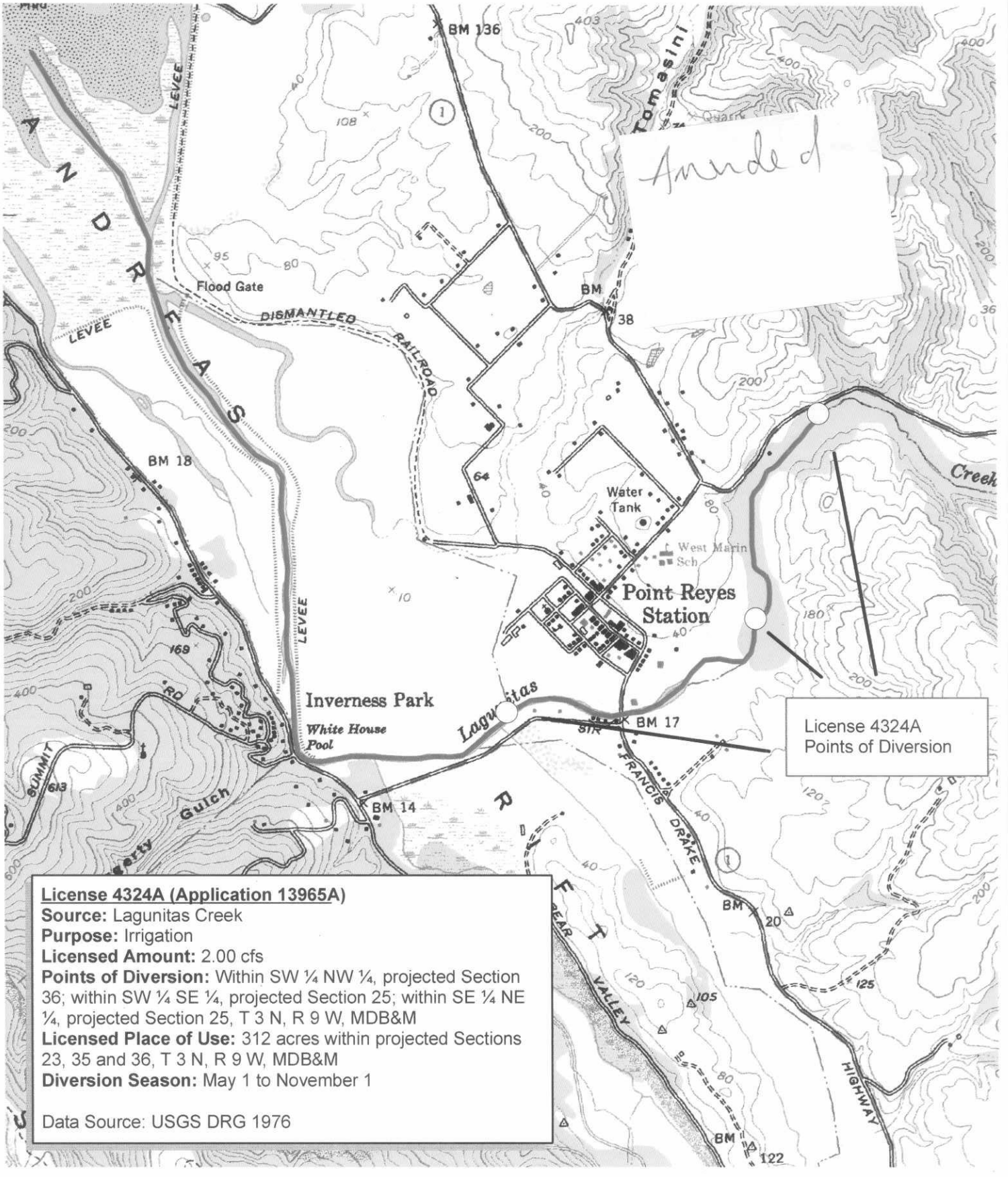
William R. Hansen
Acting Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

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.

09-00-2010: Map of Points of Diversion

Point Reyes National Seashore
California

National Park Service
U.S. Department of the Interior



License 4324A (Application 13965A)
Source: Lagunitas Creek
Purpose: Irrigation
Licensed Amount: 2.00 cfs
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
Licensed Place of Use: 312 acres within projected Sections 23, 35 and 36, T 3 N, R 9 W, MDB&M
Diversion Season: May 1 to November 1

Data Source: USGS DRG 1976

0 750 1,500 3,000 4,500 Feet

Produced by Natural Resource GIS Program

September 2010

FILE: License4324A.mxd

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2009

Primary Owner: US National Park Service - Point Reyes National Seashore
Application Number: A013965A
License Number: 004324A
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	No
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	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

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

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	

Conjuctive 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
This right is no longer used in support of irrigation, but is presently used by fish and wildlife. NPS has filed a petition to change this right pursuant to section 1707 of the California Water Code, in conjunction with the Giacomini Wetlands Restoration Project.

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: A013965A
License Number: 004324A
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	No
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	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

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

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	

Conjuctive 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
This right is no longer used in support of irrigation, but is presently used by fish and wildlife. NPS has filed a petition to change this right pursuant to section 1707 of the California Water Code, in conjunction with the Giacomini Wetlands Restoration Project.

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: A013965A
License Number: 004324A
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	No
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	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	8.2	8.2
May	48.6	48.6
June	130.6	130.6
July	135.8	135.8
August	146.0	146.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	469.2	469.2

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

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	

Conjuctive 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
This right is no longer used in support of irrigation, but is presently used by fish and wildlife. NPS has filed a petition to change this right pursuant to section 1707 of the California Water Code, in conjunction with the Giacomini Wetlands Restoration Project.

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

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

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

415 463-8132

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

MAR 15 2010

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

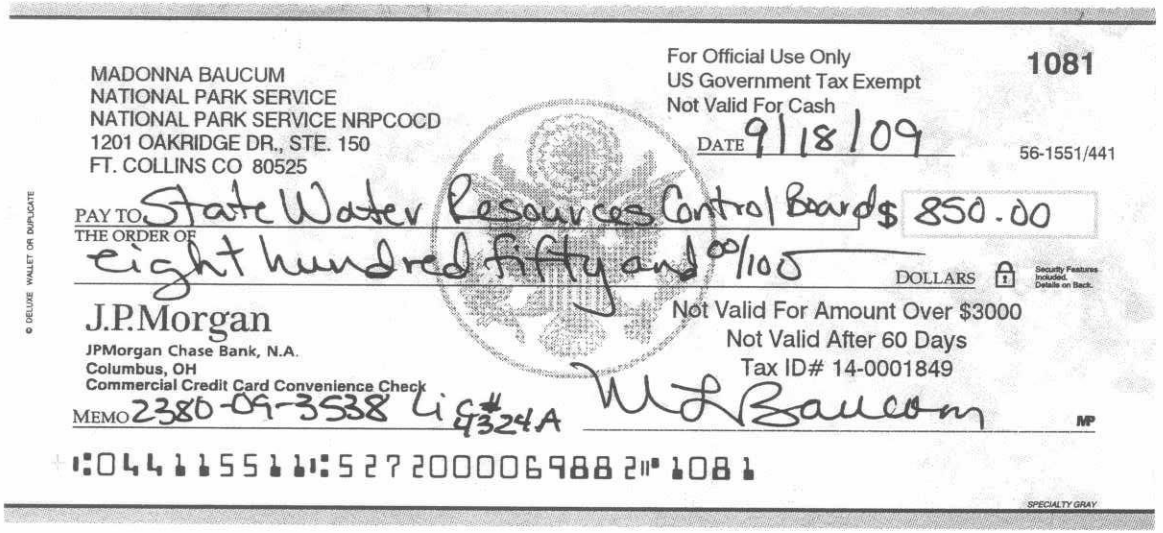
above fees, all active applications, petitions for change, permits and licenses may be subject to annual fees. These fees are based upon the acre-foot per annum requested under the application or authorized under the permit or license. If a fee is required, the Division will calculate the annual fee, 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



MADONNA BAUCUM
NATIONAL PARK SERVICE
NATIONAL PARK SERVICE NRPCOCD
1201 OAKRIDGE DR., STE. 150
FT. COLLINS CO 80525

For Official Use Only
US Government Tax Exempt
Not Valid For Cash

1081

DATE 9/18/09

56-1551/441

PAY TO THE ORDER OF State Water Resources Control Board $ 850.00

eight hundred fifty and 00/100 DOLLARS

Security Features Included. Details on Back.

J.P.Morgan
JPMorgan Chase Bank, N.A.
Columbus, OH
Commercial Credit Card Convenience Check

Not Valid For Amount Over $3000
Not Valid After 60 Days
Tax ID# 14-0001849

MEMO 2380-09-3538 Li #4324A

M L Baucom

MP

⑆044115511⑆ 527200006988 2⑈ 1081

SPECIALTY GRAY

© DELUXE WALLET OR DUPLICATE

09-18-2009: Check to the State Resources Control Board

Form DI-1
(Rev. 1/25/05)
(modified by NPS/WRD)

UNITED STATES
DEPARTMENT OF THE INTERIOR
REQUISITION

☐ 2380-WRB1-NWZ WRB OPERATIONS		REQUISITION NO. 2380-09- 3538
☒ 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 | 3RD PARTY DRAFT

VENDOR: (name, address, phone number)	DELIVER TO:
State Water Resources Control Board PO Box 2000 Sacramento, CA 95812-2000 (916) 341-5300	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. 4324A. JUSTIFICATION: Change water right to meet park purposes. (Point Reyes National Seashore)	1	1	850.00	850.00
	TOTAL				$ 850.00

TO BE COMPLETED BY FISCAL AUTHORITY ONLY

FUND CERTIFICATION: Funds in the amount shown are available and chargeable to the cost authorities shown above.

Requisitioned by (Signature) Eric H. Ladd	Date 9-4-09	Approved by (Signature)	Date 9/4/09
TITLE Water Rights Specialist		TITLE Charles W. Pettee, Chief, Water Rights Branch	
M L Bauer 9/18/09		Bureau Officer (Signature)	Date
		TITLE Chief, Water Resources Division	

C: FLORA/MY FILES/DI-1FORM.DOC

United States Department of the Interior

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

October 27, 2009

IN REPLY REFER TO:
L54 (2380)
PORE/Water Rights

Mr. Phil Crader
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, California 94812

Re: Petitions Pursuant to California Water Code § 1707
(Licenses 4324A, 9730, 3800, 3827)

Dear Mr. Crader:

Please find enclosed four petitions to change water rights pursuant to California Water Code § 1707. All four licenses are located within Point Reyes National Seashore and seek to enhance the flow of two creeks—Lagunitas and Olema creeks—for the benefit of fish and wildlife.

We have been working with Katy Washburn and Angela Nguyen-Tan of your office. They have provided valuable input and assistance as we have prepared the petitions. They were also able to come to the park for a site visit in May 2009 and are thus familiar with the creeks and subject water rights.

The appropriate fees are attached to each petition. The California Department of Fish and Game has waived the Fish and Game filing fee pursuant to Pubic Resources Code § 10005(d)(4). Consequently, no fee payment for the Fish and Game filing fee is enclosed. A copy of the fee waiver is attached. Charles Armor, the Regional Manager for the Bay Delta Region of the Department of Fish and Game, filed the original fee waiver with your office by memo dated September 24, 2009.

We appreciate the time and consideration of your staff to these petitions. If you have questions, please contact Eric Lord of my staff at (970) 225-3526.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures (5)

State of California
Department of Fish and Game

Flex your POWER

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

<html><body>08-06-2009: Letter to Dept of Fish & Game from Chief, WRB regarding Request for fee waiver

</body>
</html>

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

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

Return completed Report to:

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

A013965A%L%2009

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

PoRE

OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct.
U S NATIONAL PARK SERVICE

Giacomini - Lagunitas

APPLICATION NO: A013965A

LICENSE NO: 004324A
CONTACT PHONE NO: 970-225-3506

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FORT COLLINS, CO 80525

Ceased dairy ops Spring '07

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed)	POD PARCEL NO	COUNTY LOCATION
LAGUNITAS CREEK		Marin
LAGUNITAS CREEK		Marin
LAGUNITAS CREEK		Marin

MAX DIRECT DIVERSION RATE: 2 Cubic Feet per Second
MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT
WATER RIGHT FACE VALUE: 733.9 AC-FT

LICENSED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Irrigation	312.0	5/1 to 11/1	
Irrigation	0.0		

[ ] 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			
4.f. Municipal – approx. population served			
4.g Domestic – specify no. of persons, lawn/garden area			
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 [X] acre-feet or [ ] million gallons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	8.20	48.6	130.6	135.8	146.-	95.0	48.0	4.20	0	616.4
2008													
2009													

AMOUNT OF WATER BENEFICIALY 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: A013965A

Password: 4M6R7J

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. A013965A

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 appropriative 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 appropriative 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)

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 A13965A **Permit 008632** **License 004324A** 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: **SW ¼ NW ¼, Projected Section 36, T 3 N, R 9 W, M.D.B.M.**
Proposed: **NA.**

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)
Present: **312 acres located within Projected Sections 26, 35 and 36, T3N, R9W, M.D.B.&M.**
Proposed: **Stream segment from point of diversion to mouth of creek, as highlighted on attached map.**

Purpose of Use
Present: **Irrigation (May 1 – November 1).**
Proposed: **Enhance habitat, fish and wildlife resources, and 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: **Realign water right to benefit Park mission, including enhancing fish and wildlife habitat, and recreation.**

- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? **Yes.**
  There are three Points of Diversion for this water right. Prior owner of this right—Waldo Giacomini and his successors— maintained an intake on Marin County parcel 119-240-67 for use on parcel 119-04-26. Following SWRCB Decision 95-17 which determined that the seasonal summer dam erected to maintain this water right affected coho salmon and steelhead trout, an upstream point of diversion was added. This point of diversion on Lagunitas Creek was from a surface flow influenced well (Downey Well) operated by North Marin Water District. The original structures associated with the original surface point of diversion (APN 119-240-67) were removed as part of the Giacomini Wetlands Restoration Project. The North Marin Water District is currently evaluating closure of the Downey Well through a separate CEQA process.

- WATER WILL BE USED FOR **Enhancement of fish and wildlife habitat pursuant to Section 1707. We are seeking to change the entire licensed amount of 2.00 cfs.**

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.
NA.

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. **No known persons are taking water from Lagunitas Creek between the old point of diversion and confluence with Tomales Bay. No known persons will be affected by this change.**

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

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.

See Attachment No. 1

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*** If YES, check appropriate box below: *** Liz Lewis, Marin County Public Works (415) 499-7226**

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: **This action was included in the Giacomini EIS/EIR. All actions identified under Alternative D of the EIS/EIR were permitted. Permitting agencies include: California Coastal Commission, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, and State Historic Preservation Office.**

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. All restoration activities associated with the removal of the downstream Point of Diversion were completed as part of the Giacomini Wetland Restoration Project. This request is specific to the water rights license.**
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. The CDFG issued Streambed Alteration Agreement 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code on May 30, 2008 (see attached State Clearing House File)**

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? **YES**
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: **This conversion, and all associated restoration actions at the POD were included in the Giacomini Wetland Restoration EIS/EIR. The California State Lands Commission (CSLC) was the state CEQA lead on this project. The CSLC**

certified this EIR at their June 28, 2007 meeting, and the Notice of Determination was submitted to the State Clearing House on July 9, 2007.

See Attachment No. **2**

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

* 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. All physical changes associated with this petition have already been done as part of the Wetlands Project.

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? **NA**

_____

See Attachment No. ___

6. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? **SHPO determination completed for the Giacomini Wetland Restoration EIS/EIR.**
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. Pettee
Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

Attachment No. 1

The National Park Service (NPS) acquired this water right in conjunction with land purchased from Waldo Giacomini. License No. 4324 was divided between Waldo Giacomini and his successors and the North Marin Water District prior to the time of purchase. At the time of purchase, the National Park Service received License 4324A (2.00 cfs). The North Marin Water District maintains License 4324B (0.67 cfs).

The grantor of the land and water right, Waldo Giacomini, reserved the right to continue use of this License No. 4324A through August 2007 in support of his dairy and cattle operation. Diversion of water pursuant to this License ceased August 2007; thereafter the water was allowed to remain in the stream.

NPS desires to change the use of this License pursuant to Section 1707. Most of the land acquired from Mr. Giacomini has been restored to active floodplain or wetlands as part of the Giacomini Wetland Restoration Project. The impacts of this Project are addressed in the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007). The conversion of License 4324A to instream flow was identified in the Giacomini EIS/EIR. The National Park Service Record of Decision for the Giacomini Wetland Restoration was signed August 16, 2007. The California State Lands Commission, the lead CEQA agency, voted to certify the EIR on June 28, 2007. The Notice of Determination was filed at the California State Clearing House on July 9, 2007.

There will be no construction or re-grading as a result of this petition. All physical work, including removing of diversion structures, was completed during the fall of 2008 as part of the Giacomini Wetland Restoration.

Attachment No. 2

A hard copy of the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007) has been provided to staff of the State Water Resources Control Board.

The Notices of Determination are attached.



Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

Project Description

Restoration of wetlands and riparian areas through removal of levees along Lagunitas Creek, removal of invasive species, planting of native species, excavation of tidal channels, realignment of Tomasini Creek, and other means.

Project Lead Agency

California State Lands Commission

Contact Information

Primary Contact:
Joel Gerwein
California State Coastal Conservancy
510-286-4170
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the ☐ Lead Agency ☒ Responsible Agency California State Coastal Conservancy has approved the project described above on 9/20/2007 and has made the following determinations regarding the project described above.

1. The project ☐ will ☒ will not have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: http://www.nps.gov/pore/planning_giacomni_wrp.htm

Date Received: 11/5/2007

CEQAnet HOME | NEW SEARCH



Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

Project Description

The National Park Service (NPS), Point Reyes National Seashore, is proposing to restore natural hydrologic processes and wetland functions to significant portions of the project area known as the Giacomini Ranchand Olema Marsh. The stated purpose of this large scale restoration project is to "promote restoration of ecological processes and functions" within the project area and adjoining watersheds. By a combination of actions including removal of levees, tide gates, and culverts, floodwaters of Lagunitas and other Project Area creek that carry sediment, nutrients, and other pollutants will be able to flood onto historic floodplains to be filtered and transformed by the restored wetlands. The California Department of Fish and Game (DFG) is executing Lake and Streambed Alteration Agreement Number 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code to the project Applicant, Don Neubacher, Point Reyes National Seashore, National Park Service.

Project Lead Agency

California State Lands Commission

Contact Information

Primary Contact:
Jeremy Sarrow
Department of Fish and Game
707 944-5573
Bay Delta Region
P.O. Box 47
Yountville, CA 94599

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the ☐ Lead Agency ☒ Responsible Agency DFG has approved the project described above on 5/28/2008 and has made the following determinations regarding the project described above.

1. The project ☐ will ☒ will not have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☐ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: Point Reyes National Seashore National Park Services 1 Bear Valley Road Point Reyes Station, CA 94956

Date Received: 5/30/2008

CEQAnet HOME | NEW SEARCH



Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

Project Description

Application for a new General Lease - Public Agency Use for the Giacomini Wetland Restoration Project.

Project Lead Agency

California State Lands Commission

Contact Information

Primary Contact:
Eric L. Gillies
California State Lands Commission
(916) 574-1897
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

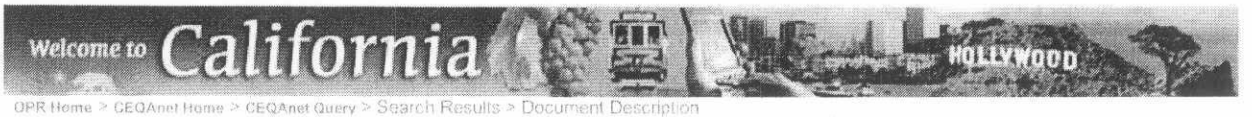
This is to advise that the ☒ Lead Agency ☐ Responsible Agency California State Lands Commission has approved the project described above on 6/28/2007 and has made the following determinations regarding the project described above.

1. The project ☒ will ☐ will not have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: California State Lands Commission

Date Received: 7/9/2007

CEQAnet HOME | NEW SEARCH



Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

Project Description

This project will restore and enhance riparian and wetland habitat for fish and wildlife species, on 556+\- acres of lands adjacent to the south and southeastern edge of Lagunitas Creek on Giacomini Ranch property.

Project Lead Agency

California State Lands Commission

Contact Information

Primary Contact:
Bonnie Turner
Department of Fish and Game Wildlife Conservation Board
916 445-8448
1807 13th Street, Suite 103
Sacramento, CA 95811-7137

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the ☐ Lead Agency ☒ Responsible Agency Wildlife Conservation Board has approved the project described above on 8/28/2008 and has made the following determinations regarding the project described above.

1. The project ☒ will ☐ will not have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: California State Lands Commission 100 Howe Avenue, Suite 100 South Sacramento, CA 95825-8202

Date Received: 8/29/2008

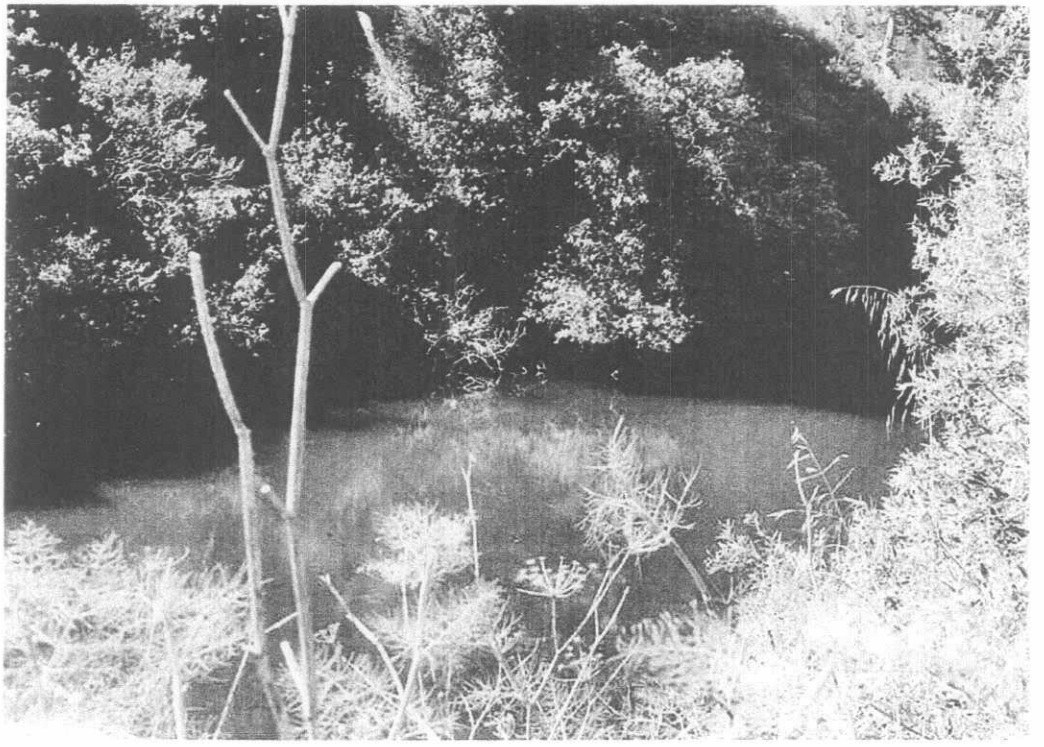
CEQAnet HOME | NEW SEARCH

<html><body>08-00-2009: Images & maps of point of diversion

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License 4324A
Lagunitas Creek

Looking downstream from
Point of Diversion



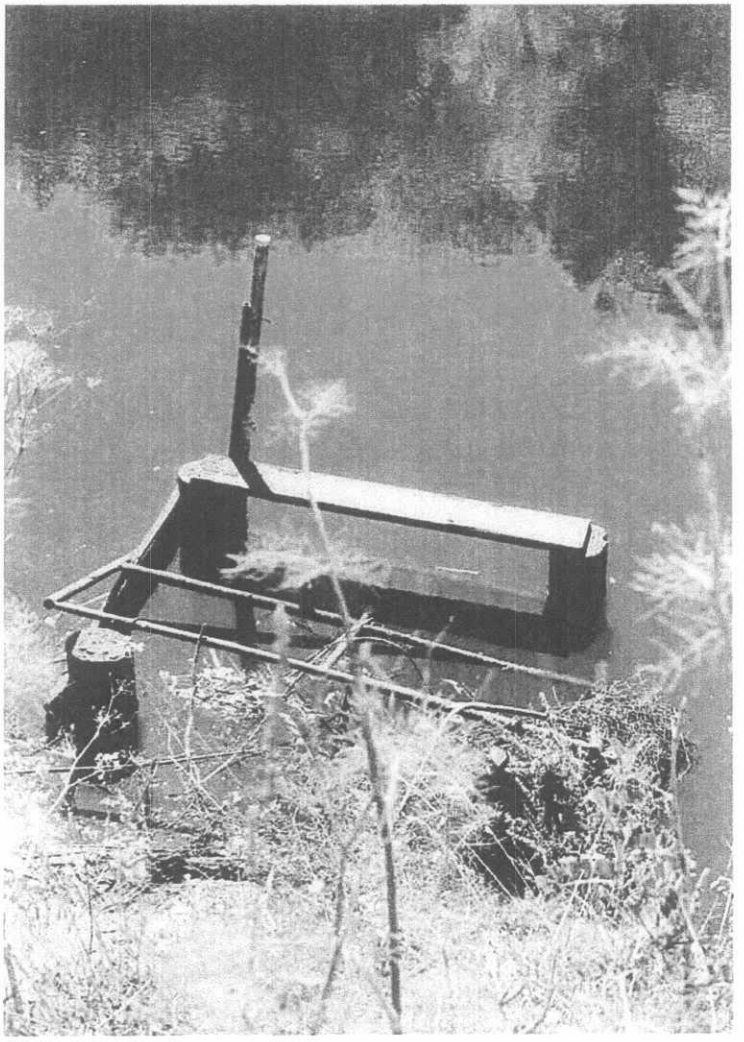
June 2005

<html><body>08-00-2009: Images & maps of point of diversion, cont

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</html>

License 4324A
Lagunitas Creek

Point of Diversion
(diversion facilities have
since been removed)



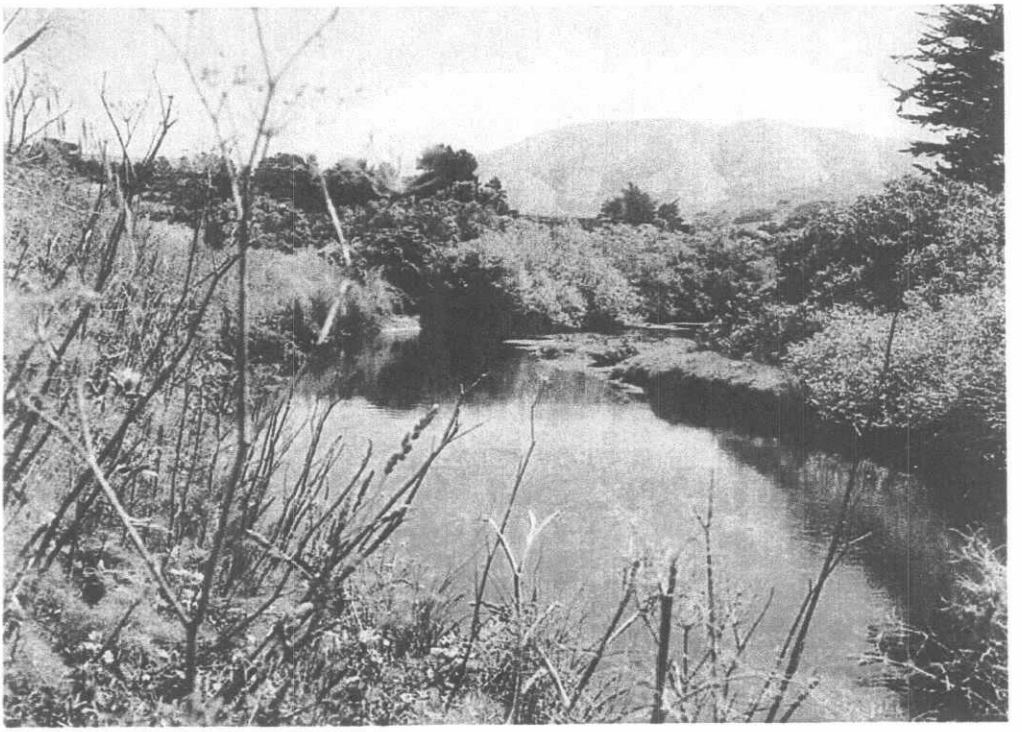
June 2005

<html><body>08-00-2009: Images & maps of point of diversion, cont

</body>
</html>

License 4324A
Lagunitas Creek

Looking upstream from
Point of Diversion



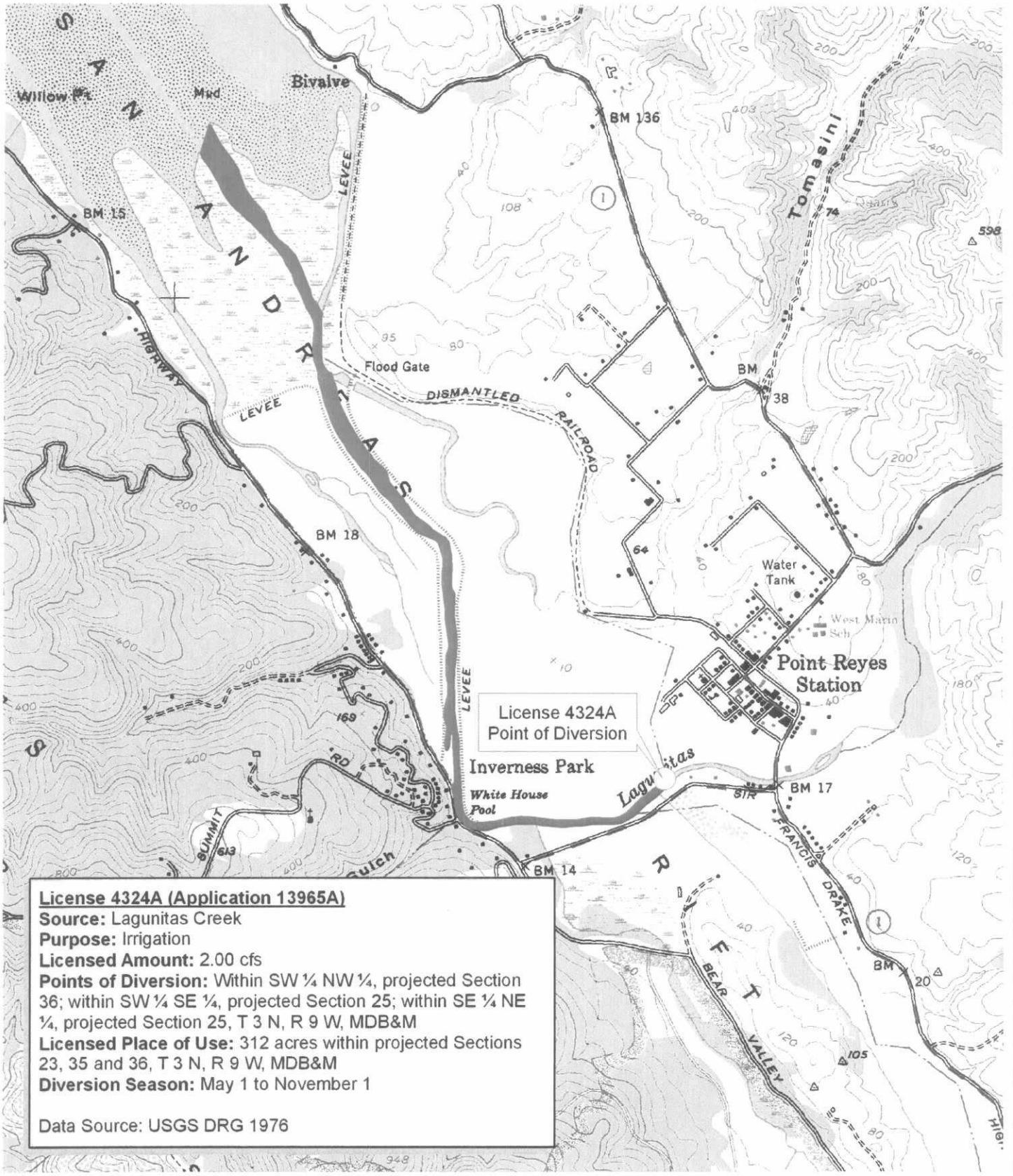
June 2005

<html><body>08-00-2009: Images & maps of point of diversion, cont

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Point Reyes National Seashore
California

National Park Service
U.S. Department of the Interior



License 4324A (Application 13965A)
Source: Lagunitas Creek
Purpose: Irrigation
Licensed Amount: 2.00 cfs
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
Licensed Place of Use: 312 acres within projected Sections 23, 35 and 36, T 3 N, R 9 W, MDB&M
Diversion Season: May 1 to November 1

Data Source: USGS DRG 1976

Produced by Natural Resource GIS Program

August 2009

FILE: License4324A.mxd

<html><body>08-00-2009: Images & maps of point of diversion, cont

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POINT REYES NATIONAL SEASHORE

Coordinates: Points of Diversion

(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

Y324A

Return completed report to: STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR

YEARS: 2005-2007

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

Point Reyes National Seashore
1 Bear Valley Road
Point Reyes, CA 94956

APPLICATION NO.: A013965
LICENSE NO.: 4324A
CONTACT PHONE NO.: (415)464-5100

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525
(970) 225-3526

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed): Lagunitas Creek
PARCEL NO:
COUNTY LOCATION: Marin

MAX DIRECT DIVERSION RATE: 2.0 cfs
[Cubic feet per second (CFS) or Gallons per day (GPD)]

MAX COLLECTION TO STORAGE AMOUNT: NA
[Total reservoirs(s) storage volume in acre-feet (AC-FT)]

PERMITTED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Irrigation	312 acres	May 1 - November 1	NA

[ ] YES [X] 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. [X] YES [ ] NO I have currently reviewed my water right license.
2. [X] YES [ ] NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. [X] 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.*

DIRECT DIVERSION ONLY - AMOUNT OF WATER USED: Please report only the amounts diverted and beneficially used under this permit.

4. Amount of water used each month under this license in [ ] gallons or [X] acre-feet:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Annual
2005	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2		616.4
2006	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2		616.4
2007	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2		616.4

STORAGE PROJECTS ONLY: *(Note: Up to 5 reservoirs may be covered under a single license. Refer to your license for the actual number covered.) Complete for long-term storage projects only:*

NA

5. Did your reservoir(s) spill?			
6. If **No** on No. 5 above, how many feet vertically below the spillway was the water level(s) at maximum storage?			
7. Have you emptied the reservoir(s)?			
8. If **No** on No. 7 above, how many feet vertically below the spillway was the water level(s) at minimum storage?			

(Continues on reverse)

BENEFICIAL USE(S) OF WATER: *(Note: See reverse side for a summary of the beneficial uses of water authorized under your water right license.)* Under the appropriate boxes below, explain how the water was used each year:

Beneficial Use	2005	2006	2007
9. Irrigation – specify no. of acres irrigated	312	312	312
10. Frost Protection – specify no. of acres protected			
11. Heat Control – specify no. of acres protected			
12. Industrial – specify type			
13. Stockwatering – specify no. & type of animals			
14. Municipal – approx. population served			
15. Domestic – specify no. of persons, lawn/garden area			
16. Power Generation – installed capacity in kW, MW, or hp			
17. Recreational – specify (boating, fishing, water contact sports, etc.)			
18. Other – specify (Examples: fire protection, wildlife enhancement, dust control, snowmaking, mining, etc.)			

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 appropriative 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 appropriative 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)

19. [ ] YES [X] NO During the period covered by this Report, were you implementing any water conservation efforts? If **YES**, please describe:

20. 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.	NA		
Amount of water conserved. *Specify in acre-feet (AF) or million gallons (MG)*			

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

21. [ ] YES [X] 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?

22. 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.	NA		
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)

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

24. 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.	NA		
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.) This right was acquired by Point Reyes National Seashore as part of the Giacomini Wetlands Restoration Project. The land has been restored to wetlands. The consumptive use amounts reflect Mr. Giacomini's use

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

Signature: [signature] Date: 8/24/09 Phone No.: (415) 464-5100
LICENSEE (OR AGENT / DESIGNEE)

4324A

Return comp[illegible] Report to: STATE WATER RESOURCES CONTROL B[illegible]D
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR

YEARS: 2002-2004

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

Point Reyes National Seashore
1 Bear Valley Road
Point Reyes, CA 94956

APPLICATION NO.: A013965
LICENSE NO.: 4324A
CONTACT PHONE NO.: (415)464-5100

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525
(970)225-3526

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed): Lagunitas Creek

PARCEL NO:

COUNTY LOCATION: Marin

MAX DIRECT DIVERSION RATE: 2.0 cfs
[Cubic feet per second (CFS) or Gallons per day (GPD)]

MAX COLLECTION TO STORAGE AMOUNT: NA
[Total reservoirs(s) storage volume in acre-feet (AC-FT)]

PERMITTED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Irrigation	312 acres	May 1 - November 1	NA

[ ] YES [X] 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. [X] YES [ ] NO I have currently reviewed my water right license.
2. [X] YES [ ] NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. [X] 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.*

DIRECT DIVERSION ONLY - AMOUNT OF WATER USED: **Please report only the amounts diverted and beneficially used under this permit.**

4. Amount of water used each month under this license in [ ] gallons or [X] acre-feet:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Annual
2002	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.2	4.2	0	616.4
2003	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.2	4.2	0	616.4
2004	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.2	4.2	0	616.4

STORAGE PROJECTS ONLY: *(Note: Up to 5 reservoirs may be covered under a single license. Refer to your license for the actual number covered.) Complete for long-term storage projects only:*

NA

5. Did your reservoir(s) spill?			
6. If **No** on No. 5 above, how many feet vertically below the spillway was the water level(s) at maximum storage?			
7. Have you emptied the reservoir(s)?			
8. If **No** on No. 7 above, how many feet vertically below the spillway was the water level(s) at minimum storage?			

(Continues on reverse)

BENEFICIAL USE(S) OF WATER: *(Note: See reverse side for a summary of the beneficial uses of water authorized under your water right license.)*
Under the appropriate boxes below, explain how the water was used each year.

Beneficial Use	2002	2003	2004
9. Irrigation – specify no. of acres irrigated	312	312	312
10. Frost Protection – specify no. of acres protected			
11. Heat Control – specify no. of acres protected			
12. Industrial – specify type			
13. Stockwatering – specify no. & type of animals			
14. Municipal – approx. population served			
15. Domestic – specify no. of persons, lawn/garden area			
16. Power Generation – installed capacity in kW, MW, or hp			
17. Recreational – specify (boating, fishing, water contact sports, etc.)			
18. Other – specify (Examples: fire protection, wildlife enhancement, dust control, snowmaking, mining, etc.)			

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 appropriative 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 appropriative 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)
19. [ ] YES [X] NO During the period covered by this Report, were you implementing any water conservation efforts? If YES, please describe:

20. 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.	NA		
Amount of water conserved. *Specify in acre-feet (AF) or million gallons (MG)*			

WATER QUALITY AND WASTEWATER RECLAMATION: (Water Code section 1010)
21. [ ] YES [X] 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?

22. 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.	NA		
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)
23. [ ] YES [X] NO During the period covered by this Report, were you using groundwater in lieu of the surface water authorized under your license?

24. 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.	NA		
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.) This right was acquired by Point Reyes National Seashore as part of the Giacomini Wetlands Restoration Project. The land has been restored to wetlands. The consumptive use amounts reflect Mr. Giacomini's use

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

Signature: [signature] Date: 8/24/05 Phone No.: 415 464-5700
LICENSEE (OR AGENT / DESIGNEE)

4324A

Return completed report to: STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR

YEARS: 1999-2001

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

Point Reyes National Seashore
1 Bear Valley Road
Point Reyes, CA 94956

APPLICATION NO.: A013965
LICENSE NO.: 4324A
CONTACT PHONE NO.: (415)464-5100

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

Eric Lord
1201 Oak Ridge Drive Ste 250
Fort Collins, CO 80525
(970) 225-3526

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed)	PARCEL NO	COUNTY LOCATION
Lagunitas Creek		Marin

MAX DIRECT DIVERSION RATE: 2.0 cfs
[Cubic feet per second (CFS) or Gallons per day (GPD)]

MAX COLLECTION TO STORAGE AMOUNT: NA
[Total reservoirs(s) storage volume in acre-feet (AC-FT)]

PERMITTED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Irrigation	312 acres	May 1 - November 1	NA

[ ] YES [X] 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. [X] YES [ ] NO I have currently reviewed my water right license.
2. [X] YES [ ] NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. [X] 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.*

DIRECT DIVERSION ONLY - AMOUNT OF WATER USED: Please report only the amounts diverted and beneficially used under this permit.

4. Amount of water used each month under this license in [ ] gallons or [X] acre-feet:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Annual
1999	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2	0	616.4
2000	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2	0	616.4
2001	0	0	0	8.2	48.6	130.6	135.8	146.0	95.0	48.0	4.2	0	616.4

STORAGE PROJECTS ONLY: *(Note: Up to 5 reservoirs may be covered under a single license. Refer to your license for the actual number covered.)*
Complete for long-term storage projects only:

NA

5. Did your reservoir(s) spill?			
6. If **No** on No. 5 above, how many feet vertically below the spillway was the water level(s) at maximum storage?			
7. Have you emptied the reservoir(s)?			
8. If **No** on No. 7 above, how many feet vertically below the spillway was the water level(s) at minimum storage?			

(Continues on reverse)

BENEFICIAL USE(S) OF WATER: *(Note: See reverse side for a summary of the beneficial uses of water authorized under your water right license.)* Under the appropriate boxes below, explain how the water was used each year:

Beneficial Use	1999	2000	2001
9. Irrigation – specify no. of acres irrigated	3/2	3/2	3/2
10. Frost Protection – specify no. of acres protected			
11. Heat Control – specify no. of acres protected			
12. Industrial – specify type			
13. Stockwatering – specify no. & type of animals			
14. Municipal – approx. population served			
15. Domestic – specify no. of persons, lawn/garden area			
16. Power Generation – installed capacity in kW, MW, or hp			
17. Recreational – specify (boating, fishing, water contact sports, etc.)			
18. Other – specify (Examples: fire protection, wildlife enhancement, dust control, snowmaking, mining, etc.)			

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 appropriative 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 appropriative 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)

19. [ ] YES [X] NO During the period covered by this Report, were you implementing any water conservation efforts? If **YES**, please describe:

20. 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.	NA		
Amount of water conserved. *Specify in acre-feet (AF) or million gallons (MG)*			

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

21. [ ] YES [X] 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?

22. 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.	NA		
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)

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

24. 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.	NA		
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.) This right was acquired by Point Reyes National Seashore as part of the Giacomini Wetlands Restoration Project. The land has been restored to wetlands. The consumptive use amounts reflect Mr. Giacomini's use

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

Signature: D J Steinbach Date: 8/24/09 Phone No.: 415 464-5700
LICENSEE (OR AGENT / DESIGNEE)

13965

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 1996, 1997, 1998

OWNER OF RECORD: WALDO GIACOMINI

APPLICATION: A013965

WALDO GIACOMINI
PO BOX 85
POINT REYES STATION, CA 94956

LICENSE: 004324

TELEPHONE NUMBER:
(415) 663-1449

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

SOURCE:
LAGUNITAS CREEK

COUNTY:
MARIN

PURPOSE:
IRRIGATION

DIVERSION/STORAGE SEASON:
MAY 01 TO NOV 01 /

ACRES/HP:
175 AC

AMOUNT: 2.67 CFS AC-FT

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

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

HE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ].

OMPLETE 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
1996				✓	✓	✓	✓	✓	✓	✓			
1997				✓	✓	✓	✓	✓	✓	✓			
1998					✓	✓	✓	✓	✓	✓			

OMPLETE FOR STORAGE PROJECTS

	1996	1997	1998
3. Did your reservoir spill this year?	Not Applicable		
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?			

1998

SO AUG 26 1999

(continues on reverse side)

ATTACHMENT 1

USE (COMPLETE FOR ALL PROJECTS) (see page 1 for year of use)

7. Acreage irrigated.	175	175	175
8. Stockwatering - number of stock.	Dairy Cows	Dairy Cows	Dairy Cows
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 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: 6-26-99 Sign Here: Rick Koeman

LICENSEE (OR AGENT OR DESIGNEE)

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 1993, 1994, 1995

STATE WATER RESOURCES CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
96 JUL 23 PM 3:38

OWNER OF RECORD: WALDO GIACOMINI

APPLICATION: A013965

LICENSE: 004324

WALDO GIACOMINI
P O BOX ~~126~~ 85
POINT REYES STATION, CA 94956

TELEPHONE NUMBER:
(415) 663-1449

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

SOURCE:	COUNTY:
LAGUNITAS CREEK	MARIN

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
IRRIGATION	MAY 01 TO NOV 01 /	175 AC

AMOUNT: 2.67 CFS 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

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
1993	0	0	0	25	23	151	78	161	100	20	8	0	566
1994	0	0	0	0	20	91	162	109	94	36	0	0	512
1995	0	0	0	16	18	108	119	131	94	27	0	0	553 A.F.

COMPLETE FOR STORAGE PROJECTS

	~~1993~~	~~1994~~	~~1995~~
3. Did your reservoir spill this year?	Not Applicable		
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?			

(Continues on reverse side)

1995

MAR 5 1997 SO

4324A
1993-95

USE (COMPLETE FOR ALL PROJECTS) (see page 1 for year of use)

7. Acreage irrigated.	175	175	175
8. Stockwatering - number of stock.	Dairy Cow's	Dairy Cow's	Dairy Cow's
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 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)

STATE OF CALIFORNIA
PETE WILSON, Governor

STATE WATER RESOURCE' 'ONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

Mailing Ar s
DIVISION .' WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

(916) 657-1359

S876:

NOTICE OF PETITION FOR TEMPORARY URGENCY CHANGE,
TO ADD POINTS OF DIVERSION TO DEFER SUMMER DAM INSTALLATION,
UNDER APPLICATION 13965 (LICENSE 4324)

Notice is hereby given that on April 20, 1993

Waldo Giacomini
P.O. Box 126
Point Reyes Station, CA 94956

filed a Petition for Temporary Urgency Change, under Section 1435 et seq. of the California Water Code, with the State Water Resources Control Board (State Water Board). The petitioned change would temporarily add two points of diversion to License 4324 during the May 1, 1993 through October 27, 1993 period.

The additional points of diversion are upstream of Giacomini's authorized point of diversion on Lagunitas Creek, and are wells controlled by the North Marin Water District (District). The wells are located behind the U.S. Coast Guard Housing Facility and at the "Old Downey" site. The District owns the Downey site, but does not use the well for community water supply because it draws water from Lagunitas Creek and is vulnerable to contamination.

The proposed change would defer the need to install a summer-time salinity barrier dam in Lagunitas Creek, which protects Giacomini's irrigation supply from salinity intrusion. The water is used for pasture irrigation. The temporary change would allow the unimpeded out-migration of any late-running salmonid smolts.

WATER RIGHTS TO BE TEMPORARILY CHANGED:

The authorized point of diversion under the license is located on Lagunitas Creek tributary to Tomales Bay, in Marin County: within the SW¼ of NW¼ of projected Section 36, T3N, R9W, MDB&M: California Coordinate System, Zone 3, N 578,000, E 1,335,200. The water right allows the diversion of up to 2.67 cubic feet per second, from May 1 to November 1, to irrigate up to 175 acres of land, described as follows: 115 acres, within projected Section 35, T3N, R9W, MDB&M; and 60 acres, within projected Section 36, T3N, R9W, MDB&M.

The proposed temporary urgency change would add points of diversion from Lagunitas Creek tributary to Tomales Bay, in Marin County; and are described as follows:

1. The "Coast Guard Well," located within the SW¼ of SE¼ of Section 25, T3N, R9W, MDB&M (pursuant to Statement of Water Diversion and Use No. 8763); and

2. The "Downey Well," located within the SE¼ of NE¼ of Section 25, T3N, R8W, MDB&M.

PURPOSE AND DETAILS OF THE TEMPORARY CHANGE:

This project is an experiment that involves temporary above-ground installation of approximately 1 mile of 8-inch pipe connecting the existing Giacomini Ranch irrigation system headworks to the District's existing upstream wells. The project would provide a temporary alternative means of delivering irrigation water to the existing Giacomini Ranch irrigation system so that installation of the annual Giacomini summer dam can be deferred until late spring to enable potentially late-running out-migrating salmonid smolts to pass downstream to Tomales Bay unimpeded by the dam. Beach seining (fine mesh nets) would be conducted to determine if, and to what extent, the smolt out-migration continues past mid-May, the time the summer dam is normally installed each year.

STATUTORY PROVISIONS WHICH APPLY TO TEMPORARY URGENCY CHANGES:

The State Water Board is authorized to issue temporary urgency change orders under Sections 1435 through 1442 of the California Water Code. To approve the petitioned change, the State Water Board, must find the following:

1. The petitioner has an urgent need to make the proposed change;

2. The proposed change may be made without injury to any other lawful user of water;

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and

4. The proposed change is in the public interest.

Any such order shall be subject to prior rights and shall not result in the creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the State Water Board.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

After consultation with responsible agencies, the District, the lead agency pursuant to the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.), has determined that the proposed project will not have a significant effect on the environment and an Environmental Impact Report will not be required. The Initial Study and Determination to Prepare a Negative Declaration, and a detailed plan view of the proposed project are available by calling the District at (415) 897-4133. If you have information not covered in the District's environmental document which indicates that the project will have a significant effect on the environment, please sent this information immediately to Mr. Michael Falkenstein, MF:13965, P.O. Box 2000, Sacramento, CA 95812-2000; or at the FAX number listed below. Such information will be reviewed in accordance with CEQA.

NOTE: The District has scheduled a public hearing on May 4, 1993 at 8:30 p.m. at 999 Rush Creek Place, Novato, California on its proposed Negative Declaration for the project.

RELATIVE TO OBJECTIONS:

Objection(s) to approval of the proposed temporary urgency change must be filed by 4:00 p.m. on May 5, 1993 with a brief statement of fact(s) supporting the objection(s). Fax copies may be sent to (916) 657-1485, but the original must also be submitted to the State Water Board.

Objection(s) to the proposed change(s) must be based on the following: an allegation that there is no urgency, that the proposed change(s) would injure vested right(s), is not in the public interest, would have an adverse environmental impact, would be contrary to law, or is not within the State Water Board's jurisdiction. The objection(s) must be sent to the following parties:

Edward C. Anton, Chief
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

North Marin Water District
c/o Mr. John Nolan
P.O. Box 146
Novato, CA 94948-0146

Waldo Giacomini
P.O. Box 126
Point Reyes Station, CA 94956

Questions concerning this notice may be directed to Bert Parkinson at (916) 657-1926.

EDWARD C. ANTON, Chief
Division of Water Rights

Date: April 23, 1993

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition for Temporary Urgency Change for License 4324 (Application 13965) WALDO GIACOMINI, Licensee	ORDER: WR 94-3 SOURCE: Lagunitas Creek COUNTY: Marin

ORDER APPROVING TEMPORARY URGENCY CHANGE
ADDING TWO POINTS OF DIVERSION TO LICENSE 4324
TO DEFER SUMMER DAM INSTALLATION

BY THE BOARD:

1.0 **INTRODUCTION**

Waldo Giacomini having filed a Petition for Temporary Urgency Change pursuant to Water Code Section 1435 et seq. with the State Water Resources Control Board (SWRCB) on April 1, 1994; notice to all interested parties having been given on April 6, 1994 pursuant to Water Code Section 1438(b); available records, files, and decisions which relate to the rights of other legal users of water having been reviewed pursuant to Water Code Section 1437; consultation with representatives of the California Department of Fish and Game (DFG) having occurred on April 18, 1994, pursuant to Water Code Section 1437; the SWRCB having adequate information in its files to make the findings required by Water Code Section 1435(b); the SWRCB finds as follows:

2.0 SUBSTANCE OF PETITION

The proposed change would temporarily add two points of diversion to License 4324 during the May 4, 1994 through October 31, 1994 period. The additional points of diversion are upstream of Giacomini's authorized point of diversion on Lagunitas Creek and are wells controlled by the North Marin Water District (District). The wells are located behind the U.S. Coast Guard Housing Facility (0.9 miles upstream of the authorized point of diversion) and at the "Old Downey" site (1.5 miles upstream of the authorized point of diversion) near Point Reyes Station.

The proposed change would defer for approximately one month the need to install a summer-time salinity barrier dam in Lagunitas Creek to protect Giacomini's irrigation supply from salinity intrusion. The water is used for pasture irrigation. The proposed change would also allow the unimpeded outmigration of salmonid smolts.

3.0 SUBSTANCE OF LICENSE 4324 (APPLICATION 13965)

The authorized point of diversion under License 4324 is located on Lagunitas Creek tributary to Tomales Bay, in Marin County within the SW¼ of the NW¼ of projected Section 36, T3N, R9W, MDB&M; California Coordinate System, Zone 3, N 578,000, E 1,335,200.

License 4324 authorizes the diversion of up to 2.67 cubic feet per second (cfs), from May 1 to November 1, to irrigate up to 175 acres of land, described as follows: 115 acres within projected Section 35, T3N, R9W, MDB&M; and 60 acres within projected Section 36, T3N, R9W, MDB&M.

4.0 REASON FOR DEFERRING INSTALLATION OF SUMMER DAM

On May 11, 1987, the U.S. Army Corps of Engineers (Corps) issued to Waldo Giacomini a five year permit (Permit No. 16700N63) to construct a summer dam across Lagunitas Creek. The Corps permit authorizes the dam to be installed on May 15 of each year. Mr. Giacomini is now in the process of reapplying for a Corps permit for the summer dam. Concerns have been raised that the dam may have an adverse impact on the salmon population of Lagunitas Creek if it is constructed before the end of the smolt outmigration period.

The proposed change involves temporary above-ground installation of approximately 1 mile of 8-inch pipe connecting the existing Giacomini Ranch irrigation system headworks to the District's existing upstream wells. The proposed project would provide a temporary alternative means of delivering irrigation water to the existing Giacomini Ranch irrigation system so that installation of the annual Giacomini summer dam can be deferred to allow

outmigrating salmonid smolts to pass downstream to Tomales Bay unimpeded by the dam.

5.0 OBJECTIONS TO THE PETITION

On April 6, 1994, notice of the petition for the temporary urgency change was mailed to interested parties. The final date for filing objections to the petition was April 18, 1994.

On April 18, 1994, Ronald L. Johnson, General Manager of Marin Municipal Water District (MMWD) filed a letter which stated that although MMWD does not object to the proposed change, it suggests that the proposed change should be made permanent or should at least remain in effect until the studies concerning the impacts of the timing of dam placement are complete. MMWD believes that the practice of issuing temporary urgency change orders each year is not a reasonable or logical approach to addressing conditions on lower Lagunitas Creek.

The SWRCB agrees with MMWD's suggestion that issuing temporary urgency change orders each year for the same change is not appropriate. This is the second year that a temporary urgency change order will be approved for the addition of two points of diversion to License 4324. While the SWRCB does not believe that this petition should be denied, continuing to approve the same change

on an urgency basis in future years, in the absence of a petition for a permanent or long-term change, would not be appropriate. Water Code Section 1435(c) requires that Mr. Giacomini exercise due diligence in petitioning for a permanent change under the circumstances present in this case. This order requires that if there is a substantial likelihood that Mr. Giacomini will want to use these two points of diversion in future years, Mr. Giacomini must file a petition to add these two points of diversion to License 4324 permanently.

No other comments or objections were received.

6.0 COMPLIANCE WITH WATER CODE SECTION 1435(b)

To approve a petition for temporary urgency change the SWRCB must find that:

1. The licensee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest.

6.1 **URGENT NEED FOR THE PROPOSED CHANGE**

"Urgent need" is defined in Water Code Section 1435(c) to mean:

> "[T]the existence of circumstances from which the board may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented; except that the board shall not find a petitioner's need to be urgent if the board in its judgment concludes, if applicable, that the petitioner has not exercised due diligence either (1) in petitioning for a change pursuant to provisions of this division other than this chapter, or (2) in pursuing that petition for change."

The summer dam is installed every year on approximately May 15. Mr. Giacomini has an urgent need to change the point of diversion specified in License 4324 if he is to proceed with his proposed project and defer installation of the summer dam at this time. Timing is critical to the success of the emigration of smolts.

6.2 **EFFECT ON OTHER LAWFUL USERS OF WATER**

Harold F. Genazzi is the only known lawful user of water between the proposed points of diversion and the existing

point of diversion. He appears to have a riparian right and diverts water year round for stockwatering and domestic use (Statement of Water Diversion and Use No. S009542). He was notified by certified mail of the proposed change and did not object to it.

Mr. Giacomini's temporary alternative water distribution system to utilize water diverted from the proposed points of diversion is capable of diverting a maximum of approximately 1.4 cfs from Lagunitas Creek. Mr. Genazzi has a shallow offset well adjacent to Lagunitas Creek that can divert up to 0.67 cfs. However, according to the only record of Mr. Genazzi's use of water from this well, the 1977 Statement of Water Diversion and Use (No. S009542), his maximum use was only nine acre-feet for the year, or about 0.012 cfs on a daily basis. Therefore, the average daily demand from the Giacomini and Genazzi diversions would impact Lagunitas Creek by 1.41 to 2.07 cfs.

The following table identifies the flows in Lagunitas Creek as recorded by the U.S.G.S. streamflow measuring gage "Lagunitas Creek near Point Reyes Station" (locally known as "Gallagher Gage"). The record shows that the lowest flow of record for the May - June period during the last ten years was 5.9 cfs, recorded in June of 1987. Further, on April 14, 1994, Division of Water Rights

staff obtained the instantaneous flow measurement for Lagunitas Creek which was 14.0 cfs. This flow is higher than the flows of April 14, 1987 (11 cfs) and April 14, 1988 (13 cfs) and equal to the flows of April 14, 1990 and 1991, which indicates that the flow in Lagunitas Creek this year should be in the range of flows seen during 1990 and 1991.

U.S.G.S. Streamflow Gage

Lagunitas Creek Near Point Reyes Station

(CFS)

Year	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
May	19	9.8	9.0	7.5	7.5	8.1	9.2	9.0	11.0	9.7	**	04/14/94 14.0
June	12	5.5	6.9	6.5	5.9	6.8	7.3	8.5	9.0	7.2	**	

** -- Published records not available.

According to the streamflow data, the proposed change will not affect Mr. Genazzi's use of water under his riparian right because there is sufficient water available in Lagunitas Creek in the vicinity of Mr. Genazzi's point of diversion to accommodate the maximum diversions of both Mr. Genazzi and Mr. Giacomini.

Therefore, the proposed change will not injure any lawful user of water.

6.3 EFFECTS ON FISH, WILDLIFE, OR OTHER INSTREAM BENEFICIAL USES

The purpose of the proposed change is to allow outmigrating salmonid smolts passage downstream to Tomales Bay unimpeded by the dam. On April 18, 1994, Bill Cox, DFG Biologist, was consulted about effects of the proposed change on fish and wildlife. According to Mr. Cox, the delayed installation of the summer dam and the change in point of diversion will not adversely affect fish, wildlife, or other instream beneficial uses and may be beneficial to the salmon fishery of Lagunitas Creek. Further, the pipeline will not destroy any wetlands or riparian habitat.

The SWRCB finds that the delayed installation of the summer dam may be beneficial to the salmon fishery of Lagunitas Creek and that there are no unreasonable effects on fish, wildlife, or other instream beneficial uses caused by the proposed change.

6.4 PUBLIC INTEREST OF THE PROPOSED CHANGE

The summer dam may delay the emigration of salmonid smolts from Lagunitas Creek to Tomales Bay. By delaying the installation of the summer dam, the proposed temporary change will allow the smolts unimpeded passage

to Tomales Bay. The proposed temporary change is in accordance with the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable. Therefore, it is in the public interest to make the proposed change.

7.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

In accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.), the District prepared and circulated a Negative Declaration. The CEQA documents prepared by the District state that the duration of the project may be four years (1993-1996). The District approved and certified the Negative Declaration on May 4, 1993. A Notice of Determination was filed with the Marin County Clerk.

The SWRCB is a responsible agency for the proposed project. It has considered the Negative Declaration adopted by the District. No significant environmental effects were identified for the project.

8.0 CONCLUSIONS

1. Mr. Giacomini has an urgent need to make the proposed change.
2. The proposed change will not injure any other lawful user of water.

3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest and should be approved.

9.0 ORDER

NOW, THEREFORE, IT IS ORDERED THAT the Petition for Temporary Urgency Change to add two points of diversion is approved and is subject to the following terms and conditions:

1. Mr. Giacomini may temporarily divert water from two points of diversion from Lagunitas Creek tributary to Tomales Bay in Marin County. The points of diversion are described as follows:
   a. The "Coast Guard Well" located within the SW 1/4 of SE 1/4 of Section 25, T3N, R9W, MDB&M; and
   b. The "Downey Well" located within the SE 1/4 of NE 1/4 of Section 25, T3N, R8W, MDB&M.
2. This temporary change order is issued, and the licensee takes it subject to California Water Code, Division 2, Chapter 6.6, Section 1435 et seq. The temporary urgency change shall not result in creation of a vested right, even of a temporary nature, and shall be subject at all

times to modification or revocation at the discretion of the SWRCB.

3. This order shall be effective beginning on the date of its issuance and shall automatically expire 180 days after the date of its issuance.
4. Except as expressly provided herein, all terms and conditions of License 4324 shall remain in effect.
5. The place of use is limited to 175 acres of land, described as follows: 115 acres within projected Section 35, T3N, R9W, MDB&M; and 60 acres within projected Section 36, T3N, R9W, MDB&M.
6. If there is a substantial likelihood that Mr. Giacomini will be requesting this change in future years, he shall file a petition on or before August 1, 1994, to permanently add these two points of diversion to License 4324.
7. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB 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 SWRCB also may be exercised by imposing specific requirements over and above those contained in this order with a view to minimize waste of water and to meeting the reasonable water requirements of the licensee without unreasonable draft on the source.

CERTIFICATION

The undersigned, Administrative Assistant to the SWRCB, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 4, 1994.

AYE: John Caffrey
James M. Stubchaer
Marc Del Piero
Mary Jane Forster
John W. Brown

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché
Administrative Assistant to
the Board

RECEIVED
MAR 02 1994
NORTH MARIN WATER DISTRIC

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

NORTH MARIN WATER DISTRICT
P O BOX 146
NOVATO, CA 94948

STATEMENT NO: 008765

TELEPHONE NUMBER:
(415) 897-4133

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

SOURCE: LAGUNITAS CREEK (Coast Guard Wells)

TRIBUTARY TO: TOMALES BAY

COUNTY: MARIN

YEAR OF FIRST USE: 1944

DIVERSION
WITHIN: SW1/4 OF SE1/4 SECTION 25, T03N, R09W, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim _____; Pre 1914 right __X__; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ❑ Gallons ❑ Acre-feet ❑ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991	27.6	24.2	21.6	21.3	27.3	32.4	37.2	33.4	32.8	29.8	23.0	21.6	332.2
1992	21.6	18.6	21.3	22.1	30.2	32.1	34.3	36.3	34.1	27.5	17.7	18.7	314.5
1993	18.5	14.0	15.7	23.8	21.6	28.3	35.5	35.4	27.6	22.3	21.1	18.9	282.7

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic 1600 persons
Other (specify) minor commercial

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

JUL 1 1994
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO
8:00 AM

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

DATED: June 30, 19 94, at Novato, California

Signature: _____

John Olaf Nelson, General Manager

WR 40-I (1/94)
FOR0127R2

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

12-15-1991: Report of Licensee for 1989, 1990, 1991: Permit# , Application# A013965A, License# 004324A

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

STATE WATER RESOURCES CONTROL BOARD
1991 DEC 24 PM 2:31
DIV. OF WATER RIGHTS
SACRAMENTO

REPORT OF LICENSEE FOR 1989, 1990, 1991

OWNER OF RECORD:

WALDO GIACOMINI
P O BOX 120
POINT REYES STATION, CA 94956

APPLICATION: A013965

LICENSE: 004324

TELEPHONE NUMBER:
(415) 663-1449

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

SOURCE: LAGUNITAS CREEK

COUNTY: MARIN

PURPOSE: IRRIGATION

DIVERSION/STORAGE SEASON: MAY 01 TO NOV 01

ACRES/HP: 175.0 AC

AMOUNT: 2.670 CFS 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
1989					X	X	X	X	X	X			
1990					X	X	X	X	X	X			
1991													

COMPLETE FOR STORAGE PROJECTS

	1989	1990	1991
3. Did your reservoir spill this year?	Yes	Yes	Yes
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?	Yes	Yes	Yes
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	300	300	300
Crops grown			
8. Stockwatering — number of stock	400	400	400
kind of stock	Dairy cows	Dairy cows	Dairy cows
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".

JAN 22 1992 RM

(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 [X]; (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 [X]; (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 [X]; (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__ _____ 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 [X]; (3) discharged into settling ponds [ ]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [ ] NO [X].
(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 [X]. 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 [X].

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 [X]. 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: 12-15-91 Sign Here: Waldo Giannini
LICENSEE (AGENT OR DESIGNEE)

Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503
(916) 324-5076

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

NORTH MARIN WATER DISTRICT
P O BOX 146
NOVATO, CA 94948

STATEMENT NO: 008703

TELEPHONE NUMBER:
(415) 897-4133

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

SOURCE: LAGUNITAS CREEK

TRIBUTARY TO: TOMALES BAY

COUNTY: MARIN

DIVERSION
WITHIN: SW1/4 OF SE1/4 SECTION 25, T03N, R09W, MDB&M.

STATE WATER RESOURCES CONTROL BOARD
JUL 1 RECEIVED
1991

INSTRUCTIONS: Please complete Items A. B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	24	23	28	28	30	34	37	36	32	29	24	23	348
1989	20	19	21	22	27	27	28	35	28	23	19	20	289
1990	20.5	18.5	20.8	22.6	25.7	27.3	33.4	35.7	33.0	30.2	25.3	27.3	320.3

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic 1600± persons

Other (specify) Minor commercial

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

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

DATED: June 25, 1991, 19 ____, at Novato, California

Signature: David L. Bentley

David L. Bentley, Acting General Manager

WR 40-I (2/90)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

STATE WA... SOURCES CONT...
1989 JAN 19 PM 12:53
DIV. OF W... RIGHTS SACRAMENTO

REPORT OF LICENSEE FOR 1986, 1987, 1988

OWNER OF RECORD:

WALDO GIACOMINI
P O BOX 126
POINT REYES STATION, CA 94956

APPLICATION: A013965

LICENSE: 004324

TELEPHONE NUMBER: (415) 663 - 1449

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

SOURCE:	COUNTY:
LAGUNITAS CREEK	MARIN

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
IRRIGATION	MAY 01 TO NOV 01	175.0 AC

AMOUNT: 2.670 CFS 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
1986	0	0	0	0	-	-	-	-	-	-			
1987	0	0	0	0	100	148	160	180	104	76	13	0	781
1988	0	0	0	0	82	155	160	149	83	41	0	0	670

COMPLETE FOR STORAGE PROJECTS	1986	1987	1988
3. Did your reservoir spill this year?	Not applicable		
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	175		
Crops grown	Pasture		
8. Stockwatering — number of stock	Dairy cattle		
kind of stock			
9. Domestic — number of persons	No	SAME	SAME
garden area, etc.	No		
10. Recreational — nature of use	No		
11. Industrial — nature of use	No		
12. Municipal — approximate population	No		
13. Power generation — K.W.	No		
14. Other	No		

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".

MAR 28 1989 DM

WR-17 (7-87)

(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 [X]; (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__ _____ 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:
No erosion occurs

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [X]; (3) discharged into settling ponds [ ]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [ ] NO [X].
(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 [X]. 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 [X].

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 [X] NO [ ]. If yes, please describe. surplus returned to upper fields and used for re-irrigation

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? None

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs? already reusing

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it? No

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: Dec 30 - 1988 Sign Here: Waldo Tognini
LICENSEE (OR AGENT OR DESIGNEE)

01-12-1988: Supplemental Statement of Water Diversion and Use.

STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503
(916) 324-5676

DEC 18 1987

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

NORTH MARIN ~~COUNTY~~ WATER DISTRICT
P O BOX 146
NOVATO, CA 94948

STATEMENT NO: 008763

TELEPHONE NUMBER:
(415) 897-4133

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

SOURCE: LAGUNITAS CREEK

TRIBUTARY TO: TOMALES BAY

COUNTY: MARIN

DIVERSION
WITHIN: SW1/4 OF SE1/4 SECTION 25, T03N, R09W, MDB&M.

INSTRUCTIONS: Please complete Items A. B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1988. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1985	16.3	14.6	15.7	20.9	30.0	32.7	33.8	32.4	23.8	23.0	18.1	19.9	281.2
1986	18.7	18.8	20.2	24.8	31.8	34.7	41.9	36.8	27.2	26.1	23.0	16.9	320.9
1987	22.2	18.4	22.1	25.6	36.4	37.3	40.8	38.8	33.2	27.3	22.1	21.8	346.0

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic Approximate population 1500

Other (specify) _____

STATE WATER RESOURCES CONTROL BOARD
1988 JAN 15 PM 4:17
DIV. OF WATER RIGHTS
SACRAMENTO

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

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

DATED: January 12, 1988, at Novato, California

Signature: _____

John Olaf Nelson - General Manager

WR 40-1 (11/85)

1987

4324

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 4324 (Application 13965)
Waldo Giacomini

ORDER APPROVING SPLIT OF ORIGINAL LICENSE
AND AMENDING THE LICENSE

SOURCE: Lagunitas Creek

COUNTY: Marin

WHEREAS:

1. License 4324 was issued to Waldo Giacomini on April 24, 1956.

2. A request to split License 4324 was filed with the State Water Resources Control Board (SWRCB) on November 17,1999 and the SWRCB has determined that good cause for such division has been shown.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 4324 be replaced by License 4324A & 4324B.

2. License 4324 is hereby revoked upon the issuance of License 4324A issued to Waldo Giacomini and License 4324B issued to North Marin Water District.

3. Attached License 4324A and 4324B shall contain all other terms and conditions presently in License 4324 or updated terms to reflect compliance with the SWRCB's policy.

Dated: OCT 1 0 2000

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

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

License for Diversion and Use of Water

APPLICATION 13965 PERMIT 8632 LICENSE 4324

THIS IS TO CERTIFY, *That* Waldo Giacomini
Point Reyes
California

has made proof as of April 23, 1953, *(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of* Lagunitas (Daniels) Creek in Marin County

tributary to Tomales Bay

for the purpose of irrigation
under Permit 8632 *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* September 26, 1950; *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* two and sixty-seven hundredths (2.67) cubic feet per second to be diverted from about May 1 to about November 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is *located* north eighty three degrees west (N83°W), one thousand five hundred fifty-one (1,551) feet from the intersection of State Highway #1 and Point Reyes Station (Inverness) Road, being within SW¼ of NW¼ of projected Section 36, T3N, R9W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

115 acres within projected Section 35, T3N, R9W, MDB&M.
60 acres within projected Section 36, T3N, R9W, MDB&M.
175 acres total as shown on map on file with State Engineer.

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.

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 forms 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 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 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 24 *day of* April, 1956

HARVEY O. BANKS,
~~A. D. EDMONSTON,~~ *State Engineer*

By L. C. Jopson
Assistant State Engineer

LICENSE 4324

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Waldo Giacomini

DATED APR 24 1956

85367 8-53 3M SPO

4324

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Conditional Temporary Urgency Change Order for License 4324 (Application 13965)	)	ORDER: WR 93-7
	)	SOURCE: Lagunitas Creek
WALDO GIACOMINI, Licensee	)	COUNTY: Marin

ORDER VALIDATING THE ISSUANCE OF A CONDITIONAL TEMPORARY URGENCY CHANGE ORDER ADDING TWO POINTS OF DIVERSION

BY THE BOARD:

1.0 **INTRODUCTION**

Waldo Giacomini having filed a Petition for Temporary Urgency Change pursuant to Water Code Section 1435 et seq. with the State Water Resources Control Board (State Water Board) on April 20, 1993; Chief of the Division of Water Rights Edward C. Anton having reviewed available information and issued a conditional temporary urgency change order on May 11, 1993, subject to review and validation by the State Water Board within 30 days as provided by Water Code Section 1435(d); the State Water Board finds as follows:

2.0 **SUBSTANCE OF PETITION**

The proposed change would temporarily add two points of diversion to License 4324 from May 11, 1993 through October 27, 1993. The additional points of

diversion are upstream of Mr. Giacomini's authorized point of diversion on Lagunitas Creek and are wells controlled by the North Marin Water District (District). The wells are located behind the U.S. Coast Guard Housing Facility (0.9 miles upstream of the authorized point of diversion) and at the "Old Downey" site (1.5 miles upstream of the authorized point of diversion) near Point Reyes Station.

The proposed change would defer the need to install a summer-time salinity barrier dam in Lagunitas Creek to protect Mr. Giacomini's irrigation supply from salinity intrusion. The water is used for pasture irrigation. The proposed change would allow the unimpeded outmigration of salmonid smolts and would allow further study of the timing of the outmigration of the smolts.

3.0 ACTION BY THE CHIEF OF THE DIVISION OF WATER RIGHTS

On May 11, 1993, in accordance with Water Code Section 1435(d) and State Water Board Resolution No. 93-11, Edward C. Anton, Chief of the Division of Water Rights, issued a conditional temporary urgency change order (conditional order) approving the petition subject to specified conditions. The State Water Board concurs in and incorporates herein by reference the findings set forth in that order.

4.0 COMMENTS BY INTERESTED PARTIES

The final date for submitting objections to and comments regarding the proposed change was May 5, 1993. On May 10, 1993, two letters were received by the Division of Water Rights regarding the proposed change.

The Tomales Bay Association's (TBA) letter commends the Board of Directors of the North Marin Water District and the Giacominis for the proposed project. The TBA supports delaying the installation of the summer dam and conducting the smolt migration study. In its letter the TBA also included some specific recommendations for improving the study. The TBA has also given its recommendations to the District, Mr. Giacomini, the U.S. Army Corps of Engineers (Corps), the U.S. Fish and Wildlife Service, and the California Department of Fish and Game (DFG).

Richard Plant's letter stated that he believes that the proposed study would duplicate the studies previously done by DFG and Don Kelley. He also suggested that certain data be collected if the study is conducted.

5.0 RESPONSE TO COMMENTS

The smolt migration study is required by the Corps as a condition of Mr. Giacomini's permit to construct a summer dam across Lagunitas Creek. Even assuming that

the proposed study duplicates studies previously done by DFG and Mr. Kelley, Mr. Plant's comments on the proposed change and in related proceedings indicate that although additional studies may not be needed, he does not object to the removal or delaying installation of the summer dam. His comments do not provide a basis for concluding that the proposed change is unnecessary or would cause an unreasonable impact on fish and wildlife.

6.0 **CONCLUSION**

Based on the findings set forth in the conditional order, the State Water Board concludes that the conditional order issued by Division Chief Anton on May 11, 1993 should be validated.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT the issuance of the May 11, 1993, conditional temporary urgency change order by Edward C. Anton temporarily authorizing two additional points of diversion

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///

under License 4324 is hereby validated, subject to the terms and conditions specified in the conditional order.

CERTIFICATION

The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 3, 1993.

AYE: John Caffrey
Marc Del Piero
James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché
Administrative Assistant
to the Board

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 13965 Permit 8632 License 4324

ORDER APPROVING CHANGE IN PLACE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 4324, which was issued to Waldo Giacomini on April 24, 1956 pursuant to Application 13965, authorizes the diversion of water from Lagunitas Creek for use on 175 acres located within projected Section 35 and 36, T3N, R9W, MDB&M.

2. The State Water Resources Control Board (SWRCB) Order WR 95-17 issued on October 26, 1995, found that an additional 137 acres of irrigated pasture land located outside the licensed place of use could not be irrigated with the fresh waters of Lagunitas Creek under claim of riparian right.

3. The SWRCB Order 95-17 required the Licensee to submit a petition to amend the authorized place of use to include the additional 137 acre area.

4. A petition for change of place of use was filed with the SWRCB on April 26, 1996.

5. The petition for change was protested by five parties, a field investigation was conducted on October 9, 1996 pursuant to Water Code Section 1704.1, and a staff analysis was issued on December 3, 1996.

6. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

7. The standard licensee conditions 5a-4, 11, 12, 13, 21d, 100 and special conditions related to SWRCB Order wr 95-17 should be included in this Order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the place of use be amended to read:

   312 total acres located within projected Sections 26, 35, and 36, T3N, R9W, MDB&M, as shown on map filed with the SWRCB. (0000004)

2. Licensee shall allow representative of the SWRCB and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the conditions of this license. (0000011)

3. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of

diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB 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 Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the 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 Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the 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. (0000012)

4. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the 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 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. (0000013)

5. During the season specified in this permit, the total quantity and rate of water diverted and used under this license and under licensee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this license. If the licensee claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this license shall be the net of the face value of the license less the amounts of water available under the existing right.

Licensee shall forfeit all rights under this license if licensee transfers all or any part of the claimed existing right for the place of use covered by this license to another place of use without the prior approval of the State Water Resources Control Board.

Licensee shall take and use water under the existing right claimed by licensee only in accordance with law. (0000021-d)

6. In order to prevent degradation of the quality of water, licensee shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board. (0000100)

7. The summer dam at the location authorized in this license shall be installed as late as possible, but in no event shall the dam be installed prior to June 15.

8. Licensee shall remove the summer diversion dam at the presently specified location on or before November 1, 1997, and shall not reinstall the dam at the location thereafter. No diversion dam shall be installed for diversion of water under this license at an alternative location prior to approval by the SWRCB.

Licensee or his successor in interest shall not install a dam on Lagunitas Creek downstream of the Highway 1 Bridge any time after November 1, 1997, to divert water under any basis or claim of water right.

Dated: FEBRUARY 18 1997

Roger Johnson

for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 13965 Permit 8632 License 4324

ORDER APPROVING CHANGE IN POINT OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 4324 was issued to Waldo Giacomini on April 24, 1956, pursuant to Application 13965.

2. License 4324 was filed with the County Recorder of Marin County on April 25, 1956.

3. A petition for change in point of diversion has been filed with the State Water Resources Control Board (SWRCB).

4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the points of diversion to amended to read:

   A) Within the SW¼ of NW¼ of projected Section 36, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 578,000 and East 1,335,400.

   B) Within the SW¼ of SE¼ of projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 579,400 and East 1,338,900.

   C) Within the SE¼ of NE¼ of projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 582,000 and East 1,339,700.

   D) A yet to be determined point of diversion related to the report referred to in Condition 1 of the Army Corps of Engineers' permit. Written permission from the Chief, Division of Water Rights, would be required prior to the diversion of water.

(0000002)

2. Pursuant to California 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 SWRCB 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 SWRCB 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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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.

(0000012)

Dated: JULY 13 1995

for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION **13965** PERMIT **8632** LICENSE **4324A**

THIS IS TO CERTIFY, That Waldo Giacomini
Point Reyes, California

Has the right to use waters of **Lagunitas Creek** in **Marin County** tributary to **Tomales Bay**

for the following purposes: **Irrigation**

Amended License **4324A** supersedes the license originally issued **04/24/1956**, which was perfected in accordance with the laws of California, the regulations of the SWRCB or its predecessor, and the terms of Permit **8632**. The priority of this right dates from **09/26/1950**. Proof of maximum beneficial use of water pursuant to Application **13965** was made as of **04/23/1953** (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2.0 cubic feet per second to be diverted from May 1 to November 1 of each year.**

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

Unless a change is approved by the State Water Resources Control Board (SWRCB), water used under this license may be diverted, rediverted, stored and used only as specified below;

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Within the SW¼ of NW¼ of Projected Section 36, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 578,000 and East 1,335,400.

Within the SW¼ of SE¼ of Projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 579,400 and East 1,338,900.

Within the SE¼ of NE¼ of Projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 582,000 and East 1,339,700.

A yet to be determined point of diversion related to the report referred to in Condition 1 of the Army Corps of Engineers' permit. Written permission from the Chief, Division of Water Rights, would be required prior to the diversion of water.

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

312 total acres located within Projected Sections 26, 35 and 36, T3N, R9W, MDB&M, as shown on map on file with the SWRCB.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB 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 SWRCB 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.

During the season specified in this permit, the total quantity and rate of water diverted and used under this license and under licensee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this license. If the licensee claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this license shall be the net of the face value of the license less the amounts of water available under the existing right.

Licensee shall forfeit all rights under this license if licensee transfers all or any part of the claimed existing right for the place of use covered by this license to another place of use without the prior approval of the State Water Resources Control Board.

Licensee shall take and use water under the existing right claimed by licensee only in accordance with law. (0000021-d)

In order to prevent degradation of the quality of water, licensee shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board. (0000100)

The summer dam at the location authorized in this license shall be installed as late as possible, but in no event shall the dam be installed prior to June 15.

Licensee shall remove the summer diversion dam at the presently specified location on or before November 1, 1997, and shall not reinstall the dam at the location thereafter. No diversion dam shall be installed for diversion of water under this license at an alternative location prior to approval by the SWRCB.

Licensee or his successor in interest shall not install a dam on Lagunitas Creek downstream of the Highway 1 bridge any time after November 1, 1997, to divert water under any basis or claim of water right.

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 Resources Control Board 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 SWRCB.

Pursuant to California 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 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.

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 SWRCB.

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 (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 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 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.

Dated: OCT 1 0 2000

STATE WATER RESOURCES CONTROL SWRCB

Harry M. Schueller
Chief, Division of Water Rights

06 DATA

Point Reyes National Seashore

LAGUNITAS CREEK (A013965A)

Supporting Hydrologic Data

STATE OF CALIFORNIA -- THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

July 6, 2007

Charles W. Pettee, Chief
Water Rights Branch
National Park Service
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525-5596

Re: National Park Service, Negative Determination, water rights modifications pursuant to California Water Code Section 1707 NPS Reference # L54 (2380) – PORE/Water Rights

Dear Mr. Pettee:

The Coastal Commission staff has reviewed the above-referenced proposal for two water rights modifications at Point Reyes National Seashore, in Lagunitas and Olema Creeks. Because you are a federal agency, the proper process for receiving Coastal Commission authorization for this type of project is the federal consistency, negative determination process under Section 307 of the federal Coastal Zone Management Act[1] (as opposed to a Commission permit). Therefore we are treating your submittal as a negative determination. You note that some of the associated activities related to the project will be part of the Giacomini Wetlands Restoration, which we will be reviewing in greater detail in our review of the future National Park Service Consistency Determination for that restoration project. For the currently proposed changes, we agree with you that the impacts are minor and beneficial to wildlife habitat, and that no permit from our agency is needed.

Thus, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. This concurrence with your negative determination provides you with the necessary federal consistency authorization from our agency. Please contact Mark Delaplaine at (415) 904-5289 should you have any questions regarding this matter.

Sincerely,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
U.S. Army Corps of Engineers (San Francisco District)
State Water Resources Control Board

[1] 16 U.S.C. Section 1456, with implementing regulations at 15 CFR Part 930.

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

March 22, 2007

L54 (2380)
PORE/Water Rights

Mark Delaplaine
Federal Consistency Unit
California Coastal Commission
North Central Coast District Office
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Re: Coastal Commission Permit Requirements

Dear Mr. Delaplaine:

Eric Lord of my staff spoke to you a couple weeks ago about the possible need for Coastal Commission permits for a project within the boundaries of Point Reyes National Seashore. The Park holds four state appropriative water rights that it wishes to change from consumptive uses to instream flows in support of fish and wildlife pursuant to California Water Code § 1707. As part of the application process for § 1707, we must determine whether a Coastal Commission permit is needed for any of the activities associated with the water right change.

There are four water rights the Park desires to change pursuant to § 1707. However, based on your review of the locations of the points of diversion, only two of these are within CCC jurisdiction. The two water rights located within CCC jurisdiction are briefly described below, including a short description of the physical changes that would be associated with the § 1707 change process.

Licenses 8611 (Application 20917; Permit 13886) and 10112 (Application 22784; Permit 15496):

These licenses authorize the impoundment of up to 30 acre-feet per year; License 8611 was the original authorization and License 10112 authorized an enlargement of the impoundment. The source of water for these licenses is an unnamed tributary to Olema Creek. The diversion is located northeast of Olema at the following coordinates: N 38° 02' 49.0", W 122° 47' 12.6". The diversion structure is an on-stream earthen impoundment with a capacity of 25 acre-feet. The impoundment was deactivated and breached in 1983 because it was considered to be in need of repairs and maintenance. No removal of structures or grading of the remaining impoundment is contemplated as part of this § 1707 application.

License 4324A (Application 13965; Permit 8632):

This license authorizes the diversion of up to 2.00 cubic feet per second from Lagunitas Creek. There are two authorized points of diversion. The surface water point of diversion is located at the following coordinates: N 38° 03' 53.2", W 122° 48' 38.0". An alternate point of diversion is a well located slightly upstream; the well is operated by North Marin Water District. Removal of this well is not contemplated as part of this § 1707 application. The surface diversion structure, with adjacent rip-rap, is located on the north bank of Lagunitas Creek. The diversion structure would ordinarily be removed as part of this water right change; however, the diversion structure and rip-rap will be removed as part of the Giacomini Wetlands Restoration Project (Wetlands Project). The change of water right pursuant to § 1707 is being done independently of the Wetland Project, although the § 1707 change is referenced in the Wetlands Project EIS. A Coastal Commission permit has been or will be obtained for the removal of this diversion structure, along with other agricultural infrastructure, as part of the Wetlands Project. The Draft EIS[1] for the Wetlands Project does not analyze the removal of this structure specifically, but rather analyzes the removal of all or most of the agricultural infrastructure as a whole. The effects of the removal of agricultural infrastructure, in conjunction with the ceasing of intensive agricultural practices, are described in the Draft EIS as minor to moderately beneficial as to fluvial or surface freshwater hydrologic processes,[2] and moderately beneficial as to water quality.[3] Some short-term adverse impact is expected from removal of infrastructure due to disturbance of sediment.[4]

Given the lack of physical changes associated with Licenses 8611 and 10012, and given that Coastal Commission permits have been or will be pursued for License 4324A, it would seem that no Coastal Commission permits are needed for these § 1707 applications. However, should you conclude otherwise, or if you are in need of further information, my office will gladly do whatever is necessary. Feel free to contact Eric Lord of my staff at (970) 225-3526 should you need further assistance, and I will look forward to hearing from you regarding your determination.

Thank you for your help in this matter.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

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[1] http://www.nps.gov/pore/parkmgmt/planning_giacomini_wrp_eiseir_draft_2006.htm.
[2] Draft EIS: Giacomini Wetlands Restoration Project, at 421, 423-424, 428, 430.
[3] Id., at 441, 445, 450, and 451.
[4] Id., at 450.

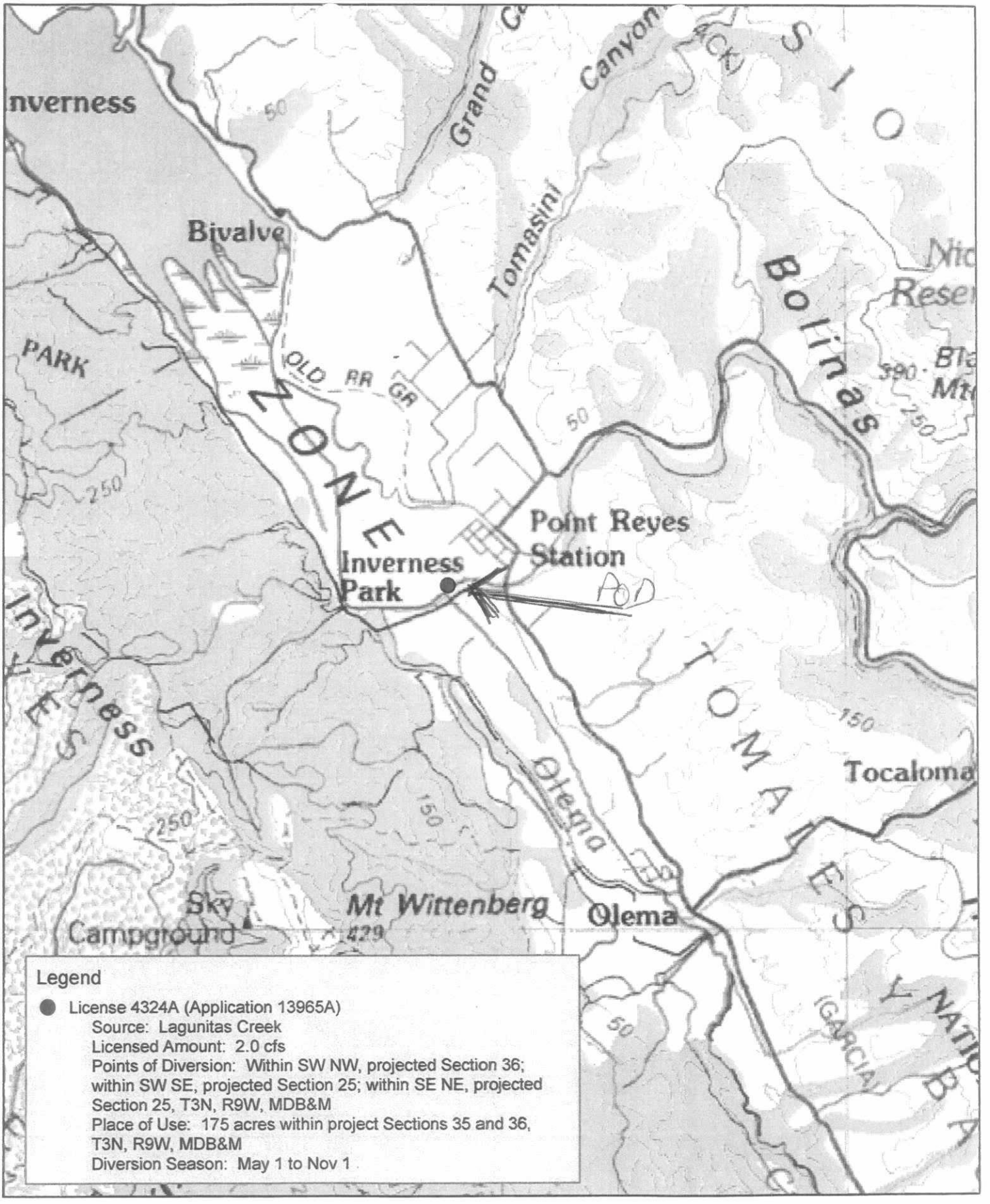


Figure 1: California Water Right License 4324A (Application 13965A)

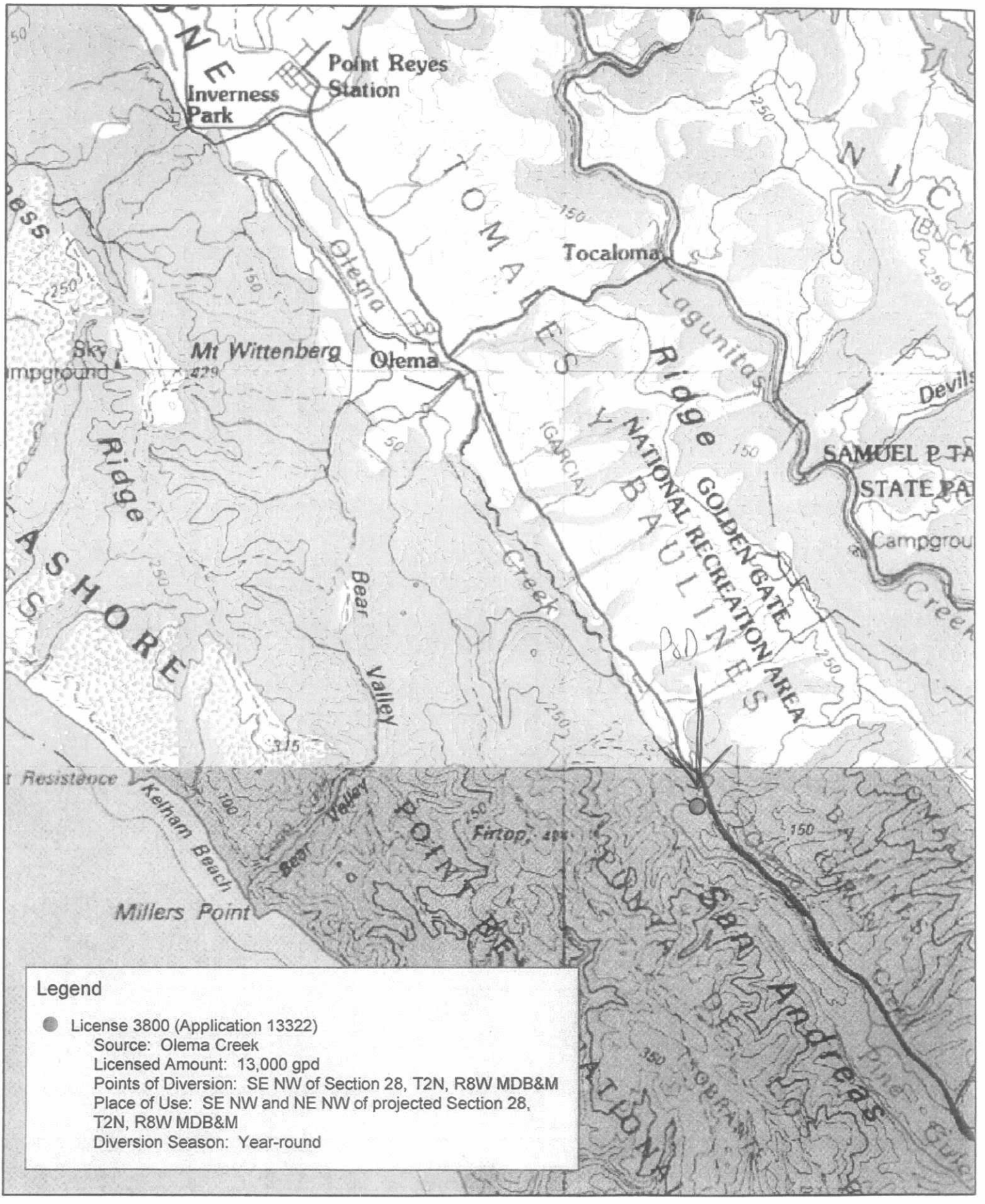


Figure 2: California Water Right License 3800 (Application 13322)

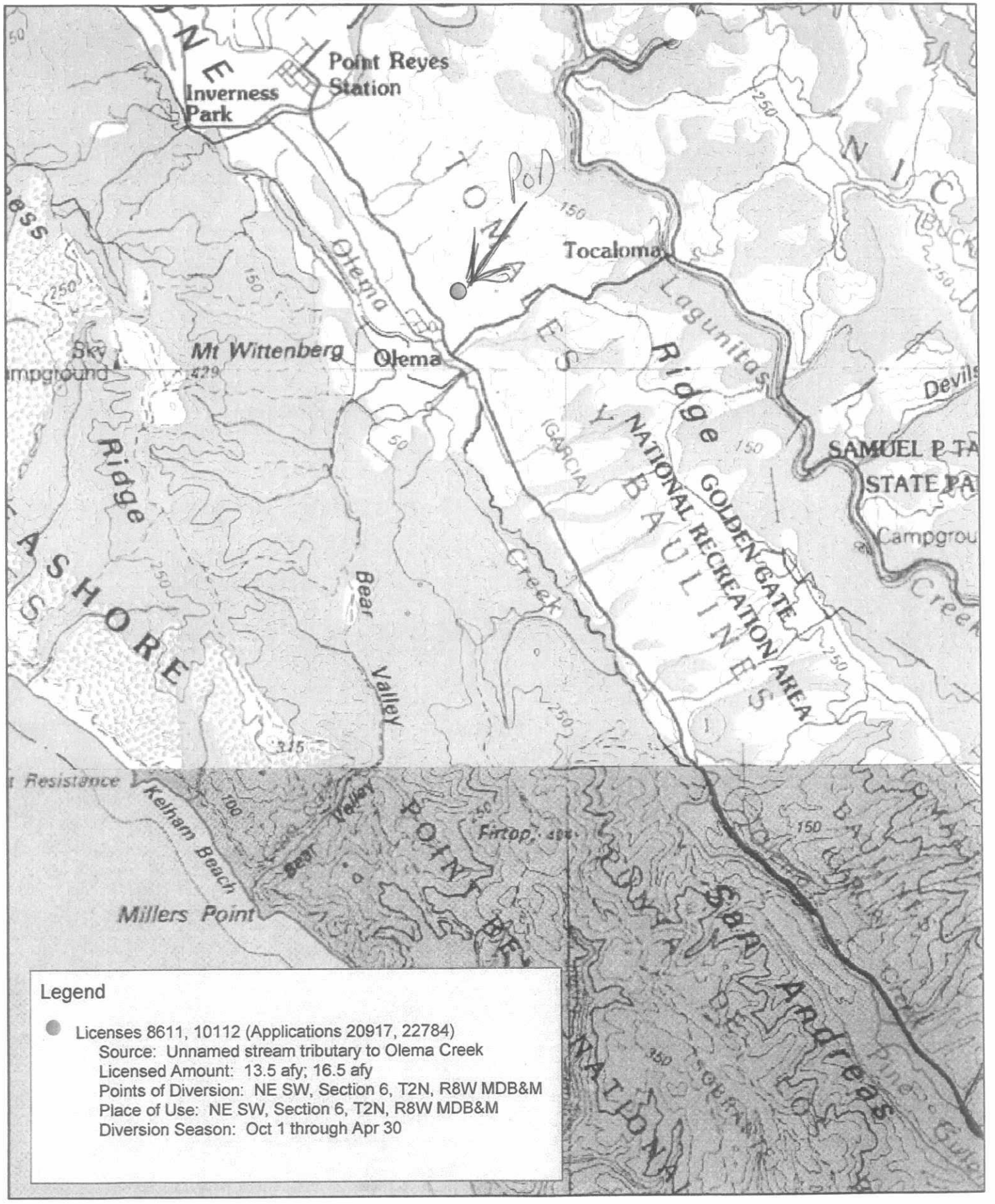


Figure 3: California Water Right Licenses 8611, 10112 (Applications 20917, 22784)

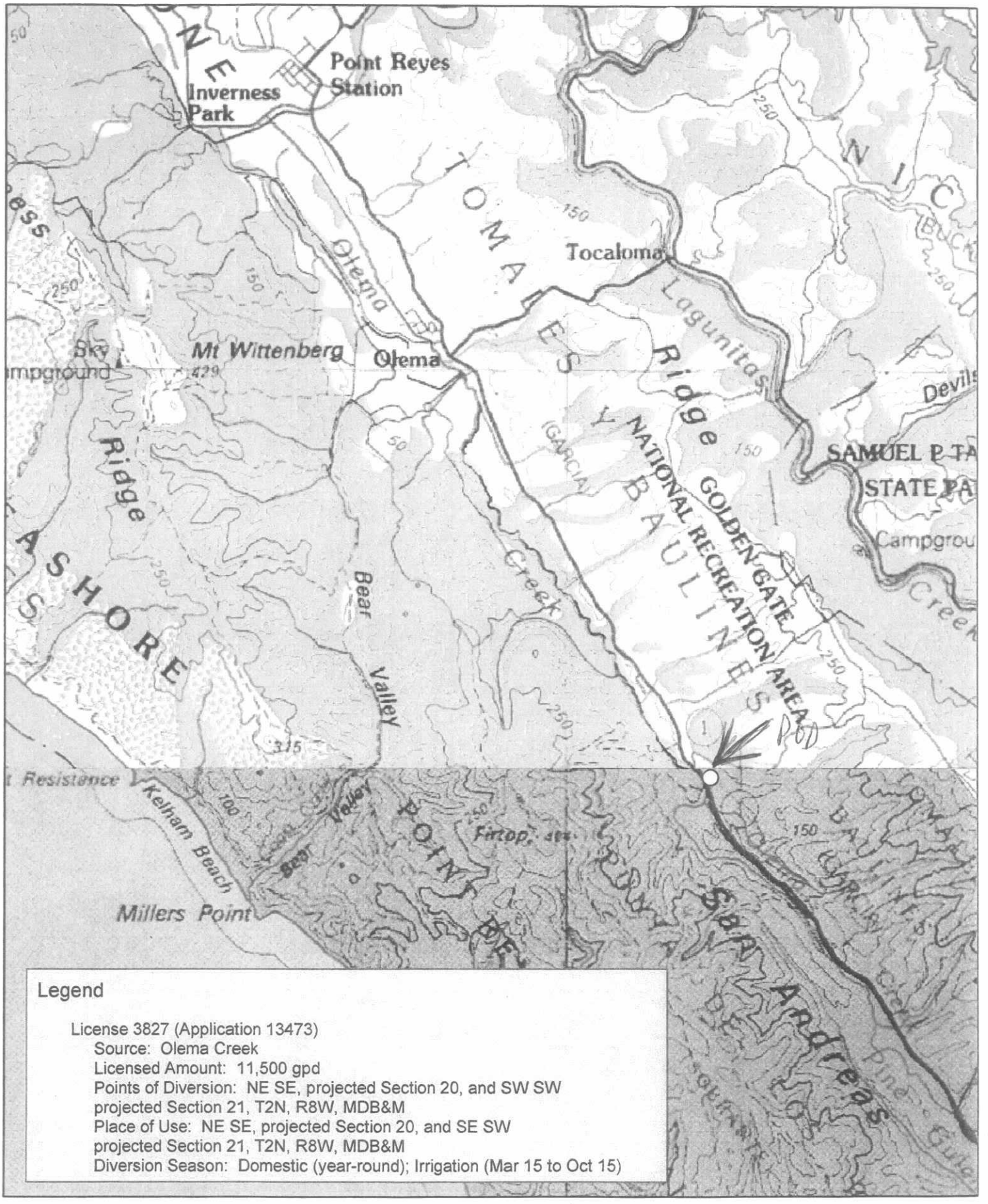


Figure 4: California Water Right License 3827 (Application 13473)

Point Reyes National Seashore
Notes from September 2003 Field Trip

Eric Lacy

September 23, 2003

X

Stop 1: Hagmaier South and North

Southernmost points visited.

- *Hagmaier South:* earthen impoundment. 30-40 acre feet impounded. Red-legged frog critical habitat. Lots of impact on land and in water from cattle grazing in area by R. Giacomini. No water right at all to our knowledge.
- *Hagmaier North:* impoundment breached and graded by Park. No water retained now. No water right at all to our knowledge.

Will seek to legalize Hagmaier South. Section 666 of California water code recognizes new applications for fish and wildlife preservation and enhancement in the context of a diversion (as opposed to instream flow). Section 666 defines the use of water for fish and wildlife preservation and enhancement to mean:

> using water to maintain or provide habitat or other benefit for fish and wildlife *by taking water under control* as in the following examples:
> (a) The collection or diversion of water to storage for either retention in the reservoir or release downstream for the purpose of preservation or enhancement of fish or wildlife; or
> (b) Direct diversion of water for the purpose of preservation or enhancement of fish or wildlife.

Don't know if Hagmaier North can be salvaged in its present form. Absent a current water right to convert under 1707 or a diversion/impoundment under 666, there may be little to do at this site.

✓

Stop 2: License No. 3800—Smoot

R. Giacomini uses house and part of water right under an SUP. Giacomini was lessee of place and water from Smoot. We will want to convert a portion of the 13,000 gpd under 1707. Need get consumptive use amounts of Giacomini and then convert the rest (and possibly set aside an amount for future NPS domestic use). Picture 1: coho and steelhead rearing pools. Olema Creek. GPS: Intake, pumphouse, storage tank up on hill.

Move this?

✓

Stop 3: License (Lupton) No current use - convert all.

All now owned by NPS. Seem to have converted to well—no intake found in stream. Convert all or portion of 11,000 gpd under 1707. Need find out about well. Picture 2: near former intake site looking downstream; Picture 3: near former intake site looking upstream. Olema Creek.

X

Stop 4: Five Brooks Trailhead (Inverted pipe)

Mill pond. NPS has 0.16 cfs *and* 35 af. Source is two springs up the hill; piped down to the mill pond. No known outlet (?). Choked with aquatic vegetation. Stewarts still use water for horse operation—excess water is discharged through inverted pipe into mill pond. This is essentially capturing effluent or excess in the pond. Consider piping the overflow to Olema Creek March 15 through December 15. Don't really need a water right change to do so (?).

✓ Stop 5: Rogers (Cowdrey) McFadden still uses prop under life reservation.

X Stop 6: Rodoni A018862 Lic. 7411
Still in private hands.

✓ Giacomini: A 13965A - 2.0 cfs Lagunitas Crk.

Docket Information

Number of Documents in Docket : 131

Documents Dated from : 01-12-1988 to 12-20-2024

Docket Compiled: 3/19/2025