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 POD# 58255  
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State of California  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
 1001 I Street, 14<sup>th</sup> Floor, Sacramento, CA 95814  
 P.O. Box 2000, Sacramento, CA 95812-2000  
 Info: (916) 341-5431 www.waterboards.ca.gov/waterrights

**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
**NOTE: A Statement is not a Water Right**

This Statement should be typewritten or legibly written in ink and submitted to the address above.  
 A separate statement must be filed for each point of diversion.

An (\*) indicates a required section. Required sections must be completed for the Statement to be accepted.

\*A. Claimant/Agent Information

Claimant/Owner: Chugach & Company	Agent: Myron E. Etienne, Jr., Esq.
	Noland, Hamerly, Etienne & Hoss
Mailing Address 3 West Garzas Road	Mailing Address P. O. Box 2510
Carmel Valley, CA 93924	Salinas, CA 93902
Phone No. 831-659-2913	Phone No. 831-424-1414
Fax No.	Fax No. 831-424-1975
E-mail Address:	E-mail Address: detienne@nheh.com

\*B. Water is diverted and used under the claim of: Riparian claim  Pre 1914 claim  Court Decree No \_\_\_\_\_  
 Note, if you have an application on file for a water right or have an existing license, please provide your application number \_\_\_\_\_  
 Other (explain): A30034

\*C. Name of the body of water at the point of diversion  
Garzas Creek  
 Tributary to Carmel River

\*D. Point of diversion is located within Monterey County, and if assigned, on Assessor's Parcel No. 189-111-022  
 being within the \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, of Township \_\_\_\_\_, Range \_\_\_\_\_, \_\_\_\_\_ B&M.  
 Provide the location of the point of diversion using the California Coordinate System (NAD 1983) or Latitude / Longitude measurements.  
121° 45' 7.146" W 36° 29' 26.173" N or  
**Identify the point of diversion and outline the place of use on a United States Geological Survey (USGS) topographic map and submit the map with the Statement.**

Name of the diversion works is \_\_\_\_\_ Related Water Right(s) Riparian

E. Do you own the land at the point of diversion? Yes  No  If No, please provide the name and address of the land owner at the point of diversion: \_\_\_\_\_

\*F. Capacity of diversion works 25 gpm = 0.036 (cfs, gpm, or gpd) Capacity of storage tanks or reservoir 0 (gallons or acre-feet)  
 Type of diversion facility: Gravity  Creek Pump  Well Pump   
 Method of measurement: Weir  Flume  In line flow meter  Electric Meter  Estimate

**NOTE: Monthly reports below are optional until January 1, 2012, at which time the information becomes mandatory.**

\*Provide the maximum rate of diversion achieved in each month in the table below as measured in: cfs  gpm  or gpd

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec

Additional copies of this form and water right information can be obtained at www.waterboards.ca.gov/waterrights.

\*#G. Provide the quantity of water diverted each month in the table below as measured in: Gallons  Million gallons  Acre-feet

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual

H. Annual water use in recent years: Maximum 7.62 af (gallons or acre-feet) Minimum 7.62 af (gallons or acre-feet)

State the year of first use at diversion site or storage facility 1930

\*I. Beneficial water use is for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) 50 acres; crops N/A; 4 persons; 30 horses situated on 9 of the 50 acres

\*J. General description and location of the place of use shall be identified using a USGS topographic map, and if assigned, provide the public land description to the nearest 40 acre subdivision accompanied by the County Assessor's parcel map.

K. Please answer only those questions below that are applicable to your project.

1. Conservation of water
  - a. Describe any water conservation efforts you have in place None
2. Water quality and wastewater reclamation
  - a. 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 that unreasonably affects such water for other beneficial uses? YES  NO
3. Conjunctive use of surface water and groundwater
  - a. Are you using groundwater in lieu of surface water? YES  NO

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

\*DATE: July 23, 2010 at Salinas, California

\*SIGNATURE: Timothy M. Condon

\*PRINTED NAME: Timothy Condon  
(first name) (middle initial) (last name)

COMPANY NAME: Chugach & Company

**GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA**

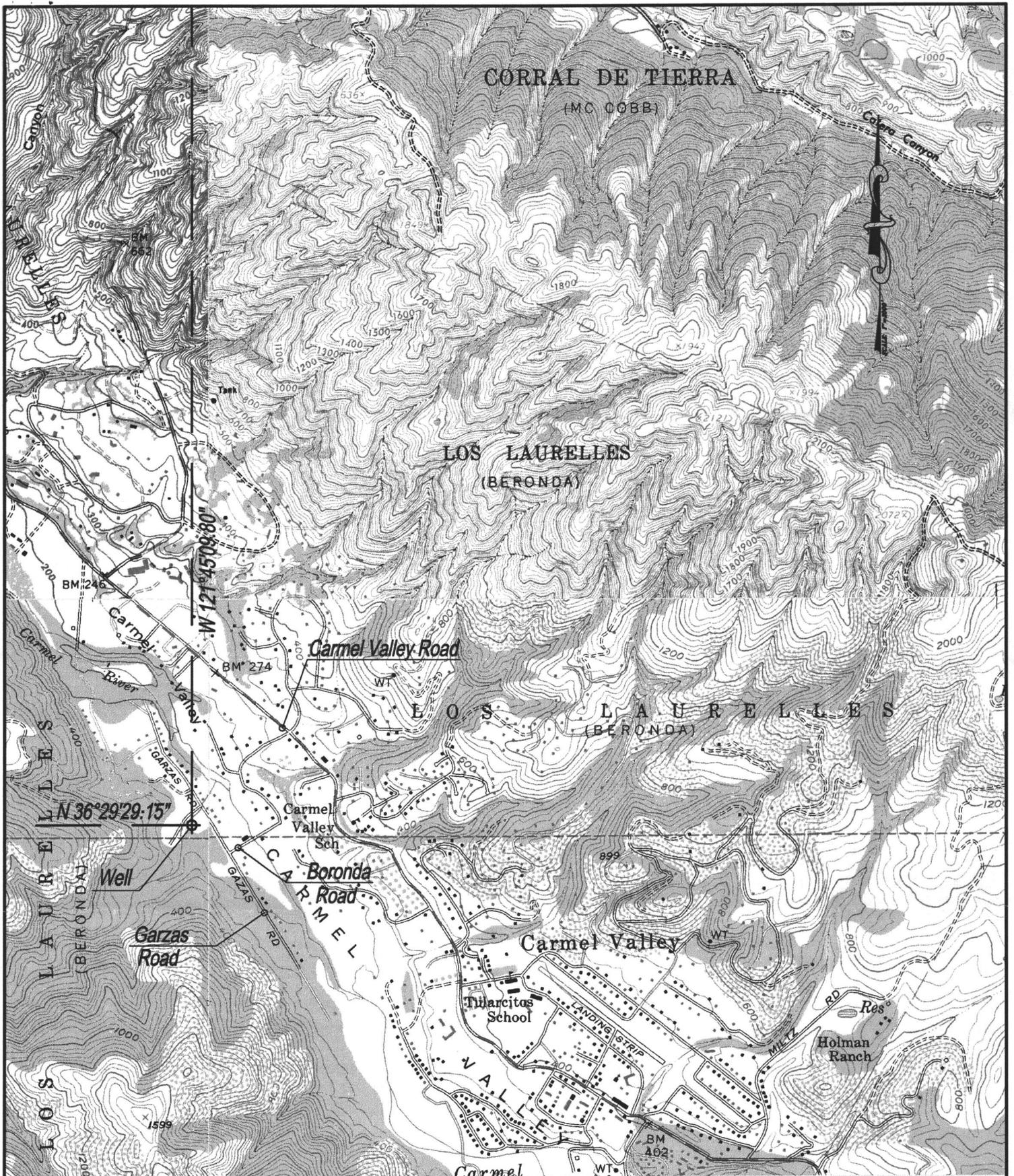
There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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 1) store water for later use 2) divert water which originates in a different watershed 3) divert water released from storage, or 4) divert return flows from groundwater use.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission in December 1914, new appropriators have been required to obtain a permit or license from the State.

Statements of Water Diversion and Use must be filed by a riparian and/or pre-1914 appropriative water user. 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 in determining if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please visit the website [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/), or write to this office.



SCALE: 1"=2000'

DATE: JULY 26, 2010

JOB NO. 2010.044

SHEET: 1 of 1



**Exhibit A**

Water well location at Chugach & Company, 36 W. Garzas Road, Carmel Valley, CA 93924-9446

**MONTEREY COUNTY SURVEYORS, INC.**

235 SALINAS STREET, SALINAS, CA 93901

**S021819**

NOLAND  
HAMERLY  
ETIENNE  
HOSS

Attorneys at Law A PROFESSIONAL CORPORATION

Harry L. Noland  
(1904-1991)

Paul M. Hamerly  
(1920-2000)

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James D. Schwefel, Jr.

Stephen W. Pearson

Lloyd W. Lowrey, Jr.

Anne Secker

Randy Meyenberg

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Christine Gianascol Kemp

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Dale E. Grindrod

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Leslie E. Finnegan

Timothy J. Baldwin

Charles Des Roches

Of Counsel

Peter T. Hoss

Martin J. May

STATE WATER RESOURCES  
CONTROL BOARD

10 JUL 28 AM 10:01

DIV. OF WATER RIGHTS  
SACRAMENTO

WWW.NHEH.COM  
E-MAIL DETIENNE@NHEH.COM  
831-424-1414 EXT. 224  
OUR FILE NO. 00000.000

July 26, 2010

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

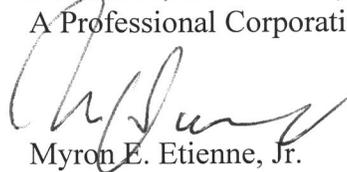
Re: Chugach & Company  
Statement of Water Division and Use

Gentlepersons:

Enclosed please find Initial Statement of Water Diversion and Use submitted on behalf of Chugach & Company. If you need further information, please do not hesitate to contact the undersigned.

Very truly yours,

NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation



Myron E. Etienne, Jr.

MEE:ng  
Enclosure

cc: Chugach & Company (with enclosure)

**S021819**

PHONE 831-424-1414

FROM MONTEREY 831-372-7525

FAX 831-424-1975

333 SALINAS STREET POST OFFICE BOX 2510 SALINAS, CA 93902-2510

00000\MEE\452497.1:72610

## **Kurtz, Matthew@Waterboards**

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**From:** Jeanne Baughman <jBaughman@nheh.com>  
**Sent:** Thursday, August 16, 2012 12:39 PM  
**To:** Kurtz, Matthew@Waterboards  
**Subject:** mkurtz:DEF640 Chugach & Company  
**Attachments:** NHEH\_MAIN-#511475-v1-D-  
Map\_for\_Claimant\_Chugach\_& Company\_mkurtz\_DEF640.PDF; NHEH\_MAIN-#509904-  
v1-D-Deficiency\_Notice\_for\_Claimant\_Chugach\_& Company\_mkurtz\_DEF640.PDF

We received the attached deficiency letter dated July 19, 2012, regarding Claimant Chugach & Company.

The letter asks that we describe the location of the place of water use.

Is the following sufficient information?

Carmel Valley off Garzas Road, APNs 189-111-022-000 and 189-111-024-000

We plan to submit the attached map and assessor information with the response.

Also, by our reckoning, the response is due September 17, 2012. Do we have this right?

Thank you for your assistance.

Jeanne R. Baughman  
Corporate Paralegal  
Noland, Hamerly, Etienne & Hoss  
A Professional Corporation  
333 Salinas Street  
P.O. Box 2510  
Salinas, CA 93901  
(831) 424-1414 ext. 276  
(831) 424-1975 (fax)  
[jbaughman@nheh.com](mailto:jbaughman@nheh.com)  
[www.nheh.com](http://www.nheh.com)

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**Confidentiality Disclosure:**

This e-mail is only intended for the person(s) to whom it is addressed and may contain confidential information. Unless stated to the contrary, any opinions or comments are personal to the writer and do not represent the official view of the company. If you have received this e-mail in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

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Information as of Lien Date

*monterey County Assessor*

January 1st 2012

View/Print Value Notice

Property Information

Assessor ID Number

189-111-022-000

Tax Rate Area (TRA)

060-012

Last Recording Date

02/01/1996

Assessee

CHUGACH & COMPANY

Property Type

RES USE VAC 11 TO 40 AC

Acres

23

Asmt Description

Asmt Status

Roll Values

Land

161,925

Structure

Fixtures

Growing

Total Land and Improvements

161,925

Personal Property MH

Business Property

Homeowners Exemption

Other Exemption

Net Assessment

161,925

Ownership

CHUGACH & COMPANY

100.000000%

Physical Characteristics

[Click Here for more Info](#)

*monterey County Assessor*

Information as of Lien Date

January 1st 2012

[View/Print Value Notice](#)

**Property Information**

**Assessor ID Number**

189-111-024-000

**Tax Rate Area (TRA)**

060-128

**Last Recording Date**

02/01/1996

**Assessee**

CHUGACH & COMPANY

**Property Type**

RES USE VAC 11 TO 40 AC

**Acres**

27

**Asmt Description**

**Asmt Status**

**Roll Values**

**Land**

214,081

**Structure**

29,733

**Fixtures**

**Growing**

**Total Land and Improvements**

243,814

**Personal Property MH**

**Business Property**

**Homeowners Exemption**

**Other Exemption**

**Net Assessment**

243,814

**Ownership**

**CHUGACH & COMPANY**

100.000000%

**Physical Characteristics**

[Click Here for more Info](#)

STATE WATER RESOURCES  
CONTROL BOARD

2012 SEP -5 PM 1:17

DIV OF WATER RIGHTS  
SACRAMENTO

WWW.NHEH.COM  
E-MAIL JBAUGHMAN@NHEH.COM  
831-424-1414 EXT. 276  
OUR FILE No. 09762.007

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August 31, 2012

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\* CERTIFIED SPECIALIST IN  
PROBATE, ESTATE PLANNING,  
AND TRUST LAW BY  
THE CALIFORNIA BOARD OF  
LEGAL SPECIALIZATION  
STATE BAR OF CALIFORNIA

**BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

State Water Resources Control Board  
Division of Water Rights  
Attn Matthew Kurtz  
Post Office Box 2000  
Sacramento CA 95812-2000

Robert Rinker, Manager  
Fee, Data Management, and Statements Unit

Re: mkurtz:DEG640  
Chugach & Company

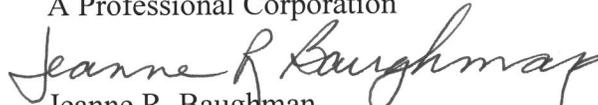
Dear Mr. Kurtz:

Enclosed are the original and one copy of the Initial Statement of Water Diversion and Use, with attachments, along with your transmittal letter, dated July 19, 2012, which we are submitting on behalf of Chugach & Company.

We would appreciate that you return the copy to us with a stamp showing you received it. A return envelope with postage is included for your convenience.

If you need further information, just let us know.

Sincerely,  
NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation

  
Jeanne R. Baughman  
Corporate Paralegal

Enclosures

cc: Lloyd W. Lowrey, Jr., Esq.  
Chugach & Company  
By email with enclosures