

DEF 816

plot filed 4-23-13 DOC

State of California State Water Resources Control Board DIVISION OF WATER RIGHTS

1001 I Street, 14th Floor, Sacramento, CA 95814 P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5431, Fax: (916) 341-5400, 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

Table with 2 columns: Claimant/Owner, Agent, Mailing Address, Phone No., Fax No., E-mail Address. Row 1: COCOA FARMS, L.P., Agent: blank, Mailing Address: 11292 N. ALPINE ROAD, STOCKTON, CA 95212, Phone No. 209-948-0792, Fax No. 209-333-0938, E-mail Address: santomopr@aol.com

*B. Water is diverted and used under the claim of: Riparian claim [checked] Pre 1914 claim [checked] 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): PERMIT#14434 THROUGH SEWD (STOCKTON EAST WATER DISTRICT) FROM THE NEW HOGAN DAM ON THE CALAVERAS RIVER.

*C. Name of the body of water at the point of diversion MOSHER SLOUGH Tributary to SACRAMENTO - SAN JOAQUIN DELTA

*D. Point of diversion is located within SAN JOAQUIN County on Assessor's Parcel No. 063-210-07 being within the SE 1/4 of SW 1/4 of Section 25, of Township T3N, Range R7E, MT. DIABLO B&M. Provide the location of the point of diversion using the California Coordinate System (NAD 1983) or Latitude / Longitude measurements. N 38.0449 w 121.1603

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. 121° 9' 37.61" W 38° 4' 25.918" N

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

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

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

NOTE: Monthly report below is 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

Table with 13 columns: Year, Jan, Feb, Mar, Apr, May, June, July, Aug, Sept, Oct, Nov, Dec. All cells are empty.

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

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POD 10:59235

WD 4/1/13

*G. Provide the quantity of water diverted each month in the table below as measured in: Gallons Million gallons Acre-feet ~~X~~
 "Unmeasured Estimate"

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2010													0

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

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

*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.) 230 ACRES OF ALFALFA, FORAGE HAY AND OAT HAY.

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

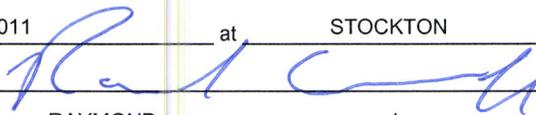
SEE ATTACHED

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 PIPELINES AND GOOD FARMING PRACTICES.
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: JUNE 30, 2011 at STOCKTON, California

*SIGNATURE: 

*PRINTED NAME: RAYMOND J. AVANSINO, JR.
 (first name) (middle initial) (last name)

COMPANY NAME: COCOA FARMS, L.P.

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.

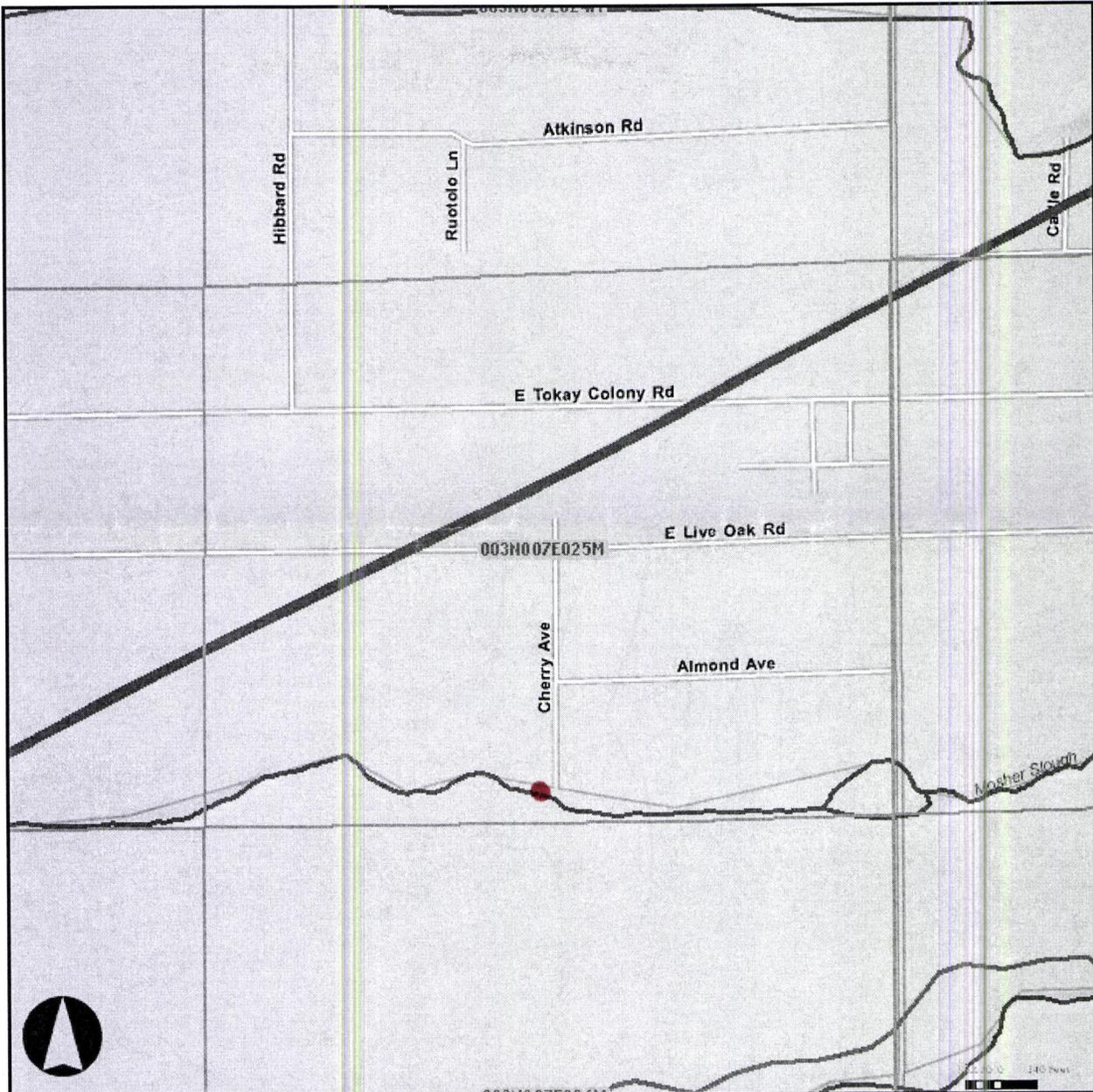
A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian 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/, or write to this office.

S022447



N38° 0499 W121° 1603

Points of Diversion

- Adjudicated
- Cancelled
- Certified
- Claimed
- Claimed - Local Oversight
- Inactive
- Licensed
- Non Jurisdictional
- Pending
- Permitted
- Registered
- Revoked
- State Filing
- Temporary

PLSS

Quad Map Outlines (1:24k)

- Regional Board Boundaries
- State Plane Zones
- Planning Watersheds
- Lakes (1:24K)
- Rivers (1:24K)
- World Street Map
- NGS USA Topographic Maps

S022447

AERIAL / QUAD MAP TOGGLE Core App Link | Scale ~ 1: 18000

Task Assistant

- Find Water Right By ID
- Find Water Right By County
- Find Water Right By PLSS
- Find Water Right By Watershed
- Find Water Right By Stream
- Find Water Right By Owner
- Query Upstream / Downstream
- Quad Map Lookup

Results

POD Filter Window

Map Contents

- Water Rights
- Administrative
- Calwater
- Hydrography

Status Window

Selected PODs: 0

PODs Visible At Map Scale: No

N38°.0499 W121°.1603



United States
Department of
Agriculture

Forest
Service

Mendocino N.F.
Covelo R.D.

78150 Covelo Road
Covelo, CA 95428
(707) 983-6118
TTY: (707) 983-6123

File Code: 2700
Date: February 13, 2012

Adelbert Smith
1848 Indian Valley Rd
Novato, CA 94947

**CERTIFIED MAIL - RETURN
RECEIPT REQUESTED
NUMBER:**

7011 0470 0001 0583 1912

Dear Landowner:

It has come to my attention that there are unauthorized improvements, predominantly the development of springs and water transmission lines, on National Forest System (NFS) lands in and around the Jumpoff Creek, Nebo Rock, and Devils Den areas of the Forest. Some of the improvements were authorized with special use permits (SUP) that have since expired. Others were established by landowners who either accidentally or intentionally located the improvements on NFS lands.

During the upcoming field season, Forest personnel will be walking the property boundaries between private property and NFS lands. Unless you have a valid SUP or other documentation indicating that you have the right to occupy NFS lands, all improvements will be considered unauthorized and you will be required to remove them. Furthermore, you may be liable for resource damage and restoring the site.

If you have an expired SUP or the previous landowner had a SUP, you will be able to apply for a new permit if the Forest wants the use to continue. Depending on the circumstances, other landowners may also apply if their justification demonstrates, among other things, a legitimate need to occupy NFS lands and why the use cannot be accommodated on private property.

If you have any questions or comments please contact Michelle Zuro-Kreimer, Implementation Officer on the Upper Lake and Covelo Ranger Districts at (707) 275-1409.

Sincerely,

applications

LEE D. JOHNSON
District Ranger

cc: Michelle Zuro-Kreimer, Dave Roak, Lee Johnson

Marcus



Information and Instructions for Completing the Initial Statement Form

GENERAL INFORMATION

California law requires each person or organization that uses diverted surface water, with minor exceptions, or pumped groundwater from a known subterranean stream to: (1) file a Statement of Water Diversion and Use (Statement); or (2) file an application to appropriate water with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). A Statement should be filed if water is diverted and used under a claim of riparian entitlement to the natural stream flow. A valid riparian claim is a vested right that is superior to any permit or license issued by the Division to appropriate water. Therefore, it is advantageous to document the riparian claim by filing a Statement for all or part of the diversion. A Statement should also be filed for water appropriated prior to the establishment of the State Water Commission (the predecessor to the State Water Board) on December 19, 1914, regardless of whether it was recorded in the county or if the diversion occurred after January 1, 2009 and is not covered by a permit or license.

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.

Failure to file a statement for each diversion that occurred after January 1, 2009 may be subject to civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues after 30 days of the State Water Board notification of the violation.

PRIOR TO FILLING OUT FORM

Use this guide to determine if you need to file an Initial Statement of Water Diversion and Use. This information can be found in the California Water Code, §5101.

If you are not currently diverting surface water, you do NOT need to file a statement.

If you are diverting surface water, you do NOT need to file a statement if any of the following conditions are true:

- the diversion is from a spring that does not flow off the property on which it is located and from which the person's aggregate diversions do not exceed 25 acre-feet in any year;
- the diversion is covered by a permit or license to appropriate water that is on file with the Division;
- the diversion is covered by a registration for small domestic or livestock stockpond uses, or covered by a State Water Board

stockpond certificate issued for ponds with a storage capacity of 10 or less acre-feet in either program;

- a notice is filed with the State Water Board for the recordation of groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino, and Ventura Counties;
- a diversion is regulated by a watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Board by the watermaster, which reports identify the persons who diverted water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source;
- a diversion is included in annual reports filed with a court or with the State Water Board by a watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.

INSTRUCTIONS

Required sections are indicated with an asterisk (*). All required fields must be completed or the form will not be accepted.

A separate statement should be filed for each individual diversion point from which water is diverted as outlined in the California Water Code §5102.

Unless otherwise listed, the Division's authority to require information on the Initial Statement has been outlined by the California Water Code, §5103. Other information is authorized under Water Code §5101. The following is a description of the information needed in each item:

A. Claimant Information*

The claimant is the party responsible for the diversion and use of the claim submitted on the form. As the claimant you are required to provide your name or company name and address. The phone number and e-mail address should be provided, if available.

If you would like to designate an agent to act on your behalf to receive all notices and report requests related to your Statement, please provide the name and address of your designated agent. The phone number and e-mail address should be provided, if available.

If you are not the owner of the land in which the diversion occurs, provide the name and contact information of the landowner.

B. Type of Claim

Indicate the type of claim you are filing. See the claim descriptions below if you are unsure

of the type of claim you are using. You may check more than one box on the form if your diversion is covered by more than one claim.

Riparian: 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.

You are not required to file a statement of water diversion and use if you are not currently exercising your riparian rights for a water body adjacent to your property. If you begin diverting water in the future, you will then be required to submit an initial statement. The filing of a statement is not required to preserve a riparian right which is not currently being exercised.

Pre-1914 Appropriative: A pre-1914 appropriative right is for diversions that have been under continuous use and have remained unchanged since before December 19, 1914. 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.

Court Decree: An adjudicated right falls under a water system in which a court or the board has determined, by decree, the amount of use allowed to landowners within the adjudicated area. You must file a statement if you are in an adjudicated area if there is no watermaster filing reports on your behalf. Indicate the decree number when filing a statement on a court decree claim.

Pending Appropriative: 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. If you have filed an application for a water rights license and are not yet permitted, but water is being diverted, you are required to file a statement. Indicate the corresponding application ID number on this line.

Instructions continued on next page.

Note: Although it is not required to provide the type of claim you are filing, this information may be used to determine whether your right of claim is valid. If documentation is available, you may submit the corresponding evidence of claim with this statement.

C. Water Course Description*

Indicate the name of body of water from which you are diverting water and body of water it is a tributary to.

D. Legal Land Description*

Provide the location of the point of diversion and indicate which coordinate method you are using or plot the point of diversion on an attached map. Each separate diversion point should be reported on separate Initial Statement forms

ABOUT MAPS: You may submit a single map showing both the point of diversion and the place of use (items D* and E*). Maps can be found at: <http://store.usgs.gov/>

List the County where the diversion occurs and, if available, the Assessor's Parcel Number.

Provide the public land description, if assigned, for the quarter-quarter, section, township, range and meridian in which the diversion occurs.

E. Place of Use Description*

This is related to item D* except it is where the water is used instead of the point where the diversion takes place. Outline the area where the water is used.

ABOUT MAPS: You MUST submit a USGS topographic map outlining the place of use.

Failure to submit an appropriate map will result in your statement filing to be returned as deficient. If you are also using a USGS topographic map for the point of diversion, you can draw both on a single map (items *D and *E). Maps can be found at: <http://store.usgs.gov/>

F. Purpose of Use Description

Indicate the purpose of use for the diverted water. Examples of purposes of use are for: domestic, dust control, fire protection, fish/wildlife protection and enhancement, fish culture, frost protection, heat protection, incidental power, industrial, irrigation, milling, mining, municipal, power, recreational, snow making, stock watering, etc). Also indicate the number of acres irrigated, number of persons served for domestic consumption, number of head watered, etc.

G. Diversion Works Description

The maximum capacity of the diversion works is the maximum output available for a pump or other diversion source.

If you store water and know the storage capacity indicate in gallons or acre-feet.

If you do not know the storage capacity, you can use the following formula to estimate: Multiply the surface area (in acres) by the

maximum depth of the reservoir (in feet) then multiple that number by .7.

H. Quantity of Water Diverted

Provide the quantity of water used for each month in the year you are reporting. The amount can be estimated if you do not have a measuring device. If you did not divert water in a particular month, enter "0".

I. Recent Water Use

You can provide an estimate if you do not have the actual amounts or year available.

J. Monthly Maximum Rate of Diversion

Provide a Monthly maximum rate of diversion in the table provided. If precise measurements are not available, provide an estimated average per month. Note: Beginning January 1, 2012, the monthly maximum rate of diversion will become mandatory and precise measurements will be required.

K. Water Conservation Efforts

Complete item K if you are filing under pre-1914 appropriative water rights and are using conservation methods, using recycled or treated water, or using groundwater in lieu of surface water.

L. Certification of Statement*

All fields must be complete and the form must be legible and signed by the person completing the form. The company name is required if applicable.

SUBMITTING YOUR STATEMENT

Attach the statement form to your maps and other supporting documentation. You may submit multiple forms in the same envelope if each diversion works have been labeled. Do NOT send duplicate copies of your statement.

Mail all documents to:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

FREQUENTLY ASKED QUESTIONS

Q: Why do I need to submit a Statement of my diversion?

A: The main purpose of the Statement Program law is to create a central repository for records of diversions and uses of water. This repository differs from the records of appropriated water rights that are permitted and licensed. The law also enables the Division to notify water users about applications to appropriate water that might affect their supply. The information collected from the Statements helps the Division to protect the rights of existing and known diverters and to evaluate whether there is a reasonable likelihood that water is available for appropriation for new applications. In the future, water use reported on Statements and in reports required under the appropriation

process will also help the Division to assure the proper allocation of the state's water resources. There are no fees associated with the Statement Program.

Q: When should I file my statement?

A: The initial Statement should be completed for each point of diversion and should identify the amount of water used during the first day of the calendar year. The Statement must be filed with the Division before July 1 of the following year.

Q: What happens after I submit my statement?

A: Once a Statement is received at the Division, it is reviewed for acceptability in accordance with the conditions listed above. The Division will assign a Statement Number to acceptable Statements. If a Statement is inadequate, the Division will notify the diverter of the deficiencies. All correspondence concerning these Statements should refer to the assigned Statement number or Statement deficiency number.

Q: How often do I need to report usage in subsequent years?

A: Supplemental Statements are filed by the owner or agent of record contained in the Division's database at three-year intervals and must be filed with the Division prior to July 1 of that year.

Q: How can I update or make changes to my information?

A: Changes in the name and address of the person diverting the water should be made on the Supplemental Statement, or may be made by using a Notice of Assignment form so that the Division's database can be updated. If the location of the existing point of diversion as identified on the Supplemental Statement has changed, the new location must be identified. If there is a new point of diversion, a separate Statement must be filed with the Division.

Q: What happens if I move and do not notify the Division of an address or ownership change?

A: If a Supplemental Statement is returned to the Division from the U.S. Postal Service, the diverter's water use will be considered inactive and the Division's database will be modified to reflect this status. This database modification will prompt the Division to stop mailing Supplemental Statements and notices of proposed appropriations. The Division must be notified if a diverter wishes to reactivate an inactive Statement in order to record their diversion and use of water.

Q: Do I need approval from any other agencies to divert water?

You may also need to acquire a stream alteration agreement (SAA) with the Department of Fish and Game. Information about the Department's SAA is available at: <http://www.dfg.ca.gov/habcon/1600/>.

03229706

40255-0000 Parcel #