

TYPE OR PRINT  
IN BLACK INK  
(For instructions, see  
booklet: "How to File an  
Application to Appropriate  
Water in California")



California Environmental Protection Agency

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
www.waterrights.ca.gov

APPLICATION NO. \_\_\_\_\_  
(leave blank)

APPLICATION TO APPROPRIATE WATER

SECTION A: NOTICE INFORMATION

1. APPLICANT/AGENT

a.

	APPLICANT	ASSIGNED AGENT (if any)
Name	Kern County Water Agency	Somach, Simmons & Dunn
Mailing Address	3200 Rio Mirada Drive	813 Sixth Street, Third Floor
City, State & Zip	Bakersfield, CA 93308	Sacramento, CA 95814
Telephone	(661) 634-1400	(916) 446-7979
Fax	(661) 634-1428	(916) 446-8199
E-mail	ameliam@kcwa.com	ssomach@somachlaw.com; njacobs@somachlaw.com

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner                       Limited Liability Company (LLC)                       General Partnership\*  
 Limited Partnership\*                       Business Trust                       Husband/Wife Co-Ownership  
 Corporation                       Joint Venture                       Other California Special District  
 (uncodified Water Code Act 9098)

\*Please provide a copy of your partnership agreement.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)

Kern County Water Agency (KCWA) provides wholesale water for municipal, industrial, irrigation uses. Here KCWA seeks to supplement its existing water rights to serve its member units through existing facilities. No new construction is involved.

For continuation, see Attachment No. \_\_\_\_

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)

See Attachment No. 1 and 2

\* If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be 2,279,000 acre-feet.

c. Reservoir storage is:  onstream  offstream  underground (If underground storage, attach Form APP-UGSTOR.)

d. County in which diversion is located: Kern County in which water will be used: Kern

e. Assessor's Parcel Number(s): See attachment 2, outlining Kern County boundaries and KCWA boundaries therein.

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

- POD /  PORD #: Lake Isabella tributary to Kern River  
 thence \_\_\_\_\_  
 POD /  PORD #: \_\_\_\_\_ tributary to \_\_\_\_\_  
 thence \_\_\_\_\_  
 POD /  PORD #: \_\_\_\_\_ tributary to \_\_\_\_\_  
 thence \_\_\_\_\_  
 POD /  PORD #: \_\_\_\_\_ tributary to \_\_\_\_\_  
 thence \_\_\_\_\_

See Attachment No. \_\_\_\_

b. State Planar and Public Land Survey Coordinate Description:

POD/ PORD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWN -SHIP	RANGE	BASE AND MERIDIAN
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				

See Attachment No. 3

c. Name of the post office most often used by those living near the proposed point(s) of diversion:

Bakersfield (93301)

6. WATER AVAILABILITY

a. Have you attached a water availability analysis for this project?  YES  NO

If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation:

The Kern River is fully appropriated. However, the court in North Kern Water Storage Dist. v. Kern Delta Water Dist. (2007) 147 Cal.App.4th 555 held that certain Kern River water rights were forfeited and may be available for appropriation.

See Attachment No.     

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion?  YES  NO

c. In an average year, does the stream dry up at any point downstream of your project?  YES  NO If YES, during which months?  Jan  Feb  Mar  Apr  May  Jun  Jul  Aug  Sep  Oct  Nov  Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.)

KCWA has entitlements to pre-1914 appropriative, riparian, and State Water Project contract water

See Attachment No.     

7. PLACE OF USE

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Total:</b>						

\*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. CD

8. PROJECT SCHEDULE

a. Project is:

- proposed. Year construction will begin: \_\_\_\_\_  
 partially complete. Extent of completion: \_\_\_\_\_

complete. Year completed: \_\_\_\_\_

b. Year of first use: \_\_\_\_\_ Year water will be used to the full extent intended: Water will be used as soon as made available by the SWRCB.

**SECTION B: MISCELLANEOUS DIVERSION INFORMATION**

**1. JUSTIFICATION OF AMOUNTS REQUESTED**

a.  **IRRIGATION:** Maximum area to be irrigated in any one year: 835,361 acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

See Attachment No. 4

b.  **DOMESTIC:** Number of residences to be served: \_\_\_\_\_ Separately owned?  YES  NO  
 Number of people to be served: \_\_\_\_\_ Estimated daily use per person is: \_\_\_\_\_ gallons per day  
 Area of domestic lawns and gardens: \_\_\_\_\_ square feet  
 Incidental domestic uses: \_\_\_\_\_  
 (dust control area, number and kind of domestic animals, etc.)

c.  **STOCKWATERING:** Kind of stock: \_\_\_\_\_ Maximum number: \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (feedlot, dairy, range, etc.)

d.  **RECREATIONAL:** Type of recreation:  Fishing  Swimming  Boating  Other \_\_\_\_\_

e.  **MUNICIPAL:**

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

See Attachment No. 5

Month of maximum use during year: \_\_\_\_\_ Month of minimum use during year: \_\_\_\_\_

f.  **HEAT CONTROL:** Area to be heat controlled: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 Heat protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

g.  **FROST PROTECTION:** Area to be frost protected: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 The frost protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

h.  **INDUSTRIAL:** Type of industry: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

i.  **MINING:** Name of the claim: \_\_\_\_\_  Patented  Unpatented  
 Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_  
 Type of milling or processing: \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.

j.  **POWER:** Total head to be utilized: \_\_\_\_\_ feet  
 Maximum flow through the penstock: \_\_\_\_\_ cfs  
 Maximum theoretical horsepower capable of being generated by the works (cfs x fall + 8.8): \_\_\_\_\_  
 Electrical capacity (hp x 0.746 x efficiency): \_\_\_\_\_ kilowatts at: \_\_\_\_\_ % efficiency  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M. FERC No.: \_\_\_\_\_

k.  **FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT:** List specific species and habitat type that will be preserved or enhanced in Item 7a of Section C.

l.  **OTHER:** Describe use: Groundwater storage and recharge  
 Basis for determination of amount of water needed: ongoing operation of facilities

**2. DIVERSION AND DISTRIBUTION METHOD**

- a. Diversion will be by gravity by means of: concrete or steel structures with measuring gates and  
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.) **weirs connected**

- b. Diversion will be by pumping from: no pumping required  
(sump, offset well, channel, reservoir, etc)  
 Pump discharge rate: \_\_\_\_\_  cfs or  gpd Horsepower: \_\_\_\_\_ Pump Efficiency: \_\_\_\_\_

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	

See Attachment No. 6

d. Storage reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)

See Attachment No. \_\_\_\_\_

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter (inches)	Length (feet)	Fall: vertical distance between entrance and exit of outlet pipe (feet)	Head: vertical distance from spillway to entrance of outlet pipe (feet)	Dead Storage: storage below entrance of outlet pipe (acre-feet)

See Attachment No. \_\_\_\_\_

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be 3,200 cfs. Diversion to offstream storage will be made by:  Pumping  Gravity

**3. CONSERVATION AND MONITORING**

- a. What methods will you use to conserve water? Explain. KCWA is a wholesaler of water. Therefore, water conservation is carried out by KCWA's member units.
- \_\_\_\_\_
- \_\_\_\_\_

- b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water?  Weir  Meter  Periodic sampling  Other (describe) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**4. RIGHT OF ACCESS**

- a. Does the applicant own all the land where the water will be diverted, transported and used?  YES  NO  
 If NO, I  do  do not have a recorded easement or written authorization allowing me access.
- b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access: \_\_\_\_\_
- \_\_\_\_\_

See Attachment No. \_\_\_\_\_

**5. EXISTING WATER RIGHTS AND RELATED FILINGS**

- a. Do you claim an existing right for the use of all or part of the water sought by this application?  YES  NO  
 If YES, please specify:  Riparian  Pre-1914  Registration  Permit  License  
 Percolating groundwater  Adjudicated  Other (specify) \_\_\_\_\_
- b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of

water diversion and use, if applicable. Existing pre-1914 and riparian Kern River rights are set forth in various agreements including the Miller-Haggin agreement of 1888 and the Kern River Water Rights and Storage Agreement of December 31, 1962. The points of diversion are included in section A.5 of this application. Kern River water was first used by KCWA's predecessor prior to 1914.

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion? Existing Kern River rights are pre-1914 and riparian and, therefore, are not permitted by the SWRCB.  
 See Attachment No. \_\_\_\_\_

**6. OTHER SOURCES OF WATER**

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project?  Yes  No If yes, please explain: KCWA contracts with the State Water Project for up to 998,750 acre-feet of table A water annually.

**7. MAP REQUIREMENTS**

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.  
 See Attachment No. 7

**SECTION C: ENVIRONMENTAL INFORMATION**

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (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 for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

**1. COUNTY PERMITS**

- a. Contact your county planning or public works department and provide the following information:  
 Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
 Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
 County Zoning Designation: \_\_\_\_\_  
 Are any county permits required for your project?  YES  NO If YES, check appropriate box below:  
 Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

- b. Have you obtained any of the required permits described above?  YES  NO  
 If YES, provide a complete copy of each permit obtained.  
 See Attachment No. \_\_\_\_\_

**2. STATE/FEDERAL PERMITS AND REQUIREMENTS**

- a. Check any additional state or federal permits required for your project:  
 Federal Energy Regulatory Commission  U.S. Forest Service  U.S. Bureau of Land Management  
 U.S. Corps of Engineers  U.S. Natural Res. Conservation Service  Calif. Dept. of Fish and Game  
 State Lands Commission  Calif. Dept. of Water Resources (Div. of Safety of Dams)  
 Calif. Coastal Commission  State Reclamation Board  Other (specify) \_\_\_\_\_

- 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, bank, or riparian habitat of any stream or lake?  YES  NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: \_\_\_\_\_

### 3. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
c. 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 application is to protect existing uses,**  
d. If NO, check the appropriate box and explain below, if necessary: **which have been analyzed pursuant to CEQA. If additional CEQA analysis is required, KCWA will do such analysis.**  
 The applicant is a California public agency and will be preparing the environmental document.\*  
 I expect that the SWRCB will be preparing the environmental document.\*\*  
 I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_  
 See Attachment No. \_\_\_\_

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your application 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 applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

### 4. 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?  
 YES  NO  
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?  YES  NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_

### 5. ARCHEOLOGY

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

See Attachment No. \_\_\_\_

### 6. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- 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.

See Attachment No. 8

**SECTION D: SUBMITTAL FEES**

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website ([www.waterrights.ca.gov](http://www.waterrights.ca.gov)).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the environmental review fee, payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

**SECTION E: DECLARATION AND SIGNATURE**

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have signed one above, to act on my behalf regarding this water right application.

*95 Agent*  
*Kearney County Water Agency* *9/27/07*  
\_\_\_\_\_  
Signature of Applicant Title or Relationship Date

\_\_\_\_\_  
Signature of Co-Applicant (if any) Title or Relationship Date



**"APPLICATION TO APPROPRIATE WATER" CHECKLIST**

Before you submit your application, be sure to:

- Answer each question completely in Sections A, B, and C.
- Number and include all necessary attachments
- Include a legible map that meets the requirements discussed in the instruction booklet (Item B6).
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- Include three complete sets of color photographs of the project site (Item C6).
- Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- Enclose a \$850 check for the environmental review fee, payable to the Department of Fish and Game, as specified in Section D.
- Sign and date the application in Section E.

Send the original and one copy of the entire application to:

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