

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 11475 (Application 17956)

City of Crescent City

**ORDER APPROVING CHANGE IN PLACE OF USE
AND AMENDING THE PERMIT**

SOURCE: Smith River (Subterranean Stream) tributary to Pacific Ocean

COUNTY: Del Norte

WHEREAS:

1. Permit 11475 was issued to City of Crescent City (City) on July 16, 1958, pursuant to Application 17956.
2. A petition to change place of use was filed with the State Water Resources Control Board (State Water Board or Board) on January 17, 2008. Public notice of the change was issued on January 23, 2009 and no protests were received.
3. The State Water Board has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. The State Water Board has determined that good cause for such change has been shown.
4. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for the project. On July 26, 2007, the District issued an Initial Study and Negative Declaration (ND) titled Place of Use Expansion 2007, SCH # 2007072125. On May 19, 2010, the City issued a Notice of Determination (NOD) for the project.

The State Water Board is a responsible agency for purposes of considering whether to approve the change petition that will allow the City to proceed with the proposed project. As a responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency, and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Public Resources Code, tit. 14, § 15096, subd. (a).) The State Water Board has considered the ND in deciding whether to approve the petition.

The City's environmental review was limited to impacts associated with the proposed change petition, i.e., the impacts associated with place of use expansion. Consequently, the State Water Board's approval of the change petition must be similarly limited in scope. The State Water Board will issue an NOD within 5 days of the date of this order.

5. In addition to any obligation the State Water Board may have under CEQA, the Board has an 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].) There is no evidence that approval of the change petition will have any adverse impacts on public trust resources.

6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the permittee aware of possible obligations resulting from these acts.
7. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.
8. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.9) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
9. An amended permit shall be issued.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 11475 IS AMENDED TO READ AS FOLLOWS:

1. The place of use is modified as follows:

The service area which includes the City of Crescent City, Meadowbrook Acres and adjacent to the main pipeline and land for the proposed State Prison, for a total of 7,500 acres within Sections 13, 14, 22, 23, 24, 25, 26, 34 and 35, T17N, R1W; Sections 1, 2, 3, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, T16N, R1W; and Sections 13 and 24, T16N, R2W, all within HB&M as shown on map dated December 1986 filed with the State Water Board; and 2,014 acres within Sections 1, 2, 8, 9, 16, 17, 18, 22, 26, 27 and 35, T16N, R1W and Sections 24, 25, 26, 35 and 36, T17N, R1W, all within HB&M, as shown on map dated November 2007 filed with the State Water Board.

2. Permit 11475 is amended to include the following Endangered Species condition:

This permit 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 2097) 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 permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

3. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

4. An amended Permit 11475 is hereby issued, containing the conditions in this order and all other conditions of Permit 11475. The original Permit 11475 is considered revoked.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

Victoria A. Whitney
Deputy Director for Water Rights

Dated: July 29, 2010

KDM: DCC: 07/19/10

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 11475

Application 17956 of

City of Crescent City
377 J Street
Crescent City, CA 95531-4025

filed on **January 23, 1958**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Smith River (Subterranean Stream)

Tributary to:

Pacific Ocean

within the County of Del Norte

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
North 2,571,349 feet and East 5,983,174 feet	NW¼ of NE¼	13	17N	1E	HB

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Municipal	<p>The City of Crescent City, Meadowbrook Acres and adjacent to the main pipeline and land for the State Prison, for a total of 7,500 acres within Sections 13, 14, 22, 23, 24, 25, 26, 34 and 35, T17N, R1W; Sections 1, 2, 3, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, T17N, R1W; and Sections 13 and 24, T16N, R2W, all within HB&M as shown on map dated December 1986 filed with the State Water Board; and</p> <p>2,014 acres within Sections 1, 2, 8, 9, 16, 17, 18, 22, 26, 27 and 35, T16N, R1W and Sections 24, 25, 26, 35 and 36, T17N, R1W, all within HB&M, as shown on map dated November 2007 filed with the State Water Board.</p>					

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **9.8 cubic feet per second** by direct diversion from **January 1 to December 31** of each year. The maximum amount diverted under this permit shall not exceed **2,600** acre-feet per year. (000005B)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2002. (0000009)
7. No water service connections, other than to existing development shall be made within Bertsch-Ocean View Community Services District until the California Regional Water Quality Control Board, North Coast Region, has determined that the disposal of sewage generated by additional connections will not cause pollution of water. The provisions of this paragraph shall be superseded by any waste discharge prohibitions applicable to the District which may be hereafter adopted by said Regional Board in its "Water Quality Control Plan for the Klamath River Basin". (0360300)
8. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein. (0000029A)
9. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights. (0000030)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. 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 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 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 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 permittee 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.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee 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.

(0000013)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit 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 1391. Every permit 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 permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, 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 permit 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 permittee 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 permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

Victoria A. Whitney
Deputy Director for Water Rights

Dated: July 29, 2010

KDM: DCC: 07/19/10
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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17956 PERMIT 11475 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 11475 was issued to City of Crescent City on July 16, 1958 pursuant to Application 17956.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 4 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 2002 (0000008)

2. Condition 5 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 2002 (0000009)

Dated: **OCTOBER 21 1993**

Roger Johnson
for Edward C. Arvon, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17956

PERMIT 11475

LICENSE _____

ORDER APPROVING A CHANGE IN THE PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. A petition to add to the place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 11 of this permit regarding the place of use is amending as follows:

The service area which includes the City of Crescent City, Meadowbrook Acres and adjacent to the main pipeline and land for the proposed State Prison, for a total of 7,500 acres being within Sections 13, 14, 22, 23, 24, 25, 26, 34, and 35, T17N, R1W, HB&M, Sections 1, 2, 3, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, T16N, R1W, HB&M, and Sections 13, and 24, T16N, R2W, HB&M as shown on map on file with the State Water Resources Control Board.

2. Paragraph 7 of this permit is deleted. A new paragraph 7 is added as follows:

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 State Water Resources Control 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 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

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.

3. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by an additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and as supplemented, shall be implemented in accordance with the schedule for implementation found therein.

(000029A)

Dated: FEBRUARY 5 1987

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17956

PERMIT 11475

LICENSE _____

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
AMENDING A TERM OF THE PERMIT,
AND ADDING A TERM TO THE PERMIT**

WHEREAS:

1. A petition for **extension of time** within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been **shown for extension of time** and for the said change.
3. The Board has **determined that this extension of time and petitioned change will not operate to the injury of any other legal user of water.**

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 4 of the permit is amended to read as follows:

SAID CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

DECEMBER 1, 1989

2. Paragraph 5 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE SHALL
BE MADE ON OR BEFORE

DECEMBER 1, 1989

3. Existing Paragraph 7 of the permit is deleted. A new Paragraph 7 is added as follows:

Pursuant to California Water Code Sections 100 and 275, 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 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.

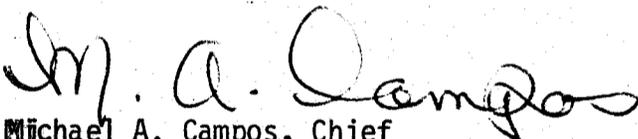
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to

meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (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.

4. A new Paragraph 8 is added to the permit as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board 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.

Dated: OCTOBER 4 1979



Michael A. Campos, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814



ORDER ALLOWING CHANGE IN PLACE OF USE
AND ADDING NEW PERMIT TERM

Permit 11475

Application 17956

WHEREAS:

1. The State Water Resources Control Board has found that the change in place of use under Permit 11475, for which petition was submitted on May 31, 1973, will not operate to the injury of any other legal user of water.

2. The Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition.

NOW, THEREFORE, IT IS ORDERED that:

1. Permission is hereby granted to change the place of use under said Permit 11475 to a place of use as described in the supplement to the petition and as shown on the petition map filed with the State Water Resources Control Board, said map showing the boundaries in accordance with said description.

2. The following term be added to Permit 11475:

NO WATER SERVICE CONNECTIONS, OTHER THAN TO
AN EXISTING DEVELOPMENT SHALL BE MADE WITHIN
BERTSCH-OCEAN VIEW COMMUNITY SERVICES

DISTRICT UNTIL THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION, HAS DETERMINED THAT THE DISPOSAL OF SEWAGE GENERATED BY ADDITIONAL CONNECTIONS WILL NOT CAUSE POLLUTION OF WATER. THE PROVISIONS OF THIS PARAGRAPH SHALL BE SUPERSEDED BY ANY WASTE DISCHARGE PROHIBITIONS APPLICABLE TO THE DISTRICT WHICH MAY BE HEREAFTER ADOPTED BY SAID REGIONAL BOARD IN ITS "WATER QUALITY CONTROL PLAN FOR THE KLAMATH RIVER BASIN".

Dated:

OCT 1 1973

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1140, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814



**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND LIMITING TOTAL ANNUAL DIVERSION**

APPLICATION 17956

PERMIT 11475

THE STATE WATER RESOURCES CONTROL BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 11475; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1975

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1975

IT IS FURTHER ORDERED THAT THE TOTAL ANNUAL DIVERSION ALLOWED UNDER SAID PERMIT 11475 BE AND THE SAME IS HEREBY LIMITED TO 2600 ACRE-FEET.

DATED: JUN 25 1975

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1140, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814

**ORDER ALLOWING CHANGE IN PLACE OF USE**

Application 17956

Permit 11475

WHEREAS, the State Water Resources Control Board has found that the petition for addition of the area known as Meadowbrook Acres to the authorized place of use under Application 17956, Permit 11475, for which petition was submitted on June 12, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS, the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

NOW, THEREFORE, IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 17956, Permit 11475, to a place of use described as follows, to wit:

WITHIN THE WATER SERVICE AREA OF CRESCENT CITY, BEING WITHIN SECTIONS 19, 20, 21, 28, 29 AND 30, T16N, R1W AND SECTIONS 12 AND 13, T16N, R2W, HB&M, AND THE MEADOWBROOK ACRES AREA WITHIN SECTIONS 1, 2 AND 11, T16N, R1W, HB&M, AS SHOWN ON MAP ACCOMPANYING PETITION ON FILE WITH THE STATE WATER RESOURCES CONTROL BOARD.

Dated:

JUN 23 1970

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 17956PERMIT 11475

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 11475; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1968

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1968

DATED: AUG 1 1966

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER

ORDER

APPLICATION 17956

PERMIT 11475

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION WORK

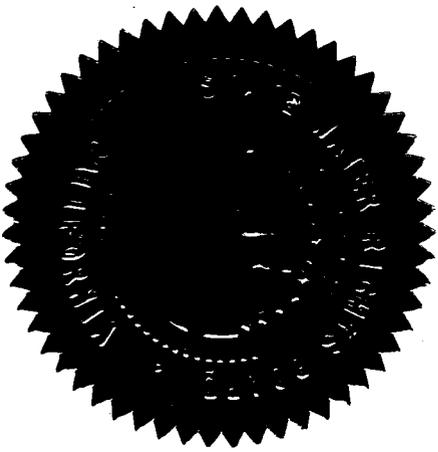
The State Water Rights Board having determined that good cause has been shown for an extension of time within which to complete construction work under Permit 11475, said Board having approved such extension and having directed that this order be issued;

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1963, within which to complete construction work under said permit.

Witness my hand and the seal of the State Water Rights Board this

22nd day of March. 1962

L. K. Hill
L. K. Hill
Executive Officer



[For full information concerning the filling out of this form refer to
Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 17956 Filed January 23, 1958 at 11:29 A.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER
AMENDED APPLICATION RECEIVED MARCH 3, 1958

I, City of Crescent City
Name of applicant
of City Hall, Crescent City, County of Del Norte
Address
State of California, do hereby make application for a permit to appropriate the

following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Smith River
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Del Norte County, tributary to Pacific Ocean

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 9.8 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons
per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is municipal
Domestic, irrigation, power, municipal, mining, industrial, recreational
_____ purposes.

4. The point of diversion is to be located south 72°26'45" east 3670.76 feet from NW corner of
State bearing and distance or coordinate distances from section or quarter section corner
Section 13, T17N, R1W, HB&M

being within the NW¼ of NE¼
State 40-acre subdivision of public land survey or projection thereof
of Section 13, T. 17N, R. 1W, _____ H. B. & M., in the County of Del Norte

5. The main conduit terminates in SW¼ of SE¼ of Sec. 20, T. 16N, R. 1W, _____ H. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from a Ranney horizontal collector system
Sump, offset wall, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being _____ feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of _____
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir _____
Name

The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____
Cross out two not used
Earth, rock, timber, etc.

(b) Pipe line: Diameter 16" & 14" inches; length Total 49,881 feet; grade See attachment feet per 1,000 feet; total fall from intake to outlet see attachment feet; kind Cast Iron - Tyton Joints
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is 9.8 cubic feet per second; the pumping capacity is estimated at 4.64 cubic feet per second State cubic feet per second or gallons per minute initial
 The estimated cost of the diversion works proposed is \$732,000.00
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before May 15, 1958

Construction work will be completed on or before January 1, 1959

The water will be completely applied to the proposed use on or before January 1, 1965

Description of Proposed Use

11. Place of Use. The water is to be supplied for municipal use and will be distributed in the City's service area. The water service area includes approximately 1500 acres and is shown on map filed with State Water Rights Board.
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? No Jointly?
Yes or No Yes or No

The City of Crescent City owns the water distribution system
If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date Closing date

14. Power Use. The total fall to be utilized is _____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
Second feet X fall + 8.8

The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

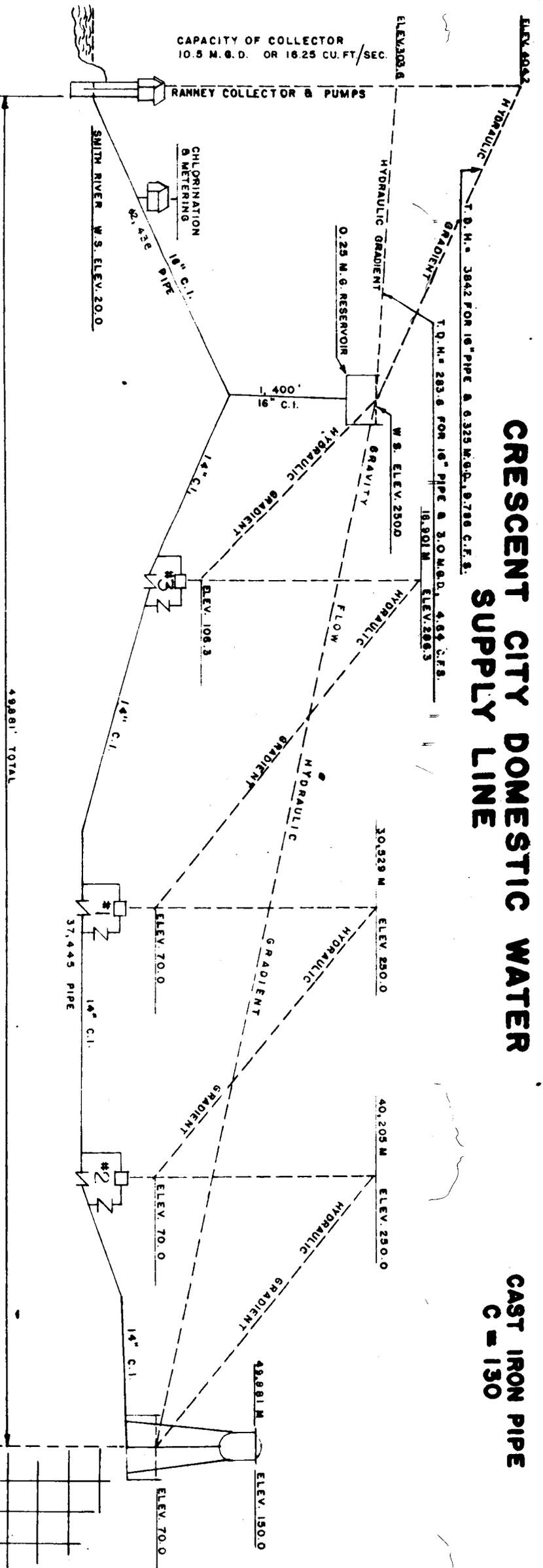
The water will be returned to _____ in _____ of _____
Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M.

**ATTACHMENT FOR PARAGRAPH 8
CONDUIT SYSTEM**

**CRESCENT CITY DOMESTIC WATER
SUPPLY LINE**

**CAST IRON PIPE
C = 130**



FLOW WITH ALL 3 BOOSTER PUMPS OPERATING

250'-70' = 180' AVAILABLE HEAD (T.D.H.), ÷ 9.676 = 18.6 hf/1000'

16" DIA. PIPE TO HILL RESERVOIR, & 14" DIA. PIPE REMAINDER OF LINE; Q = 6,325,000 G.P.D. = 9.786 CU. FT./SEC.

GRAVITY FLOW (WITHOUT BOOSTER PUMPS OPERATING)

250'-70' = 180' AVAILABLE HEAD, ÷ 37.44 = 4.81 hf/1000'

16" DIA. PIPE TO HILL RESERVOIR, & 14" DIA. PIPE REMAINDER OF LINE, Q = 3,050,000 G.P.D. = 4.719 CU. FT./SEC.

15. Municipal Use. This application is made for the purpose of serving City of Crescent City

Name city or cities, town or towns. Urban areas only

Water service area having a present population of 6700

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

SEE ATTACHMENT MARKED

"ATTACHMENT FOR PARAGRAPH 15 - "MUNICIPAL USE"

16. Mining Use. The name of the mining property to be served is _____

Name of claim

and the nature of the mines is _____

Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____

Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise _____

will not

Explain nature of pollution, if any

and it will be returned to _____

will not

Name stream

State 40-acre subdivision

of _____

Sec. _____, T. _____, R. _____, B. & M. _____

17. Other Uses. The nature of the use proposed is Municipal which includes many beneficial purposes

Industrial, recreational, domestic, stockwatering, fish culture, etc.

and uses such as; domestic, commercial, light industrial, residential irrigation, recreation, stockwatering, fire protection, etc.

State basis of determination of amount needed. several factors were considered in determining the

Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

amount of water needed. These estimated factors were based on a water use in other

industrial use, and unit requirements.

communities located near an adequate source of good water - Design population = 10,000

attained in 5 to 8 years. Average daily consumption = 200 gallons/capita/day.

Maximum daily consumption = 200% of Average daily consumption. Fire demands are

based on National Board of Fire Underwriters requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, _____

Yes or No

state specifically the time required for filing same. _____

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and _____

Yes or No

address of owner and state what steps have been taken to secure right of access thereto Mr. Austin Huffman

Crescent City, California - Owner has agreed to sell, City is preparing documents

20. What is the name of the post office most used by those living near the proposed point of diversion?

Fort Dick, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? _____

[SIGNATURE OF APPLICANT] /s/ Henry Cooper, Mayor

ATTACHMENT FOR PARAGRAPH 15 "MUNICIPAL USE"

The population of the City of Crescent City is approximately 3000, and the City Limits include an area of approximately 500 acres.

The present Crescent City Water System serves a population of approximately 6700 and includes an area of approximately 1500 acres. With an adequate potable water supply and distribution system the service area can be enlarged to approximately four (4) square miles (2,560 acres) within a period of a few years. The City Limits and water system service areas are shown on the map submitted with the application.

The proposed water supply system is being designed for a population equivalent of 10,000 including provision to increase the capacity of the system as additional financing is made available.

The system is being designed on an average daily consumption of 200 gallons per capita (2.0 M.G.D. or 3.095 cu. ft./sec.) and a maximum daily consumption of 200% of the average (4.0 M.G.D. or 6.19 cu. ft./sec.). The water use varies during the day, the maximum hourly use occurring from 9:00 to 10:00 A.M., and from 6:00 to 7:00 P.M.; and the minimum occurring from 2:00 to 4:00 P.M. The maximum daily use can be expected in July and August, and the minimum during the winter months.

The maximum requirement to be met by the system would occur during a major fire. The maximum fire demand was computed to be 3120 G.P.M., (6.95 cu. ft./sec.) for a duration of 10 hours. This plus the maximum daily demand of 2780 G.P.M. (6.19 cu. ft./sec.) makes a total required rate of 5900 G.P.M. or 13.14 cu. ft./sec. which rate is 3.34 cu. ft./sec. more than the capacity of the proposed supply main. The design capacity of supply main is 9.80 cu. ft. per sec. (6.325 M.G.D.) This additional required capacity will have to be provided through future fire storage in the service area.

Due to the lack of bonding capacity, the construction of the Crescent City Water Supply and Distribution System will have to be accomplished by a development program including several construction stages.

The proposed project, the first construction stage, will include the following major units:

A 17956-2

(a) Collector at Smith River

A Ranney horizontal water collector and pump house will be constructed at the river. The pumping tests on the wells and associated calculations show that the collector will produce 16.2 cu. ft. per sec. (10.5 M.G.D.) with a draw down of 4 feet.

(b) Pumping Equipment

Two electric driven pumps, one with a capacity of 1.55 cu. ft. per sec. (1.0 M.G.D.) and a second unit at 3.10 cu. ft. per sec. (2.0 M.G.D.) will be installed immediately. Space will be provided in the structure for the 3rd. unit with a pumping capacity of 4.64 cu. ft. per sec. (3.0 M.G.D.)

(c) Equalizing Reservoir

A 250,000 gallon equalizing reservoir (wood tank) located on high ground approximately 2.6 miles from the point of diversion.

(d) Supply Line

The supply line from the collector at Smith River to the City's distribution system will consist of approximately 13,830 feet of 16" cast iron pipe to the equalizing tank and 37,445 feet of 14" cast iron pipe from the equalizing tank to the distribution system.

The booster pumps and the additional pumping capacity at the collector will be added as required by water use. Domestic service will be available along the entire length of the supply line downstream from the chlorination station.

IMPORTANT

[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 11475

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed nine and eight tenths (9.8) cubic feet per second to be diverted from January 1 to December 31 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before December 1, 1958, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1960.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights 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.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit 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.

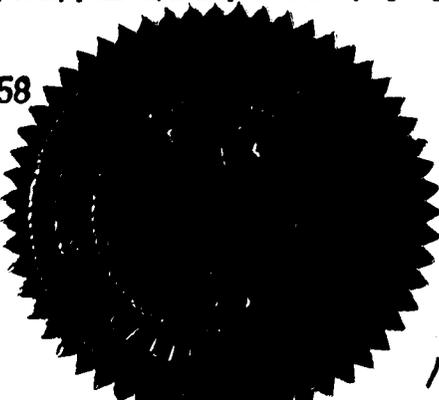
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, 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 permit 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 permittee 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 permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUL 16 1958

STATE WATER RIGHTS BOARD

L. K. Hill
L. K. Hill
Executive Officer



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11475