

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 12919B Permit 12947B License _____

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

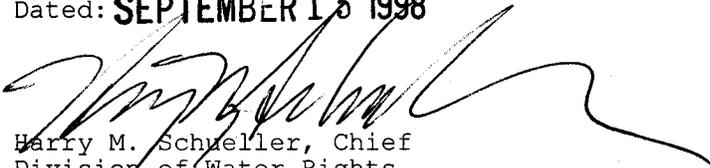
1. On January 21, 1975, Permit 12947B was issued to the Mendocino County Russian River Flood Control and Water Conservation Improvement District (District) pursuant to Application 12919B.
2. On October 15, 1997, the District filed a petition for an extension of time within which to develop full beneficial use of water authorized under Permit 12974B
3. On February 23, 1998, the petition was noticed in compliance with Section 843, Title 23 of the California Code of Regulation. A protest was submitted against the petition by California Sportfishing Protection Alliance (C.S.P.A.).
4. On July 22, 1998, the State Water Resources Control Board (SWRCB) requested C.S.P.A. to submit, within 30-days, additional information necessary to correct its protest against the District's time extension petition, in accordance with the provisions of Water Code section 1332. Because of the C.S.P.A.'s failure to provide the information as requested, C.S.P.A.'s protest was canceled in accordance with the provisions of Water Code section 1335.
5. On February 18, 1998, the SWRCB issued a Declaration of Exemption in accordance with section 15062 of the California Environmental Quality Act (CEQA) Guidelines.
6. The SWRCB has determined that the Permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

Paragraph 8 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 31, 2005 (000008)

Dated: **SEPTEMBER 15 1998**


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 12947B,
Issued on Application 12919A,

MENDOCINO COUNTY RUSSIAN RIVER
FLOOD CONTROL AND WATER CONSERVATION
IMPROVEMENT DISTRICT,

Permittee,

SONOMA COUNTY WATER AGENCY, ET AL.,

Protestants.

ORDER: WR 79-15
COUNTY: Mendocino
SOURCE: Russian River

ORDER APPROVING CHANGE IN PLACE OF USE

BY BOARD MEMBER MITCHELL:

Mendocino County Russian River Flood Control and Water Conservation Improvement District (Mendocino District) having petitioned the State Water Resources Control Board for a change in place of use under Permit 12947B; protests having been received; a public hearing having been held before the Board on February 26, 1979, permittee and Protestant Sonoma County Water Agency (Sonoma Agency) having appeared and presented evidence; the evidence received at the hearing having been considered, the Board finds as follow:

PAST PROCEEDINGS

1. Permit 12947B is a water right entitlement held by the Mendocino District. An understanding of certain background factors is necessary to dispose of the change petition. The nature of the entitlement will appear as this background is developed.
2. Permit 12947B has its origin in Application 12919 and 12920 filed on January 28, 1949, by the State of California,

pursuant to Water Code Section 10500. Like all so-called "state filings" the purpose of these applications was to use California's water right system of priority by date of application to guide water resources development in a manner consistent with a coordinated statewide plan. A portion of each of these applications (which portions were eventually designated 12919A and 12920A) underwent assignment and reassignment, pursuant to the law governing state filings. The applications were amended and completed in 1958 and held jointly by the predecessor of the Sonoma Agency and by the Mendocino District.

3. The applications, as finally amended and completed, both proposed appropriation of 335 cubic feet per second (cfs) by direct diversion from various points on the Russian River system and 122,500 acre-feet per annum (afa) by storage at Coyote Dam (Lake Mendocino) on East Fork Russian River. One application was for municipal, industrial, domestic, and recreational uses. The other was for irrigation and domestic uses. Both applications covered the same water; their only significant difference was in the uses proposed.

4. The completed applications, together with other applications to appropriate from the Russian River system, were considered at a consolidated hearing, which led to Decision 1030 adopted August 17, 1961. Decision 1030 approved the applications and ordered issuance of permits (Permits 12947 and 12948), subject to certain conditions.

5. By its Order WR 74-30, adopted October 17, 1974, the Board took the following actions relevant here:

(a) Since Permits 12947 and 12948 covered the same project and the same water, the Board in effect consolidated all permitted uses into Permit 12947, and revoked Permit 12948;

(b) The Board then split Permit 12947 into "A" and "B" permits to reflect the separate entitlements of the Sonoma Agency (Permit 12947A) and the Mendocino District (Permit 12947B).

6. Relevant permit details are the following:

(a) The existing place of use specified in the Mendocino District's "B" permit, which is the subject of the instant petition, is within the District's boundaries. All of the area is within Mendocino County. The permit allows direct diversion of 53 cfs and shared storage of 122,500 afa; however, combined direct diversion and rediversion of stored water is limited to 8,000 afa.

(b) Protestant Sonoma Agency, holder of the "A" permit, is authorized direct diversion of 92 cfs and shared storage of 122,500 afa. The Sonoma Agency's permit contemplates and authorizes use of project water both within the Russian River Valley in Sonoma County and -- unlike the Mendocino District's permit -- export of water from that Valley. However, Sonoma Agency's right to export is subject to 8,000 afa depletion by consumptive use within the Mendocino District, under that District's "B" permit, for uses initiated after January 28, 1949.

OBJECTIVE OF THE PETITION

7. The Mendocino District seeks to change its presently authorized place of use by adding the area within the Redwood

Valley County Water District (Redwood Valley District). The Redwood Valley District lies generally north of the Mendocino District. A small portion of the southernmost lands of the Redwood Valley District is within the boundaries of the Mendocino District; most of such lands are outside the Mendocino District's boundaries.

8. Lands of the Redwood Valley District are within the drainage of West Fork Russian River, and within Mendocino County. West Fork and East Fork Russian River have their confluence within Mendocino County a few miles south of the Redwood Valley District's southern boundary.

9. Lands of the Mendocino District are within the drainage of East Fork Russian River and of the Russian River system below the confluence of the West Fork and the East Fork. The main stem of the Russian River flows in a generally southerly direction below that confluence, crosses the Mendocino County-Sonoma County line near Preston, turns westerly below Healdsburg, and flows to the Ocean near Jenner.

10. The Mendocino District thus encompasses most of the Russian River drainage lying within Mendocino County. However, as we have seen, its boundaries do not include the West Fork drainage.

11. The Mendocino District's petition does not involve annexation of the Redwood Valley District's lands, that is, lands within the West Fork drainage. It proposes to supply water to the Redwood Valley District by contract. Under the terms of the contract, the Redwood Valley District would be supplied up to 4,000 afa of permit water, to the extent such water is surplus to the needs of the Mendocino District. (Mendocino District

Exhibit 4.) In other words, the Mendocino District proposes to divert the unused portion of its 8,000 afa depletion allowance to the Redwood Valley District, whose lands are drained by the West Fork Russian River, until such time as it is needed within the original Mendocino District place of use. Average use by the Mendocino District during a normal year has been about 4,000 afa, leaving a like quantity available for Redwood.

12. The purpose of the proposed change and uses that would be made of the water are as follows:

(a) The purpose of the change is to provide a firm interim supply for the Redwood Valley District. That district has recently been issued a permit on Application 24955, which allows direct diversion and storage of water from Lake Mendocino when the Corps of Engineers is making flood control releases, usually January through April. Alternate surface supplies have been explored and found unfeasible. The groundwater supply is also inadequate. The Redwood Valley District has entered into an agreement with the Mendocino District concerning a pooling agreement for the Warm Springs Project for the long-term firm supply. (RT 46, Mendocino Exhibits 3 and 4.)

(b) The water will be used for domestic and irrigation purposes. Domestic use is estimated to be approximately 600 afa and irrigation would use the remainder. Irrigation water would be available to some 2,000 acres initially and 3,500 acres ultimately. The prevalent crop is grapes which, for the most part, have been dry farmed in the past. Development for full use of the water is estimated to be seven years, when the conduit system is completed and the whole 3,500 acres could be served.

THE PROTESTS

13. Five protests were accepted against the petition for change; three were resolved prior to the hearing.

(a) The three resolved protests were from users within the Mendocino District, namely, Millview County Water District, Parducci Winery and Hugo and Beatrice Oswald. They all expressed concern that they would not be able to purchase additional portions of the 8,000 afa reservation in the future. They also protested on grounds that the change would be contrary to law, be adverse to the public interest and have adverse environmental impacts. These protests were withdrawn through stipulations whereby the Mendocino District agreed to the inclusion in any order approving the change in the following condition:

"Water to be utilized in this additional place of use shall be available only until the same is necessary to supply water for any existing or future use of water within the Mendocino County Russian River Flood Control and Water Conservation Improvement District. Neither the Redwood Valley County Water District nor any user within that district will acquire a vested right to water available under Permit 12947B as a result of this change in place of beneficial use."

(b) An unresolved protest was submitted by Sonoma County Tomorrow. The basis of its protest was that the change would have adverse environmental effects and would not be in the public interest. Sonoma County Tomorrow did not appear at the hearing nor did it make a showing of good cause within the five-day period following the hearing. In accordance with Section 731, Title 23, California Administrative Code, protestant's failure to appear, or to show good cause for its nonappearance, is interpreted as an abandonment of interest in the subject matter of the petition.

14. The remaining unresolved protest was submitted by the Sonoma Agency, holder of Permit 12947A. The Sonoma Agency also holds several other filings on the Russian River, including two permits authorizing export diversion from the Russian River Valley.

THE ISSUE

15. Protestant Sonoma Agency concedes that the proposed interim use of water in the Redwood Valley District under Permit 12947B is in the public interest (RT 48); and the record amply supports the finding that such use is in the public interest.

16. The Sonoma Agency's protest is best summarized by the condition on approval of the petition proposed by protestant at hearing.

(a) The proposed condition is that, first, any use within the Redwood Valley District be subordinated to uses under Permit 12947B within the Mendocino District. This part of the proposed condition has been agreed to by petitioner by stipulation with other protestants. (See Finding 13, above.)

(b) The second part of the condition is that any use within the Redwood Valley District be further subordinated to the Sonoma Agency's appropriation under Permit 12947A. It is this proposal which presents the issue which must be decided.

17. Water Code Section 1702 provides the statutory standard for Board action on the proposed change. Under that section, the Board must find that such change will not operate to the injury of any legal user of the water involved. Past Board decisions have concluded that "any legal user" includes junior as well as senior rightful users. Accordingly, the relative priorities of Petitioner and Protestant are not in issue. The question is whether approval of the proposed change -- without the condition proposed -- would operate to the injury of the Sonoma Agency, a lawful user of the water involved.

18. Protestant Sonoma Agency draws our attention to the fact that the 8,000 afa and 10,000 afa reserved by Decision 1030 for future use in Mendocino and Sonoma Counties, respectively, were for uses within the Russian River Valley and that Decision 1030 specially defined "Russian River Valley" in a manner that would exclude West Fork Russian River, in the drainage of which lie most of the lands of the Redwood Valley District. (Decision 1030, p. 9.) Therefore, according to the protestant, the Mendocino District's petition proposes an export of water from the Russian River Valley, as that term is defined. Thus, reasons the protestant, water service by the Mendocino District to the Redwood Valley District should be junior to use under the appropriation authorized by the Sonoma Agency's Permit 12947A. In support of this conclusion, the Sonoma Agency, while recognizing that the two permits are of the same priority, suggests application by analogy of the "first in time, first in right" principle. The Sonoma Agency's position is reflected

in the second part of its proposed dismissal term (see Finding 16(b) above), subordinating water use in Redwood Valley under Permit 12947B to protestant's use under Permit 12947A.

19. We do not find it necessary to condition our approval of the requested change in the manner proposed by the Sonoma Agency. The West Fork Russian River drainage is hydrologically a part of the Russian River basin; and its confluence with the East Fork is above the County line. Therefore, from the Sonoma Agency's perspective, it should make no difference whether water available under Mendocino's 8,000 afa reservation is used wholly within the Russian River Valley (as specifically defined) in Mendocino County or is used partially within the Russian River Valley and partially within Redwood Valley in the West Fork drainage in Mendocino County -- so long as total use within Mendocino County does not exceed the permitted 8,000 afa depletion.

20. We recognize that approval of the proposed change, given the contractual relationships between the Mendocino District and the Redwood Valley District, will encourage full use of the 8,000 afa reservation for Mendocino County under Permit 12947B faster than if the change were not approved. However, so long as Mendocino's use, including use in Redwood Valley, does not exceed the permitted 8,000 afa depletion, we conclude that reaching full authorized use ahead of the time at which full use would otherwise occur does not, in and of itself, operate to the injury of other users of the water involved, within the meaning of Water Code Section 1702.

21. The change in place of use proposed by the Mendocino District's petition is found not to be a substantial project change, within the meaning of Water Code Section 10504.5.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

22. The Redwood Valley District has prepared a final environmental impact report in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the State Guidelines.

23. The project as approved by the Redwood Valley District will have the following significant effect on the environment:

- (a) Reduction of vegetation and wildlife habitat;
- (b) Changes in water quality;
- (c) Changes in land use and population growth.

24. The following economic, social or other conditions make it infeasible to mitigate or avoid one or more significant effects of a project on the environment:

(a) Significant impacts relating to removal of vegetation will be partially mitigated by replanting areas disturbed by pipeline construction. About 10 acres of grassland type vegetation will be lost to the storage reservoir, treatment plant and corporation yard and an unknown amount of vegetation will be converted to intensive agriculture and urban. No mitigation measures are available for vegetation lost to development. There will probably be some enhancement of riparian vegetation along the Russian River and tributary streams because of increased agricultural return flow.

(b) Water quality in the Russian River may be degraded by increased agricultural return water; however, there is a

trade-off between obtaining extra flow and potential degradation. No mitigation measures are available.

(c) Improving the water supply will result in increased urban and industrial growth which will result in secondary impacts at some later date when the growth is realized. Water quality degradation, increased vehicular traffic, air pollution, and solid waste disposal will result with increased growth. At the present time, these impacts are problematical and mitigation can only be accomplished when specific projects are proposed.

25. The State Board has reviewed and considered the information contained in the EIR prior to the approval of the project.

DETERMINATION OF ISSUES

26. The proposed change is in the public interest.

27. The proposed change will not operate to the injury of any legal user of the water involved.

ORDER

IT IS HEREBY ORDERED that:

1. The protest of Sonoma County Tomorrow is dismissed.
2. The change proposed by the Mendocino District is approved.
3. Approval is conditioned upon the stipulated condition set forth in Finding 13.

Dated: JUNE 21, 1979

/S/ L. L. MITCHELL
L. L. Mitchell, Member

/S/ W. DON MAUGHAN
W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER
William J. Miller, Member

/S/ CARLA M. BARD
Carla M. Bard, Member

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

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 12947-B

Application 12919A of MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT

COURT HOUSE, UKIAH, CALIFORNIA 95482

filed on JANUARY 28, 1949, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Source:

Tributary to:

EAST FORK RUSSIAN RIVER

RUSSIAN RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>COYOTE VALLEY RESERVOIR - NORTH 45°10' EAST 2,590 FEET FROM SW CORNER OF PROJECTED SECTION 34</u>	<u>NE1/4 OF SW1/4</u>	<u>34</u>	<u>16N</u>	<u>12W</u>	<u>MD</u>

County of MENDOCINO

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>RECREATIONAL</u>						
<u>MUNICIPAL</u>						
<u>INDUSTRIAL</u>						
<u>DOMESTIC</u>						
<u>IRRIGATION</u>	<u>AT LAKE MENDOCINO AND WITHIN SOUTHERN MENDOCINO COUNTY FROM COYOTE VALLEY RESERVOIR TO THE COUNTY LINE IN THE RUSSIAN RIVER VALLEY. APPROXIMATELY 4,096 ACRES WILL BE IRRIGATED WITHIN A GROSS AREA OF 12,100 ACRES.</u>					

The place of use is shown on map filed with the State Water Resources Control Board.

DEPARTMENT OF WATER RESOURCES
DIVISION OF WATER RESOURCES
SACRAMENTO, CALIFORNIA

PERMIT FOR EXCAVATION AND FILL FOR WATER

PROJECT NO. 100-100-100

REDDING COUNTY RUSSIAN RIVER FLOOD CONTROL AND
WATER CONSERVATION IMPROVEMENT DISTRICT

COURT HOUSE, URBAN, CALIFORNIA

JANUARY 20, 1960

RUSSIAN RIVER

EAST FORK RUSSIAN RIVER

COYOTE VALLEY RESERVOIR - NORTH END
200 FEET FROM SW CORNER OF PROJECTED
SECTION 36

REDDING

RECREATIONAL

MUNICIPAL

INDUSTRIAL

DOMESTIC

AREA OF 100 ACRES
WILL BE LOCATED WITHIN A CROSS
VALLEY, APPROXIMATELY 1/2 MILE
COUNTY LINE IN THE RUSSIAN RIVER
COYOTE VALLEY RESERVOIR TO THE
SOUTHERN REDDING COUNTY FROM
LAKE REDDING AND WITHIN

5. THE WATER APPROPRIATED SHALL BE LIMITED TO WATER OF THE EAST FORK RUSSIAN RIVER WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED (A) 53 CUBIC FEET PER SECOND BY DIRECT DIVERSION AND (B) 122,500 ACRE-FEET PER ANNUM BY STORAGE FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE TOTAL AMOUNT STORED IN LAKE MENDOCINO UNDER THIS PERMIT AND PERMIT 12947A SHALL NOT EXCEED 122,500 ACRE-FEET PER ANNUM. THE COMBINED DIRECT DIVERSION AND REDIVERSION OF STORED WATER UNDER THIS PERMIT SHALL NOT EXCEED 8,000 ACRE-FEET PER ANNUM.

THERE SHALL BE NEITHER DIRECT DIVERSION NOR REDIVERSION OF STORED WATER PURSUANT TO THIS PERMIT UNTIL A DESCRIPTION OF THE LOCATION OF EACH POINT OF DIVERSION AND A STATEMENT OF THE QUANTITY OF WATER TO BE DIVERTED AT EACH POINT IS FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

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

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1985.

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

10. 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.

THIS 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) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) 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.

11. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT.

12. 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.

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE MARKINGS

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IT IS THE POLICY OF THE UNITED STATES GOVERNMENT TO MAKE AVAILABLE TO THE PUBLIC INFORMATION

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AND TO PROVIDE FOR THE PROTECTION OF SUCH INFORMATION FROM UNAUTHORIZED DISCLOSURE

BY THE UNITED STATES GOVERNMENT AND TO MAKE AVAILABLE TO THE PUBLIC INFORMATION

WHICH HAS BEEN DETERMINED TO BE UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE MARKINGS

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WHICH HAS BEEN DETERMINED TO BE UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE MARKINGS

13. THIS PERMIT IS SUBJECT TO RIGHTS ACQUIRED OR TO BE ACQUIRED PURSUANT TO APPLICATIONS BY OTHERS WHETHER HERETOFORE OR HEREAFTER FILED FOR USE OF WATER WITHIN THE SERVICE AREA OF MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT AND WITHIN THE RUSSIAN RIVER VALLEY IN SONOMA COUNTY, AS SAID VALLEY IS DEFINED IN DECISION 1030 OF THE STATE WATER RIGHTS BOARD AT PAGE 9, TO THE EXTENT THAT WATER HAS BEEN BENEFICIALLY USED CONTINUOUSLY ON THE PLACE OF USE DESCRIBED IN SAID APPLICATIONS SINCE PRIOR TO JANUARY 28, 1949 (THE DATE OF FILING APPLICATIONS 12919 AND 12920).
(050 0999)

14. THIS PERMIT IS SUBJECT TO THE STIPULATION BETWEEN PERMITTEE AND POTTER VALLEY IRRIGATION DISTRICT DATED AUGUST 18, 1959, AND FILED OF RECORD AS SONOMA DISTRICT EXHIBIT 13 AT THE HEARING OF APPLICATION 12919A AND OTHERS.
(0000024)

15. THIS PERMIT IS SUBJECT TO BENEFICIAL USE IN POTTER VALLEY WHETHER UNDER PRIOR OR SUBSEQUENT RIGHTS AND TO ANY AND ALL RIGHTS OF ANY COUNTY IN WHICH THE WATER APPROPRIATED HEREUNDER ORIGINATES TO THE EXTENT THAT ANY SUCH WATER MAY BE NECESSARY FOR THE DEVELOPMENT OF LANDS IN SUCH COUNTY LYING IN THE WATERSHED ABOVE LAKE MENDOCINO.
(0000999)

16. THE STATE WATER RESOURCES CONTROL BOARD RETAINS CONTINUING JURISDICTION FOR THE PURPOSE OF CONFORMING THIS PERMIT TO ANY AGREEMENT BETWEEN SONOMA COUNTY WATER AGENCY AND MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT WHEREBY THE MENDOCINO DISTRICT WILL HAVE AN OPPORTUNITY TO ACQUIRE A GREATER PORTION OF THE COYOTE VALLEY PROJECT AND/OR A SHARE OF ANY ADDITIONAL WATER ABOVE THE MINIMUM SAFE YIELD THEREOF, OR UPON FAILURE TO REACH SAID AGREEMENT, AS MAY BE ORDERED BY A COURT OF COMPETENT JURISDICTION.
(0000600)

17. IN COMPLIANCE WITH FISH AND GAME CODE SECTION 5943, PERMITTEE SHALL ACCORD TO THE PUBLIC, FOR THE PURPOSE OF FISHING, REASONABLE RIGHT OF ACCESS TO THE WATERS IMPOUNDED BY LAKE MENDOCINO DURING THE OPEN SEASON FOR THE TAKING OF FISH, SUBJECT TO THE REGULATIONS OF THE FISH AND GAME COMMISSION.
(0030064)

18. THIS PERMIT IS SUBJECT TO THE STIPULATION AND AGREEMENT BETWEEN SONOMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME, DATED AUGUST 21, 1959, FILED OF RECORD AS SONOMA EXHIBIT NO. 23 AT THE HEARING OF APPLICATION 12919A AND OTHERS, TO THE EXTENT THE PROVISIONS OF SAID STIPULATION AND AGREEMENT RELATE TO MATTERS WITHIN THE JURISDICTION OF THE STATE WATER RESOURCES CONTROL BOARD.
(0000024)

19. BEFORE MAKING ANY CHANGE IN THE PROJECT DETERMINED BY THE STATE WATER RESOURCES CONTROL BOARD TO BE SUBSTANTIAL, PERMITTEE SHALL SUBMIT SUCH CHANGE TO THE BOARD FOR ITS APPROVAL IN COMPLIANCE WITH WATER CODE SECTION 10504.5(A).
(049 0999)

20. PERMITTEE SHALL REPORT TO THE STATE WATER RESOURCES CONTROL BOARD NOT LATER THAN JANUARY 17, 1975, THE QUANTITIES OF WATER DIVERTED UNDER PERMIT 12947 DURING THE 1973 IRRIGATION SEASON AT EACH DIVERSION POINT IDENTIFIED AS REQUIRED IN TERM 5. IN SUCCEEDING YEARS THIS INFORMATION SHALL BE SUBMITTED WITH THE ANNUAL PROGRESS REPORT.
(009 0700)
(000 0010)

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, 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: JAN 21 1975

STATE WATER RESOURCES CONTROL BOARD

A. L. Roanberger
Chief, Division of Water Rights

