P 14218

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 21275 Permit 14218 License _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PREMIT

WHEREAS:

1. Permit 14218 was issued to Firco, Inc. on October 24, 1963 and subsequently assigned to Brooktrails Community Services District on January 29, 1976.

2. A petition for an Extension of Time in which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (SWRCB) on June 9, 1997.

3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

4. Permit condition pertaining to continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

   Complete application of the water to the proposed use shall be made by December 31, 2008. (0000009)

2. A continuing authority condition shall be updated and read 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 licensee without unreasonable draft on the source. Licensee 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 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 licensee 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.

Dated: MARCH 18 1998

Roger Johnson

for Edward C. Anton, Chief
Division of Water Rights

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

ORDER

LICENSE _____

PERMIT 14218

APPLICATION 21275

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING 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. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE	December 1, 1993

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 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, 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) to installing, maintain-ing, 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.

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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (0000012)

3. Paragraph 12 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources, and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this permit (order) or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period. (0000029)

Dated: MAY 10 1984

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 21275 PERMIT 14218 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND
AMENDING 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.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

   APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1983

2. The total annual diversion and use allowed under Permit 14218 be limited to 272 acre-feet.

3. Paragraph 7 of the permit is replaced by Section 761(a), Title 23, California Administrative Code (attached).

Dated: JUNE 13 1979

M. A. Campos

Michael A. Campos, Chief
Division of Water Rights

Attachment

ATTACHMENT

Standard permit term of Section 761a, Title 23, California Administrative Code:

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) to 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.

RONALD REAGAN, Governor

STATE OF CALIFORNIA—THE RESOURCES AGENCY

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

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

APPLICATION 21275 PERMIT 14218

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 14218; 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, 1973

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1973

DATED: JAN 10 1969

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

FILE IN DUPLICATE

[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. 21275 Filed May 6, 1963, at 2:53 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED 5-13-63

Notice of Assignment (Over)

I, Firco, Inc. (Name of applicant or applicants)

of 934 South Main Street, Willits, County of Mendocino (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 unnamed creek (Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed)

located in Mendocino County, tributary to Willits Creek

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 0.45 cubic feet per second (1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day), to be diverted from January 1 (Beginning date) to December 31 (Closing date) of each year.

(*b*) For diversion to be stored and later applied to beneficial use 138 acre-feet (1 acre-foot equals 325,851 gallons) per annum, to be collected between September 1 (Beginning date) and June 1 (Closing date) of each season.

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 domestic, recreational and irrigation (Domestic, irrigation, power, municipal, mining, industrial, recreational) purposes.

4. The point of diversion is to be located S 78° E 2749' from the NW section corner (State bearing and distance or coordinate distances from section or quarter section corner)

being within the NE¼ of NW¼ (State 40-acre subdivision of public land survey or projection thereof) of Section 11, T. 18N, R. 14W, M. D. B. & M., in the County of Mendocino

5. The main conduit terminates in NE¼ of SE¼ (State 40-acre subdivision of U. S. Government survey or projection thereof) of Sec. 2, T. 18N, R. 14W, M.D. B. & M.

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 (Sump, offset well, 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 40 feet in height (stream bed to spillway level); 380 feet long on top; have a freeboard of 5 feet, and be constructed of homogeneous earth fill. (Concrete, earth, etc.)

7. Storage Reservoir unnamed (Name)

The storage reservoir will flood lands in NE¼ of NW¼ of Section 11, T18N, R14W, MDB&M (Indicate section or sections, also 40-acre subdivisions unless shown upon map)

It will have a surface area of 7.2 acres, and a capacity of 138 acre-feet. If reservoir has a capacity of 25 acre-feet or more fill in the following: Diameter of outlet pipe 6 inches; length 218 feet; difference in elevation from spillway level to highest point of outlet pipe 28 feet; fall in pipe 9 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 6 inches; length 200 feet; grade 2 feet per 1,000 feet; total ~~rise~~ fall from intake to outlet 2.4" ~~XXXX~~; kind steel (also see attachment)
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 200 gallons per minute
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $ 35,000.
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 August 1, 1963

Construction work will be completed on or before November 1, 1963

The water will be completely applied to the proposed use on or before November 1973

Description of Proposed Use

11. **Place of Use.** Domestic and irrigation of 75.08 acres consisting of 3.86 acres SE¼ of NW¼, 38.1 acres NE¼ of SW¼, 8.71 acres SE¼ of SW¼, 13.95 acres SW¼ of SE¼, 10.2 acres NW¼ of SE¼, and 0.26 acre NW¼ of SW¼ of Section 2, T18N, R14W, MDB&M. Recreational in NE¼ of NW¼ and NE¼ of NE¼ of Section 11, T18N, R14W, MDB&M.
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? Yes (Yes or No) Jointly? No (Yes or No)
All joint owners should include their names as applicants and sign application at bottom of third page.

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 75.08 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 .08 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 June 1 (Beginning date) and end about October 15 (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 × 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 / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, T. _____, R. _____, _____ B. & M.

Paragraph 8b

Pipe Line: Conduit to supply elevated tank storage will be:

1. 6 inches in diameter
2. 3300 feet long
3. grade varies
4. total lift is 295 feet
5. steel or asbestos cement

12-23-66 RECEIVED NOTICE OF ASSIGNMENT TO Brooktrails Resort Improvement District

1-29-76 Name Changed to Brooktrails Community Services District;

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

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:

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 / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any) and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Other Uses.** The nature of the use proposed is recreational and domestic (Industrial, recreational, domestic, stockwatering, fish culture, etc.)

State basis of determination of amount needed. Applicant proposes to subdivide the land described in Paragraph 11 hereof for sale and development as resort homesites. Applicant estimates that the average daily consumption during the month of maximum use at the end of the first five year period will be 75,000 gallons. It is estimated that the full amount of water applied for herein will be put to beneficial use before the end of the second five year period.

(Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type industrial use, and unit requirements)

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

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

Willits, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None

FIRCO, INC.

[SIGNATURE OF APPLICANT] /s/ E. H. Maize, Jr.
President

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 14218

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

A. 0.45 cubic foot per second by direct diversion to be diverted as follows: from about June 1 to about October 15 for irrigation purposes and throughout the year as required for domestic and recreational purposes.

B. 138 acre-feet by storage to be collected from about September 1 of each year to about June 1 of the succeeding year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

(0000005)

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

(0000006)

3. Actual construction work shall begin on or before June 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

(0000007)

4. Said construction work shall be completed on or before December 1, 1966. (0000008)

5. Complete application of the water to the proposed use shall be made on or before December 1, 1967. (0000009)

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.

(0000010)

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.

(0000012) amended 5-10-84

8. Permittee shall allow representatives of the State Water Rights 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.

(0000011)

9. This permit does not authorize collection of water to storage during the period from about June 2 to about August 31 of each season to offset evaporation and seepage losses, or for any other purpose.

(0000005) 5

10. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050)

11. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Rights Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of said water is not authorized under this permit.

(0050043)

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: OCT 24 1963

STATE WATER RIGHTS BOARD

L. K. Hill

L. K. Hill
Executive Officer

14218

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