

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

DIVISION OF WATER RIGHTS

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In the Matter of Permit 16085 (Application 23513)  
**Gasquet Community Services District**

**ORDER APPROVING PETITION FOR EXTENSION OF TIME**

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**BY THE EXECUTIVE DIRECTOR:**

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 16085 to Gasquet Community Services District (District or Permittee) on October 27, 1970, pursuant to Application 23513.
2. The permit requires that construction work be completed by December 1, 1973, and that the water be applied to the authorized use by December 1, 1974.
3. Permittee requested, and has received three time extensions by orders dated March 5, 1979, January 24, 1984 and March 20, 1995. The 1995 order requires that water be fully used by December 31, 2004.
4. Permittee, as lead agency pursuant to the California Environmental Quality Act (CEQA), prepared a 2002 Mitigated Negative Declaration (MND) for Water Supply Improvements in the Gasquet Community Services District, SCH #2002092070. The alternatives included adding additional storage, adding a water well, and modification or replacement of the water treatment facility. The MND considered the following maximum demands:
  - Maximum annual average water demand for 2021 of 51.4 million gallons (which is equivalent to 157.7 acre-feet per annum (afa)).
  - Average day demand for 2021 of 98 gallons per minute (gpm).
  - Projected maximum day demand for 2021 of 245 gpm. This is equivalent to 0.55 cubic foot per second (cfs).

On December 2, 2002, the District issued Resolution No. 2002-3, which approved the MND. Concurrently, the District filed a Notice of Determination (NOD) with the Office of Planning and Research and the County Clerk for Del Norte County.

The State Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The State Water Board will file a Notice of Determination within five days from the issuance of this order. The petition order will reflect the limited diversion amounts evaluated in the MND.

5. On December 2004, Permittee completed a Final Water Supply Feasibility Study which documents the following. The water system consists of four submersible pumps in the Smith River that lift water to the water treatment plant, thence to the Permittees' 150,000 gallon storage tank or to water users. Demands have continued to grow. The District, which started with 97 customers, has increased to over 270 active connections and approximately 80 inactive connections.
6. On March 30, 2005, Permittee filed a petition for an extension of time within which to commence or complete construction work or apply water to beneficial use. The required petition fee was submitted. The petition requests a ten-year extension of time. The petition documents the following. Water has been diverted at a rate of 0.49 cfs. The maximum put to use was 89.4 af. During the last extension period \$70,000 was spent to install two raw water pumps in the Smith River, two additional booster pumps, two 5,000 gallon chlorine contact tanks, rebuild the motor control center, rebuild the telemetry and pump control system, add a 45 kW emergency generator, change the disinfection from chlorine gas to sodium hypochlorite and prepare a site for a new storage tank. Permittee is requesting State Revolving Funds for treatment plant expansion and required additional tank storage.
7. Public notice of the request for an extension of time was issued on January 16, 2008. Protests were received from National Marine Fisheries Service and Department of Fish and Game. The protest issues were resolved through agreement that the maximum instantaneous diversion rate shall not exceed 0.77 cfs. There may be times when Permittee needs to divert at 0.77 cfs in order to refill the water tank while providing water to customers.
8. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) Permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.
9. Permittee has shown that due diligence has been exercised based on the information listed above.
10. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. Permittee needed to complete a water supply improvement study to determine the best methods for expanding water delivery prior to putting additional water to use. Permittee timely completed the study.
11. Permittee has shown that satisfactory progress will be made if a time extension is granted, but only to the extent studied in the water supply improvement study and related MND. Permittee has determined the facilities that it will need to make future use of water through the extension period.

12. Permittee has shown good cause for the time extension. Permittee requested a ten-year extension of time. The ten years shall begin on the date of issuance of this order. Consequently, the extension will continue until December 31, 2022.
13. The permit conditions relating to water quality objectives of the State Water Board should be added to conform to California Code of Regulations, title 23, section 780, subdivisions (a) & (b).
14. 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 obligations resulting from these acts.
15. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.

**NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITION FOR EXTENSION OF TIME SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED AMENDED PERMIT.**

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Thomas Howard*  
*Executive Director*

Dated: NOV 06 2012

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

**DIVISION OF WATER RIGHTS**

**AMENDED PERMIT FOR DIVERSION AND USE OF WATER**

APPLICATION 23513

PERMIT 16085

Permittee: Gasquet Community Services District  
PO Box 86  
Gasquet, CA 95543

An amended permit on **Application 23513** filed on May 20, 1970 has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit.

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

1. Source of water

Source:  
North Fork Smith River

Tributary to:  
Smith River

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 2,562,578 feet and East 6,025,206 feet	NE ¼ of SE ¼	20	17N	2E	H

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
Domestic	All or portions of Sections 19, 20, 21, 28, 29 and 30 within T17N, R2E, HB&M.					

The place of use is shown on map on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **maximum instantaneous diversion limit of 0.77 cubic foot per second** to be diverted from **January 1 to December 31** of each year. The maximum amount diverted under this permit shall not exceed **157.7 acre-feet per year**.

(000005A)

6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2022. (0000009)
7. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)
8. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.  
  
All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (0000029B)

**THIS PERMIT IS ALSO 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 the 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 the 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 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)

- 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 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 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



*Barbara Evoy, Deputy Director  
Division of Water Rights*

**Dated:**

**OCT 19 2012**

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

**ORDER**

Application 23513 Permit 16085 License \_\_\_\_\_

**ORDER APPROVING CHANGE IN PLACE OF USE,  
A NEW DEVELOPMENT SCHEDULE AND  
AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 16085 was issued to Gasquet Community Services District on October 27, 1970, pursuant to Application 23513.
2. Petitions for Change and an Extension of Time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (SWRCB).
3. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 11 regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 9 of the permit be amended to read:

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

December 31, 2004

(0000009)

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

The place of use includes all or portions of Sections 19, 20, 21, 28, 29, and 30 within T17N, R2E, HB&M; as shown on a map on file with the SWRCB.

(0000004)

3. Condition 11 of the permit be amended to read:

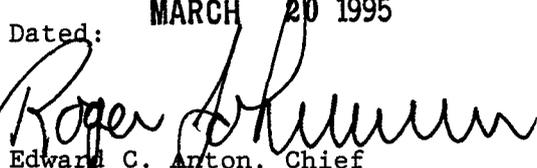
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority 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 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.

(0000012)

Dated: MARCH 20 1995

  
Edward C. Anton, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 23513

PERMIT 16085

LICENSE \_\_\_\_\_

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. Paragraph 9 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, 1993

2. Paragraph 15 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.

Dated: JANUARY 24 1984



Raymond Walsh, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 23513

PERMIT 16085

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.
3. The Board has determined that this extension of time will not operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON  
OR BEFORE DECEMBER 1, 1981

APPLICATION OF THE WATER TO THE PROPOSED USE  
SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1981

2. Paragraph 11 of the permit be amended to read 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 phreato-  
phytic 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 autho-  
rized 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.

Dated: MARCH 5 1979



Clint Whitney  
Executive Director  
Water Rights and  
Administration

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

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16085

Application 23513 of Gasquet Community Services District

P. O. Box 86, Gasquet, California 95543

filed on May 20, 1970, 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:

North Fork Smith River

Smith River

2. Location of point of diversion:

N 32° W, 2,500' from SE corner of Section 20

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridian

NE ¼ of SE ¼

20

17N

2E

H

¼ of ¼

County of Del Norte

3. Purpose of use:

4. Place of use:

Section

Town-  
ship

Range

Base  
and  
Meridian

Acres

Domestic

SE ¼

19

S ½

20

W ½

21

17N 2E

H

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

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 0.77 cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year.

The maximum amount to be diverted under this permit shall not exceed 416 acre-feet per year.

(0000005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before June 1, 1971 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before December 1, 1973. (0000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1974. (0000009)

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (0000010)

11. 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 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 and to carry out legally established water quality objectives. (0000012)

12. 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. (0000011)

13. 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. (0000013)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

15. (0000029) added - Water Cons

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 27 1970

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward  
Chief, Division of Water Rights

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

**ORDER**

Application 23513 Permit 16085 License \_\_\_\_\_

**ORDER APPROVING CHANGE IN PLACE OF USE,  
A NEW DEVELOPMENT SCHEDULE AND  
AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 16085 was issued to Gasquet Community Services District on October 27, 1970, pursuant to Application 23513.
2. Petitions for Change and an Extension of Time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (SWRCB).
3. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 11 regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 9 of the permit be amended to read:

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

December 31, 2004

(0000009)

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

The place of use includes all or portions of Sections 19, 20, 21, 28, 29, and 30 within T17N, R2E, HB&M; as shown on a map on file with the SWRCB.

(0000004)

3. Condition 11 of the permit be amended to read:

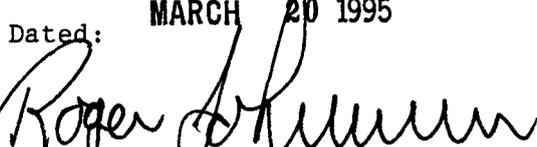
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority 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 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.

(0000012)

Dated: MARCH 20 1995

  
Edward C. Anton, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 23513

PERMIT 16085

LICENSE \_\_\_\_\_

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. Paragraph 9 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, 1993

2. Paragraph 15 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.

Dated: JANUARY 24 1984



Raymond Walsh, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 23513

PERMIT 16085

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.
3. The Board has determined that this extension of time will not operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON  
OR BEFORE DECEMBER 1, 1981

APPLICATION OF THE WATER TO THE PROPOSED USE  
SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1981

2. Paragraph 11 of the permit be amended to read 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 phreato-  
phytic 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 autho-  
rized 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.

Dated: MARCH 5 1979



Clint Whitney  
Executive Director  
Water Rights and  
Administration

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

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16085

Application 23513 of Gasquet Community Services District

P. O. Box 86, Gasquet, California 95543

filed on May 20, 1970, 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:

North Fork Smith River

Smith River

2. Location of point of diversion:

N 32° W, 2,500' from SE corner of Section 20

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridian

NE ¼ of SE ¼

20

17N

2E

H

¼ of ¼

County of Del Norte

3. Purpose of use:

4. Place of use:

Section

Town-  
ship

Range

Base  
and  
Meridian

Acres

Domestic

SE ¼

19

S ½

20

W ½

21

17N 2E

H

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

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 0.77 cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year.

The maximum amount to be diverted under this permit shall not exceed 416 acre-feet per year.

(0000005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before June 1, 1971 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before December 1, 1973. (0000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1974. (0000009)

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (0000010)

11. 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 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 and to carry out legally established water quality objectives. (0000012)

12. 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. (0000011)

13. 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. (0000013)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

15. (0000029) added - Water Cons

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 27 1970

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward  
Chief, Division of Water Rights