

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18538A

Application 26298A of Leo J. Becnel

911 Medical Center Plaza, Suite 11, Windsor, CA 95492

filed on April 15, 1980, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

- | | |
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| <p>1. Source:</p> <p><u>1) Russian River (underflow)</u></p> <p><u>2) Two Unnamed Streams</u></p> | <p>Tributary to:</p> <p><u>Pacific Ocean</u></p> <p><u>Russian River thence</u></p> <p><u>Pacific Ocean</u></p> |
|---|---|

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
<u>DIRECT DIVERSION</u> North 800 feet and West 2,800 feet from SW corner of Projected Section 16	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	16	8N	9W	MD
<u>POND NO. 1, STORAGE & REDIVERSION</u> South 1,000 feet and East 3,450 feet from NW corner of Projected Section 18	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	8N	9W	MD
<u>POND NO. 2A, STORAGE & REDIVERSION</u> North 3,500 feet and East 2,900 feet from SW corner of Projected Section 7	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7	8N	9W	MD
<u>POND NO. 2B, STORAGE & REDIVERSION</u> North 2,800 feet and East 3,400 feet from SW corner of Projected Section 7	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7	8N	9W	MD

County of Sonoma

* projected

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
FIRE PROTECTION						
RECREATION						
STOCKWATERING	Pond No. 1 in NW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	8N	9W	MDB&M	
	Ponds No. 2A & 2B in SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7	8N	9W	MDB&M	
DOMESTIC	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	18	8N	9W	MDB&M	
IRRIGATION	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	18	8N	9W	MDB&M	5.5

The place of use is shown on map on file 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:

A) by direct diversion:

700 gallons per day from January 1 to December 31 of each year for irrigation and domestic purposes;

B) by storage:

73 acre-feet per annum to be collected from October 1 of each year to April 15 of the succeeding year as follows:

- 1) 33 acre-feet per annum in Pond No. 1,
- 2) 20 acre-feet per annum in Pond No. 2A,
- 3) 20 acre-feet per annum in Pond No. 2B

The total amount of water to be taken from the source for all uses shall not exceed 74 acre-feet per water years of October 1 to September 30.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The maximum rate of diversion to offstream storage shall not exceed 1.2 cubic foot per second.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

8. Construction work shall be completed by December 31, 2005. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 2010. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
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. (0000011)
12. 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)

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.

15. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

16. Permittee shall install and maintain outlet pipes of adequate capacity in his dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released.

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

18. For the protection and preservation of fishlife and the maintenance of water-related recreational uses, permittee shall divert only when the flow in the Russian River exceeds 150 cubic feet per second and only at a rate not exceeding said excess, ceasing all diversion when the flow in the river is 150 cubic feet per second or less. River flows shall be measured at the nearest U.S.G.S. Gaging Station on the river.

19. Availability of water for appropriation under this permit during the critical period of July 1 through October 31 is dependent upon water remaining available under the 10,000 acre-foot per annum allocation of water from Coyote Valley Reservoir (Lake Mendocino) for use in the Russian River Valley in Sonoma County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

20. The archeological site identified as Becnel-1 shall be protected by the applicants' from incurring any impacts due to the construction of proposed Reservoir No. 1.

All construction activities at Reservoir No. 1 will be restricted to the North side of the dirt road that borders site Becnel-1. No reservoir construction activities or related developments (e.g. pipeline trenches or grading) shall be permitted on the South side of this road.

Future developments at the aforementioned site shall only be permitted following the completion of an archeological mitigation program approved in advance by the Division of Water Rights.

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.

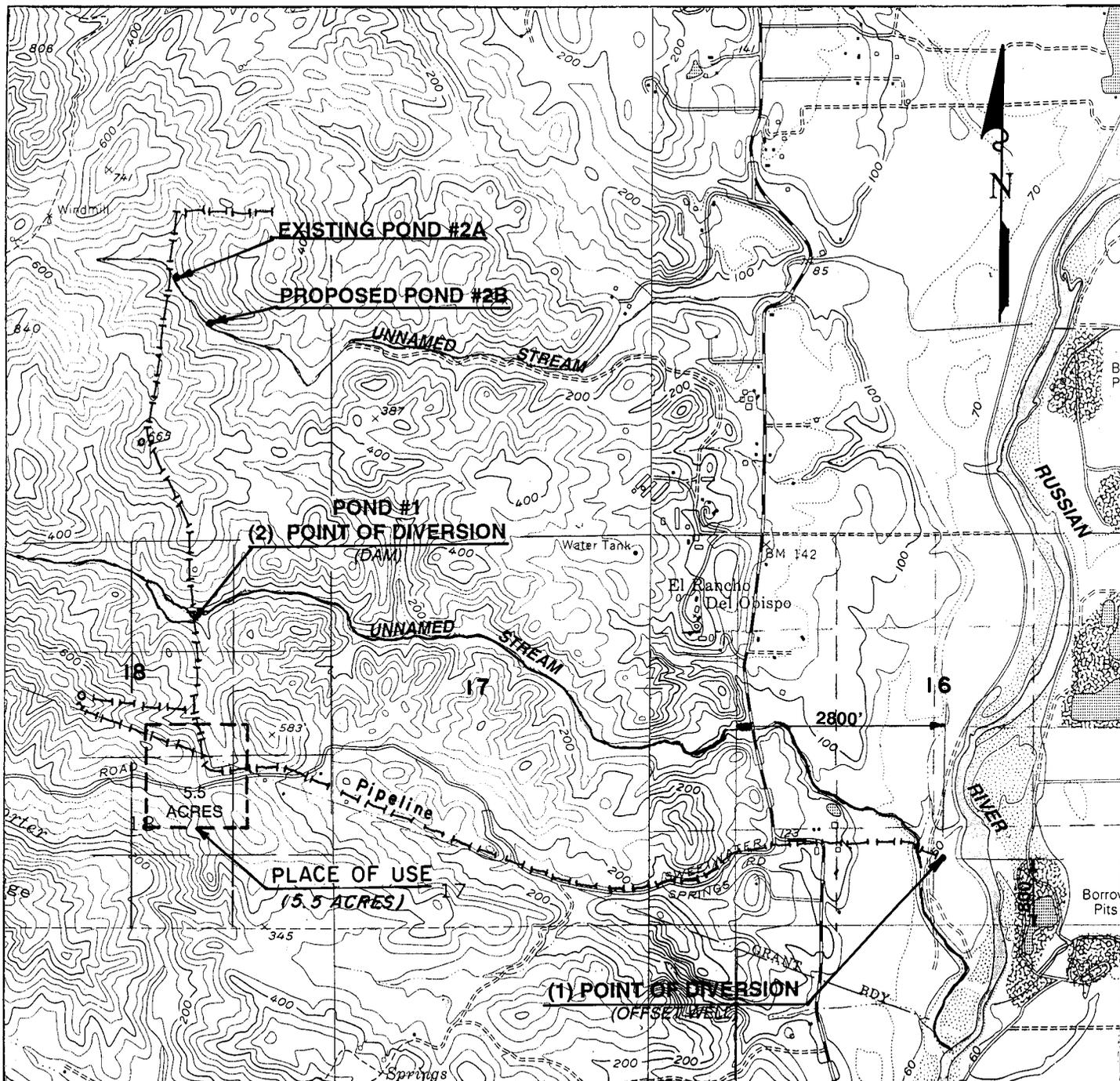
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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: **JULY 14 1997**

STATE WATER RESOURCES CONTROL BOARD

Roger Schuman
to: Chief, Division of Water Rights



LICENSEE LEO J. BECNEL

PERMIT NO. 18538A

SOURCES 1) RUSSIAN RIVER & 2) TWO UNNAMED STREAMS

APPLICATION NO. 26298A

POINTS OF DIVERSION
 (1) SW 1/4 SE 1/4
 WITHIN (2) NW 1/4 NE 1/4 OF PROJECTED
 16
 SECTIONS 18, T 8N, R 9W, MD B&M

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

DATE:	DRAWN:	CHECKED:
12-12-95	G. S.	

COUNTY OF SONOMA
 HEALDSBURG 1980R
 GUERNEVILLE 1955 1:24000
 U.S.G.S. QUAD DATE SCALE