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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21166

Application **31073** of

California Department of Transportation (CALTRANS) 1656 Union Street Eureka, CA 95501

Seawood Estates Mutual Water Company (SEMWC) P.O. Box 561 Trinidad, CA 95570

filed on **June 20, 2000**, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

1. Source of water

Source:	Tributary to:
(1) Unnamed Stream also known as Parvin Creek	**Pacific Ocean**
(2) Unnamed Stream also known as Savage Creek.	**Pacific Ocean**

within the County of **Humboldt**.

2. Location of point of diversion (POD)

By California Coordinate System of 1927, in Zone **1**	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
POD on Parvin Creek: North 649,500 feet and East 1,408,000 feet	**SE ¼ of NW ¼**	**11**	**T8N**	**R1W**	**HUM**
POD on Savage Creek: North 652,200 feet and East 1,407,400 feet	**SW ¼ of SW ¼**	**2**	**T8N**	**R1W**	**HUM**

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
SEMWC: Domestic	**SW ¼ of NW ¼**	**11**	**T8N**	**R1W**	**HUM**	**NA**
SEMWC: Domestic	**SE ¼ of NE ¼**	**10**	**T8N**	**R1W**	**HUM**	**NA**
CALTRANS: Domestic	**NE ¼ of SW ¼**	**11**	**T8N**	**R1W**	**HUM**	**NA**

The place of use is shown on map on file with the SWRCB.

5. **Quantity - Direct Diversion, Single:** The water appropriated from Savage Creek and Parvin Creek shall be limited to the quantity which can be beneficially used and shall not exceed a total of 16,000 gallons per day (gpd) to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 17.94 acre-feet per year (AFA).

(0000005A)

6. **Complete Construction and Use:** Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2014.

(0000009)

7. **Right of Access:** This permit shall not be construed as conferring upon the permittee right

(0000022M)

8. **Fish and Wildlife Bypass:** For the protection of fish and wildlife from January 1 to December 31 of each year, the permittee shall:

   (a) Bypass a minimum flow of 67 gallons-per-minute (gpm) in Savage Creek. The total flow shall be bypassed whenever it is less than 67 gpm.
   (b) Not exceed an instantaneous withdrawal rate of 27 gpm from Savage Creek.
   (c) Bypass a minimum flow of 0.09 gpm in Parvin Creek. The total flow shall be bypassed whenever it is less than 0.09 gpm.
   (d) Not exceed a combined total daily withdrawal rate of 16,000 gpd from both Savage Creek and Parvin Creek.

Permittee shall allow the California Department of Fish and Game reasonable access to the diversion for the purpose of verifying readings of the bypass measurement devices and determining that bypass flow conditions are being met.

(0140060M)

9. **Flow Bypass Compliance Plan:** *Within six months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:*

   a) A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.
   b) A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.
   c) A time schedule for the installation of these facilities.
   d) A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
   e) An operation and maintenance plan that will be used to maintain all facilities in good condition.

   The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

   The monitoring data shall be maintained by the permittee for ten years from the date of collection and made available to the Chief of the Division of Water Rights, upon request.

Any non-compliance with the terms of the permit shall be reported by the permittee promptly to the Chief of the Division of Water Rights.

Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

(0000070)

10. **Limitation of Combined Right:** The total quantity of water diverted under this permit, together with that diverted under license 10327 issued to CALTRANS pursuant to Application 23131, shall not exceed 19.14 AFA.

(0000114b)

11. **Other Agency Permits:** The Permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief, Division of Water Rights.

(0000203)

12. **Cultural Resources Protection:** Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

(0000215)

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

A. **Reduction in License:** The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

B. **Progress Reports:** Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.

(0000010)

C. **Access to Project:** Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

D. **Continuing Jurisdiction:** 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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. **Water Quality Objectives:** The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB 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 SWRCB 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. **Endangered Species Act:** 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. **Water Use Recordation:** Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

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

(0000016)

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

Victoria A. Whitney

Victoria A. Whitney, Chief
Division of Water Rights

Dated: JUN 0 4 2004