

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21198

Application 31055 of **Camp Meeker Recreation and Park District**
P. O. Box 461
Camp Meeker, CA 95419

filed on **May 12, 2000**, has been approved by the State Water Resources Control Board (State Water 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:

1. Source of water

Source:
Russian River Underflow

Tributary to:
Pacific Ocean

within the County of **Sonoma**

2. Location of point of diversion

By California Coordinate System of 1927 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
North 292,580 and East 1,711,540	NW¼ of NW¼	7	7N	10W	MD

3. Purpose of use	4. Place of use				
Municipal Fire Protection	Section (Projected)*	Township	Range	Base and Meridian	Acres
	Within portions of Sections 21, 22, 27, and 28	7N	10W	MD	

The place of use is within the boundaries of Camp Meeker Recreation and Park District as shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 0.23 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 90 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, 2017. (0000009)
7. 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. (0000025)
8. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the SWRCB concerning availability of water and the protection of beneficial uses of water in the Russian River. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)
9. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Russian River Watershed are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the SWRCB, made after notice to interested parties and opportunity for hearing. (0000090A)
10. 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)
11. If human remains are encountered, then the Applicant shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Section 15064.5 (e) has been completed. (0380999)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE 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 Resources Control Board (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 said SWRCB, 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 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 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 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 that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California

Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 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 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.

(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

for James W. Karsel
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **APR 27 2007**

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

ORDER WR 2007-0016-DWR

In the Matter of Application 31055
Camp Meeker Recreation and Park District

ORDER APPROVING ISSUANCE OF PERMIT

SOURCE: Russian River Underflow Tributary to the Pacific Ocean
COUNTY: Sonoma

WHEREAS:

1. Camp Meeker Recreation and Park District filed Application 31055 with the State Water Resources Control Board (State Water Board) on May 12, 2000.
2. All protests to approval of the application have been resolved by inclusion of permit conditions regarding prior rights.
3. The State Water Board has determined that there is unappropriated water available to serve Application 31055. Division of Water Rights (Division) staff prepared a water availability analysis on February 21, 2007, documenting the availability of water.
4. The water will be diverted and used without injury to any lawful user of water. The Division issued a public notice of Application 31055 on August 18, 2000. Based on the water availability analysis, water is available to serve this application without injury to prior rights. All protests to approval of the application on the basis of injury to prior rights have been resolved. The permit contains conditions to address potential injury to prior rights.
5. Water will be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses. State Water Board Decisions 1530 and 1610 established minimum flow requirements for the Russian River. These minimum flow requirements are implemented through terms contained in Permits 12947A, 12949, 12950 and 16596, which are held by the Sonoma County Water Agency. The minimum flow requirements were established to protect instream beneficial uses including fish, wildlife, and recreation. Unappropriated water is available for Application 31055 and diversion of water under any permit issued pursuant to Application 31055 will not cause flow in the Russian River to drop below levels established for the protection of instream beneficial uses.
6. Camp Meeker Recreation and Park District, as lead agency, adopted a Mitigated Negative Declaration (MND) and made findings for the Camp Meeker Water System Water Supply Project in compliance with the California Environmental Quality Act (CEQA). Camp Meeker Recreation and Park District filed a Notice of Determination for the project on November 29, 1995. The State Water Board, as responsible agency, is required to consider the MND and reach its

own conclusions on whether and how to approve Application 31055. The MND lists the potential adverse impacts of the project as being less than significant with mitigation measures incorporated. The MND identified potentially significant impacts on geology, water, air quality, transportation/circulation, biological resources, hazards, noise, public services, utilities and service systems, aesthetics, and cultural resources. The Camp Meeker Recreation and Park District found that mitigation measures incorporated into the project avoid or reduce potential environmental impacts to less than significant levels.

The State Water Board finds that changes or mitigation measures have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the MND prepared for the project. Mitigation measures for this project are within the responsibility of the Camp Meeker Recreation and Park District, not the State Water Board, and have been or should be adopted.

The State Water Board, having reviewed and considered the information contained in the MND, finds that no additional mitigation measures within the responsibility of the State Water Board are available for the identified environmental impacts.

7. The applicant requested to divert 90 acre-feet per annum for municipal use and fire protection. The intended uses are beneficial.

NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 30155, subject to the conditions of the attached permit.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kassel
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **APR 27 2007**