

**Hayes, Kathy**

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**From:** Donald Courtemanche [donaldcourtemanche@wavecable.com]  
**Sent:** Wednesday, September 12, 2012 2:14 PM  
**To:** Clendenen, Clif; Lovelace, Mark; Sundberg, Ryan; Bass, Virginia; Smith, Jimmy R.; Hayes, Kathy; Spencer, Martha  
**Subject:** Humboldt County Land Use Element GPU  
**Attachments:** GSD L003404 - A009686.pdf; GSD P020789 - A029981.pdf; GSD KBare.rgreenfield MARK BRYANT, GARBERVILLE SANITARY DIST A009686, A029981.pdf; GWC PUC Service Area Map 1978.pdf; Forebearance Ex. B Template water manage 2010.doc

Dear Supervisors,

I attended the meeting at the Garberville Sanitary District (BOD) last night and trucking water outside of GSD's place of use was discussed. The board and staff thinks that they have found a way to avoid the fines listed in the DWR letter for supplying and selling water outside their place of use, by using a in town well they own.

But the real issue at play here is the reason why water needs to be trucked to homes all over our south county area. One of reasons is that this has become a way to develop parcels illegally. A good example is the Sanctuary Forrest's Forbearance Agreement (see attachment) this sends the wrong message to the whole Mattole Watershed .

If streamflows at the Measure Point fall below 0.2 cfs no emergency pumping will be allowed, and water will be trucked in from a commercial provider with up to 7500 gallons paid for by Trustee, subject to water availability and funding. This agreement encourages the waters of the South Fork Eel to be used to supplement the current and feature illegal developments in the Mattole Watershed, in times of low flow.

Water storage is a fine idea but it's use as a means for new development is short sighted when the issues of drought, climate change and marijuana are considered. The Mattole and the South Fork Eel are over developed now for the amount of water in the watersheds. Illegal diversions of all kinds are drying up springs in both watersheds and this has a direct effect on our rivers and our lives creating low flows and algae blooms, thus removing one of the major tourist attractions in our area playing in the rivers. I am asking you to consider my comments when you finalized the GPU Land Use Element, I know the one size fits all is what the GPU is all about but please try to look at the reality and the difference of the Southern Humboldt County area and it's special needs. We need your help. Thank you.

Donald Courtemanche Sprowel Creek Road Garberville

I would these comments included in the GPU Land Use and Water Elements.



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 9686 PERMIT 5487 LICENSE 144

THIS IS TO CERTIFY, That **Garberville Water Company, Inc.,  
Garberville, California**

has **made proof as of August 1, 1951**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**South Fork Red River in Humboldt County**

tributary to **Red River**

for the purpose of **municipal use**  
under Permit **5487** of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **July 31, 1939**  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **one hundred fifty-five**  
**thousandths (0.155)** cubic foot per second to be diverted from January 1 to  
**December 31** of each year.

The point of diversion of such water is located **North twenty-six degrees East (N 26° E)**  
**one hundred ninety (190) feet** from South quarter corner of Section 24, T 4 S,  
R 3 E, N.B.M., being within **SW $\frac{1}{4}$**  of **SW $\frac{1}{4}$**  of said Section 24.

A description of the lands or the place where such water is put to beneficial use is as follows: **Town of**  
**Garberville as bounded by Garberville Sanitary District, being within Section**  
**24, T 4 S, R 3 E, N.B.M., as shown on map filed with State Engineer.**

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Department acting through the State Engineer 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.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion  
herein specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license 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 1628. Every license 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 license is issued takes the license subject to the conditions therein expressed.

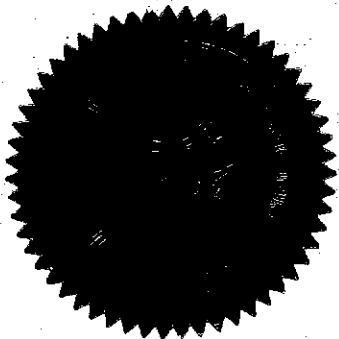
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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 licensee 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 29th  
day of February, 19 52

*A. D. Edmonston*  
A. D. EDMONSTON, State Engineer



LICENSE 3404

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO—Cathlamet-Hobbs Company, Inc.

DATED FEB 29 1952

ARMY 7-21 24 STATE PRINTING OFFICE

2

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

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 20789**

Application 29981 of Garberville Water Co., Inc.

P.O. Box 516, Garberville, CA 95440

filed on July 22, 1991, 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:

- |                             |                  |
|-----------------------------|------------------|
| 1. Source:                  | Tributary to:    |
| <u>South Fork Eel River</u> | <u>Eel River</u> |
| _____                       | _____            |
| _____                       | _____            |
| _____                       | _____            |
| _____                       | _____            |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 26° East 190' from the South ¼ corner of Section 24	SW¼ of SE¼	24	4S	3E	H

County of Humboldt

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Municipal	Within the boundaries of the town of Garberville in E $\frac{1}{2}$ of W $\frac{1}{2}$	24	4S	3E	H	
	E $\frac{1}{2}$ of	24	4S	3E	H	
	S $\frac{1}{2}$ of	13	4S	3E	H	
	N $\frac{1}{2}$ of	19	4S	3E	H	
	S $\frac{1}{2}$ of	18	4S	3E	H	

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 0.595 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 430 acre-feet per year. (0000005)
- 6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- 7. Construction work shall be completed by December 31, 1996. (0000008)
- 8. Complete application of the water to the authorized use shall be made by December 31, 1999. (0000009)
- 9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
- 10. 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)

11. 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)

12. 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)

13. The equivalent of the authorized continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

Application 29981

Permit 20789

14. 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 Resources Control 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. (000029B)

15. The maximum simultaneous rate of diversion under this permit, together with that diverted under the license issued pursuant to Application 9686, shall not exceed 0.75 cubic feet per second. (0000114)

16. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the permittee and a copy of the records shall be submitted to the State Water Resources Control Board with the annual "Progress Report by Permittee".

**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: **MAY 15 1995**

STATE WATER RESOURCES CONTROL BOARD

*Roger Shuman*  
61 Chief, Division of Water Rights



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

AUG 23 2012

In Reply Refer to:  
KB:262.0(12-18-04),  
A009686, A029981

Mr. Mark Bryant, General Manager  
Garberville Sanitary District  
P.O. Box 211  
Garberville, CA 95542

Dear Mr. Bryant:

### WATER RIGHTS COMPLAINT REGARDING DIVERSION OF WATER FROM SOUTH FORK EEL RIVER UNDER LICENSE 3404 (APPLICATION 9686) AND PERMIT 20789 (APPLICATION 29981) IN HUMBOLDT COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received the enclosed complaint filed by Mr. Ed Voice (Complainant) on August 6, 2012, alleging that Garberville Sanitary District (GSD) is selling bulk water to commercial water delivery companies. The Complainant alleges that the same commercial water delivery companies are re-selling the water to customers outside of the South Fork Eel River watershed and the GSD's place of use. The Complainant also alleges that the diversion injures public trust resources.

Division records indicate the GSD operates under License 3404 (Application 9686) and Permit 20789 (Application 29981). License 3404 authorizes diversion of 0.155 cubic feet per second (cfs) from the South Fork of the Eel River for municipal purposes within the GSD place of use. Permit 20789 authorizes the diversion of 0.595 cfs and 430 acre-feet per year for municipal purposes within the same place of use.

If the purpose of use and place of use for the water being sold are not in accordance with GSD's license and permit, GSD may be violating the terms and conditions of the permit and license. Please be aware that violations of terms and conditions are subject to enforcement under California Water Code section 1831. The State Water Board also may issue a Cease and Desist Order in response to any violation of permits and licenses, pursuant to California Water Code section 1831(d)(2).

We request that GSD respond to the allegations in the complaint within 30 days from the date of this letter. The response should confirm or deny the allegations. If the allegations are correct, you should indicate: (1) where and how the bulk water is received by the purchaser, and (2) whether or not GSD maintains records of bulk water sales including the company or customer name, quantity of water sold, and the purpose and location of water use. If GSD claims another water right for this sale of water, please provide information supporting that claim. Upon receipt of your response, all items submitted by each party will be evaluated to determine whether further action is required by the Division.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



AUG 23 2012

If you have any questions regarding this matter, please contact me at (916) 327-3113 or via e-mail at [KBare@waterboards.ca.gov](mailto:KBare@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows:

State Water Resources Control Board  
Division of Water Rights  
Attn: Ms. Kathryn Bare  
P.O. Box 2000  
Sacramento, CA 95812-2000

Sincerely,



Kathryn Bare  
Water Resource Control Engineer  
Enforcement Unit 3  
Division of Water Rights

Enclosure: Water Rights Complaint

cc: Mr. Ed Voice  
P.O. Box 580  
Garberville, CA 95542

Ms. Jane Arnold  
Department of Fish and Game  
601 Locust Street  
Redding, CA 96001



## Cal/EPA Environmental Complaint Form - Tracking and Maintenance: Print Complaint

Hello, Kathy Bare, You are now logged in to the Cal/EPA Environmental Complaint Form - Tracking and Maintenance System as a Staff Person with SWRCB.

Time left until session times out (if no activity): 60 minutes

[Logout](#)

Complaint Record Number: 10328

Complaint Source: Public

Submit Date: 8/6/2012, 02:53 PM

Displayed below is a printer-friendly record of Complaint Record Number 10328. Use your browser's print button to print a copy.

## Complainant information:

Referring URL: blank

[Hide/Show Complainant](#)

<u>Emergency:</u>	No	<u>Name:</u>	Ed Voice
<u>Spill:</u>	No	<u>Address:</u>	PO Box 580
<u>Confidential:</u>	No	<u>City, St, ZIP:</u>	Garberville, Ca 95542
<u>Follow-up:</u>	Yes	<u>Phone Number:</u>	(707)500-1127
		<u>E-Mail:</u>	edvoice@earthlink.com

## Complaint Information:

Complaint Address or Location Description

Address: 919 Redwood Drive  
PO Box 211

City, St, ZIP: GARBERVILLE, CA 95542

County: HUMBOLDT

Location Description: Down Town Garberville

Alleged Responsible Party

Name: GARBERVILLE SANITARY DISTRICT

Address: 919 Redwood Drive  
PO Box 211

City, St, ZIP: GARBERVILLE CA 95542

Phone Number: (707)923-9566

Complaint Marked Related To: WaterDate of Occurrence: 08/06/12 Time: Ongoing Ongoing: YesComplaint Description:

The Garberville Sanitary District (GSD) is selling bulk water to commercial water delivery companies within the GSD district boundary and town of Garberville, then those same commercial water delivery companies sell that same truck load of water outside the GSD district boundary, town of Garberville and watershed. In most cases, 20 to 40 miles and parts unknown outside the GSD district boundary and town of Garberville.

I want to know if State Water Rights has jurisdiction over the sale of this water that is being diverted and sold from the South Fork Eel River (i.e. listed as a State and Federal Wild & Scenic River) and being sold outside the South Fork Eel River watershed and basin.

I want to make it very clear, these commercial water delivery companies are not providing water within the GSD district boundary or residents of the town of Garberville, those ratepayers are already connected to the GSD water service system and treatment facilities within the town of Garberville. These water delivery companies include: H2O to Go, Pura Vida Water and J. F. Shea Co. just to name a few.

I would also like to know under the current GSD permit, the difference under Water Rights between if GSD is selling water outside their district boundary and the town of Garberville via 3500 gal to 5000 gal commercial trucks for domestic purposes verses if they piped that same water outside their district boundary or the town of Garberville? GSD knows when they sell that water to commercial water delivery companies its being sold outside their district boundary and the town of Garberville. so what is the difference between trucking or piping the water by their permit ## 20789?

Does a diversion & use permit allow you to sell water from a Wild & Scenic River, knowing that water is being sold outside that rivers watershed and basin?

In reading the GSD Diversion and use permit ##20789, it states the water is only to be used "in" the town of Garberville. But yet GSD sells this water knowing its being delivered outside the town of Garberville, none of which are ratepayers and up to 40 miles away. if you can only sell this water under the permit as municipal, how can you sell it for outside that municipality as stated in permit ## 20789?

This activity has been going on for years and is getting worse. The water delivery trucks this time of year line up around the block all day long to pump water into their trucks from an un-metered Fire hydrant at the South end of Garberville. We have just been able to get records showing how much these water delivery companies say they buy from GSD, its in the hundreds of thousands of gallon per month per company. This happens all year round, highest from July thru October.

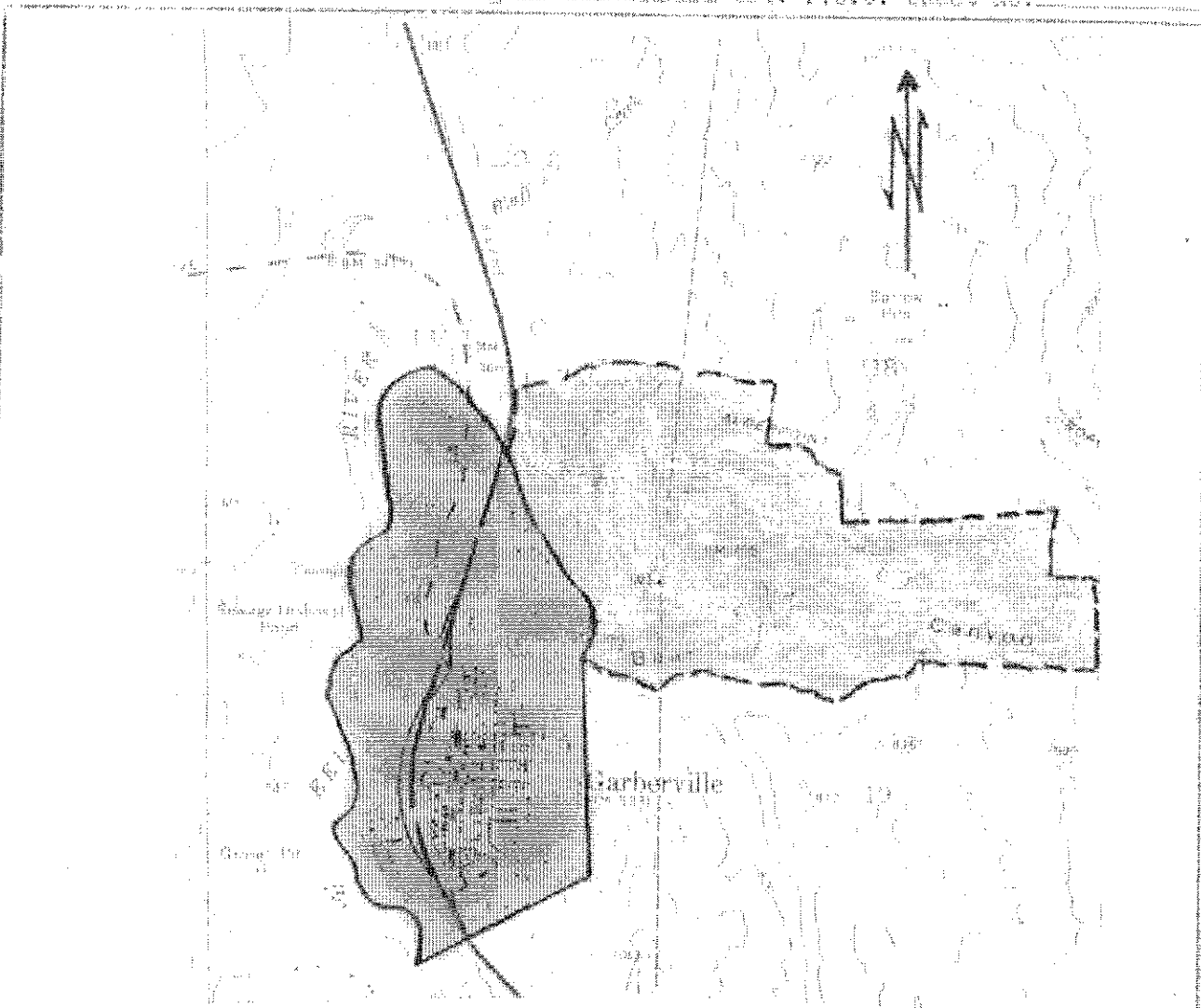
The South Fork Eel River is having a hard enough time supporting aquatic resources e.g. listed ESA, EFH & ESU Coho, Chinook and Steelhead species and their habitat. This bulk water needs to stay in the South Fork Eel River watershed and basin, not sold to competing watersheds to support landowners that do not have sufficient water for domestic or illegal agriculture uses in Northern Mendocino and Southern Humboldt Counties.

Thank you for your time and consideration.

Ed Voice &amp; Voice Family

I am thinking of the health of our River and the extraordinary wildlife habitat and eco-systems it supports. Thank you.

[Search Complaints](#)[View Complaint](#)[BDO Assignments](#)[Email other BDOs](#)[Triage/Refer](#)[Add Follow-Up Event/Close Complaint](#)



LEGEND

Prior Service Area

Area Added in Advice Letter No 11



SCALE



(To be inserted by utility)

Issued by

(To be inserted by G.H.P.D.C.)

Advice Letter No. 11

Fred Hartman

Date Filed MAY 12 1978

Decision No. \_\_\_\_\_

Area

Effective JUN 11 1978

managers

Date

Resolution No. \_\_\_\_\_

Exhibit B

Water Management Plan

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**Introduction**

This Water Management Plan is provided in accordance with Section 6 of this Agreement and intended to help the Participant to comply with the terms of Forbearance as described in Section 4 of this Agreement.

**I) Guidelines for Compliance with Forbearance**

**Restricted Period:** Participant is prohibited from pumping, withdrawing or otherwise diverting water from anywhere on the Property, including from springs and other sources as described in Section 4(a) of this Agreement, when streamflows drop below 0.7 cfs in the Mattole River mainstem at the Measure Point which is located 30-300 yards upstream of the confluence with Bridge Creek, except as authorized by Trustee in

the event of emergency. To facilitate Participant compliance with their Water Right Registration (see Exhibit D) and Section 5(b) of this Agreement, Participant is required to refrain from diversion of water under the terms of their Water Right Registration (i.e., for storage longer than 30 days) during the months of September and October. Consistent with this Agreement and the conditions set forth below, during the months of September and October Participant may exercise riparian or other appropriate water rights for direct diversion (i.e., direction application and use, including regulatory storage not exceeding 30 days) to divert streamflow in excess of 0.7 cfs at Participant's point of diversion.

***Bypass Flows:*** So as not to harm endangered fisheries and to facilitate Participant's compliance with their Water Right Registration and section 5(b) of this Agreement, pumping rates by the Participant are limited. Participant pumping shall not exceed 5 % of the streamflow as calculated at the Measure Point. Maximum allowable pumping rates are 22GPM (0.05 cfs) and are further restricted to a maximum rate of 11GPM (0.025cfs) when streamflows drop below 5 cfs at the Measure Point.

***Pumping Days:*** To prevent cumulative impacts from multiple pumps operating simultaneously, Trustee will assign pumping days to Participant and all other participants in this water forbearance and management program when streamflows at the Measure Point drop below 5.0 cfs.

***Pump Intake Screens:*** Pump intake screens will be installed as part of the Water Storage System that comply with the "2000 California Department of Fish and Game Screening Criteria" for California streams that provide habitat for juvenile coho, Chinook and steelhead. Landowner will be responsible for inspection; maintenance and cleaning of screens as needed to keep them free of debris and ensure that screen function complies with the criteria specifications.

***Notices:*** Trustee will provide Participant notice of the timing of all seasonal restrictions under this Agreement (see section IX of the Water Management Plan) at end of this document.

## **II) Recommended Allocations for Participant Water Usage during the Restricted Period**

***Participant Responsibility:*** Participant has a maximum capacity to store \_\_\_\_\_ gallons of water as described in Exhibit A, Water Management System. Participant is responsible for allocating use of this water during the entire Restricted Period in order to comply with the terms of Forbearance.

***Model Water Budget:*** The following model water budget provides recommended water usage allocations for domestic and agricultural purposes during the Restricted Period. These allocations are estimates based on figures provided by the State Water Resources Control Board. Participant's actual water usage may vary considerably and Participant

needs to be aware that changes in the stated assumptions of the model could have significant impacts on recommended allocations. It is strongly advised that Participant use the figures provided here to create their own water budget and to utilize the actual water use figures gathered for Compliance Self Monitoring by Participant (see Section V below) to monitor and adjust their water usage diligently during the Restricted Period. :

#### Assumptions

*Estimated Restricted Period:* The restricted period is estimated to be 112 days long, beginning on July 22 and ending on November 11. This estimated period is based on the 2008 dry season, which represents the driest year in the 60-year record. The actual Restricted Period is based on streamflows.

*Estimated Household Size:* Household size is estimated at three adult individuals for homes with full plumbing per family.

*Estimated Garden Size:* Garden size is estimated to be 40ft x 50ft for 2,000 square feet per family.

#### Allocations

*Domestic Uses: 165 Gallons per Day (GPD);* 3 people x 55 GPD per person x 112 days = 18,480 gallons total.

*Agricultural Uses: 370 GPD;* 2000 sq. ft. garden x 18.5 GPD per 100 sq. ft of garden x 84 days = 31,080 gallons total for the irrigation season (July 22- Oct 14)

*Fire Protection:* It is recommended that Participant maintain 2,500 gallons in reserve to help suppress fire in the case of emergency.

*Total Water Usage: 52,060 gallons;* 18480 gallons domestic + 31,080 gallons agricultural + 2,500 fire protection reserve

#### Budget Discussion

Under these allocations the average daily water usage for combined domestic (165 GPD) and agricultural (370 GPD) uses is 535 GPD for the time period July 22 through October 14 (84 days). The average daily water use is 165 GPD for the remaining time period October 14- November 11 (28 days).

Participant should note when constructing their own water budget and allocating their use during the Restricted Period that irrigation for agricultural uses is the most significant consumer of water.

If the Participant requires a greater storage capacity, they may increase their capacity of storage at their own cost, provided that they notify and

review the proposed storage project with the Trustee for the following: 1) ensure that the proposed project does not jeopardize the function or security of the existing Water Management System; 2) revise the Water Management Plan and water budget for monitoring purposes.

### **III) Guidelines for Maintenance and Repair of the Water Management System**

**Responsibilities:** Participant is responsible for regular maintenance and repair of the Water Management System as described in Section 5(f) of this Agreement. Regular maintenance and repair is required for the successful operation of the Water Management System for the purposes of compliance with Forbearance, particularly as regards to preventing and repairing leaks. The maintenance guidelines for the Pioneer tank and plumbing system are outlined below.

**Pioneer Tank Maintenance and Repair:** A Pioneer tank owner maintenance manuals will be distributed to Participant with the tank when installed. General maintenance requirements include the following:

- Roof maintenance: For reasons of safety and longevity, do not walk on tank roof unless absolutely necessary. If necessary, then walk on truss only, with a maximum of 2 people on the roof at one time. Keep the roof free of debris and leaves by sweeping with a long handled broom.
- Snowfall: Cleaning of snow and ice is necessary. Your tank can withstand up to 10 PSF (1 foot) of powder snow.
- Leakage: Report any signs of tank leakage immediately to Trustee and Whitethorn Construction, the authorized Pioneer Tank installer. All repairs should be performed directly by or with guidance from the Whitethorn Construction authorized installation crew.
- Corrosion: Inspect tank regularly for corrosion. If there are signs of corrosion, this should immediately be treated and painted with zinc rich paint.
- Erosion: Check sand base for erosion before and during winter and place additional gravel over sand base as needed to prevent erosion.
- Anodes: Inspect anodes every 3 years and plan to replace every 10 years.
- Cleaning of tank: Plan to empty the tank (to 8 inches or less) once per year. If needed, clean with a soft bristle broom and remove turbid water. The emptying should be done no later than April 15 of each year, so that the tank can be refilled

with fresh clean water in April or May when streamflows are still high and water quality is good.

- Vermin protection and vegetation intrusion: Treat tank perimeter with suitable and safe vermin, pest and vegetation deterrent.

***Plumbing and Pump Systems Maintenance and Repair:***

- The entire plumbing system shall be inspected and repaired, as needed each spring in preparation for the dry season. This includes all exterior above ground plumbing as well as household fixtures and garden irrigation systems.
- Clarity filter cartridges will need to be replaced as needed based on the turbidity of incoming water and at a minimum of twice per year.
- Pump intake screens need to be inspected and maintained. It is very important to clean pump screens regularly to avoid clogging. Check and clean your screens at the beginning of the pumping season, and then as needed to keep them free of debris. When pump screens become partly blocked by debris, the suction pressure on the remaining screen will be higher, potentially injuring juvenile fish.

The pump screen also needs to be inspected annually for wear and if damaged or evidence of wear, replacement of the screen material with equivalent stainless steel screen will be required. The stainless screen is more durable than bronze screen and is anticipated to last at least 2 years. The 1/16 inch mesh screen is available at Englund Marine in Eureka: (707) 444-9266.

**IV) Guidelines for Compliance Monitoring by Trustee**

***Monitoring Frequency:*** Trustee will perform a minimum of two monitoring visits each year. Trustee will provide notice two weeks prior to monitoring to facilitate scheduling with the Participant. Spring monitoring is aimed to ensure that the Water Management System is in operating order and in good repair and ready for the low flow months. Fall monitoring is done to review water meter records and determine landowner compliance with Forbearance and if overall objectives of this Agreement are being met. Trustee may request more frequent monitoring as necessary to ensure Participant compliance with Forbearance.

***Participant Role in Trustee Monitoring:*** The Participant or a designated representative knowledgeable about the Water Management System and its use and operation shall be present for the monitoring visit. Participant shall provide a tour of the Water Management System for inspection by the Trustee.



**V) Guidelines for Compliance Self Monitoring by Participant**

**Water Use Meters:** The Water Storage System is equipped with meters to assist the Participant with management of the stored water in compliance with Forbearance. It is the responsibility of the Participant to ensure that the stored water lasts for the entire Restricted Period and to adjust water use as needed to this end.

**Written Water Use Records:** Participant shall keep written records of their water consumption during the Restricted Period. The tank will be equipped with a water meter and the Sample Water Use Log is provided below to assist the Participant with tracking of water use. The water meter will be read once per week and the amount of water used will be recorded on the Water Use Log. If the weekly water use exceeds the amount allocated, the Participant will reduce water use. Trustee will provide technical advice for water efficiency improvements and reduction of use. Participant shall provide Trustee with copies of Participant Self Monitoring records during a monitoring visit or at any other time as requested by the Participant.

**Sample Water Use Log for Restricted Season:**

Storage = 52,100 gallons per family allocated at 535 GPD for the irrigation season of 84 days (12 weeks) and 165 GPD for the non-irrigation season 28 days (4 weeks).

<i>Weeks of restricted season (approx 15 weeks)</i>	<i>Date</i>	<i>Water Meter Reading</i>	<i>Actual Water Used per week</i>	<i>Water Allocation per week</i>	<i>Difference (Water Allotment- Actual Use)</i>
Start date					
Week 1				3745 gallons	
Week 2				3745 gallons	
Week 3				3745 gallons	
Week 4				3745 gallons	
Week 5				3745 gallons	
Week 6				3745 gallons	
Week 7				3745 gallons	
Week 8				3745 gallons	
Week 9				3745	

				gallons	
Week 10				3745 gallons	
Week 11				3745 gallons	
Week 12				3745 gallons	
Week 13				1155 gallons	
Week 14				1155 gallons	
Week 15				1155 gallons	
Week 16				1155 gallons	

Total water allocation per family:  
 12 weeks @ 3745 per week  
 4 weeks @ 1155 per week  
 Fire protection water = 2,500 gallons  
 Water left over = 40 gallons

#### **VI) Guidelines for Filling and Topping the Water Management System Tanks**

**Fill Tanks Early:** In order to comply with bypass flows, and minimize impacts of pumping on streamflows and fish habitat, Participant shall fill to the maximum all available water storage no later than June 15th or before streamflows at the Measure Point drop below 5 cfs. When refilling for seasonal storage, pumping should be scheduled when water source has good clarity. For optimum water quality, tanks should be drained annually and cleaned as needed prior to refilling.

**Top Tank Regularly Prior to the Restricted Period:** Tanks need to be topped to their full capacity just prior to the Restricted Period to ensure sufficient storage. Participant shall top tanks regularly during the period from June 15 to August 1st, or anytime when streamflows at the Measure Point are between 5 cfs and 0.7cfs. Tanks must be topped weekly to ensure that topping will not have significant impacts on streamflows. When streamflow drops to 0.7 cfs no water will be pumped until the end of the Restricted Period.

**Pumping After the End of the Restricted Period:** At the end of the no pumping season (when streamflows at the measure point exceed 0.7 cfs), the Participant may begin pumping again at the 11 GPM rate during assigned pumping days. When streamflows at the measure point exceed 5.0 cfs, the Participant may begin pumping again at the maximum rate of 22 GPM. For optimum water quality, Participant should wait to

resume pumping until the fall rains have flushed the river of organic material and the water has become clear again.

**Notices:** Trustee will provide notice to Participant of the beginning and ending of all seasonal restrictions with a minimum of one-week notice prior to the start date and a maximum of one-week notice following the end date. A summary of anticipated notices is provided in Section 9 of this document.

**VII) Guidelines in the Event of Emergency due to Catastrophic Water loss or other loss**

**Notice of Emergency Water Loss:** In the event of emergency water loss during the Restricted Period, the Participant will notify Trustee immediately and will not take any action to refill the tank without Trustee permission. The Trustee may declare Emergency Conditions according to Section 4(b) and authorize limited pumping for Participant's domestic water use requirements.

**Emergency Condition Pumping:** Trustee will determine an allowable pumping regime under Emergency Conditions based on current streamflows and in consultation with DFG. Trustee may allow up to 5% of the streamflow to be pumped to obtain water sufficient for the landowners basic water needs. If pumping can occur while maintaining adequate bypass flows, Trustee will oversee refilling with reduced pump rates and volumes per day to ensure no significant impacts to streamflow. If streamflows at the Measure Point fall below 0.2 cfs no emergency pumping will be allowed, and water will be trucked in from a commercial provider with up to 7500 gallons paid for by Trustee, subject to water availability and funding. The landowner will be responsible for the costs of water replacement if the water has been lost through landowner negligence.

**VIII) Water Management Calendar**

<i>Month</i>	<i>Seasonal Restrictions</i>	<i>Tank Filling &amp; Topping</i>	<i>Maintenance</i>	<i>Monitoring</i>
January				
February				
March		Fill tank		
April		Fill tank	Exterior plumbing, irrigation & household	
May		Fill tank		Trustee & Participant
June		Top tank		
July	Reduce pump	Top tank		

	rate and pumping days			
August	No Pumping			Participant self monitor
September	No Pumping			Participant self monitor
October	No Pumping			Participant Self monitor
November	Reduce pump rate and pumping days		Pump intake screens	Trustee & Participant
December				

### IX) Anticipated Notices

All notices for the purpose of seasonal pumping restrictions and arranging monitoring days and will be given by telephone, email, or in-person and documented with notice by mail. Notices each year will include the following:

#### *Summary of Notices*

<i>Month</i>	<i>Purpose of Notice</i>	<i>Timing of Notice</i>
May	Spring Trustee monitoring	2 weeks prior
July	Seasonal restriction - pumping rate reduction and pumping days assigned	1 week prior
August	Seasonal restriction- no pumping period	1 week prior
November	Seasonal restriction- resume pumping at reduced rate and pumping days assigned	1 week after
November or December	End of seasonal restriction	1 week after
November or December	Fall monitoring	2 weeks prior