



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

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 12919B

PERMIT 12947B

LICENSE 13898

Right Holder: Mendocino County Russian River Flood Control and  
Water Conservation Improvement District  
151 Laws Avenue, Suite D  
Ukiah, CA 95482

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **January 28, 1949**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. This right supersedes any previously issued right on **Application 12919B**. The right holder has made proof, to the satisfaction of the State Water Board, of the quantities of water put to beneficial use during the authorized development schedule.

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; (d) the State Water Board has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA; and (e) the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams have been met.

The State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

**Right holder is hereby granted a right to divert and use water as follows:**

- 1. Source of water: **East Fork Russian River**
- tributary to: **Russian River**
- within the County of **Mendocino.**

2a. Location of point of diversion and place of storage:

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>Coyote Valley Dam (Lake Mendocino)</b> North 2,200,092 feet and East 6,226,508 feet	NE ¼ of SW ¼	34*	16N	12W	MD

2b. Location of points of diversion and points of rediversion:

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b><u>86 Points of Diversion and Points of Rediversion of East Fork Russian River Water</u></b>		<b>Located on the East Fork Russian River and Russian River, between Lake Mendocino and the Mendocino/Sonoma County Line.</b>			

The points of diversion and points of rediversion authorized under this right are listed on **Attachment A**.

3a. Purpose of use	4a. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Domestic, Municipal, and Industrial</b>	<b>Within the service area of the Mendocino County Russian River Flood Control and Water Conservation Improvement District</b>					
<b>Irrigation</b>	<b>4,096 acres net within a gross area of 16,505 acres</b>		<b>12N to 16N</b>	<b>11W to 12W</b>	<b>MD</b>	
<b>Recreational</b>	<b>Lake Mendocino</b>	<b>22, 23, 26, 27, 34, 35</b>	<b>16N</b>	<b>12W</b>	<b>MD</b>	

3b. Purpose of use (Pursuant to Order WR 79-15)	4b. Place of use (Pursuant to Order WR 79-15)					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
	Order WR 79-15 approved delivery of up to 4,000 acre-feet per annum of water under this right to the Redwood Valley County Water District and added the Redwood Valley County Water District as an authorized place of use, upon the following condition:  Water to be utilized in this additional place of use shall be available only until the same is necessary to supply water for any existing or future use of water within the Mendocino County Russian River Flood Control and Water Conservation Improvement District. Neither the Redwood Valley County Water District nor any user within that district will acquire a vested right to water available under this right as a result of this change in place of beneficial use.					
<b>Domestic</b>	<b>Within the service area of the Redwood Valley County Water District</b>					
<b>Irrigation</b>	<b>2,000 acres net within a gross area of 3,500 acres</b>		<b>16N to 17N</b>	<b>12W</b>	<b>MD</b>	

All areas described in (3a.) and (3b.) above are as shown on map, dated October 4, 2016, filed with the State Water Board.

5. The water appropriated shall be limited to water of the East Fork Russian River and the quantity actually beneficially used and shall not exceed: (a) **28 cubic feet per second** by direct diversion from January 1 to December 31 of each year; and (b) **82,600 acre-feet per year** by storage from October 1 of each year to September 30 of the succeeding year. The total amount of water taken from East Fork Russian River (direct diversion plus collection to storage) for all uses shall not exceed **85,667 acre-feet per year**. The total amount of water placed to beneficial use (direct diversion plus rediversion of stored water) under this right shall not exceed **7,940 acre-feet per year**.  
(0000005E)
6. The capacity of the reservoir (Lake Mendocino) covered by this right shall not exceed 122,400 acre-feet.  
(0000005N)
7. The amount of water collected to storage and the total amount of water taken from the source under this right is inclusive of water collected to storage in Lake Mendocino and water taken from the source under Permit 12947A (Application 12919A).  
(0999114)
8. The equivalent of such continuous flow allowance for **direct diversion** for any 30-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)
9. Some of the contractors served under this water right may hold prior rights that authorize the same diversion and use of water that is authorized under this right. No water shall be diverted or used under this right if the diversion or use is being claimed under a prior right. Any diversion or use that is claimed under a prior right, or the quantification of a prior right as a result of an adjudication or other legally binding proceeding, may be considered by the State Water Board in a subsequent forfeiture proceeding or other proceeding affecting this water right. No action will be taken by the State Water Board without prior notice to the right holder and an opportunity for hearing.  
(0899021)
10. If it is determined that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, right holder shall, at their expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in California Code of Regulations, title 23, section 715 et seq. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.  
(0000030)
11. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.  
(0090031)
12. This right is subject to the continuing authority of the State Water Board to reduce the amount of water named in this right upon a finding by the State Water Board that the amount is in excess of that reasonably needed to be held in storage for the authorized uses. No action will be taken by the State Water Board without prior notice to the right holder and an opportunity for hearing.  
(0000042)

13. Right holder shall report and account for all right holder's diversions from all right holder's points of diversion and points of rediversion, with a separate listing for each point of diversion and each point of rediversion. The right holder's measurement and reporting obligations apply to all points of diversion and points of rediversion authorized by this right regardless if right holder owns or operates the diversion work. This accounting for all diversions and uses shall demonstrate whether the diversions at points of diversion and points of rediversion authorized by this right were made under a water-supply agreement with the right holder or under an independent riparian or appropriative right. To confirm this accounting, the total meter readings at each point of diversion and point of rediversion shall be included with reporting. The records shall list, separately for each point of diversion and each point of rediversion, the date, time, rate of diversion, amount of water diverted, place of use, and purpose of use, and monthly amount diverted under this right. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.  
(0900801)
14. No water shall be diverted unless right holder complies with the measuring and monitoring requirements of California Code of Regulations, title 23, chapters 2.7 and 2.8 (regulations) and the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy). If there is a conflict or inconsistency between the measuring and monitoring requirements in the regulations and the Policy, the more stringent requirement or requirements shall control in each instance. (Cal. Code Regs., tit. 23, §§ 912 & 932 subd. (e).)  
(0100699A)
15. This right is subject to rights acquired or to be acquired pursuant to applications by others whether heretofore or hereafter filed for use of water within the service area of Mendocino County Russian River Flood Control and Water Conservation Improvement District and within the Russian River Valley in Sonoma County, as said valley is defined in Decision 1030 of the State Water Board at page 9, to the extent that water has been beneficially used continuously at the place of use described in said applications since prior to January 28, 1949 (the date of filing Applications 12919 and 12920).  
(0500999)
16. This right is subject to the stipulation between the right holder and Potter Valley Irrigation District dated August 18, 1959, and filed of record as Sonoma District exhibit 13 at the hearing of Application 12919A and others.  
(0000024)
17. This right is subject to beneficial use in Potter Valley whether under prior or subsequent rights and to any and all rights of any county in which the water appropriated hereunder originates to the extent that any such water may be necessary for the development of lands in such county lying in the watershed above Lake Mendocino.  
(0000999)
18. The State Water Board retains continuing jurisdiction for the purpose of conforming this right to any agreement between Sonoma County Water Agency and Mendocino County Russian River Flood Control and Water Conservation Improvement District whereby the Mendocino District will have an opportunity to acquire a greater portion of the Coyote Valley Project and/or a share of any additional water above the minimum safe yield thereof, or upon failure to reach said agreement, as may be ordered by a court of competent jurisdiction.  
(0000600)
19. In compliance with Fish and Game Code section 5943, right holder shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by Lake Mendocino during the open season for the taking of fish, subject to the regulations of the State Fish and Game Commission.  
(0030064)

20. Before making any change in the project determined by the State Water Board to be substantial, right holder shall submit such change to the State Water Board for its approval in compliance with Water Code section 10504.5(a).

(0000119)

---

**THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.) (0000016)
- B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) (0000017)
- C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board. (0000018)
- D. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use. (0000015)
- E. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right. (0000010)
- F. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan. (0000070)
- G. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
  3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code. (0000011)

- H. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder. (0000022)
- I. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue. (0000025)
- J. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right. (0000212)
- K. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.
- If construction or rehabilitation work is required for the diversion works covered by this right, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.
- Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights. (0000203)
- L. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.
- Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. (0000029D)
- M. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, 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 right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 right 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 right holder 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)

- N. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder 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)

- O. This right does not authorize any act which results in the taking of a candidate, 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 & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

---



*This right is issued and right holder takes it subject to the following provisions 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 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 therefore 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 cannot 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.*

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY, FOR

*Leslie F. Grober, Deputy Director  
Division of Water Rights*

Dated: SEP 21 2017