

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Licenses 9450 and 9541 (Applications 20134 and 22523)

**Alliance Redwoods Conference Grounds**

**ORDER APPROVING CHANGE PETITIONS AND ISSUING AMENDED LICENSES**

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SOURCES: Unnamed Streams tributary to Dutch Bill Creek thence Russian River

COUNTY: Sonoma

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**WHEREAS:**

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued water right License 9450 (Application 20134) on August 6, 1970, and water right License 9541 (Application 22523) on January 14, 1971, to Alliance Redwoods Conference Grounds (Alliance Redwoods or Petitioner).

*Summaries of Water Right Licenses 9450 and 9541*

2. License 9450, which has a priority of May 17, 1961, allows Alliance Redwoods to divert up 0.049 cubic foot per second (cfs) of water from an Unnamed Stream in Redwood Gulch tributary to Dutch Bill Creek thence the Russian River on a year-round basis. The water can be used for domestic, fire protection, and dust control purposes within Alliance Redwoods' service area which was described as being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , E $\frac{1}{2}$  of SW $\frac{1}{4}$ , and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M. License 9450 limits Alliance Redwoods' total diversion quantity to 25.3 acre-feet annually (afa).
3. License 9541, which has a priority of July 13, 1966, allows Alliance Redwoods to divert up to 0.027 cfs of water from an Unnamed Stream in Redwood Gulch tributary to Dutch Bill Creek thence the Russian River on a year-round basis. The water can be used for domestic, fire protection, and dust control purposes within Alliance Redwoods' service area which was described as being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M. License 9541 limits Alliance Redwoods' total diversion quantity to 10 afa. License 9541 also limits the combined diversions under License 9541 and License 9450 not to exceed 0.049 cfs.

4. License 9450 has two points of diversion (POD) on an Unnamed Stream in Redwood Gulch located as follows: POD 1) NAD 83, Zone 2, North 1,919,894 feet and East 6,282,755 feet, being within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M; and POD 2) NAD 83, Zone 2, North 1,920,594 feet and East 6,283,055 feet, being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M. License 9541 has one POD on an alternate Unnamed Stream in Redwood Gulch located as follows: NAD 83, Zone 2, North 1,920,505 feet and East 6,282,351 feet, being within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M.

*Petitions to Change Licenses 9450 and 9541*

5. In March 2018 Alliance Redwoods filed petitions with the State Water Board requesting to change the locations of the PODs in Licenses 9450 and 9541. Specifically, Alliance Redwoods proposed to relocate the PODs from the Unnamed Streams in Redwood Gulch tributary to Dutch Bill Creek to a diversion well operated by Camp Meeker Recreation and Park District (Camp Meeker) located downstream at the confluence of Dutch Bill Creek and the Russian River in Monte Rio. Moving the location of the PODs downstream to the Russian River will allow water that would normally be diverted upstream in the Unnamed Streams in Redwood Gulch to flow downstream to the Russian River before it is diverted, thereby protecting and benefiting flows in Dutch Bill Creek and the species that depend on it, particularly salmon and steelhead. Alliance Redwoods proposes to abandon its PODs on the Unnamed Streams in Redwood Gulch when all necessary water treatment and conveyance facilities are constructed to supply potable water from the new POD on the Russian River to the Alliance Redwoods place of use. At this time the source of non-potable water in the Alliance Redwoods service area will be groundwater pumped from existing side hill wells. Part of Alliance Redwood's project involves construction of water conservation measures to reduce non-potable water demand by between 50 and 70 percent, depending on the year of comparison.
6. Alliance Redwoods voluntarily filed the petitions to facilitate the proposed flow enhancement project for Dutch Bill Creek that was designed in partnership with Gold Ridge Resource Conservation District (Gold Ridge RCD), Occidental Arts and Ecology Center, Trout Unlimited, and California Sea Grant through the Russian River Coho Water Resources Partnership. The project has been funded by the National Oceanic and Atmospheric Administration (NOAA), the National Fish and Wildlife Foundation, the California Department of Fish and Wildlife (CDFW), and the California Wildlife Conservation Board. The project was developed based on requests made during the 2011-2015 drought by the State Water Board, CDFW, and NOAA that water users in the Dutch Bill Creek watershed take action to modify their water management to protect native Coho salmon and steelhead.

Public Notice and Protest/Comments

7. On May 31, 2018, the Division issued public notice of Alliance Redwoods' change petitions. On July 1, 2018, Mr. Richard Morat protested the petitions. Mr. Morat was the only party to protest the petitions.
8. In his protest, Mr. Morat indicated his concern that Alliance Redwoods will be able to divert more water from the new POD on the Russian River than they have historically diverted from their currently licensed PODs in Redwood Gulch. Mr. Morat indicated he believed that during dry years, flow in the Unnamed Streams in Redwood Gulch may not be sufficient for Alliance Redwoods to divert the maximum quantity of water allowed under its licenses. Because flow in the Russian River is significantly larger than Redwood Gulch<sup>1</sup>, Alliance Redwoods could potentially divert more water at the new POD on the Russian River than would be available at the currently licensed PODs. Mr. Morat indicated that diverting more water from the Russian River than could be diverted from the Unnamed Streams in Redwood Gulch would require Alliance Redwoods to file an application for a new permit to appropriate water.
9. In response to Mr. Morat's protest, Alliance Redwoods provided information regarding historical annual diversions under both Licenses 9450 and 9541. Alliance Redwoods indicated that since 1999 it began to rely on groundwater wells, located on the side hill adjacent property, for its potable water supply but continued to use the Redwood Gulch surface water diversions for non-potable purposes on the Alliance Redwoods facilities.<sup>2</sup> Alliance Redwoods' maximum reported surface water diversion and use from the Unnamed Streams in Redwood Gulch (prior to supplementing their supply with groundwater) was approximately 17.24 af in 1995. Subsequent to 1999, Alliance Redwoods' maximum combined diversion quantity from the Unnamed Streams in Redwood Gulch and the side hill groundwater wells for both potable and non-potable uses was approximately 19.7 acre-feet in 2004.
10. Alliance Redwoods indicated that dry season surface flow in Dutch Bill Creek originates predominantly on the side of the watershed where the supply wells are located – several tributary streams flowing from the forested, northeast-facing slopes

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<sup>1</sup> The Unnamed Streams in Redwood Gulch are not currently gaged streams, however stream gage data show that average annual runoff from downstream Dutch Bill Creek is only approximately 1.5 percent of average annual runoff of the Russian River.

<sup>2</sup> It was necessary for Alliance Redwoods to switch to a groundwater source for the potable supply because changes in drinking water standards for surface water supplies would have required a higher level of filtration and treatment for surface water diverted from the Unnamed Streams in Redwood Gulch. Meeting the new water treatment standards would have been cost prohibitive for Alliance Redwoods since it would have required expensive water treatment plant upgrades and increased operating costs.

on the west/southwest side of the Dutch Bill Creek (including Redwood Gulch) provide nearly all of the dry season flows in the mainstem stream, and these tributaries are located both upstream and downstream of Redwood Gulch and Alliance Redwoods. Alliance Redwoods stated that the substantial reduction of diversion from the wells to only non-potable uses will enhance dry season surface flows in Redwood Gulch and Dutch Bill Creek.

11. Alliance Redwoods' historical Reports of Licensee for Licenses 9450 and 9541 indicate that water from the springs has consistently provided flow in the Unnamed Streams in Redwood Gulch over the years. Actual diversion quantities under the licenses have only been reported since 1986, although Alliance Redwoods indicated in its Reports of Licensee that there have been diversions or flow in the Unnamed Streams in Redwood Gulch in every year reported since issuance of the licenses. Moreover, during periods of California drought, including 1976 – 1977, 1987 – 1992, 2009 – 2010, and 2013 – 2016, Alliance Redwoods' reports indicated they were able to divert from the Unnamed Streams and there was no indication that the streams had ever gone dry.
12. Division staff reviewed information regarding the original application filings for Licenses 9450 and 9541 and determined that Application 20134 was filed to provide water for the entirety of the Alliance Redwoods facilities, and Application 22523 was subsequently filed to provide an alternate source of water to the facilities covered by Application 20134. At the time of licensing the project covered by Application 20134, Division staff determined a diversion of 0.049 cfs year-round from an Unnamed Stream in Redwood Gulch tributary to Dutch Bill Creek with a total of 25.3 acre-feet of water annually would serve the Alliance Redwoods facilities. The water in the Unnamed Stream in Application 20134 is sourced by a spring. Application 22523 was then filed to provide an alternate source of water to Alliance Redwoods facilities from another Unnamed Stream in Redwood Gulch which is also sourced by a spring. At the time of licensing the project covered by Application 22523, it was determined that the Unnamed Stream could provide up to 0.027 cfs of water with a total maximum diversion of 10 afa. Division staff recommended that the license issued pursuant to Application 22523 include a combined cap on the rate of diversion under both Applications 20134 and 22523 at 0.049 cfs. However, Division staff's licensing reports also document that the maximum quantity of water necessary to supply Alliance Redwoods facilities was a total of 25.3 afa. Therefore, it appears that License 9541 should have also included a limitation on combined annual diversions under both Licenses 9450 and 9541 to not exceed 25.3 af. Without that limit on the combined annual diversion under both licenses, Alliance Redwoods could divert up to 35.3 afa. This would represent a nearly 40 percent increase in diversions beyond what was deemed necessary to serve the Alliance Redwoods facilities when the licenses were issued. Therefore, the amended licenses will include a term limiting the combined maximum diversions under both rights to 25.3 afa which is a quantity consistent with historical water use at the Alliance Redwoods facilities.

13. The inclusion of a term limiting combined annual diversions under both licenses to 25.3 afa will ensure that Alliance Redwoods' future diversions from the Russian River underflow will not increase beyond its historical diversions and use of both surface water and groundwater from the Redwood Gulch/Dutch Bill Creek watershed, which resolves Mr. Morat's protest issue.
14. Subsequent to the public notice period, on September 7, 2018, Sonoma County Water Agency (SCWA) provided a comment letter to the Division regarding the petitions. In its comment letter, SCWA indicated it was in support of the petitions and the associated flow enhancement project, however SCWA requested that Alliance Redwoods ask that the State Water Board include Standard Terms 80 and 90A into the amended licenses. SCWA also requested that Alliance Redwoods ask the State Water Board to include the latest general measurement term for water right permits and licenses into the amended licenses.
15. Alliance Redwoods responded to SCWA's protest on April 15, 2019 and indicated they were not opposed to the addition of Standard Terms 80 and 90A and the latest General Measurement term to Licenses 9450 and 9541. However, Alliance Redwoods indicated that Term 80 does not apply to its water rights since they divert less than one (1) cfs. Alliance Redwoods also indicated its permits were issued prior to SCWA's permits.
16. Standard Term 80 is included in permits of one (1) cfs or more or 100 afa of storage or more within the Russian River Watershed. Standard Term 80 reads as follows:

*The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the State Water Board 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.*

17. Standard Term 90A is included in permits for diversion of water from the Russian River Watershed when hydraulic continuity with the Russian River exists, or is likely to exist, during the requested diversion season. Standard Term 90A reads as follows:

*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 State Water Resources Control Board, made after notice to interested parties and opportunity for hearing.*

18. Because the combined diversions under both Licenses 9450 and 9541 are capped at 0.049 cfs, the rights are not subject to Standard Term 80 and the term will not be included in the amended licenses issued pursuant to this petition approval Order. However, the priority of SCWA's water rights is based on the date that the applications for the rights were originally filed, not the date the permits were issued. SCWA's water rights have the following priorities: Permit 12947A was issued pursuant to Application 12919A, which was filed in 1949; Permits 12949 and 12950 were issued pursuant to Applications 15736 and 15737, respectively, and were filed in 1954; and Permit 16596 was issued pursuant to Application 19351, which was filed in 1960. As described in Findings No. 2 and 3 above, Alliance Redwoods' Licenses 9450 and 9541 have priorities of 1961 and 1966, respectively. Therefore, SCWA's rights are considered senior to Alliance Redwoods' rights. Standard Term 90A will be included in amended Licenses 9450 and 9541. Further, amended Licenses will also include Division Standard Term R which requires compliance with the State Water Board's most recent general measurement regulations which were enacted in 2016.

Required Findings of Fact

19. Water Code sections 1700 through 1705 govern changes in the place of use, purpose of use, or point of diversion of an appropriative water right. Permission to make such changes must be granted by the State Water Board and "[b]efore permission to make such a change is granted the petitioner shall establish, to the satisfaction of the [State Water Board], and [the State Water Board] shall find, that the changes will not operate to the injury of any legal user of the water involved." (Wat. Code, §1702.) The petitioner also must establish that the proposed changes will not effectively initiate a new right. (Cal. Code Regs., tit. 23, § 791, subd. (a).) A change petition must also be in the public interest and not unreasonably harm fish, wildlife, and other instream beneficial uses.
20. The project proposed with the petitions would move the PODs in Alliance Redwoods' licenses from Unnamed Streams in Redwood Gulch downstream to the confluence of Dutch Bill Creek and the Russian River. As a result, flow from Redwood Gulch and Dutch Bill Creek between the current PODs and the proposed POD should increase, therefore no legal user of water between the current PODs and the proposed POD can be injured. The new POD on the Russian River will result in the same quantity of water loss to the Russian River as it would see if the PODs removed the water upstream of the confluence of Dutch Bill Creek. Consequently, the State Water Board finds that the changes in PODs proposed with the petitions will not operate to the injury of any legal user of the water involved.
21. With the petitions, Alliance Redwoods requests to change the PODs from surface water diversions in Redwood Gulch to a well downstream on the Russian River. In order to substantiate that the new POD will not be diverting water from a new

source, Alliance Redwoods provided information indicating that the new POD is hydrologically connected to the currently licensed PODs. Alliance Redwoods indicated that the new POD well (which is the same well used by Camp Meeker pursuant to its water right Permit 21198) is located in the floodplain at the confluence of Dutch Bill Creek and the Russian River. Water pumped from the well originates from a gravel water bearing stratum that is approximately 50 to 60 feet below the current flow lines of the Russian River and Dutch Bill Creek at their confluence. Alliance Redwoods indicated that the water available at the well intake is from an underground pool that is fed by both the Russian River and Dutch Bill Creek and the well is in a shared floodplain of both water courses. Alliance Redwoods concluded that water in Redwood Gulch, which is tributary to Dutch Bill Creek, is connected through surface and subsurface flow to the underflow of the Russian River at the new POD.

22. The relocation of the licensed PODs on the Unnamed Streams in Redwood Gulch downstream to a well diverting from the underflow of the Russian River will not enable an increase from historical diversions under Licenses 9450 and 9541. As discussed in Finding No. 11 above, Alliance Redwoods has consistently been able to divert water from the Unnamed Streams in Redwood Gulch in all types of water years, including dry and critically dry years. Further, this approval Order will include a combined limitation for diversions from the new POD for both licenses to 25.3 afa, which was the amount of water determined necessary to supply the Alliance Redwoods facilities when the licenses were originally issued.
23. Based on information from Finding Nos. 21 and 22, the State Water Board finds that changing the location of the licensed PODs as proposed with the petitions will not in effect initiate a new right.
24. The proposed change in PODs was designed to increase flow in Redwood Gulch and Dutch Bill Creek to enhance fishery habitat and other instream beneficial uses in the creeks. Specifically, the augmentation of flows in Dutch Bill Creek as a result of the changes requested by Alliance Redwoods' petitions will be beneficial for salmonid rearing habitat, and is part of voluntary streamflow improvement projects designed in partnership with the Gold Ridge RCD, Occidental Arts and Ecology Center, Trout Unlimited, and the California Sea Grant through the Russian River Coho Water Resources Partnership and with the support of NOAA and CDFW. Further, recent flow augmentation projects in Dutch Bill Creek have shown significant success in the survival of juvenile Coho salmon during periods of drought. The State Water Board has also received letters in support of the project proposed with Alliance Redwoods' petitions by CDFW, NOAA, and Trout Unlimited. Therefore, the State Water Board has determined that the changes in PODs proposed with the petitions are in the public interest and will not unreasonably harm fish, wildlife, and other instream beneficial uses.

*Policy for Maintaining Instream Flows in Northern California Coastal Streams*

25. The diversions of Alliance Redwoods' water right Licenses 9450 and 9541 are located within the geographic scope of the State Water Board's *Policy for Maintaining Instream Flows in Northern California Coastal Streams* (Policy); therefore, the Division is required to process Alliance Redwoods' petitions to change Licenses 9450 and 9541 according to procedures set forth in the Policy. The State Water Board determined that the approval of the subject petitions does not have the potential to impair but instead will enhance instream beneficial uses of the Unnamed Streams in Redwood Gulch, Dutch Bill Creek, and the Russian River. Therefore, the petitions are not subject to the diversion season, minimum bypass flow, maximum diversion rate, or the cumulative diversion analysis assessment methods established in the Policy.

*California Environmental Quality Act (CEQA)*

26. On November 13, 2020, CDFW adopted a mitigated negative declaration (SCH No.2020099023) for the 2020 Fisheries Habitat Restoration Project (Restoration Project). The Restoration Project uses grant funds approved by the California Legislature to initiate activities that are designed to restore, enhance, and protect salmon and steelhead trout habitat in coastal and central valley streams and watersheds. Alliance Redwoods' proposed relocation of its PODs to the Russian River as requested with the petitions is one of the projects included in the Restoration Project and is covered by CDFW's MND. The Division has considered the MND and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The Division will file a Notice of Determination within five days from the issuance of this order.

27. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an 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].) As detailed in this Order, the proposed change in points of diversion for Licenses 9450 and 9541 will not have any adverse impacts on public trust resources.

28. The State Water Board has delegated the authority to act on change petitions to the Deputy Director of Water Rights pursuant to State Water Board Resolution No. 2012-0029, section 4.2.4. Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority, and this authority has been so redelegated by memorandum dated June 6, 2022.



**NOW, THEREFORE, IT IS ORDERED THAT THE PETITIONS TO CHANGE THE POINTS OF DIVERSION OF WATER RIGHT LICENSES 9450 AND 9541 (APPLICATIONS 20134 AND 22523) ARE APPROVED AND AMENDED WATER RIGHT LICENSES 9450 AND 9541 ARE ISSUED WITH THE FOLLOWING CHANGES:**

1. The following point of diversion from the Russian River Underflow will be included in amended Licenses 9450 and 9541 and is located as follows:

By California Coordinate System of 1983, Zone 2, North 1,932,975 feet and East 6,272,896 feet, being within NW¼ of SE¼ of Section 7, T7N, R10W, MDB&M.

2. The current points of diversion on the Unnamed Streams in Redwood Gulch in Licenses 9450 and 9541 will be abandoned when Alliance Redwoods is able to deliver water to its facilities from the new point of diversion on the Russian River.
3. License 9450 and 9541 will be limited to combined annual diversion of 25.3 acre-feet.
4. Division Standard Terms 90A and R will be included in both licenses.
5. The Division's current mandatory Standard Terms will be included in amended Licenses 9450 and 9541 updating the Division's previous mandatory Standard Terms that were originally included in the licenses.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
SCOTT MCFARLAND, for

*Erik Ekdahl, Deputy Director*  
*Division of Water Rights*

Dated: July 28, 2022



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

DIVISION OF WATER RIGHTS

**AMENDED LICENSE TO DIVERT AND USE WATER**

APPLICATION 20134

PERMIT 13510

LICENSE 9450

Licensee:

Alliance Redwoods Conference Grounds  
6250 Bohemian Hwy  
Occidental, CA 95465-9701

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the Licensee in accordance with the limitations and conditions herein **SUBJECT TO PRIOR RIGHTS**. The priority of this right dates from **May 17, 1961**. 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 June 6, 2022. This right supersedes any previously issued right on **Application 20134**. The Licensee 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; and (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) demonstrated that 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 change 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].)

**Licensee is hereby granted a right to divert and use water as follows.** No water shall be diverted or used under this water right unless Licensee is in compliance with the terms and conditions herein:

1. Sources of water: **(1) Russian River Underflow and (2)(3) 2 Unnamed Streams**  
tributary to: **(2)(3) Dutch Bill Creek thence (1) Russian River**  
within the County of **Sonoma**

2. Locations of points of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey	Section	Township	Range	Base and Meridian
1) North 1,932,975 feet and East 6,272,896 feet	<b>NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub></b>	<b>7</b>	<b>7N</b>	<b>10W</b>	<b>MD</b>
2)* North 1,919,894 feet and East 6,282,755 feet	<b>SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub></b>	<b>21</b>	<b>7N</b>	<b>10W</b>	<b>MD</b>
3)* North 1,920,594 feet and East 6,283,055 feet	<b>NE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub></b>	<b>21</b>	<b>7N</b>	<b>10W</b>	<b>MD</b>

\* Upon commencement of diversions at POD 1, diversions at POD 2 and POD 3 shall be discontinued.

4. Purpose of use	5. Place of use				
	40-acre subdivision of public land survey	Section	Township	Range	Base and Meridian
<b>Domestic Fire Protection Dust Control</b>	<b>NW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> E<sup>1</sup>/<sub>2</sub> of SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub></b>	<b>21</b>	<b>7N</b>	<b>10W</b>	<b>MD</b>

The place of use is shown on the map dated February 27, 2018, on file with the State Water Board.

- 6 The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **0.049 cubic foot per second** by direct diversion to be diverted **from January 1 to December 31 of each year**. The maximum amount diverted under this right shall not exceed **25.3 acre-feet per year**.

(0000005A)

- 7 The total quantity of water diverted under this License, and water right License 9541, issued pursuant to Application 22523, shall not exceed **25.3 acre-feet per year**.

(0000005Q)

- 8 The maximum simultaneous rate of diversion under this License, and water right License 9541, issued pursuant to Application 22523, shall not exceed **0.049 cubic foot per second**.

(0000005S)

- 9 The equivalent of such 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 or conditions protecting instream beneficial uses are observed.

(0000027)

- 10 Licensee shall comply with the measuring and monitoring requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is a conflict or inconsistency between the requirements. Licensee shall comply with the measuring and monitoring requirements of chapter 2.8, title 23, California Code of Regulations. Licensee shall comply with the measuring and monitoring requirements of the State Water Board's Policy for Maintaining Instream Flows in Northern California Coastal Streams as adopted October 22, 2013, including but not limited to monitoring of diversions at time intervals of one hour or less.

(000000R)

- 11 This license is subject to prior rights. Licensee 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 State Water Board, made after notice to interested parties and opportunity for hearing.

(0000090A)

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

- A. Licensee 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. Licensee 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.) Civil liability may be imposed administratively by the State Water Board pursuant to Wat. Code, § 1055, or may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums. (Wat. Code, § 1846.)

(0000017)

- C. Licensee 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. Licensee shall measure the amount of water beneficially used under this right using devices and/or methods satisfactory to the Deputy Director for Water Rights.

In order to demonstrate compliance with the beneficial use monitoring requirements of this right, Licensee shall provide evidence that the devices and/or methods are functioning properly, in a manner satisfactory to the Deputy Director of Water Rights, within thirty days of first use of the device and/or method, with the reports required by chapter 2.7, title 23, California Code of Regulations, and whenever requested by the Division of Water Rights.

(0000015)

- E. Licensee shall comply with the reporting requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is conflict or inconsistency between the requirements.

Licensee shall comply with the reporting requirements of chapter 2.7, title 23, California Code of Regulations.

Licensee shall comply with the reporting requirements of the State Water Board's Policy for Maintaining Instream Flows in Northern California Coastal Streams as adopted October 22, 2013.

Licensee 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 beneficial 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 Licensee is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how Licensee will comply with the terms and conditions of this right. Licensee shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

(0000070)

- G. Licensee shall grant, or secure authorization through Licensee'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 Licensee.

(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 Licensee's 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 Licensee 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 Licensee has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Within 90 days of the issuance of this right or any subsequent amendment, Licensee 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, Licensee 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.

Licensee 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, providing water to

10,000 or more irrigated acres, excluding recycled water. 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 Licensee without unreasonable draft on the source. Licensee 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 Licensee 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 Licensee 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, Licensee shall obtain any required authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

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*This license is issued and licensee 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  
SCOTT MCFARLAND, for

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: July 28, 2022