

# TECHNICAL PACKAGE (PLANNING)

It is important that you read and understand the Application Information and Instructions before you complete this application. Submit this application along with required attachments through the [Financial Assistance Application Submittal Tool \(FAAST\)](#). All fields are required.

<b>Project Name:</b> HURBUTT TANK REPLACEMENT PROJECT
<b>Water System Number:</b> 1210008
<b>Applicant (Entity) Name:</b> GARBERVILLE SANITARY DISTRICT
<b>Project Type (Check all That Apply):</b> <input type="checkbox"/> Treatment <input type="checkbox"/> Distribution/Transmission <input type="checkbox"/> Water Supply <input checked="" type="checkbox"/> Water Storage <input type="checkbox"/> Other:

## I. TECHNICAL INFORMATION

**Describe the water system and its facilities.** Include details relating to source, storage, treatment, and distribution system. Attach a schematic/map of the system which includes existing facilities (label as **Attachment T1**).

SEE ATTACHMENT T1 FOR AN OVERVIEW OF THE WATER SOURCES, WATER TREATMENT, WATER STORAGE AND TRANSMISSION INFRASTRUCTURE

## II. PROJECT SUMMARY

1. **Problem Description:** Describe the problem being addressed by the planning project and attach supporting documents of the problem (label as **Attachment T2**).

The HURLBUTT Tank is an old leaking concrete water storage tank that was reportedly constructed in 1940. It has been leaking for decades. The leak has continued to expand

2. Attach a **Scope of Work** for the Project (label as **Attachment T3**).
3. Attach an Engineering Report or similar Technical report if available (label as **Attachment T4**).
4. Attach a copy of the applicable professional engineering services contract (label as **Attachment T5**).

### III. WATER RIGHTS

#### DESCRIPTION OF WATER SOURCE (label as **Attachment T6**):

1. **Surface Water** – Is the source of water for this project a stream or other surface water body, or subterranean stream flowing through a known and definite channel to another location?
  - No (If No, proceed to question 2.)
  - Yes - If Yes,
    - a. Does the entity currently hold sufficient water rights for the project?
      - Yes – Provide a copy of the water right(s) (label as **Attachment T6**).
      - No – Proceed to question 1.b and 1.c.
    - b. If a new water right permit is required, has an application for a water right been filed with the State Water Board, Division of Water Rights?
      - Yes – Provide a copy of the water right application (label as **Attachment T6**).  
Provide the status of the Petition for Change or the Order Number and Date of the Order Approving the Change:
        - NO – Provide the date you anticipate submitting the water right application:
        - N/A
      - c. Is a change to a water right or transfer required to implement the project, and has a Petition for Change been filed with the State Water Board, Division of Water Rights?
        - Yes – Provide a copy of the Petition for Change (label as Attachment T6).
        - No – Provide the date you anticipate submitting the Petition for Change: NONE NEEDED.
2. **Groundwater** – Is the groundwater an adjudicated or unadjudicated source?
  - Unadjudicated (Provide documentation and label as **Attachment T6**).
  - Adjudicated (Provide documentation and label as **Attachment T6**).
3. **Purchased Water** – Is the water for this project purchased?
  - Yes     No (If Yes, provide purchasing agreement and label as **Attachment T6**).
 Name of Wholesaler:  
 What is the length of purchasing agreement?

#### WATER DIVERSION REPORTING

Are you a water diverter in compliance with Water Code Section 5103?

- YES     NO

For information see: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/)

#### IV. COMPREHENSIVE RESPONSE TO CLIMATE CHANGE (OPTIONAL)

Identify how the current water system facilities are vulnerable to climate change and the potential impact the proposed project may have on climate change. (Detailed study, analysis, and description to be included in this project as part of the engineering report.)

1. Vulnerability – Identify effects of climate change to which the facility may be susceptible.

- Sea Level Rise       Water Supply Depletion       Water Supply Quality  
 Flooding/Storm Surges       Forest Fires       Drought  
 Other (Explain below):

2. Adaptation – Identify Measures taken in response to climate change.

- Alternative Energy Sources       Drought Resiliency and Flood Contingency  
 Permeable Pavements       Elevated construction, Sea Walls, and Levees  
 Green Roofing       Fire Resistant Water Connections and Hydrants  
 Other (Explain below):

3. Mitigation – Identify actions taken to reduce concentration of greenhouse gases in the atmosphere.

- Renewable Energy Sources       Energy Conservation  
 Water Conservation  
 Other (Explain below):

#### V. ATTACHMENT CHECKLIST

Check the box next to each item attached to your application.

- T1 – Schematic/Map of System and Facilities  
 T2 – Supporting Documents of the Problem  
 T3 – Scope of Work (see application instructions)  
 T4 – Engineering Report (or Similar, i.e. Feasibility Studies, Pre-design, or Conceptual Design) TBD in Planning  
 T5 – Contract for Professional Engineering Services Consulting Firm yet to be selected  
 T6 – Water Rights Documentation  
 T7 – Supporting Documents for Climate Change Response (Optional) To be prepared during Planning

**INFRASTRUCTURE OF WATER SOURCES**

The South Fork of the Eel River Infiltration Gallery provides collection of the main water source. It was originally installed in 1940. The water flows through a collection chamber into a corrugated metal pipe that is 4 feet in diameter by 55 feet in high. There are two 25 HP submersible pumps that supply up to 350 GPM to the system. The pump discharges to a 6" raw water pipeline that transports the raw water to the new surface water treatment plant (SWTP) on Tooby Ranch Road.

Tobin Well is a groundwater source with a duplex pumping system with chlorination. From the January 25, 2013, report by SHN Engineers & Geologists entitled *Tobin Well Supplemental Project Report*, "The existing Tobin Well is located at 510 Pine Lane in Garberville, CA. The property is approximately 75 feet along Pine Lane and 150 feet deep. The well house is located along the front of the property with a storage building located at the rear of the property. The well is currently used to provide a backup water supply to the district during high turbidity events in the Eel River. The existing well produces approximately 45 GPM providing approximately 65,000 gallons per day. The well is housed in a 12-foot x 15-foot pump house. The existing pressure tank is functional but shows heavy signs of corrosion. The well is a 5 foot diameter well approximately 45 feet in depth with a concrete landing approximately 24 feet below the existing ground surface. The concrete landing has a 24 inch square access hatch. It appears the well draws water from an unconfined aquifer. Disinfection is provided through a chlorine drip into the well to provide a .5 to 1.0 mg/1 dose of sodium hypochlorite. The District's operations staff has conducted drawdown tests with the existing 45 gpm pump. After 12 hours of continuous pumping, the well stabilized at a depth of 36.4 with a drawdown of approximately 6 feet. The well reached a 95 percent recovery five hours after the pumps were turned off."

In 2014 the District installed duplex variable speed pumps sized to pump up to 100 gallons per minute (gpm) with level control. The specifics on the pumps are: Goulds model 95L07, 6" diameter, 5-stage submersible pump rated approximately 100 GPM @ 173' TDH, driven by a 7.5 HP, 3/60/230 volt motor. Pump has a 3" NPT discharge. The pumps can be controlled by the water level in the well and can vary the pump's output to maintain a preset water surface. The controller is a Goulds model CPC20311 Aquavar variable speed controller, 30.8 amp output with a Goulds model 9K396 submersible pressure transducer, 7.5 PSI with 100' cable. Most times this automation is not used since the cycle times for automated pumping are too short.

The existing system has adequate production, treatment, and storage capacities for the average peak daily demand. The maximum daily demand is 427,780 gpd recorded during the month of July in 1999. The total storage capacity for the system is approximately 500,000 gallons which is the sum of the four storage tanks in the system. This is sufficient to meet the average dry day water demand. The water treatment facility produces water that meets or exceeds the State regulations for drinking water and the Surface Water Treatment Regulations. The turbidity and residual free chlorine levels comply with the maximum allowable levels. The existing system provides four pressure zones with adequate pressure throughout the District.

## **INFRASTRUCTURE OF WATER TREATMENT**

The SWTP consists of flocculation, direct filtration, chlorination, and finished water pumping system. The water treatment plant utilizes Catfloc L Polymer as a coagulant and filter aid. The polymer is injected into the raw water line prior to entering the flocculation basin located upstream of the filters. The baffled flocculation tank is 5,500 gallons, 8 feet in diameter and 14 feet straight shell length, 150 psi pressure tank.

The filtration system is a duplex Loprest model and generally consists of two 108" diameter x 72" straight shell length, 150 psi pressure tanks with 18" filter sand and 12" anthracite with two grades media support gravel and associated piping, valves, controls, and accessories. The filtrations system requires occasional backwash of the filter medium. The spent backwash water is stored in a 35,000 gallon, 18 feet diameter by 18 feet side water depth with overall height of 22 feet, steel welded storage tank. The clearwater from the backwash storage tank will be recycled back into the treatment plant system and the sediment will periodically be pumped from the tank and disposed of by the pumping company. The backwash recycling pump allows the clearwater from the storage tank to be pumped back into the treatment plant.

The water is chlorinated using liquid sodium hypochlorite. The liquid sodium hypochlorite can be injected prior to flocculation and after the water has been filtered. After the sodium hypochlorite is injected, the chlorination detention time must be satisfied prior to the water being used. Originally the SWTP was constructed with an underground chlorine contact chamber of 30" serpentine pipe. That pipe failed in Nov. 2017 and had to be replaced. The construction of an above ground steel baffled pressure vessel was completed in 2018 to replace the underground chamber.

The finished water is pumped up Sprowel Creek Road, through town, and to the existing main storage tank on APN 032-211-012. These pumps are a duplex pumping system. The SWTP has a permanently mounted, diesel, 60 kW generator with a tank that will allow for 72 hours of continuous operation. This generator can power the entire SWTP facility during power outages.

## **INFRASTRUCTURE FOR WATER STORAGE**

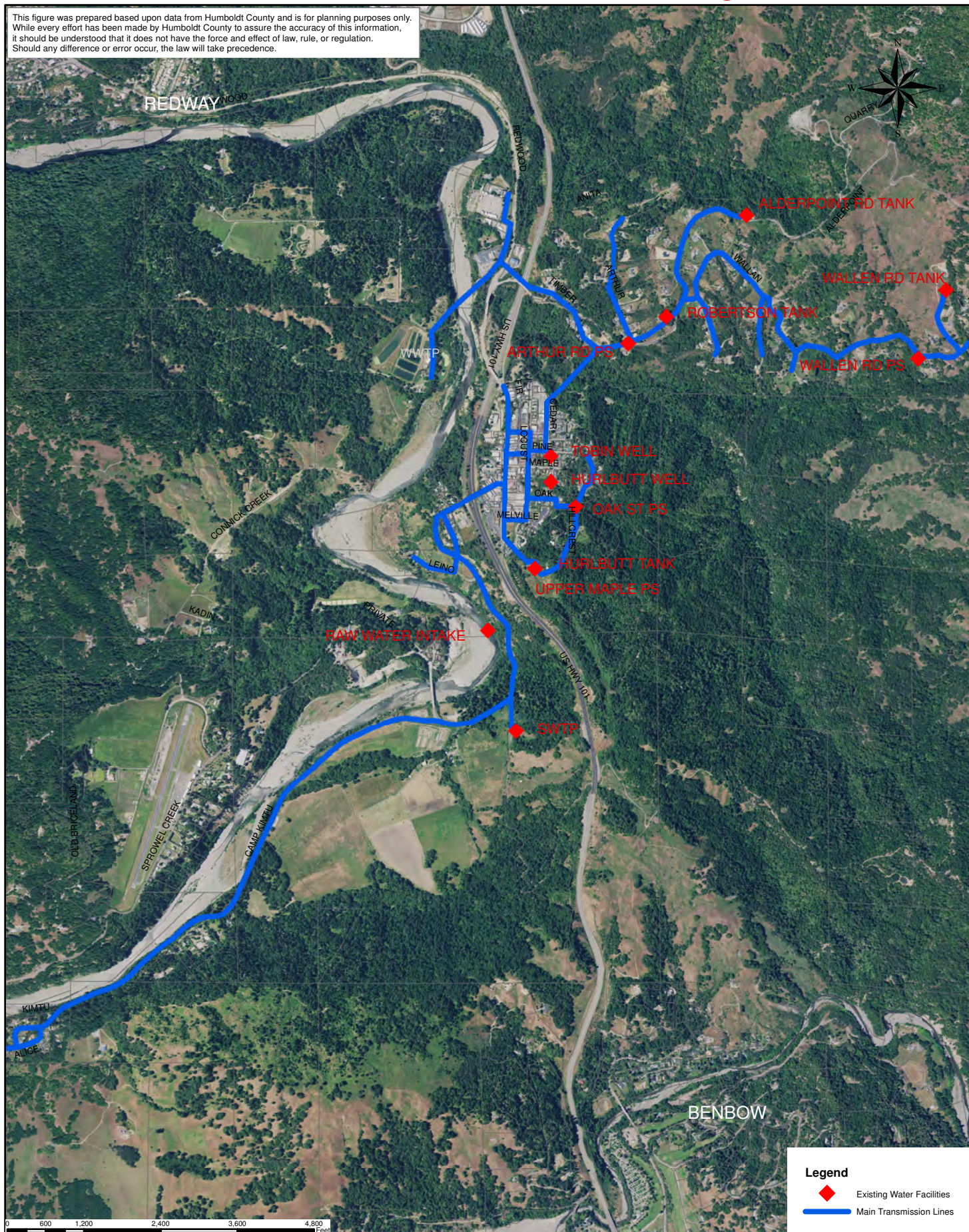
The District has four finished water storage tanks:

- Main Hurlbutt Tank - partially in-ground concrete tank - 180,000 gallon
- Alderpoint Road Tank - welded steel tank - 250,000 gallon
- Robertson Tank - partially in-ground concrete tank - 50,000 gallon
- Wallen Road Tank - redwood tank - 20,000 gallon

## **INFRASTRUCTURE FOR WATER TRANSMISSION**

The District has miles of 2", 4", 6" and 8" waterline that transmits the water from the SWTP to the various tanks and to the various pressure zones. An overview of the main transmission lines is shown on Figure T1. There are also distribution lines to all of the customers.

This figure was prepared based upon data from Humboldt County and is for planning purposes only. While every effort has been made by Humboldt County to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.



**Legend**

- ◆ Existing Water Facilities
- Main Transmission Lines

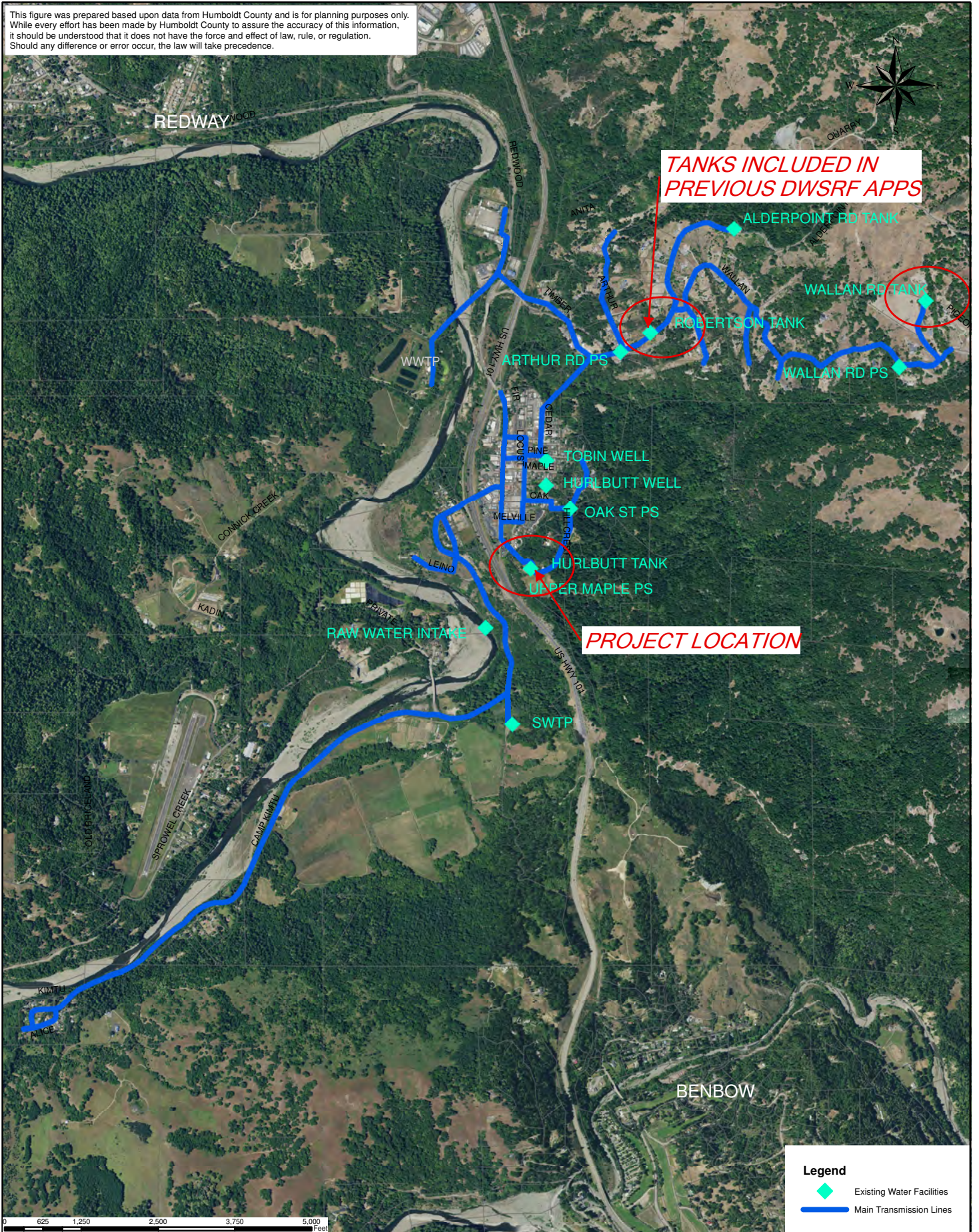


**DWSRF Grant Application**  
 Garberville Sanitary District (707) 923-9566

**INFRASTRUCTURE OVERVIEW**  
 SCALE: 1:24,000      DRAWN BY: J. SHORT      DATE: 10/12/19

Exhibit  
**T1**

This figure was prepared based upon data from Humboldt County and is for planning purposes only. While every effort has been made by Humboldt County to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

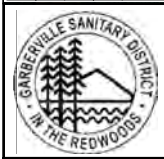


**TANKS INCLUDED IN PREVIOUS DWSRF APPS**

**PROJECT LOCATION**

**Legend**

- ◆ Existing Water Facilities
- Main Transmission Lines



**DWSRF Grant Application**  
 Garberville Sanitary District (707) 923-9566

**INFRASTRUCTURE OVERVIEW**  
 SCALE: 1:24,000  
 DRAWN BY: J. SHORT

DATE: 03/13/21

Exhibit  
**T1**





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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 9686

PERMIT 5487

LICENSE 3404

Right Holder: Garberville Sanitary District  
 P.O. Box 211  
 Garberville, CA 95542

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 **July 31, 1939**. 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 9686**. 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; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

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].)

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

1. Source of water: **(1) South Fork Eel River**  
 tributary to: **(1) Eel River thence the Pacific Ocean**  
 within the County of **Humboldt**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>(1) North 1,922,330 feet and East 6,059,360 feet</b>	<b>SW ¼ of SE ¼</b>	<b>24</b>	<b>4S</b>	<b>3E</b>	<b>H</b>

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Municipal</b>	<b>Within the Garberville Sanitary District service area boundary within Sections 13, 23, 24, 25 and 35, T4S, R3E, HB&amp;M; and Sections 18, 19, and 20, T4S, R4E, HB&amp;M; as shown on map.</b>					

The place of use is shown on map dated September 9, 2013 on file with the State Water Board.

5. The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **0.155 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 **112.2 acre-feet per year**.  
(0000005A)
6. The total quantity of water diverted under this right and the right pursuant to Application 29981 shall not exceed **542.2 acre-feet per year**.  
(0000005Q)
7. The maximum simultaneous rate of diversion under this right and the right pursuant to Application 29981 shall not exceed **0.75 cubic foot per second**.  
(0000005S)
8. Based on the information in the Division's files, water has not been used under a claimed existing right on the place of use. If right holder exercises a claimed existing right on the place of use authorized by this right without prior approval from the State Water Board, right holder shall forfeit this water right.  
(0000021C)
9. 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 water rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.  
(0000027)
10. No water shall be directly diverted under this right unless right holder is monitoring and reporting said diversion of water. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring the rate and quantity of water diverted and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all diversions under this license that includes the date, time, rate of diversion, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(000000R)

**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.
- Within 90 days of the issuance of this right or any subsequent amendment, 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)

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*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.*

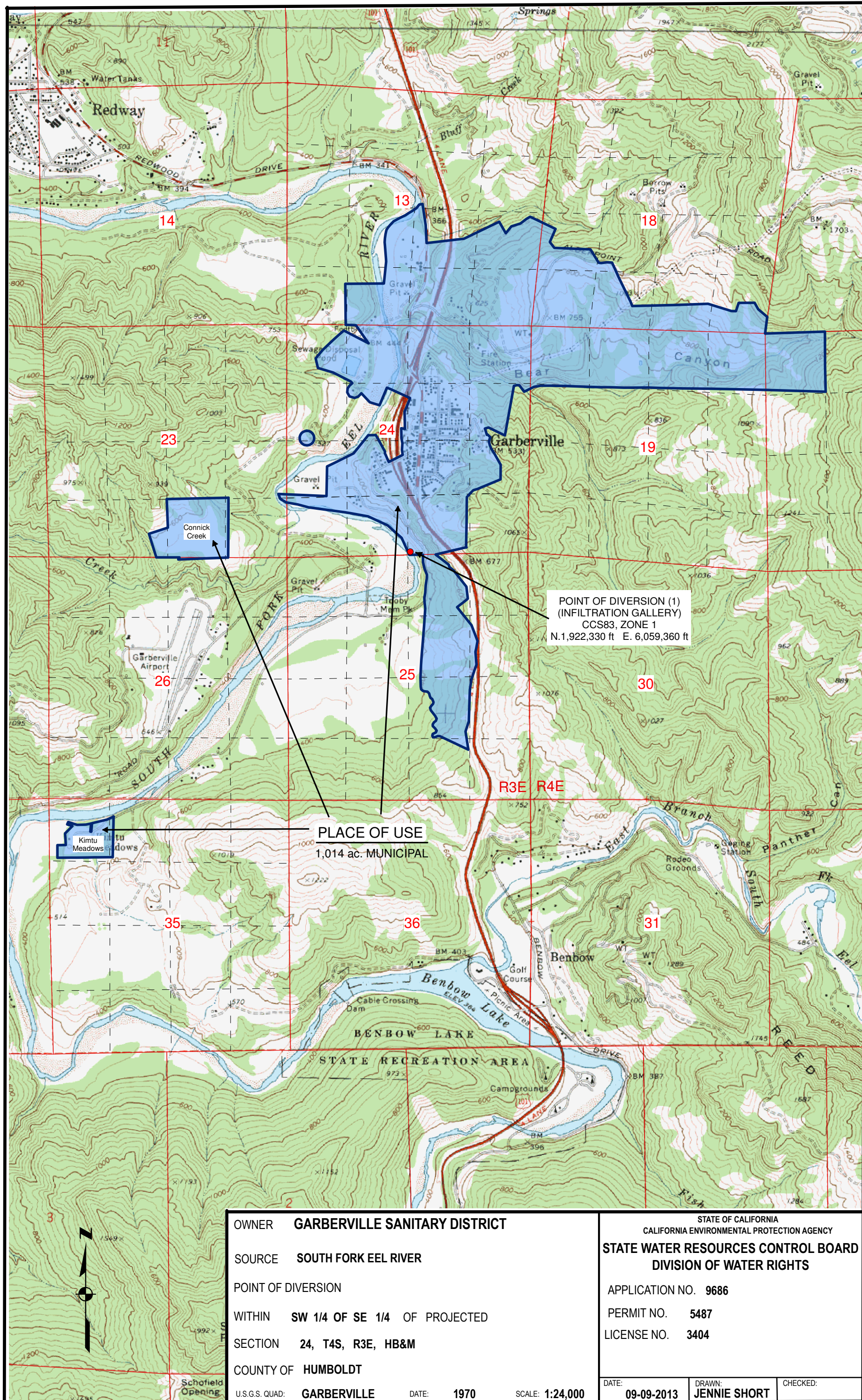
*Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined 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:  
KATHERINE MROWKA, ACTING MANAGER FOR

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: OCT 11 2013



OWNER	<b>GARBERVILLE SANITARY DISTRICT</b>		
SOURCE	<b>SOUTH FORK EEL RIVER</b>		
POINT OF DIVERSION	<p>WITHIN <b>SW 1/4 OF SE 1/4 OF PROJECTED</b></p> <p>SECTION <b>24, T4S, R3E, HB&amp;M</b></p> <p>COUNTY OF <b>HUMBOLDT</b></p>		
U.S.G.S. QUAD:	<b>GARBERVILLE</b>	DATE:	<b>1970</b>
		SCALE:	<b>1:24,000</b>

STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY		
<b>STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS</b>		
APPLICATION NO.	<b>9686</b>	
PERMIT NO.	<b>5487</b>	
LICENSE NO.	<b>3404</b>	
DATE:	<b>09-09-2013</b>	DRAWN:
		<b>JENNIE SHORT</b>
		CHECKED:

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.



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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 29981

PERMIT 20789

Right Holder: Garberville Sanitary District  
 P.O. Box 211  
 Garberville, CA 95542

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 **July 22, 1991**. 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 29981**.

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 Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

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].)

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

- Source of water: **(1) South Fork Eel River**  
 tributary to: **(1) Eel River thence the Pacific Ocean**  
 within the County of Humboldt.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>(1) North 1,922,330 feet and East 6,059,360 feet</b>	<b>SW ¼ of SE ¼</b>	<b>24</b>	<b>4S</b>	<b>3E</b>	<b>H</b>



3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
Municipal	<b>Within the Garberville Sanitary District service area boundary within Sections 13, 23, 24, 25 and 35, T4S, R3E, HB&amp;M; and Sections 18, 19, and 20, T4S, R4E, HB&amp;M; as shown on map.</b>					

The place of use is shown on map dated September 9, 2013 on file with the State Water Board.

5. The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **0.595 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 **430 acre-feet per year.** (000005A)
6. The total quantity of water diverted under this right and the right pursuant to Application 9686 shall not exceed **542.2 acre-feet per year.** (000005Q)
7. The maximum simultaneous rate of diversion under this right and the right pursuant to Application 9686 shall not exceed **0.75 cubic foot per second.** (000005S)
8. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 1999. (000009)
9. Based on the information in the Division's files, water has not been used under a claimed existing right on the place of use. If right holder exercises a claimed existing right on the place of use authorized by this right without prior approval from the State Water Board, right holder shall forfeit this water right. (000021C)
10. 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 water rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (000027)
11. No water shall be directly diverted under this right unless right holder is monitoring and reporting said diversion of water. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring the rate and quantity of water diverted and shall be properly maintained.  
 Right holder shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.  
 Right holder shall maintain a record of all diversions under this license that includes the date, time, rate of diversion, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights. (000000R)

**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. Once the time to develop beneficial use of water ends under this permit, right holder is not authorized to increase diversions beyond the maximum annual amount diverted or used during the authorized development schedule prior to submitting a time extension petition and obtaining approval of the State Water Board. (0000019)
- E. The amount of water for consideration when issuing a license shall be limited to only the amount of water diverted and applied to beneficial use in compliance with the terms and conditions of this right, as determined by the State Water Board. (Wat. Code, § 1610.) (0000006)
- F. 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)
- G. 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)
- H. 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)
- I. 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. (000011)

J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder. (000022)

K. 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. (000025)

L. 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)

M. 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.

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

- N. 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)

- O. 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)

- P. 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)

- Q. 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)

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*This right is issued and right holder 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 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).*

STATE WATER RESOURCES CONTROL BOARD

for *Katherine Mrowka, Acting Manager*  
*Barbara Evoy, Deputy Director*  
*Division of Water Rights*

Dated: **OCT 11 2013**

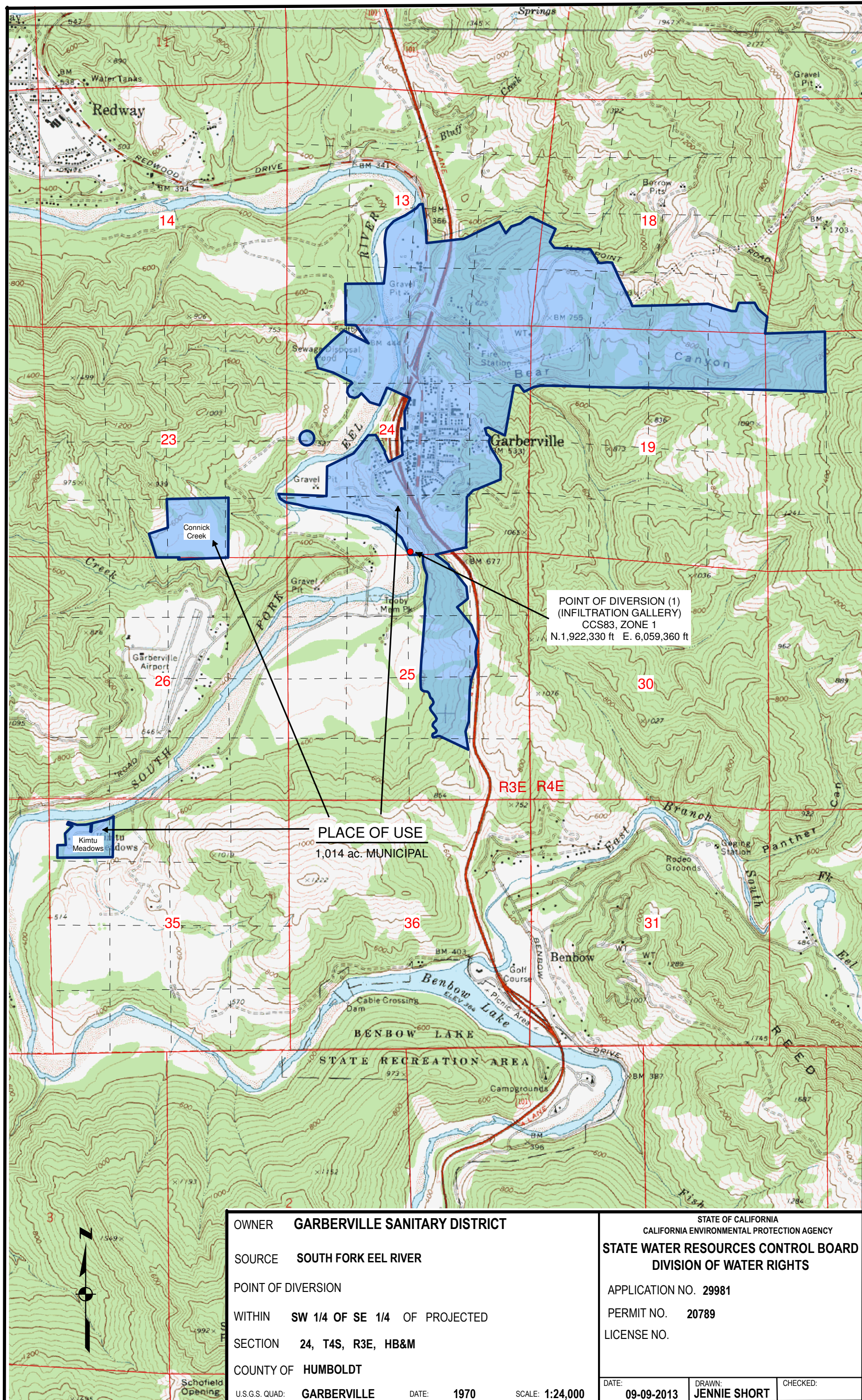
Mr. Mark Bryant, General Manager  
Garberville Sanitary District

RECEIVED  
OCT 11 2013  
- 2 -

OCT 11 2013

cc (w/enclosures): Department of Fish and Wildlife  
Northern Region  
c/o Mrs. Jane Arnold  
619 Second Street  
Eureka, CA 95501

Regional Water Quality Control Board  
North Coast Region  
c/o Mr. Bryan McFadin  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403



OWNER	<b>GARBERVILLE SANITARY DISTRICT</b>		
SOURCE	<b>SOUTH FORK EEL RIVER</b>		
POINT OF DIVERSION	<p>WITHIN <b>SW 1/4 OF SE 1/4</b> OF PROJECTED SECTION <b>24, T4S, R3E, HB&amp;M</b></p>		
COUNTY OF	<b>HUMBOLDT</b>		
U.S.G.S. QUAD:	<b>GARBERVILLE</b>	DATE:	<b>1970</b>
		SCALE:	<b>1:24,000</b>

STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY		
<b>STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS</b>		
APPLICATION NO. <b>29981</b>		
PERMIT NO. <b>20789</b>		
LICENSE NO.		
DATE:	DRAWN:	CHECKED:
<b>09-09-2013</b>	<b>JENNIE SHORT</b>	

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.