

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

PROTEST – APPLICATION

Based on Environmental Considerations, Public Interest, Public Trust, and Other Issues.
(Protests based on INJURY TO PRIOR RIGHTS should be completed on other side of form)

APPLICATION 9686 and 29981

1. I, (We) Redway Community Services District
Name of Protestant(s)
of 1150 Evergreen Unit 2 Redway, CA 95560, (707) 923-3101 have read carefully a copy
Mailing address and zip code of protestant(S) Telephone Number
of, or a notice relative to, Application 9686 and 29981 of Garberville Sanitary District
Name of applicant
_____ to appropriate from South Fork Eel River
Name of source
at a point 13, 23, 24, 25 and 36, T4S, R3E, HB&M; and Sections 18, 19, and 20, T4S, R4E, HB&M

2. I, (We) protest the above application on:
 ENVIRONMENTAL ISSUES, ETC.:
 The appropriation will not best conserve the public interest, will have an adverse environmental impact and/or will adversely affect a public trust use of a navigable waterway. *
a. Public interest protests should clearly indicate how the appropriation will affect the public.
b. Environmental protest should identify specific impacts and provide supporting recitals on issues such as: plants, animals or fish affected, erosion, pollution, aesthetics, etc.
c. Public trust protests must identify the navigable waters to be affected and how the project will impact public trust values. Protests of a general nature (not project specific) or opposed to constitutional or legislated state policy will not be accepted. A request for information or for studies to be conducted is not a protest.

OTHER ISSUES, ETC.:
The appropriation will be contrary to law, will require access rights, will not be in the State Water Resources Control Board's jurisdiction, or concerns other issues.

Facts and, if applicable, points of law which support the foregoing allegations are as follows: See correspondence

3. Under what conditions may this protest be disregarded and dismissed? See correspondence
(Conditions should be a nature that the applicant can address and either accept or submit mitigating measures.)

4. A true copy of this protest has been served upon the applicant by mail C/O Jennie Short P.O. Box 211, Garberville, CA 95542
Personally or by mail

* For the purpose of filing a protest, navigable waters include streams and lakes that may be seasonally navigable in small recreational watercraft.

Protestant(s) or authorized representative sign here
Terrence Williams
Type or print name and title of representative, if applicable
1150 Evergreen Road Unit 2
Street address
Redway, CA 95560
City and State
(707) 923-3101
Telephone number

Date: _____

Notes: Attach supplemental sheets as necessary. Protests must be filed within the time specified in the notice of application



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

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

November 25, 2019

RE: Protest Application for Petition for Change for Water Right License 3404 (Application 9686) and Permit 20789 (Application 29981) of Garberville Sanitary District (GSD)

Dear Mr. Meza:

This letter is in response to notification from the State Water Resources Control Board regarding Petition for Change for Water Right License 3404 (Application 9686) and Permit 20789 (Application 29981) of Garberville Sanitary District. During the regularly scheduled business meeting on November 20, 2019 the Redway Community Services District (Redway CSD) Board of Directors directed staff to write a letter of protest to your office that includes some key points. This is that letter. The Protest Application form is enclosed.

The Southern Humboldt Community Park (Park) is a private non-profit, not a public agency. As such, the Board of Directors of the Park hold private meetings that are not open to the public. And therefore, the motivations of the Park are not clear to the general public and do not necessarily represent the public interest. Many members of the larger community of southern Humboldt County support the park and many do not. Those that do not support the Park and its activities cite the closed meetings and methods by which the Park has obtained property and financial support among other special interests.

During the application to the Humboldt Local Agency Formation Commission (Humboldt LAFCo) comment period for this out of district service, Redway CSD wrote a letter to Humboldt LAFCo indicating that the Redway CSD Board of Directors has reservations about GSD providing this out of district connection to the Park because this connection may not be in the public interest. That letter was not included by GSD in their petition to the State Water Resources Control Board and the Redway CSD Board of Directors feels that it should have been for the sake of transparency. That letter to the Humboldt LAFCo is enclosed with this letter.

The Redway CSD Board of Directors feels that there are other ways to provide potable water to the Park. A formal annexation of the Park property to the GSD would require that the Park be subject to all of the ordinances of the GSD. Additionally, this would make the Park's activities more transparent to the public because building permits would be referred to GSD and their Board of Directors when the Park modifies land use, structures and other improvements. Another option would be for the Park to become a recreation district which would provide for public ownership and, therefore transparency.

The final comment that the Redway CSD Board of Directors would like communicated is that they support public space and that aspect of the Park's activities. That they do not support the private ownership and special interests of the Park or its Board of Directors and do not believe that this out of district connection is in the public interest.

Sincerely,

Terrence Williams
General Manager

On Behalf of Redway Community Services District Board of Directors

Enclosures (2)



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

George Williamson
Humboldt Local Agency Formation Commission
1125 16th Street Suite 202
Arcata, CA 95521
georgew@humboldtlafo.org
(707)445-7508
humboldtlafo.org

August 28, 2019

RE: Garberville Sanitary District (GSD) Water Service Extension to Southern Humboldt Community Park (SHCP or Park)

Dear Mr. Williamson:

The Redway Community Services District (Redway CSD) Board of Directors (BOD) met on Wednesday August 21, 2019 for the regularly scheduled business meeting. One of the agenda items for that meeting was to discuss the Garberville Sanitary District's proposal to extend service to the Southern Humboldt Community Park. This letter summarizes that discussion and the comments and sentiment of the Redway CSD BOD.

The general consensus of the BOD is that they support the SHCP as an organization and as an outdoor and events space that is open to the community. Additionally, the general consensus is concern about volumetric expansion of the connection and the impact to downstream users of the river as a water source. The primary concern here is that the Park will exceed the allocated volumetric usage and GSD will not have a regulatory mechanism to enforce volumetric limits.

The Redway CSD BOD has mixed feelings about supporting this project. Several board members indicated that they support the concept of providing drinking water within the park. There are concerns about the length of the necessary pipe runs to reach individual drinking fountains. These long run dead end systems may have an adverse effect on water quality. One board member felt that pointing to water bottles as the primary reason for bringing GSD water to the Park is a weak argument. Many of us live, work and/or recreate in areas without potable water and so we pack it in and pack out our trash. The Park could require people to bring their own water in reusable containers.

There is concern that the Park will agree to a volumetric limit and then challenge that limit in the future. According to the North Coast Regional Water Quality Control Board, the South Fork of the Eel River is an impaired watershed for water quality, sedimentation and temperature. Additionally, during the late summer and early fall, Redway CSD must throttle intake pumps and extend pumping hours to keep up with demand because flows in the South Fork Eel are so low, even in wet years. The Redway CSD water treatment plant is designed to receive water from the river at 350 gallons per minute. The pumps are currently throttled to 250 gallons per minute and we are pumping 18 to 20 hours per day to keep up



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with demand. Redway CSD had to throttle the intake pumps beginning on August 15th of this year. If the river continues to drop, we will not be able to produce enough water to keep up with demand.

In a letter dated June 13, 2019, the SHCP indicates that they owe approximately \$475,000 to two lenders. In this same letter, the SHCP was requesting that Humboldt LAFCo waive the fees associated with this service extension and cited the debt as a financial hardship. Members of the Redway CSD BOD expressed speculative concern that the SHCP BOD may decide to develop real estate as a source of revenue.

Northern Humboldt County has an abundance of fresh water because of the Humboldt Bay Municipal Water District. Southern Humboldt does not enjoy this luxury. The South Fork of the Eel River is a limited water source and, in order to provide water security to existing users, Redway CSD is considering a regional water storage project. Redway CSD feels that it would be irresponsible of us to significantly increase connections considering the impacts to the South Fork of the Eel River.

The Redway CSD BOD would like to see the process slowed down so that more time is spent considering the ramifications of this out of district connection. The Park has indicated that they could use considerably more water than the 2000 cubic feet that is currently being considered. This water would be used for irrigation of playing fields and for crop irrigation as well as future development. Additionally, the Park carries a significant amount of debt without a consistent and significant revenue stream. The main question is, what will happen if the Park re-organizes, uses more than the allocated water volume or tries to sell off land that is connected to the GSD system? Does GSD or LAFCo have ordinances in place to enforce the volumetric limits placed on the connection that will hold up in court?

We sincerely hope that Humboldt LAFCo will consider these comments when deciding whether to allow the SHCP to connect to the GSD water system

Regards,

Terrence Williams

General Manager