

2018 Annual Water Capacity Analysis

Appendices

Prepared for:
Garberville Sanitary District
Board of Directors
January 29, 2019

Prepared by:
Jennie Short
Consultant Project Manager

Garberville Sanitary District
P.O. Box 211
Garberville, CA 95542
(707)923-9566



January 2019

Appendix A

License and Permit for South Fork Eel River Diversion



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
(1) North 1,922,330 feet and East 6,059,360 feet	SW ¼ of SE ¼	24	4S	3E	H

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	Within the Garberville Sanitary District service area boundary within Sections 13, 23, 24, 25 and 35, T4S, R3E, HB&M; and Sections 18, 19, and 20, T4S, R4E, HB&M; as shown on map.					

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)

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.

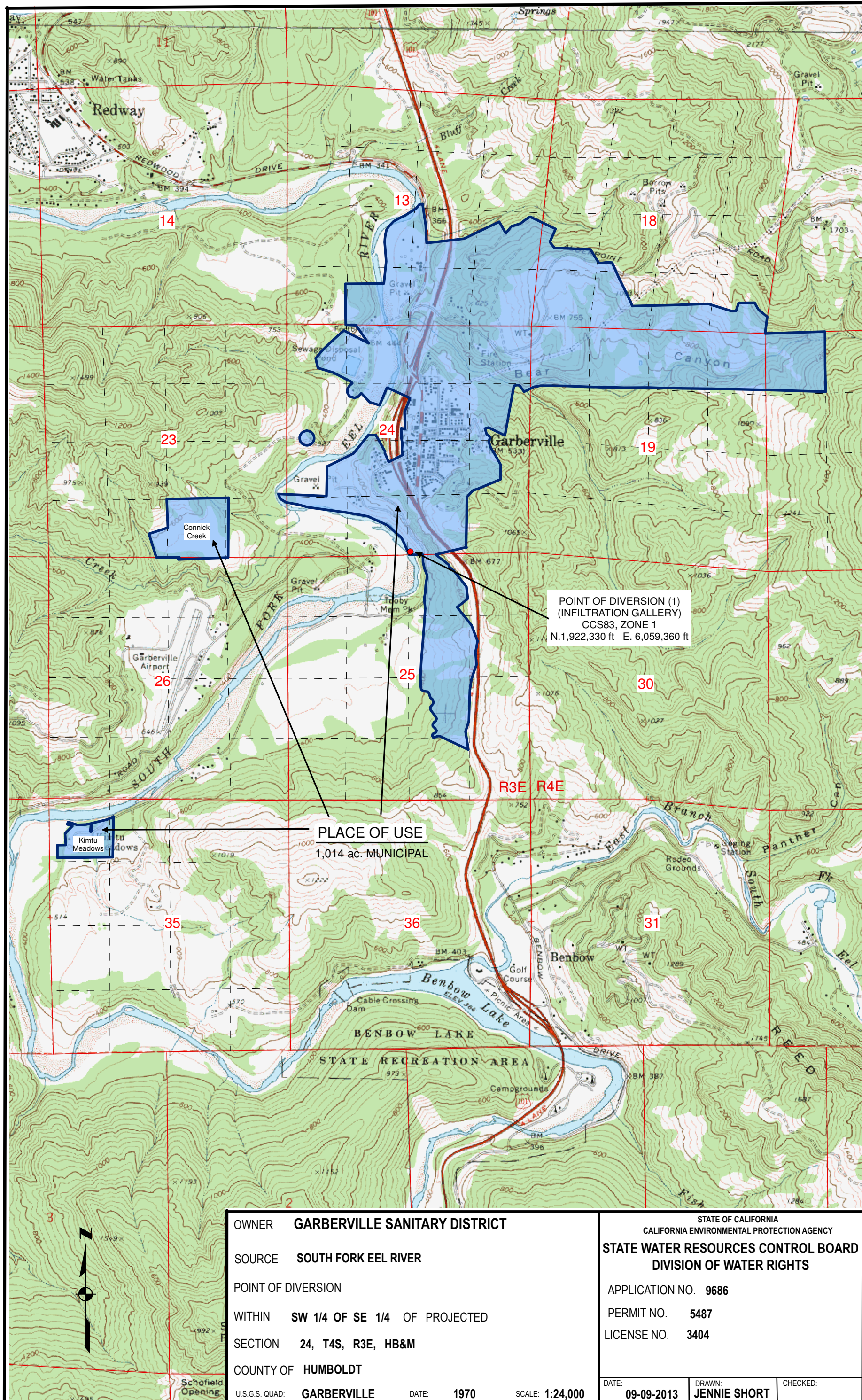
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined 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	GARBERVILLE SANITARY DISTRICT		
SOURCE	SOUTH FORK EEL RIVER		
POINT OF DIVERSION	<p>WITHIN SW 1/4 OF SE 1/4 OF PROJECTED</p> <p>SECTION 24, T4S, R3E, HB&M</p> <p>COUNTY OF HUMBOLDT</p>		
U.S.G.S. QUAD:	GARBERVILLE	DATE:	1970
		SCALE:	1:24,000

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

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
(1) North 1,922,330 feet and East 6,059,360 feet	SW ¼ of SE ¼	24	4S	3E	H

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	Within the Garberville Sanitary District service area boundary within Sections 13, 23, 24, 25 and 35, T4S, R3E, HB&M; and Sections 18, 19, and 20, T4S, R4E, HB&M; as shown on map.					

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. (0000011)

J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder. (0000022)

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. (0000025)

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)

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**

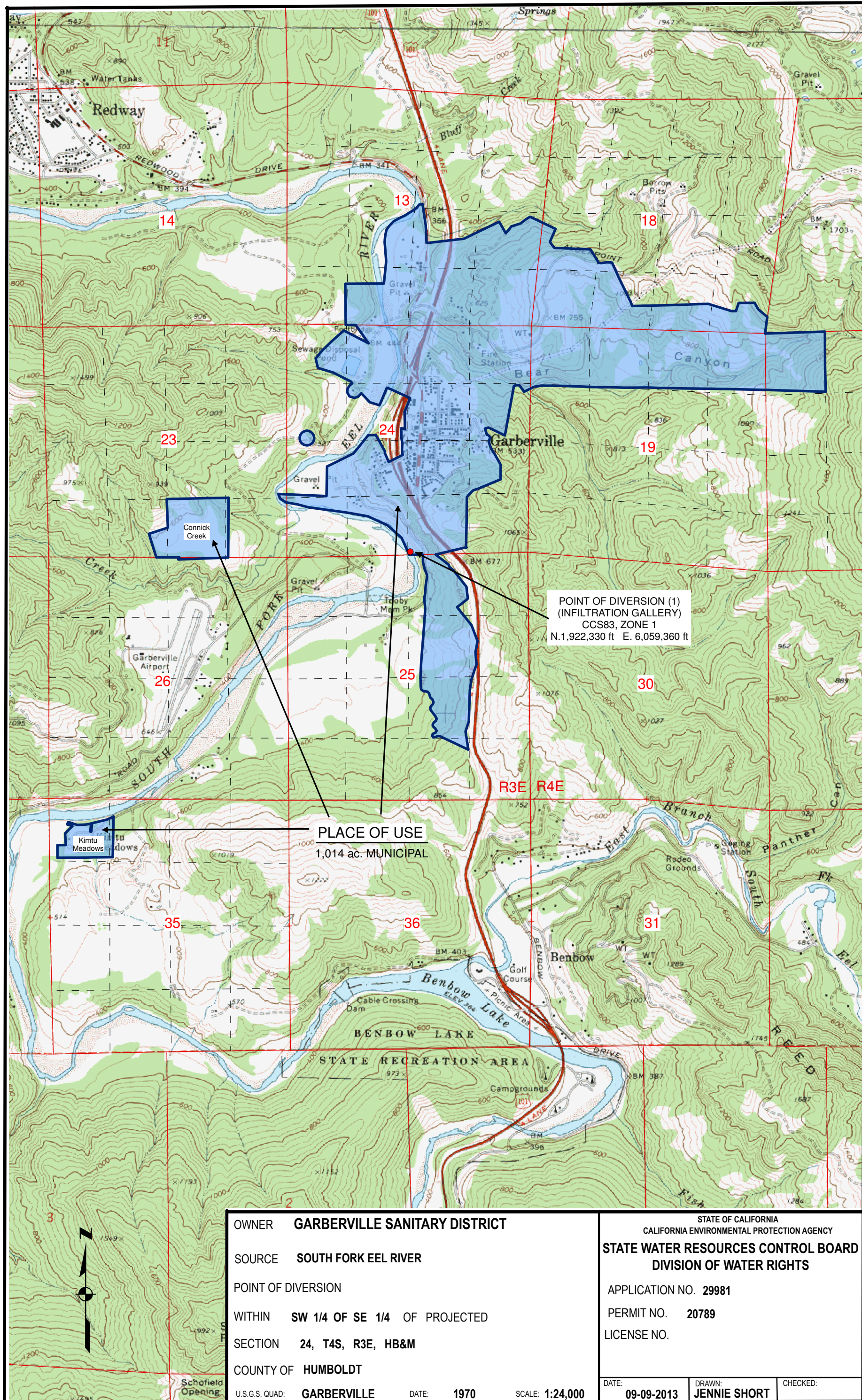
Mr. Mark Bryant, General Manager
Garberville Sanitary District

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

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

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.

Appendix B

DFG Agreement for South Fork Eel River Diversion

CALIFORNIA DEPARTMENT OF FISH AND GAME
REGION 1 – NORTHERN REGION
601 Locust Street
Redding, CA 96001

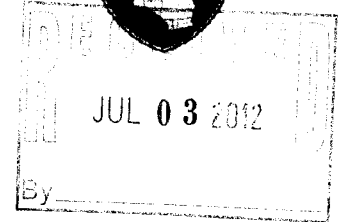
RECEIVED

JUN 21 2012

D. F. G. – EUREKA



LAKE or STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2012-0030-R1
Unnamed Tributaries to the South Fork Eel River and the South Fork
Eel River



GARBERVILLE SANITARY DISTRICT
GARBERVILLE SANITARY DISTRICT WATER SYSTEM IMPROVEMENT PROJECT

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and Garberville Sanitary District represented by Mr. Herb Schwartz (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on April 27, 2012, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located at unnamed tributaries to South Fork Eel River and South Fork Eel River, in the County of Humboldt, State of California; Sections 24 and 25; Township 5S; Range 3E; Humboldt Base and Meridian, U.S. Geological Survey (USGS) Garberville map; Assessor's Parcel Number 032-211-019; 222-091-006; and 032-231-045.

PROJECT DESCRIPTION

The project is limited to the diversion of water from the South Fork Eel River; upgrading a South Fork Eel River water intake facility; constructing a new surface water treatment plant; upgrading the Oak Street Booster Pump station; and constructing or upgrading the raw and treated water distribution mains from the intake to the treatment plant and storage tank. Facility upgrading and construction work was determined by Army Corps of Engineers to be above ordinary high water mark.

The South Fork Eel River diversion for the Kimtu subdivision has been replaced with Garberville Sanitary District water supply as part of the project upgrades. The rate of diversion from the South Fork Eel River does not exceed 0.75 cubic feet per second (cfs). Water is diverted from an infiltration gallery in the South Fork Eel River.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: steelhead trout (*Oncorhynchus mykiss*), Chinook (*O. tshawytscha*) and coho salmon (*O. kisutch*), amphibians, other aquatic species and native riparian vegetation. The adverse effects the project could have on the fish or wildlife resources identified above include: direct and/or incidental take, impede up- and/or down- stream migration of aquatic species, damage to spawning and/or rearing habitats and potential cumulative impacts.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 Except where otherwise stipulated in this Agreement, all work shall be in accordance with the work plan submitted with Notification No. 1600-2012-0030-R1, as of April 27, 2012.
- 2.2 Except for the diversion of water, all work in or adjacent to a stream shall be conducted during the period June 1 through October 15 of each year.
- 2.3 The Permittee shall contact DFG within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number and the anticipated start date. The Permittee shall contact DFG within thirty days of completion of the work permitted by this Agreement. Information to be disclosed shall include Agreement number.
- 2.4 Work at encroachments shall be left in a finished condition with all hydrologic connectivity from the road or ditch to the crossing eliminated as feasible and effective erosion control in place prior to any rainfall event capable of generating runoff. Effective erosion control shall extend away from the crossing to at least the first waterbreak.
- 2.5 No fill material shall be placed within a stream except as specified in this Agreement. No native fill shall be placed in a live stream. Any fill material used shall be placed and/or removed in such a manner that it shall cause no sediment discharge or siltation in the stream.
- 2.6 All heavy equipment that will be entering the live stream shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Cleaning of equipment shall take place outside of the riparian area and prior to entering the water.
- 2.7 For all activities performed in the field involving the use of petroleum or oil based substances, the Permittee shall employ absorbent material designated for spill containment and clean up activity on site for use in case of accidental spill. Clean-up of all spills shall begin immediately. The Permittee shall immediately notify the State Office of Emergency Services at 1-800-852-7550. DFG shall be notified by the Permittee and consulted regarding clean-up procedures.
- 2.8 Refueling of equipment and vehicles and storing, adding or draining lubricants, coolants or hydraulic fluids shall not take place within riparian areas or within streambeds, banks or channels. All such fluids and containers shall be disposed of properly. Heavy equipment including water drafting trucks parked within riparian areas or streambeds, banks or channels shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.9 No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to

enter into or be placed where it may be washed by rainfall or runoff into Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

- 2.10 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 2.11 Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams. Where needed, the Permittee shall use native vegetation or other treatments including jute netting, straw wattles, and geotextiles to protect and stabilize soils. Geotextiles, fiber rolls, and other erosion control treatments shall not contain plastic mesh netting.
- 2.12 All bare mineral soil exposed in conjunction with construction and/or maintenance activities shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Restoration shall include the seeding, covering, and armoring of all bare mineral soil exposed in conjunction with encroachment work. Erosion control shall consist only of native blue wild rye seed (*Elymus glaucus*). No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used.
- 2.13 The Permittee shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.

Site-Specific Conditions

- 2.14 Equipment shall not operate in a live (flowing) stream.
- 2.15 The Permittee shall not divert more than 0.75 cfs or 10% of the streamflow as measured at the USGS Gauge Station No. 11476500 at Miranda.
- 2.16 The Responsible Party shall maintain log books when required to measure streamflow. Log books shall have current operational information including: (a) site location, (b) date and time, (c) diversion rate (in gallons per minute or cubic feet per second), and (d) measured streamflow at USGS Gauge Station No. 11476500 shall be maintained. The log books shall be made available to DFG upon request.
- 2.17 Rock slope protection shall be of sufficient size to remain in place during 100-year flood flows.
- 2.18 Revegetation of the water intake work site shall occur. Vegetation planted shall utilize the native plant pallet of species currently or historically present in the work area. Seeds, cuttings and divisions of locally-collected native plants are recommended.

- 2.19 Planting shall be conducted during the most favorable period of the year for plant establishment.
- 2.20 Restoration of native plants at a ratio of 3:1 or with a planting density typical of historic conditions or at a level that will facilitate natural recruitment and recovery of the native riparian species.
- 2.21 If an invasive non-native plant species is present in the water intake work area, then non-native species shall be removed.
- 2.22 All stream work on an unnamed tributary at Oak Street Booster Station shall be completed using hand tools. Work shall cause no sediment delivery to the stream or head-cutting or down-cutting of the stream.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 The Permittee shall notify the DFG, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be faxed to the Department at (707) 441-2021.
- 3.2 Permittee shall provide log books to DFG upon request.

CONTACT INFORMATION

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

Mr. Herb Schwartz
Garberville Sanitary District
919 Redwood Drive
Garberville, California 95542

To DFG:

Department of Fish and Game
Northern Region
619 2nd Street
Eureka, California 95501

Attn: Lake and Streambed Alteration Program
Notification #1600-2012-0030-R1
Fax: (707) 441-2021

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFG's current fee schedule (see California Code Regulations, Title 14, section 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see California Code Regulations, Title 14, section 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see California Code Regulations, Title 14, section 699.5). DFG shall process the extension request in accordance with FGC section 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire five years from execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR GARBERVILLE SANITARY DISTRICT
MR. HERB SCHWARTZ**



Mr. Herb Schwartz

6/15/12

Date

FOR DEPARTMENT OF FISH AND GAME



Curt Babcock
Environmental Program Manager

T. LABANEZ

6/26/12

Date

Prepared by: Jane Arnold, Staff Environmental Scientist

Appendix C

Division of Drinking Water Inspection Report

California State Water Resources Control Board
 Division of Drinking Water
 Field Inspection Report Version 4/6/2017

Purveyor Garberville Sanitary District; **Community System** System Number 1210008
 Persons Contacted & Position Dan Arreguin, WTO (707) 223-4569; gsd@asis.com.
 Date of Inspection February 13, 2017 Reviewing Engineer Franklin Saylor
 Last Inspection January 29, 2014, Franklin M. Saylor District Engineer Barry Sutter

A. INTRODUCTION

1. **Permit Status** Mass mail permit only.
2. **Changes Since 2014 inspection** 1) New water filter plant 2) Emergency electrical generation for the river pump and the filter plant.
Planned changes 1) Wallen Road Tank to be replaced by an HDPE tank.

3. **Consumer & Production Data (from Annual Reports to DDW)**

Year	MGA	MG max month	MG max day	Max day gpm	Conn.	Pop.	GPD/conn
2015	55.34	6.15 (August)	10/3/15: 0.263	183	417	913	630
2014	63.47	6.77 (July)	7/4/14: 0.269	187	422	1396	637
2013	62.60	7.18(August)	8/20/13: 0.384	267	423	1396	909
2012	62.66	7.69 (August)	0.319	221	418	734	762
2011	57.92	6.77 (Sept.)	0.279	194	398	1500	701
2010	60.85	6.86 (August)	0.321	223	399		805
2009	57.09	7.01 (July)	0.262	182	409		641
2008	60.34	6.835	0.257	178	409		628
2007	65.32	8.259 (August)	0.312	217	409		763
2006	62	7.64 (July)	0.33	229	409		807
2005	63.33	8.45 (August)	0.31	215	409		758
2004	---	Data not available		---	---		---
2003	63.72	8.43 (July)	0.31	215	394		787

B. SOURCE DATA

Sources	Status	Capacity	Comments
Well 1- Tobin Well	Active	limited, water level pulls down during sustained pumping	~45' down to water level from ground surface. I did not climb down to lower stage. Well produced 1.54 MGA in 2012. Not run at all in 2013. Lower stage has better surface seal than in 2014. 2/13/17: Steel plate cover at surface needs 3 holes covered.
Eel River	active	350 gpm one pump; only one pump can run at a time.	4' dia CMP infiltration gallery with 2 variable frequency drive submersible pumps. Two 4-inch diameter perforated pipes in river bed feed to the gallery.
Unnamed creek	inactive	Unknown	Last used as low turbidity source during January 2006 Eel River flood stage storm. Flow was too low during last several winters to be useful. Not in use since 2006, per Arreguin 2/13/2017.

Purchased from other systems; Emergency Connections: None

Discussion No reported water shortages in system.

C. TREATMENT

1. **Surface Water Sources:** Are there significant sewage hazards? No
 Is there significant recreation? Yes, Benbow Lake State Park is a few miles upstream.
 Has a watershed sanitary survey been conducted? Yes; DWSAP completed January 2002.
 Treatment Direct filtration. Per Section 64653 2-log Giardia and 2-log Cryptosporidium removal credit.
 Treatment process: 1) Water is pumped from the Eel River infiltration gallery to filter plant.
2) Ultrion 8157 polymer is fed ahead of coagulation tank. 3) Two 10 foot filter cells are next. Pressure tank/CT vessel roughly 5 ft diameter by 12 feet length. Entirely new filter system completed 2014.
 Approved maximum filter rate and plant capacity Two mixed media pressure filters: allowed 3 gpm/ft².
 Vessel Size: 2 X 10 foot diameter, ~80 SF each, or 160 SF total. At 3 gpm/SF "Regulated" flow per Title 22 Section 64460(b)(1), this would allow ~480 gpm maximum plant output. However, raw water river pumps are capable currently of delivering just 350 gpm with one pump. Due to the telemetry, only one

pump at a time can be operated. So, maximum rate of operation is ~350 gpm maximum. Maximum day per record was 267 gpm in 2013. Next highest was in 2006; 229 gpm. Both of these were before the 2014 WTP was completed. Rates below 350 gpm are possible, as the river pumps are variable frequency drive. How is filter rate controlled? Valve and varying number of active raw water delivery pumps.

Filter rates exceeded maximum approved rate? No. Max day (8/20/2013) 267 gpm, before new WTP in 2014. New WTP has capacity of roughly 480 gpm; river pumps cannot deliver this much raw water. So, 3 gpm/sq. ft. filter rates cannot be exceeded with the current river pumps.

Are filters operated to minimize shutdowns and startups or rapid changes in filter rates? Are filter rates constant or varied to meet system demands? Yes. The filter rate is varied to meet system demands. Also, filters are shut down when raw water supply has very high turbidities (usually in winter).

Coagulation used at all times and optimized. Yes, Ultrion 8157 cationic polymer used.

How is coagulant feed rate determined and optimized? By hand, turbidity in finished water (Trial & Error).

Metering pumps (make, model, and capacity) LMI 0.26 gph @ 250 psi.

Standby metering pumps? Yes.

How often metering pumps calibrated? Field adjusted under load.

Describe backwash cycle: The source of backwash water is finished water from the distribution system, adjacent to the filters. BW is done manually in summer at least once/week, and in winter about 2-3 times/week, based upon experience. BW does include surface wash, but does not include air scour. Backwash water flow rates are about 10 gpm/ sq. ft. Uses ~940 gpm including surface wash, ~850 gpm with just backwash.

Frequency of backwashing and/or what initiates backwash manual BW; see above.

Method used to minimize turbidity spikes after backwashing or other interruption events. Filter to waste.

If filter to waste provided, length of time? Yes, about five minutes, but WTO can vary rinse to waste time based upon prior experience.

Are filter rates gradually increased after backwashing or other shut down? Yes. After backwash discharge valve to backwash tank closes, then another valve to distribution opens. Slow opening valve restarts at 0%-ramps up to 100% of set filter flow within 2-3 minutes.

If coagulant added to backwash water, dosage and name of coagulant? none

If reclaimed backwash water returned to headworks ... none; no backwash water recycle.

Are pressure filters physically inspected annually? Yes. Request copy of 2015, 2016, 2017 inspections.

Is emergency plan for disinfection failure up-to-date? Yes. Have spare hypochlorite injector and emergency power generator. Can also hand dose any of the storage tanks with liquid chlorine bleach if needed.

Is operations plan up-to-date? **No, Operations Plan for the new WTP has not been completed. During my 2/13/2017 field visit, Mr. Arrequin agreed to a completion date for the updated Operations Plan of August 31, 2017.**

Discussion 2017: Appears the new filter plant is operating within DDW regulations 100% of the time.

Filtration performance

Performance (performance standard is ≤ 0.3 NTU 95% of time, and not to exceed 2 NTU at any time (Federal LT2)) 100% of readings 2014 since the new plant was put on line, through January 2017 less than 0.1 NTU, most below 0.05 NTU.

Does turbidity after backwashing meet criteria for each filter?(≤ 0.5 NTU after 4 hours and ≤ 1.0 NTU 90% of time during last 12 months and not to exceed 2.0 NTU) Yes.

Are performance standards met for combined effluent and individual filters? Yes; < 0.3 NTU 95% of time.

Discussion See above and below.

40 CFR, Part 141, LT1 ESWTR Requirements (Enforced by USEPA):

Disinfection profiling (Sections 141.530-141.536): Not required. The TTHM/HAA5 distribution samples taken during calendar year 2012 were below the 40/30 disinfection profile triggers.

Combined filter effluent requirements (Sections 141.550-141.553): The system is required to meet a 95th percentile turbidity value of 0.3-NTU and not to exceed 1.0 NTU.

Individual filter turbidity requirements (Section 141.560-141.564): The system has two separate filter cells; but currently monitor only combined filtered NTU.

Discussion and Appraisal: Have continuous-reading turbidimeter. Report monthly on minutes in operation, minutes below 0.3 NTU.

Monitoring and Alarms High NTU, low water level in main tank.

Are samples collected at proper locations that give accurate and representative results (must be before clearwell) Samples taken just after filter.

Can each filter or filter cell be monitored for turbidity Yes, but only by shutting down one filter cell. Normal operation monitors combined output turbidity.

Discuss other monitoring or sampling (particle counters, etc.) none

Other alarms related to treatment plant process none

Alarms adequate to provide warning of coagulation, filtration, and disinfection failures or describe alternatives? No, but levels checked visually daily. _____

Are alarms tested, and if so, how often? Alarms – Both per Arreguin: Chlorine residual analyzer tested every time the electrical generator is tested, as while on generator, it does not work. The high turbidity alarm goes off every time the filters are backwashed, as the backwashed water is also sent through the turbidity meter. _____

Turbidimeters

Type and model of turbidimeters used 2-Hach 1720E; 1-Hach 2100A bench top. _____

How often turbidimeters calibrated? 2-3 times per year. _____

Discussion Complete compliance with the 0.3 NTU limit, vast majority of finished NTU in 2016 below 0.05. _____

Records maintained of treatment Daily meter reading, water produced, chlorine tank level, chlorine used, chlorine feed rate, polymer used, free chlorine residual, and finished water turbidity, daily raw water turbidity, water temperature, and pH, daily CT calculation. _____

Are operations criteria met ? (i.e., filtration rate, operation plan, etc.) Yes. Operations Plan for new filter plant not yet complete. **Mr. Arreguin agreed to a deadline of August 31, 2017 to complete the Operations Plan for the new filter system and deliver a copy to DDW.** _____

Standby replacement Replacement pump not available; no replacement pump motor. _____

Redundant backup Yes; two river pumps; two pipes into the river gravels. Two filter vessels at filter plant, each can be isolated and run separately. _____

Standby power New filter plant built in 2014 does. Tobin Well has 'pigtailed' for rapid hookup and use of rented emergency generator. _____

Disinfection of surface water sources Pre-chlorination using NSF 61 approved NaOCl 12.5% _____

Type LMI Positive displacement diaphragm. Capacity 24 gpd at 100 psig. _____

Standby feeders on site. _____

"CT" values (Per Craig Bunas and Ronnean Lund): Residuals 1.8-2+ ppm per 2016 records. Residual samples taken from CT pipeline discharge. Injection point is after the filters. _____

Time 30" CT pipe, 284.4 feet long; short-circuit factor of 0.85-nearly 100% plug flow. At maximum plant flow of 350 gpm, this gives, 9,018 gallons/350 gallons per minute=25.75 minutes. _____

CT 25.75 X 1.9 PPM=49 CT. From CT Tables, pH of 7.4, 10 C, this provides 1-log Giardia reduction. _____

pH range Used 7.4 for worst case. Temperature range Used 10 C for worst case. _____

Distribution residuals at least a trace 95%? Yes. Alarms Low chlorine residual alarm at WFP _____

Discussion Turbidimeters reportedly calibrated 2-3 times per year. _____

2. Groundwater Sources: Is continuous disinfection provided? Yes _____

Describe facilities Sodium Hypochlorite 12.5% injected. _____

Discussion Well dosed at approx. 0.5 ppm; mostly used in emergencies. In 2012-1.54 MGA by Well. 2013: Well not used. 2016: Was used one day in 2016. Has not yet been used in 2017 (as of 2/13/2017). **Used in November 2017, following CT pipe break on Nov. 25th, 2017.** _____

3. Other Treatment or Blending Facilities: None _____

4. Describe Records Maintained of Treatment: See above under "Surface Water Sources". _____

5. Stage 1 Disinfection Byproducts Rule: No issues; all results less than 40/30. _____

D. STORAGE DATA

Name	Type	Capacity	Zone	Comments
Main	concrete	0.20 MG	Main	Located at Hurlbutt Orchard. Seal openings beneath roof-2 locations
Robertson Tank	concrete	0.05 MG	Robertson	Old tank with cable reinforcing loop. Fills from Alderpoint zone. Redirect rainwater away from roof hatch scuttle.
Alderpoint Road Tank	Welded Steel	0.2 MG	Alderpoint	New in 2014 2017: Screen or otherwise protect overflow outlet.
Wallen Road Tank	Redwood	0.02 MG	Wallen Road	Roofing okay. Filled by booster from Alderpoint Road Tank. Very minor leakage; <1 gpm. Reportedly to be replaced by an HDPE tank.

House-Pressure Tanks at Filter	Hydro-pneumatic (HP)	5 tanks @ 50 gallons each	Booster	Good condition. Supplies approx. 6 connections near treatment plant.
Oak Street	HP	800 gal.	Maple	Fair condition; surface rust; supplies 17 homes

Does storage capacity comply with Waterworks Standards? Yes

Are all data sheets completed & on file? No

Are DDW coating procedures adhered to? N/A – redwood and concrete tanks

Discussion (Plans for recoatings, cleanings, or inspections?) No recent tank cleanings. Numerous woodpecker holes in several tanks; repaired with screening except those below water line were plugged.

E. TRANSMISSION FACILITIES: 6" steel pipe to freeway and then 8" asbestos cement pipe to plant.

Are there low head lines? No

Discussion Reportedly in good condition.

F. DISTRIBUTION SYSTEM

1. **Pressure Zones:** Five pressure zones, all fed by same sources. All outlying zones pump from main zone. Zone numbering per 2012 Bacteriological Sample Site Plan. All pressures reported as greater than 35 psig.

Pressure Zone Name	Pressure Range	Water Sources	Storage Capacity	~No. of Conn.
Zone 1 – Main	?	All	0.2 MG	325
Zone 2 – Booster (House @ Main Tanks)	?	Main Tank	None	21
Zone 3 – Robertson	?	Alderpoint Tank	0.05 MG	18
Zone 4 - Alderpoint Road	?	Main zone	0.03 MG	39
Zone 5 - Wallen Road	?	Alderpoint Tank	0.02 MG	6
Oak Street	?	Main Tank-serves same as "House" zone*	None	17*
Arthur Rd. Booster	?	Robertson Tank	None-boosted zone only	18

2. Booster or Reducing Stations

Station	Capacity	Status	From Zone	To Zone	Comments
House (Booster @ Main Tank)	?	active	Main Tank	Booster	Serves approx 17 connections at roughly same elevation as Main Tank.
Wallen Road PS	2 @ 7.5 HP	active	Alderpoint Road Tank	Wallen Road Tank	Controlled by float switch in Wallen Road Tank. Two parallel pumps.
Alderpoint Road PS	(2) 15 HP	active	Main	Alderpoint Road Tank	Pumps in lead/lag arrangement
Oak Street Pump Station	5 HP	Standby	Main	Maple Lane	Mystery tie-in; only kicks on when House Booster PS fails. Serves 17 houses. Tank drained manually every other month to add air & keep water fresh.

3. **Mains:** Unknown; poor or nonexistent historic maps/records.

Material	Amount %	Size	Condition	Comments
Galvanized Steel	Unknown	1 to 8 inches	Unknown	Extremely poor records of system
Cast Iron	Unknown	1 to 8 inches	Unknown	
PVC	Unknown	1 to 8 inches	Unknown	
Copper	Unknown	1 to 8 inches	Unknown	
Asbestos Concrete	Unknown	1 to 8 inches	Unknown	

4. **Leak history** since 2014 Three main leaks reported in 2015; repaired. None reported so far in 2016 through 2/15/2017. Five service line leaks reported in 2015. Seven service line leaks 2016-2/15/2017.
5. Are Distribution facilities constructed per **Waterworks Standards**? Unknown; see above.
6. **Water main & sewer line separation** Reportedly meet separation standards for recent repairs.
7. Extent of **lead pipes, joints, or lead solder** used in distribution system & present policy Some lead joints in cast iron mains; unknown quantity.
- Discussion Distribution system in unknown condition; however, few leaks.

G. WATER QUALITY & MONITORING

1. **Bacteriological Monitoring:** Two samples per month collected by Dan Arreguin and analyzed by North Coast Laboratory.
Coliform Site Sampling Plan approved & current Yes, updated 12/13/2012. Includes Kimtu.
Number of samples per month or week required? 2 per month based on population.
MCL violations in past year? None
 Discussion Good monitoring program. Sampling rotated through all pressure zones every two months. No positive samples in last year.
2. **Chemical Monitoring:** Sample per WQI-R charts. Who collects samples? Dan Arreguin.
 Discussion Fair program; schedules due as shown on table below.

Source	2nd GP	IC	Nitrate	Nitrite	Per-chlorate	Grs Alpha	VOC	SOC	Comments
Eel River	2013	11/15/16 Cr6+: 1/28/16	11/15/16	11/15/16	11/15/16 (Annual)	2009	5/23/02	1990	Asbestos done 12/16/98; ND
NEXT DUE	2022	IC: 2025 Cr6+: 2017	2017	2019	2017	2018	Waived (surface water)	N/A	Asbestos 2007 OVERDUE
Tobin Well	12/20/16	11/15/16 Cr6+:12/15/14	11/15/16	11/15/16	11/15/16 (triennial)	2009	2012	1990	Asbestos waived
NEXT DUE	2025	IC: 2025 Cr6+: 2017	2017	2019	2019	2018	2018	N/A	No serpentine within 2 miles

3. **Other Organics:** None required.
4. **Trihalomethanes, HAA5:** Collected as required. RAA 2005-2010 <40/30 TTHM/HAA5. **System qualifies for Federal DBPR Stage 2 40/30 Waiver.** Stage 2 DBP Plan signed by the District 8/21/2013, approved by DDW. Requires 1 DSS sample per year during summer from the hydrant across from 1100 Walla Road. Last sample was taken on 12/14/2016: TTHM-56 ppb; HAA5-68 ppb. Much higher than in 2015. **2016 HAA5 exceeds the 60 MCL standard.** Next TTHM/HAA5 sample was due summer 2017. **If summer 2017 TTHM or HAA5 results exceed the 80/60 MCL, then return to quarterly sampling.**
5. **Additional Monitoring** Lead and copper sampling listed below.

Sampling Period	90 th % Lead	90 th % Copper	Comments
December 1993	ND	0.36 ppm	First round for EPA. Complies with AL
June 1994	6 ppb	0.46 ppm	Second round for EPA. Complies with AL
August 1999	ND	0.43	Complies with AL
October 2000	6 ppb	0.380	Complies with AL
September 2003	ND	0.43	Complies with AL
September 2006	ND	0.46	Complies with AL
September 2009	3.3 ppb	0.47	Complies with AL
9/13/12	0.002	0.19	10 sites in 2012; triennial; complies with AL
2/2/2016	ND	0.19	
NEXT	2019		

Discussion In compliance with schedule for lead and copper sampling.

Distribution Asbestos Sampling: Last sample was 21/16/98. Sampling once every 9 years required, distribution Asbestos testing due summer 2017.

Discussion In compliance with schedule for lead and copper sampling.

6. Is an approved water quality **monitoring plan** on file? Not required.
7. Annual Consumer Confidence Report sent to the customers? Yes; 3/28/2017.
Date sent? 3/28/2017 Is a copy of the report on file with DDW? Yes
Are there needed additions or changes? No, follows Federal format.
8. **Electronic Annual Report:** 2015 submitted 5/3/2016, OK. 2016 in process as of 4/4/2017.

H. OPERATION & MAINTENANCE

1. **Planning & Personnel:** System improvements made per Waterworks Standards? Yes.
Does the utility have up-to-date distribution system maps? No; see above.
Is up-to-date copy of system schematic on file? Yes
What is the minimum grade requirement? T2, D2
Certified personnel Dan Arrequin, T2 #33213 expires 1/1/18, D2 #39353 expires 11/1/17; Brian Miller, T2 #33055, expires 4/1/19, D2 #39410, expires 11/1/17. Have Mutual Aid Agreement with Redway.
2. **Cross-Connection Control Program** inspector Brian Miller.
Cross-connection control ordinance on file? No; District needs to adopt the model ordinance or other.
Discussion Per 2015 Annual Report & WTO, 13 devices in system, none tested 2015. District usually prompts customers to have their devices tested at their own expense then send records confirming testing to the District. This has not been done in several years. Remind District to request testing from customers.
3. **Complaints:** Few complaints, ever.
Discussion No complaints shown on 2015 EAR. None in 2016-2/13/2017 per Miller.
4. Up-to-date **emergency notification plan** on file? Yes, updated during 2/13/2017 field visit.
Emergency response plan Yes, dated 1/29/13; received copy in field from WTO on 1/29/2014.
Notification of DDW of significant system problems Yes. Discussion Appears adequate.
5. **Main Disinfection Program** for new & repaired mains AWWA Standard, HTH tabs
Does the main disinfection program comply with AWWA standards? Yes
Discussion All repair work contracted out.
6. **Valve Maintenance** Basically, none. No valve exercise program. Poor maps; some valves buried.
7. **Flushing** As needed. Number of dead ends Unknown. Poor distribution system maps.
The system lacks maps or adequate historic records of the distribution system construction.

I. OVERALL SYSTEM APPRAISAL

- 1) Routine raw water chemical tests due on Eel River & Tobin Well.
- 2) Need distribution system water TTHM/HAA5 sample in June-September 2017; required once annually, unless results again exceed the 80/60 standard as did the 2016 results; if so then quarterly samples.
- 3) Existing cross-connection device tests overdue; District must compel customers to have certified tests.
- 4) Need to adopt a cross-connection control ordinance; need cross-connection program inspector.
- 5) Obtain copies of 2015 & 2016 filter inspections if available, perform and submit 2017 filter inspection.
- 6) Develop new Operations plan for new WTP. Dan Arrequin agreed to a deadline of 8/31/2017.
- 7) Develop and deliver 2016 EAR by 4/30/17; EAR in process as of 4/4/2017.
- 8) Steel cover plate for Tobin well needs 3 holes sealed.
- 9) Main (Hurlbutt) Tank: seal openings beneath roof-2 locations.
- 10) Robertson Tank: Redirect rainwater away from roof hatch scuttle.
- 11) Alderpoint Road Tank: Screen or otherwise protect overflow outlet.

J. APPENDIX: System Record; System Schematic

Report prepared by: Franklin Saylor

Signature

4/6/2017

Date

WATER SYSTEM RECORD

Name of System Garberville Sanitary District System Number 1210008

Date Noted	Description of Defect or Hazard	Dead line	Reported Corrected	Confirmed Corrected
5-2-06	Need to take and analyze distribution lead and copper samples from 10 sites	---	9-30-06	9-30-06
5-2-06	Alderpoint Tank: Remove disused hardware from tank roof; remove brush from around tank	---	8-19-11	8-19-11
5-2-06	Wallen Road Tank: Replace wooden access ladder; it is rotten and unsafe	---	8-19-11	8-19-11
10-10-02	Robertson Tank: Repair roof	---	8-19-11	8-19-11
8-19-11	Robertson Tank: Need repair of one hole in perimeter screening	---	1-29-14	1-29-14
1-29-14	Need one annual TTHM and HAA5 sample from distribution system during June-September	---	11-24-2015	11-24-2015
1-29-14	Main Tank: 1) needs repair of 2 eave vents in one location; 2) need "shoe box" redesign of roof port hatch.	---	5-6-14: vents	1-26-16: Hatch
8-19-11	Alderpoint Tank: Roof hatch cover needs complete replacement	---	Entirely new tank: 9-10-15	9-10-15
1-29-14	Other defects-WTP inadequacy, Alderpoint tank leakage, etc., will be replaced with new, compliant facilities within the next year	---	1-1-2016	1-1-2016
5-2-06	Need to adopt a cross-connection control ordinance	7-31-06 OVERDUE		
5-2-06	Need to obtain cross-connection control inspector; must have existing devices in District tested	9-30-06 OVERDUE		
2-13-17	Develop and deliver 2016 Electronic Annual Report	4-30-17	EAR In Process 4/4/17	
2-13-17	Tobin Well: Steel cover plate needs 3 openings sealed	4-30-17		
2-13-17	Main (Hurlbutt) Tank: seal openings beneath roof-2 locations	4-30-17		
2-13-17	Robertson Tank: Redirect rainwater away from roof hatch scuttle	4-30-17		
2-13-17	Alderpoint Road Tank: Screen or otherwise protect overflow outlet	4-30-17		
2-13-17	Provide DDW office copies of 2015 & 2016 filter inspections if available; do 2017 inspection, send DDW a copy of the report.	6-30-17		
2-13-17	Provide DDW copy of Operations plan for new WTP. If none, District to write it and give copy to DDW.	8-31-17		
2-13-17	Need one annual TTHM and HAA5 sample from distribution system during June-September 2017	9-30-17		
2-13-17	Per CCR Title 22 Section 64432.2(a), must sample distribution system water for Asbestos at least once every nine years.	12-31-17		
2-13-17	Need routine raw water chemical monitoring	12-31-17		

R = Recommended for good water works practice.

Appendix D

Excerpts from Annexation
IS/MND related to Water Capacity

Prepared for:



Garberville Sanitary District Final Recirculated Initial Study/Mitigated Negative Declaration



Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary & Place of Use



September 2013
011184

Prepared by:
SN
Consulting Engineers
& Geologists, Inc.

wastewater collection infrastructure. The area to meet these additional housing units will need to be annexed into the Boundary once the location for this future development has been identified. The location will be highly dependent upon property owners desiring to develop their property to meet the need for the additional housing units.

See Figure 8 for existing land use designations within and adjacent to the existing GSD boundaries and SOI. See Figure 9 for existing zoning. See Figure 10 for proposed land use designations from the proposed Humboldt County General Plan Update Planning Commission recommended draft.

Table 2 Existing General Plan Land Use Designations in District Boundary		
Land Use Designation	Acres	% of Total
Residential Low Density (RL)	32	5.5%
Residential Medium Density (RM)	9	1.5%
Agricultural Rural (AR)	189	32.5%
Agricultural Lands-40 (AL-40)	214	36.8%
Agricultural Suburban (AS)	7	1.2%
Public Facilities (PF)	8	1.4%
Green Gulch	65	11.2%
Commercial Services (CS)	8	1.4%
Commercial General (CG)	31	5.3%
Other (highway/roads)	18	3.1%
Total	581	100%
Source: Humboldt LAFCo GSD MSR (2013d)		

Current Water System

The following is directly obtained from the GSD MSR prepared and approved by Humboldt LAFCo (Humboldt LAFCo, 2013d):

The water system consists of two water sources, a treatment plant, four water tanks, three booster stations, approximately 420 active water service connections, and a waterline distribution network. One of the water sources is surface water from the South Fork of the Eel River and one is a shallow well in downtown Garberville. The surface water source is regulated by the California Surface Water Treatment Rules and Regulations.

The South Fork of the Eel River Infiltration Gallery provides collection of the main water source. It was originally installed in 1940. The infiltration gallery has one 6-inch, 320-gpm, 50-HP submersible pump that was installed in November 2009 and was replaced in November 2012. The pump operates against an approximate 380 feet differential elevation head. The pump discharges to the water treatment plant adjacent to the 160,000-gallon main storage tank. The pressure filter in the water treatment plant has a limited capacity of 250 gpm. Over the past five years, the treatment plant processed between 55 and 65 million gallons of water each year. The largest year on record was shown on the 1999 Annual Progress Report submitted by the GWC to the State Water Resources Control Board, which showed 80 million gallons of water processed.

The District holds a water diversion permit from the State Water Resources Control Board for appropriation of water from the South Fork of the Eel River. The permit is number 20789. This permit allows the District to divert a maximum of 0.595 cubic feet per second (267 gpm) from the river, year round. The District also has a fixed license that allows the District to divert an additional 0.155 cfs. The total maximum instantaneous diversion allowed is 0.75 cfs (336 gpm). This would equate to a maximum daily diversion of approximately 484,700 gallons and 177 million gallons per year, if adequate pumps and treatment facilities were available.

The Tobin Well is the only subsurface water source and it has a limited capacity of 40 to 70 gpm. There is substantial draw down during sustained pumping. The District is evaluating the replacement of the pump with a duplex pumping system.

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 260,000 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 but does not meet 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.

As discussed above, the “face value” of the South Fork of the Eel River diversion permit is 0.595 cfs or 430 acre-feet per year. The “face value” of the South Fork of the Eel River diversion license is 0.155 cfs or 112.2 acre-feet per year. The license amount is fixed so long as the District continues to divert and beneficially use the amount allowed in the license.

The development period for the South Fork of the Eel River diversion permit from SWRCB DWR expired December 31, 1999. During the development period, the maximum amount of water diverted under the Permit for beneficial use was 43,337,048 gallons in 1999. During that same year 36,662,952 gallons were diverted under the license, for a total of 80 million gallons. The terms and conditions of the permit state that the District is limited in all future years to the maximum amount diverted during the development period, unless an extension to the permit is approved by SWRCB-DWR. The District had submitted a petition for extension in conjunction with the petition for change in the POU's, but has since withdrawn that petition for extension in support of converting the South Fork of the Eel River diversion permit into a license. The District cannot divert more than the 80 million gallons under the terms of the license and permit, and the District will indefinitely be limited to 80 million gallons per year of diversion under the combined permit and license.

The following quantities of water were billed to customers within the two POU's and the areas outside of the POU. These numbers do not reflect the bulk water sales, errors in readings, backwashes, nor system losses, but are purely the number of units of water billed to the customers.

Table 3 Water Billed to Customers						
Description	Connections	Units Billed in 2008	Units Billed in 2009	Units Billed in 2010	Units Billed in 2011	Units Billed in 2012
In License POU	255	42,786	43,553	40,435	38,761	37,057
In Permit POU	129	15,228	14,603	14,042	13,613	13,509
Outside POU	34	2,058	2,172	1,485	1,305	3,132
Total¹	418	60,072	60,328	55,962	53,679	53,698
1. There are three additional water meters that pay the base rate, but do not currently consume water. These customers include the SHCP and two Connick Creek APNs.						

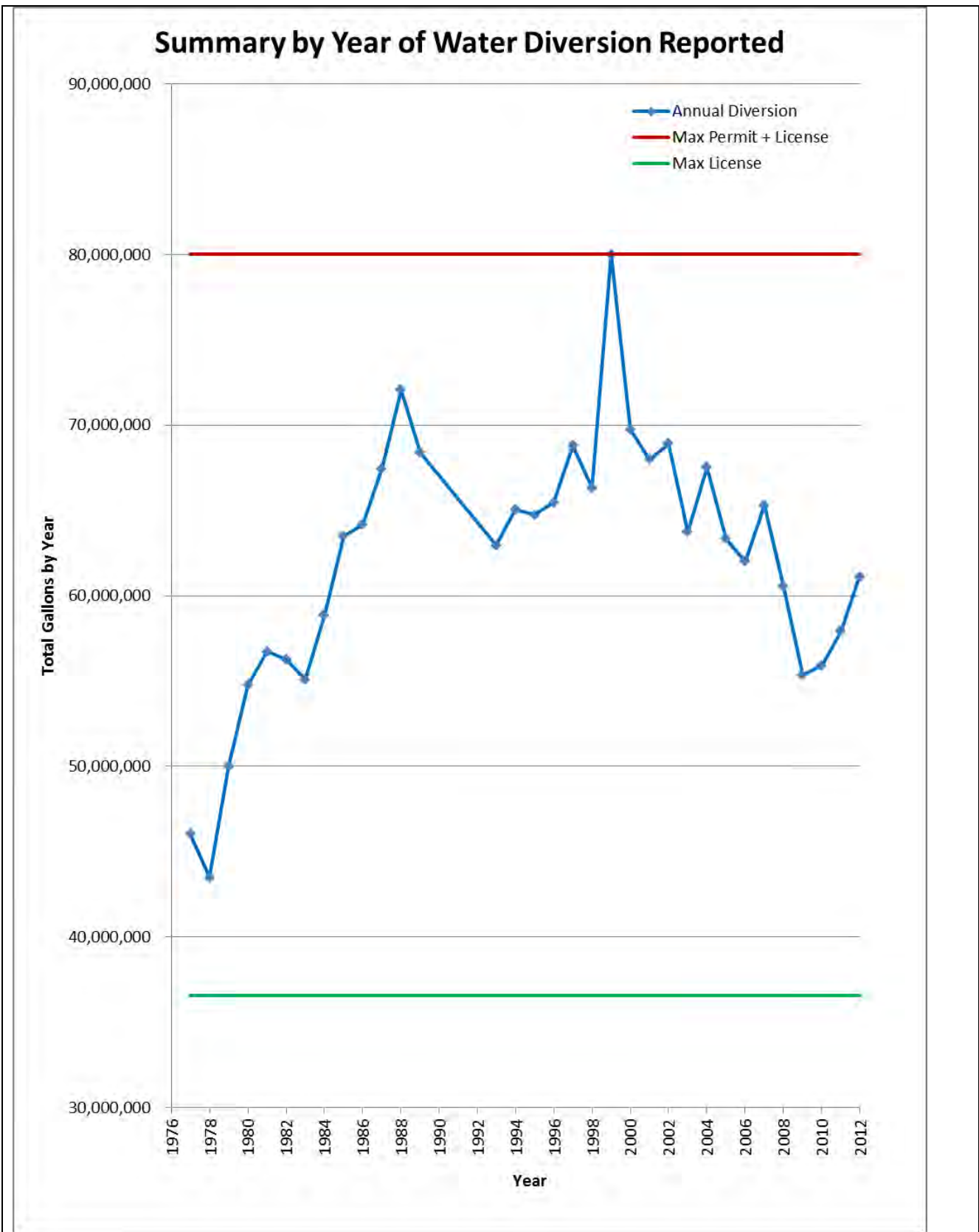
The following graph depicts the annual diversions from the South Fork of the Eel River as reported to the SWRCB for the license plus the permit. The graph reflects the total water diverted by calendar year from the SF of the Eel River. The average from 1985 to 2012 was 65,131,644 gallons per year.

Figure 3b in Attachment 1 illustrates the APNs that are not currently consuming water. There are APNs within the existing jurisdictional boundary, the existing license POU and the existing permit POU that are not consuming water.

In addition to the annual average, the total consumption of the 20 Kimtu Meadows Subdivision customers for August 2012 through June 2013 was 2.4 million gallons, when annualized is 2.6 million gallons. The KMWC was utilizing an unauthorized diversion from the South Fork of the Eel River. When KMWC consolidated to GSD, the historical diversion amount under the unauthorized diversion was not added to the GSD license or permit although this unauthorized diversion has ceased. Thus, GSD must serve these 20 new connections from the existing diversion limits on the license and permit. This additional diversion amount was included in half of the 2012 reporting amounts, but none of the previous years, and is not accounted for in the average annual diversion amount. The 2013 annual report will be the first time that the total annual amount of additional diversion to service the Kimtu Meadows Subdivision has been included in the total water consumption for the District. This additional diversion amount for Kimtu has been accounted for below, as part of the baseline conditions for water consumption.

In addition to the existing consumption, there are vacant APNs and/or APNs that are not GSD customers and are not consuming water within the existing permit and license POU. For the purposes of determining potential water consumption within the existing license and permit POU, the following tables 4 and 5 document by APN the potential water consumption in areas within the license POU and permit POU that may be realized in the future if the parcels not currently consuming water becomes GSD customers. The parcels not currently consuming water in the permit POU expansion area were not included, because all of these APNs are also included in the annexation area which is summarized below.

The potential water consumption is based upon the customer type, zoning, and estimates the anticipated future consumption associated with each APN. The GSD customers' billing data was separated by billing code into two categories: residential and commercial/industrial. This separated data was then averaged. The average annual demand of the GSD commercial customers is 177,500 gallons or 237 units per year. This average has been applied to the properties that are commercially or industrially zoned. The average demand of the GSD residential customers is 70,500 gallons or 94 units per year, and this average has been applied to parcels that are residentially zoned.



Graph 1. Summary by Year of Water Diversion Reported

Table 4 APNs Not Currently Consuming GSD Water in Existing Jurisdictional Boundary and License POU				
APN	Acres	Zoning ¹	Potential Development (Residential or Commercial)	Annual Consumption Potential Based upon Development Type (gallons)
032-042-017	0.17	C-2-D	Commercial	177,500
032-102-028	0.26	R-4	SFR ²	70,500
032-231-045	1.65	RS-B-5(5)	Has Shops	177,500
032-111-024	1.41	R-4-Q	16 multifamily units	1,128,000
032-121-019	0.55	C-2-D	Commercial	177,500
032-121-020	0.48	C-2-D	Commercial	177,500
Total				1,908,5001,908,500
<p>1. C-2-D: Community Commercial-Design Review Combining R-4: Apartment Professional Zone R-4-Q: Apartment Professional Zone - Qualified Combining Zone RS-B-5(5): Residential Suburban- Special Building Site, 5 acre minimum lot size</p> <p>2. SFR: Single Family Residence</p>				

Table 5 APNs Not Currently Consuming GSD Water in Existing Jurisdictional Boundary and Permit POU				
APN	Acres	Zoning ¹	Potential Development (Residential or Industrial)	Annual Consumption based upon Development Type (gallons)
223-181-012	1.79	AE-B-6	SFR ²	70,500
223-181-017	2.03	AE-B-6	SFR	70,500
223-181-020	2.52	AE-B-6	SFR	70,500
223-183-010	2.38	AE-B-6	SFR	70,500
032-231-056	0.77	R-1	SFR	70,500
032-231-053	0.20	R-1	SFR	70,500
032-231-054	0.10	R-1	SFR	70,500
032-231-016	0.53	R-1	SFR	70,500
032-231-028	0.12	R-1	SFR	70,500
032-231-043	0.85	R-1	SFR	70,500
Total				705,000
<p>1. AG-B-5(5): Special Building Site, 5 acre minimum lot size AE-B-6: Agriculture Exclusive, Special Building Site Combining Zone -6 acre minimum parcel size MH: Heavy Industrial RS-B-5(5): Residential Suburban- Special Building Site, 5 acre minimum lot size</p> <p>2. SFR: Single Family Residence</p>				

Table 6 APNs Not Currently Consuming GSD Water Outside Existing Jurisdictional Boundary and Inside Permit POU				
APN	Acres	Zoning ¹	Potential Development (Residential or Industrial)	Annual Consumption based upon Development Type (gallons)
223-171-002	1.14	MH	Industrial	177,500
223-171-007	5.57	MH	Industrial	177,500
032-211-014	0.54	RS-B-5(5)	SFR ²	70,500
032-211-021	8.83	RS-B-5(5)	SFR	70,500
032-171-015	4.16	AG-B-5(5)	SFR	70,500
Total				566,500
1. AG-B-5(5): Special Building Site, 5 acre minimum lot size AE-B-6: Agriculture Exclusive, Special Building Site Combining Zone -6 acre minimum parcel size MH: Heavy Industrial RS-B-5(5): Residential Suburban- Special Building Site, 5 acre minimum lot size 2. SFR: Single Family Residence Potential development also included in areas proposed for annexation into the jurisdictional boundary.				

Table 7 summarizes the existing water consumption from the current water customers and potential consumption from the existing permit and license POU.

Table 7 Summary of Water Consumption	
Description of Consumption	Amount (gallons)
Existing Average Use	65,131,644
Kimtu Meadows Subdivision Customers	2,600,000
APNs Not Currently Consuming GSD Water in Existing Jurisdictional Boundary and License POU	1,908,500
APNs Not Currently Consuming GSD Water in Existing Jurisdictional Boundary and Permit POU	705,000
APNs Not Currently consuming GSD Water Outside Existing Jurisdictional Boundary and inside Permit POU	566,500
Total	70,911,644

There are also two APNs for which there is either a historical water service or a contract that obligates GSD to provide future water service. One is APN 222-091-014 and the other is APN 222-156-012. APN 222-091-014 has been allocated up to 2,000 cubic feet per month (180,000 gallons per year) and APN 222-156-012 allocated one SFR connection. This brings the total allocated water to 71,162,144 gallons per year.

XVII. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?		X		
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Violate any federal, state, and local statutes and regulations related to solid waste?				X

Thresholds of Significance:

This IS/MND considers impacts of the proposed project as follows: a) result in expansion of existing wastewater facilities or construction of new wastewater facilities and exceeding wastewater treatment requirements established by the RWQCB; b) result in environmental effects caused by the construction of any new stormwater drainage; c) result in expansion of water entitlements due to insufficient supplies for the proposed project; d) exceed the capacity of the wastewater treatment provider and/or landfill provider, thus impacting their service commitments to other customers; or e) result in the violation of any federal, state, or local solid waste regulations.

Discussion:

(a and e) Less Than Significant Impact: The GSD is not proposing to provide sewer services to all of the proposed annexation areas, thus a separate service area is proposed to provide only water service. Of the 11 APNs that are proposed to be served both water and sewer service, 9 SFRs are within a "Housing Opportunity Zones." In November 2011, the NCRWQCB issued Order No. R1-2011-0096 WDID No. 1B831200HUM which contains capacity limitations of an average dry weather flows (ADWF) of 0.162 million gallons per day and an average wet weather flow (AWWF) of 0.235 million gallons per day. The ADWF for the new plant is about 59,000 gallons per day, and the AWWF for 2011 and 2012 is 130,412 gallons per day, which is 55.49 percent of the AWWF allowed in the WDID order. The WWTP is currently operating at 38.88 percent of the capacity during dry weather flows. There is sufficient wastewater capacity to serve these future users because the treatment plant is operating well below the allowable flows in the order; therefore, the project will not result in exceeding applicable RWQCB requirements. Furthermore, the existing services will

continue, and APNs with existing onsite wastewater systems will not be required to connect to the wastewater system unless there is a failing onsite wastewater system or new project or permit is issued.

Cumulative Impacts

The GSD recently constructed the Wastewater Treatment Plant Improvement Project to achieve compliance with the NCRWQCB WDR Order No. R1-2000-58. On November 29, 2004, the North Coast Water Board issued CDO No. R1-2004-0097 due to chronic violations of effluent limitations for various constituents, including BOD, TSS, and Total Coliform. In addition, effluent flow rates chronically exceed the Monthly ADWF effluent limitation during the months of June through October. This project was completed in 2011. The NCRWQCB adopted Order No. R1-2011-0096 on November 3, 2011, which rescinded previous orders. This WDR contains capacity limitations for an average dry weather flow of 162,000 gpd, 235,000 gpd average wet weather flow, and wet weather peak flow of 600,000 gpd. The treatment plant is currently operating at 38.88 percent of the capacity during dry weather flows and 55.49 percent of average wet weather flows.

One project recently constructed is the Chautauqua Natural Food Store located in downtown Garberville. This project included a general plan amendment and zone reclassification to change the 9,800 square foot parcel from Residential, Multiple Family (RM) general plan land use designation and zoned Apartment Professional (R-4) to Commercial General (CG) plan designation and Community Commercial (C-2) zone classification. The result of the general plan amendment and zone reclassification will result in relocation of the Chautauqua Natural Foods to the Masonic Lodge Building and the development of four apartment units on the second floor. Information about this project was gathered from the June 14, 2010 staff report to the Humboldt County Planning Commission (Humboldt County, 2009a). Sufficient wastewater supplies are available for this project.

Another project in Garberville is the Winters multifamily project on APN 032-111-024 (16-units proposed). This project only required a building permit from the Humboldt County Planning and Building Department. Sewer service is proposed. It is estimated that this project will utilize up to 1,128,000 gallons of water per year and discharge approximately 789,600 gallons of sewage per year (2,163 gpd).

The wastewater system is operating below its capacity it is capable of serving the additional development that could result from this project and the other related cumulative projects identified. Therefore, the cumulative impacts to exceeding wastewater treatment requirements of the applicable RWQCB are less than significant.

(b and d) Less Than Significant with Mitigation Incorporated:

Background

The purpose of the annexation is to change the existing District boundary to achieve consistency with the actual area being served.

GSD holds water diversion license #03404 from the SWRCB for appropriation of water from the SF Eel River, which allows the instantaneous diversion rate of 0.155 cfs, which is equivalent to 112.2 acre-feet or 37 million gallons annually for continual diversion. At the same point of diversion, GSD maintains a water diversion permit #20789, which allows a total annual diversion of 430 acre-feet,

which equals a continual maximum (instantaneous) rate of 0.595 cfs. The total of these two diversion rights is 177 million gallons per year (542 acre-feet per year), or continual maximum withdrawal rate of 0.75 cfs. This would equate to a maximum daily diversion of approximately 484,000 gallons, if adequate pumps and treatment facilities were available. The new drinking water treatment plant will be capable of pumping and treating up to 336 gallons per minute and can divert this maximum amount. Over the past five years, the water treatment plant processed between 55 and 65 million gallons of water each year. The average from 1985 to 2012 is 65,131,644 gallons per year. The 1999 Annual Progress Report submitted to the SWRCB documented the greatest year on record of 80 million gallons of processed water from both the license and permit. The maximum future annual diversions are limited to the maximum amount diverted under the permit development timeframe. This timeframe expired December 31, 1999, therefore the 80 million gallon maximum diversion for 1999 is the maximum annual diversion allowed for the license plus the permit. The maximum daily demand was recorded in July 1999 and was 427,780 gallons.

Potential Development

The following section presents a discussion regarding the potential water consumption that could result from the potential future development within the project area. A summary of this information is also presented in Table 9, above.

The change in boundary will result in several APNs that are vacant and/or not currently fully developed under current regulations that could be further developed for housing. The development potential was derived from a review of all areas proposed for annexation. The project could result in development of an additional 14 SFRs on a combination of vacant or underdeveloped APNs. Of these 14 SFRs, three are already within the POU and were accounted for in the baseline analysis above. Based on the average consumption of a single family residence (70,500 gallons), the projected consumption of development potential of the remaining 11 SFRs is 775,500 gallons per year. Because one of the vacant residential APNs is within the existing license this quantity of future water consumption was assumed as part of the baseline.

There are also two industrial APNs that are vacant in the annexation area that are within the POU and the future consumption for those two parcels was included in the baseline above. There is one industrial APN that is currently developed with a residence that could develop into an industrial customer. The additional water consumption for this conversion is 107,000 gallons per year. This information was included in the baseline information because they are located within the existing Permit POU, but outside the existing jurisdictional boundary.

There could be development as a result of "Housing Opportunity Zones" and second dwelling units, but this is considered unlikely due to the previous development history that does not include second dwelling units in the Garberville area. There are 14 APNs within "Housing Opportunity Zones," and 9 APNs that are allowed second dwelling units (these are all within the "Housing Opportunity Zones)," and one APN with Agriculture Exclusive zoning that allows 4 single detached dwelling units. For planning purposes, water supplies were identified to include potential second dwelling units. Assuming that most second dwellings units are equivalent to an apartment type user, Metcalf & Eddy's estimates that apartment flows are approximately 93% of the average residential house. Using this ratio, the equivalent consumption per second dwelling unit would be 65,465 gallons per year. For the 14 APNs located within a "Housing Opportunity Zone," this would equate to an additional 1,198,510 gallons per year.

In addition to the potential development as a result of the project, there is one developed APN in the Connick Creek subdivision that uses a water source other than GSD. GSD is contractually obligated to provide service to this parcel should they apply, so that APN has been included in the summary of water consumption (Table 10) because water service could be requested in the future. This amount is for one SFR.

Table 10	
Summary of Water Consumption for Expanded Jurisdictional Boundary	
Description of Consumption	Amount (gallons)
Baseline (from Table 7)	70,911,144
11 SFRs	775,500
14 "Housing Opportunity Zones"	1,198,510
APN 222-156-012 (Connick Creek Subdivision Parcel with own water source)	70,500
Total Potential Water Consumption	72,955,654

This demonstrates that on average, the GSD's license and permit maximum diversion of 80 million gallons per year is sufficient to accommodate the average total water consumption at build out with approximately 7,044,346 gallons per year excess. Other than the maximum year of 1999, there has been no other year since 1977 for which the diversion would have exceeded the allowable 80 million gallons after factoring in all of the non-consuming parcels and the development potential in the annexation and POU expansion areas.

The existing system has sufficient water supplies available to serve any potential future development on APNs that are part of the project from the existing license and permit. Because the water license and permit have limits and individual consumers will change over time, Mitigation Measure No. 1 has been included to ensure that GSD has sufficient water supplies for any future development or change in intensification of use. Mitigation Measure No. 1 includes adoption of an ordinance by the GSD that, at a minimum, states that any future and existing development that proposes intensifying uses within the GSD service boundaries that relies on use of the GSD services for implementation will be reviewed by the GSD. A "will serve" letter will be provided to the developer that indicates the ability of the GSD to provide a service connection, based upon the current system capacity (water or wastewater) to provide that service. The ordinance will clearly articulate that future connections to the GSD services will be based, in part, on availability of the water or wastewater system to handle additional demands. Additionally, any change to the General Plan and zoning requires discretionary review by GSD.

Future Service

APN 222-156-012. Water service is currently provided to the Connick Creek area from a master meter regulated by the GSD. Mitigation Measure No. 2 has been included to address continuing service from the Connick Creek Subdivision private water line because it will not be maintained by the GSD. GSD will not be financially responsible for any modification necessary to ensure that distribution meets appropriate and applicable regulations for providing water service or costs associated with obtaining easements. This will ensure that GSD activities will not result in impacts to the delivery of water service that could potentially require the construction of new water treatment facilities or expansion of existing facilities. Furthermore, APN 222-156-012 was a party to the Connick Creek Subdivision agreement recorded on October 8, 2010, as Instrument Number 2010-22217-9. This APN does not have an existing water connection, and is not included in the proposed

District boundary or existing SOI. Mitigation Measure No. 3 specifies that connection of this parcel is subject to approval by all applicable planning and building regulations. Water service to APN 222-156-012 will also require an update to the POU and any approvals by Humboldt LAFCo (annexation or out of boundary connection). A single family residential connection equivalent quantity of water has been set aside for the service of this parcel.

Conclusion

Based the above analysis, the District will be able to serve the existing and potential customers within the proposed POU and jurisdictional boundary within the allowable 80 million gallons per year.

Cumulative Impacts

SHCP. In the area known as the SHCP, water service has been previously provided to two residences and outbuildings, but they do not currently consume water. A previous water connection was extended to bring water to a caretaker's cottage and various other outbuildings on the former APN 222-091-006 from the yellow house. As a result of several lot line adjustments, the structures served by the GWC (and subsequently GSD) are now split between a portion of APN 222-091-014 and 222-091-011.

Currently, the Humboldt County Planning and Building Department is processing an application from the SHCP for a general plan amendment and rezone for APN 222-241-009 and APN 222-091-014. A Draft EIR is being prepared and is scheduled for public circulation September 2013 (Richardson, 2013a). It is conceivable that changes in use will result in increased water demand, but the specific details of such a change in service are not known at this time. Implementation of Mitigation Measure No. 1 will ensure that any changes to the existing water quantities or areas of water service will allow review and approval by GSD to confirm sufficient water supplies are available.

Alderpoint Road Tank Project. The GSD is currently in the planning and engineering phase of the Alderpoint Road Tank Replacement Project. The GSD has adopted a Mitigated Negative Declaration to replace a 30,000 gallon tank with a 200,000 gallon tank at the same location as the existing tank. As documented in the Initial Study and Environmental Checklist prepared by LACO Associates (2013) for the project, the current water system lacks sufficient storage, therefore GSD proposes a 200,000 gallon tank. The storage will be increased by 170,000 gallons, which currently operates in a deficit between 74,000 and 182,780.

The storage tank deficit is based upon the maximum daily demand. The average residential customer uses 305 gallons per day in the maximum annual month. For 23 residential services this would theoretically add 7,015 gallons to the existing storage deficiency. The average commercial customer uses 640 gallons per day in the maximum annual month. For 3 commercial or industrial services this would theoretically add 1,920 gallons to the existing storage deficiency. The total deficiency would then be between 82,935 and 191,715 gallons. The environmental analysis concluded that the GSD has sufficient water supplies for the change in tank size necessary (LACO, 2013). Even though the GSD does not have sufficient storage to meet state standards, the additional capacity necessary would not result in any additional water diversions from the South Fork of the Eel River.

Water System Improvement Project. The SWTP is currently in construction and was designed to treat up to 336 gallons per minute (gpm) from the South Fork of the Eel River plus up to 33 gpm of

recycled backwash water. The treatment plant upgrade is to meet existing water demands and current CDPH requirements for redundancy, providing reliable high quality water to the District's costumers. The environmental analysis concluded this project will not result in additional water supplies other than those already established for GSD.

Based the above discussion, the District will be able to serve all the developable parcels within the proposed POU within the allowable 80 million gallons per year. These projects, in conjunction with the proposed project, will not result in a significant cumulative environment impact because the water infrastructure projects planned for the GSD are intended to satisfy current water demands.

(c) No Impact: The project does not require or result in the construction of any new stormwater drainage facility or the expansion of any existing facility the construction of which would cause significant environmental effects.

(f- g) No Impact: The project does not include development that would require a change in landfill capacities, or conflict with any federal, state, and local statues and regulations related to solid waste.

Mitigation Measure No. 1. The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A "will serve" letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.

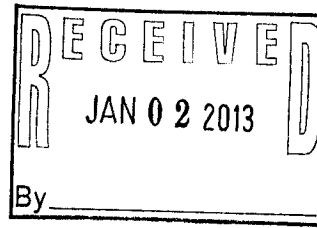
Mitigation Measure No. 2. The GSD Board of Directors shall adopt a resolution stating that the Connick Creek Subdivision as described in this IS/MND is responsible for any maintenance necessary to ensure that distribution meets appropriate and applicable regulations for providing water service from the private water line. The resolution shall state that the GSD is not responsible for any costs or maintenance associated with provision of water in this area other than from the master meter described in agreement recorded on October 8, 2010, as Instrument # 2010-22217-9. The resolution shall note that annexation of the Connick subdivision is not intended to constitute a modification, express or implied, of the October 8, 2010, agreement (recorded as Instrument # 2010-22217-9), or an expansion of any rights or interests any member of the Connick Creek Subdivision Association possess under said agreement."

Mitigation Measure No. 3. The GSD Board of Directors shall adopt a resolution stating that in the future, all new connections that are guaranteed through existing agreements that are outside of the GSD boundary must satisfy all planning and building regulations at the owner's cost and expense. Specifically, the area adjacent to the Connick Subdivision includes APN 222-156-012, which is a party to the agreement recorded on October 8, 2010, as Instrument Number 2010-22217-9. This APN does not have an existing water connection. No service will be provided until the property owner petitions the District for water service and appropriate approvals have been granted by all appropriate agencies including, but not be limited to the SWRCB DWR, County of Humboldt, and Humboldt LAFCo.

Appendix E

December 2012
SWRCB Cease and Desist Order

November 2018
Notice of CDO Violation



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

DEC 27 2012

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

CERTIFIED MAIL NO. 7004-2510-0003-9146-5724
Return Receipt Requested

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

Dear Mr. Bryant:

**ORDER ADOPTING CEASE AND DESIST ORDER FOR LICENSE 3404
(APPLICATION 9686) AND PERMIT 20789 (APPLICATION 29981)**

Enclosed is a copy of Order WR 2012-0036-DWR, signed by the Assistant Deputy Director of the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on December 27, 2012. This Order adopts the draft Cease and Desist Order (CDO), transmitted to you by certified letter dated November 20, 2012.

The November 20, 2012 draft CDO required Garberville Sanitary District (GSD) to: (1) cease and desist the bulk sale and delivery of water under its permit and license to areas outside the authorized place of use, unless the water is needed for emergency domestic water supply; (2) diligently pursue the processing of its petitions for change in place of use under its permit and license filed with the Division; and (3) submit required annual use reports for your Permit and License. The Division allowed 20 days from your receipt of the draft CDO for you to request a hearing to contest the findings and requirements of the CDO as written.

GSD did not submit a request for hearing. In accordance with California Water Code section 1834, the Division is adopting the draft CDO as written. The Division appreciates Garberville's ongoing cooperation in meeting the requirements of the draft CDO. To date, GSD informed the Division that it has taken appropriate measures to come into compliance with the directives of the draft CDO, as follows:

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

- On December 3, 2012, the GSD Board of Directors held a special meeting to review the draft CDO. The GSD Board of Directors took action to cease the sale of bulk water, effective January 2, 2013, unless the water is needed for emergency domestic use. Future delivery of bulk water for emergency domestic use must be approved by GSD and the Division and is limited to the quantity of water necessary to sustain human and animal life, including sanitary use.
- GSD submitted petitions for change in place of use for their permit and license and, as of the date of this letter, are working with Division staff in the processing of the petitions.
- The 2010 and 2011 annual use reports for License 3404 and Permit 20789 were submitted by GSD to the Division within the 20 days allowed in the notice of the draft CDO.

Your failure to comply with the terms or requirements of a CDO may subject you to civil liability in a sum up to \$1,000 for each day in which the violation occurs in accordance with California Water Code section 1845.

Division staff has reviewed the 2010 and 2011 annual use reports for License 3404 and Permit 20789, submitted by GSD on December 2, 2012 and has determined that GSD has satisfied the third directive of the CDO. In order to avoid future potential liability, GSD must remain in compliance with the remaining directives of the CDO regarding bulk water sales and the petition for change in place of use.

If you have any questions, please contact me, the Division's Enforcement Section Manager, at (916) 341-5368; or Ms. Ellen Howard, Staff Counsel, Office of Enforcement, at (916) 341-5677 or via e-mail at: Ellen.Howard@waterboards.ca.gov. If you wish to write a letter, please send a written response to:

State Water Resources Control Board
Division of Water Rights
Attention: Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



for

John O'Hagan, Manager
Enforcement Section
Division of Water Rights

Enclosure: Cease and Desist Order

cc: Please see next page.

Mr. Mark Bryant

- 3 -

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

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

DIVISION OF WATER RIGHTS

ORDER WR 2012-0036-DWR

CEASE AND DESIST ORDER

In the Matter of Unauthorized Diversion and Violation of Terms and Conditions for License 3404
(Application 9686) and Permit 20789 (Application 29981) by

Garberville Sanitary District

SOURCE: South Fork Eel River

COUNTY: Humboldt County

The State Water Resources Control Board (State Water Board or Board) is authorized under California Water Code section 1831 to issue a Cease and Desist Order (CDO) requiring Garberville Sanitary District (referred to herein as GSD) to cease and/or abate a threatened or ongoing violation of one or more conditions of License 3404 (Application 9686) and Permit 20789 (Application 29981).

GSD is alleged to have violated or is threatening to violate California Water Code (Water Code) section 1052 and/or license terms issued in accordance with Water Code Division 2. Water Code section 1831 et seq. authorizes the State Water Board to issue a Cease and Desist Order when it determines that any person is violating or threatening to violate any of the following:

- (1) The prohibition set forth in Section 1052 against the unauthorized diversion or use of water subject to this division.*
- (2) Any term or condition of a permit, license, certification, or registration issued under this division.*
- (3) Any decision or order of the board issued under (part 2 of Division 2 of the Water Code [commencing with Section 1200]), Section 275, or Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, in which decision or order the person to whom the cease and desist order will be issued, or a predecessor in interest to that person, was named as a party directly affected by the decision or order.*

On November 20, 2012, and in accordance with the provisions of section 1834 of the California Water Code, the State Water Board, Division of Water Rights (Division) provided notice of the CDO against GSD for the violation of the terms and conditions of its license and permit and/or Chapter 2, Article 20, sections 847, 925, and 929 of the California Code of Regulations and the unauthorized diversion or use of water. Pursuant to State Water Board Resolution 2012-0029, the Deputy Director for Water Rights is authorized to issue a notice of cease and desist, and when a hearing has not been timely requested, issue a Cease and Desist Order (CDO) in accordance with California Water Code section 1831 et seq. State Water Board Resolution 2012-0029 also authorizes redelegation of this authority from the Deputy Director for Water Rights to the Assistant Deputy Director for Water Rights. This authority has been redelegated.

FACTUAL BASIS FOR ISSUING THE CDO

The facts and information upon which this CDO is based are as follows:

1. The Division issued License 3404 (Application 9686) to Garberville Water Company (GWC) on February 29, 1952. License 3404 authorizes the diversion of 0.155 cubic foot per second (cfs) from the South Fork of the Eel River at North 26° East, 190' from the south quarter corner of Section 24, T 4 S, R 3 E, H.B.M. The licensed place of use is "Town of Garberville as bounded by Garberville Sanitary District," and the licensed purpose of use is "municipal use."
2. On April 2, 1990, Division staff conducted an inspection of GWC and noted that water was being diverted in excess of license limits and being delivered outside the licensed place of use. Division staff noted in the inspection report that GWC was delivering water to areas outside of the Place of Use depicted on the map submitted with Application 9686 (Exhibit A). On July 22, 1990 GWC submitted Application 29981 to appropriate water by permit, expanding the place of use to the GWC service boundaries. A map of the town of Garberville, depicting the proposed place of use under permit Application 29981 was submitted on April 19, 1990 as part of the application package (Exhibit B). Application 29981 indicates that 366 residences, equal to 1400 people, would be served domestic water under the water right. The application also indicates that zero acres per year will be irrigated under the water right.
3. On May 15, 1995, the Division issued Permit 20789 (Application 29981) to GWC, which authorizes the diversion of 0.595 cfs and a maximum of 430 acre-feet per year from the same point of diversion as License 3404. The permitted place of use is "within the boundaries of the town of Garberville," as shown on the map submitted with the application, and the permitted purpose of use is "municipal." GSD purchased GWC in November 2004 and notified the Division of the change of name and ownership on October 23, 2007. The Division's records indicate the ownership for License 3404 and Permit 20789 were changed on October 23, 2007.
4. In 2012 the Division received two complaints alleging that GSD was violating terms and conditions of License 3404 and Permit 20789. The first complaint, filed on August 6, 2012 by Mr. Ed Voice, alleged that GSD was selling bulk water to commercial water delivery companies that re-sell the water to customers outside of the GSD's licensed and permitted place of use. The second complaint, filed on September 6, 2012, alleged that GSD was providing service connections to residential homes and properties outside of the authorized place of use. As part of its investigations for the complaints, Division staff reviewed GSD's record, including its required reports of water diversion and use under its permit and license. The Division notified GSD of the first complaint by letter dated August 23, 2012 and of the second complaint by e-mail dated September 13, 2012. GSD responded to the complaints by letter dated September 18, 2012.

Bulk Water Sales and Place of Use

5. The August 6, 2012 complaint and September 18, 2012 response indicate that GSD sells water to commercial water haulers through an unmetered fire hydrant on Redwood Drive. The third-party commercial water haulers provide GSD with self-reported information about the quantity of water purchased, but GSD does not maintain records about the purpose and location of the use of this water. GSD summarized the annual bulk water sales reported by the haulers for 2010/2011 and 2011/2012 as 877,720 gallons (2.69 acre-feet) and 1,734,200 gallons (5.32 acre-feet), respectively.

6. The September 18, 2012 response from GSD included a statement from Heather Kornberg of Pura Vida Water Delivery, a commercial water hauler that obtains water from GSD. The letter indicates that most of Pura Vida's water deliveries are to "rural homesteads" in the Eel River watershed. It does not indicate if Pura Vida keeps records on the purpose of use of trucked water. It also does not indicate if these residences are inside or outside of the town of Garberville. During a telephone conversation with Division staff on September 25, 2012, Mr. Ed Voice indicated that he has observed commercial water haulers deliver water obtained from GSD to customers outside of the GSD's place of use.
7. In its September 18 response, GSD indicated that it may use groundwater from its Tobin well to provide water to commercial water haulers. According to GSD, Tobin well is a shallow well located in downtown Garberville with a limited capacity of 40 to 70 gallons per minute (gpm), a rate which appears to be sufficient to provide water equivalent to the annual volume of bulk water sales. GSD ordered and installed a water meter to quantify the water produced from the well as a result of the complaint. The direct sale of pumped groundwater from Tobin well may not require or involve a water right, provided that the well does not draw from a subterranean stream within the jurisdiction of the State Water Board. The existence of a subterranean stream is determined through a hydrogeologic analysis, in consultation with the Division.
8. Based on the information provided to the Division, continued bulk water sales would pose a threat of unauthorized diversion and use of water outside the authorized place of use covered by GSD's permit and license.

Residential Property Service Connections Outside of Place of Use

9. In the September 18 response, GSD confirmed that they are currently providing water service to 35 parcels that are outside of the licensed and permitted place of use. Twenty of the thirty-five parcels are within the Kimtu Meadows Subdivision project, which connected to GSD's water system in July 2012. GSD states that the remaining fifteen parcels have been receiving water prior to November 2004, when GSD purchased the water system from the Garberville Water Company.
10. On April 5, 2012, Division staff notified GSD that a Petition for Change and a Petition for Extension of Time must be filed with the Division to expand the place of use and to come into compliance with the terms and conditions of License 3404 and Permit 20789. According to the September 18 response, GSD is working with the Division to submit the necessary documents to petition to expand the place of use under License 3404 and Permit 20789 to include the 35 parcels. The GSD jurisdictional boundary, sphere of influence, and types of provided services are regulated by the Humboldt County Local Agency Formation Commission (HLAFCo). GSD has contracted with SHN Engineers and Geologists to conduct the CEQA review to support the change in their jurisdictional boundaries required by HLAFCo.
11. GSD intends to submit the appropriate documents to the Division within two months of the September 18 response. However, the unauthorized service outside of the GSD place of use will continue until the State Water Board approves the Petition for Change and Petition for Extension of Time, if ever. Continued delivery of water to parcels outside of the authorized place of use covered by GSD's permit and license constitutes an unauthorized diversion and use of water.

Failure to File Water Use Reports

12. Senate Bill X7-8, which was signed into law in 2009, authorized the State Water Board to adopt regulations requiring online reporting of water diversions. Consistent with the Senate Bill, the State Water Board has adopted regulations requiring annual reporting of water diversion and use under permits and licenses, and developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). The regulation specifying annual permittee and licensee reporting requirements is codified in Title 23, Chapter 2.7, Article 2, sections 925 and 929 of the California Code of Regulations.

13. In February 2011 the Division mailed out initial notices to GSD, notifying GSD of the annual use reporting requirements and instructions on how to access the RMS system to submit, at a minimum, the 2010 use reports online. GSD was also notified that if there were any questions on the new reporting process, GSD could contact the Division by telephone or e-mail. The deadline to submit the 2010 use reports online was July 1, 2011.
14. In September 2011 the Division mailed out delinquency letters, which also included a copy of the February 2011 letter, to all the permittees and licensees who had not submitted their 2010 use report by July 1, 2011. The delinquency letter provided notice that failure to submit the annual use report was a violation of the terms and conditions of the applicable permit and/or Chapter 2, Article 20, section 847 of the California Code of Regulations, and that continued failure to submit the annual use report may result in enforcement action by the State Water Board.
15. As of November 16, 2012, the Division has not received GSD's 2010 annual use reports for License 3404 and Permit 20789.
16. On March 5, 2012, the Division mailed out notices to GSD, notifying GSD of the annual use reporting requirements and instructions on how to access the RMS system to submit the 2011 use reports online. GSD was also notified that if there were any questions on the reporting process, GSD could contact the Division by telephone or e-mail. The deadline to submit the 2011 use reports online was June 30, 2012.
17. As of November 16, 2012, the Division has not received GSD's 2011 annual use report for License 3404 or Permit 20789.

IT IS HEREBY ORDERED, pursuant to sections 1831 through 1836 of the California Water Code, that:

1. Within 30 days of the date of this order, GSD must: (1) cease and desist the bulk sale and delivery of water under License 3404 and/or Permit 20789 to areas outside the authorized place of use, unless it is demonstrated to the satisfaction of the State Water Board that the water is needed for emergency domestic water supply; and (2) if bulk water sales continue, then GSD shall keep accurate records of each sale, including the volume of water sold, the date of the sale, the name of the commercial water hauler purchasing the water, and the final place of use. Records of any bulk sales of water, including place of use of water, shall be made available to the Division upon request.
2. By letter dated November 14, 2012, GSD filed petitions for change in place of use under License 3404 and Permit 20789 to include areas served by GSD with water diverted under these water rights. GSD shall diligently pursue the processing of these petitions by submitting all necessary fees, environmental documents, and other information required by the State Water Board within the time schedules specified. If and until the State Water Board approves the change petitions, GSD shall maintain monthly records of the amount of water served to areas outside the authorized places of use and report the monthly amounts separately from the amounts reported on its annual permit and license reports. The monthly records of amounts served outside the places of use shall be submitted as an attachment to the annual permit and license reports.
3. GSD shall immediately come into compliance with the terms of License 3404 and Permit 20789 by submitting its reports of 2010 and 2011 annual use by accessing the Report Management System at www.waterboards.ca.gov/RMS using the User ID and Passwords shown on the User Information Sheet accompanying this CDO. For these two years, GSD shall estimate an annual amount for the water served by bulk water sellers outside the place of use and separate these amounts from the monthly amount beneficially diverted and used under the permit and license. The bulk water sales should be reported in the Remarks section of the online reports. Please note the User ID is a seven-digit alphanumeric string that begins with the letter "A" and followed by six numbers corresponding to your original application number. If you have any problems accessing the reporting system, please contact Division staff noted on the letter accompanying this CDO.

Consequences of Non-Compliance

In the event GSD fails to comply with the requirements of this Order, GSD shall be in violation of this CDO and subject to additional enforcement, which may include the imposition of administrative civil liability, pursuant to California Water Code section 1845 (b)(1), of up to \$1,000 for each day in which the violation occurs or referral to the Attorney General to take further enforcement action as described in California Water Code section 1845(a):

Upon the failure of any person to comply with a cease and desist order issued by the board pursuant to this chapter, the Attorney General, upon the request of the board, shall petition the superior court for the issuance of prohibitory or mandatory injunctive relief as appropriate, including a temporary restraining order, preliminary injunction, or permanent injunction.

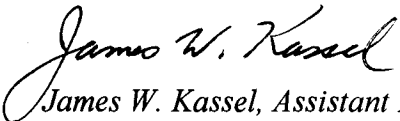
Reservation of Enforcement Authority and Discretion

Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against GSD for unauthorized diversion of water in accordance with California Water Code section 1052.

Regulatory Changes

Nothing in this Order shall excuse GSD from meeting any more stringent requirements that may be imposed hereafter by applicable legally binding legislation, regulations, or water right license requirements.

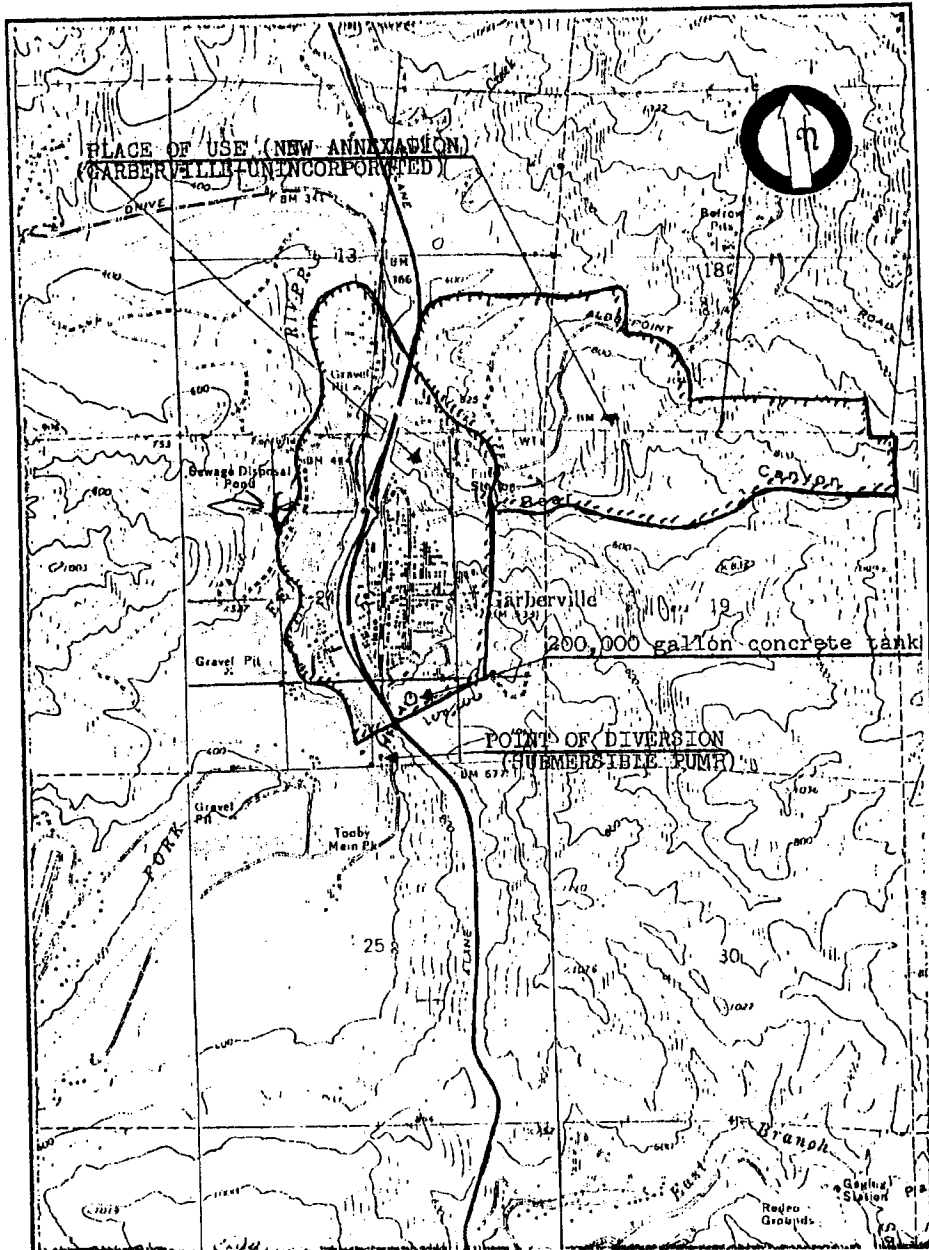
STATE WATER RESOURCES CONTROL BOARD


James W. Kassel, Assistant Deputy Director
Division of Water Rights

Dated: **DEC 27 2012**

Exhibit B

ORDER WR 2012-0036-DWR



OWNER <u>Garberville Water Co., Inc.</u>	
SOURCE <u>South Fork Eel River</u>	
POINT OF DIVERSION WITHIN <u>SW 1/4 SE 1/4 OF</u> <u>SECTION 21, T. 4S, R. 3E, H. B & M</u>	
COUNTY OF <u>Humboldt</u>	
<u>Garberville 1970</u>	<u>1:24,000</u>
U.S.G.S. QUAD	DATE SCALE
STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS	
APPLICATION <u>9686 29981</u>	
PERMIT <u>5487</u>	
LICENSE <u>3404</u>	
DATE <u>4/19/90</u>	DRAWN BY: <u>JTA</u>

State Water Resources Control Board

Mr. Ralph Emerson, General Manager
Garberville Sanitary District
P.O. Box 211
Garberville, CA 95542

Dear Mr. Emerson:

NOTICE OF VIOLATION OF ORDER WR 2012-0036-DWR

On December 27, 2012 the State Water Resources Control Board (State Water Board) issued Order WR 2012-0036-DWR requiring Garberville Sanitary District (GSD) to cease and/or abate a threatened or ongoing violation of one or more conditions of License 3404 (Application 9686) and Permit 20789 (Application 29981).

Order WR 2012-0036-DWR required GSD to cease and desist the bulk sale and delivery of water under License 3404 and/or Permit 20789 to areas outside the authorized place of use, unless it is demonstrated to the satisfaction of the State Water Board that the water is needed for emergency domestic water supply.

On September 4, 2018 the State Water Board, Division of Water Rights (Division) received a complaint requesting an investigation to determine if GSD was in violation of Order WR 2012-0036-DWR. In a September 5, 2018 email correspondence with the complainant Ed Voice, GSD confirmed that it sold water outside of its licensed and permitted place of use for construction related activities.

This letter serves to inform GSD that sales of bulk water for construction related activities outside of the place of use of License 3404 and Permit 20789 is a violation of Order WR 2012-0036-DWR. Order WR 2012-0036-DWR specifies that bulk water can only be sold outside of the place of use for License 3404 and Permit 20789 if it is for emergency domestic water supply. GSD shall cease all sales of bulk water for purposes other than emergency domestic water supply.

If you have any questions, please contact Skyler Anderson at (916) 341-5307 or via e-mail at: skyler.anderson@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights Attn: Skyler Anderson, P.O. Box 2000 Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Skyler Anderson
North Coast Enforcement Unit
Division of Water Rights

Ec: Mr. Ed Voice
evice@mchsi.com

Ms. Jane Arnold
jane.arnold@wildlife.ca.gov