



State Water Resources Control Board



Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
 P.O. Box 2000 ♦ Sacramento, California 95812-2000
 Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Linda S. Adams
 Secretary for
 Environmental Protection

Arnold Schwarzenegger
 Governor

MAILED FEBRUARY 28, 2007

Humboldt Bay Municipal Water District
 c/o Ms. Carol Rische
 P.O. Box 95
 Eureka, CA 95502

In Reply Refer
 to:333:PLM:16454 & 17291

Dear Ms. Rische:

AMENDED PERMITS 11714 AND 11715 (APPLICATIONS 16454 AND 17291) MAD RIVER
 TRIBUTARY TO THE PACIFIC OCEAN IN TRINITY AND HUMBOLDT COUNTIES

Your AMENDED WATER RIGHT PERMITS are enclosed. Please note that, with respect to other water rights attaching to this source, the priority of your right is identified by the filing date of your application. Therefore, in times of water shortage, those diverters with water rights senior to yours can take their water first. Additional limitations on your diversion and use of water are specified by the terms of this permit. Please read the terms and conditions of your permit carefully so that you are familiar with your responsibilities as an appropriator of water.

The State Water Resources Control Board (State Water Board) requires that you submit annual reports showing the progress you have made in the construction of your project and the use of water made under this permit that will qualify for licensing purposes. We will mail the forms to you when the reports are due.

Annual permit fees are required. The California Board of Equalization will mail you a Notice of Determination (billing) on behalf of the State Water Board when the fee is due. Please pay the fee promptly. Nonpayment of the fee may result in revocation of your permit.

You must comply with all of the conditions in your permit. The State Water Board will not issue a license for any water diverted and used for any purpose or at any place not authorized in the permit. Nor will the State Water Board credit you for any development or use that occurs after the date specified in Condition 6 unless you request and receive an extension of time to use the water. An extension of time to continue development of a project requires public noticing and reevaluation of then-current environmental considerations, and is becoming considerably more difficult to obtain.

After the project has been completed, an inspection will be made to determine the amount of water that has been placed to beneficial use within the terms of the permit. A license will then be issued confirming a right to that amount of water. Please keep sufficient records of your diversion and use of water to facilitate this process.

Please inform the Division of Water Rights of any changes in address or ownership.

Sincerely,

ORIGINAL SIGNED BY:

Steven Herrera, Chief
 Water Rights Permitting Section

Enclosures

5/14/07
 NOTE: Updated letter and
 permits with corrected
 Permit 11714 attached.

CAH

PLMiner:7-26-06:rcelebrado 10.05.06/xrivera:2-16-07

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California Environmental Protection Agency

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 11714

Application 16454 of

Humboldt Bay Municipal Water District
P.O. Box 95
Eureka, CA 95502

filed on **July 7, 1955**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Mad River

Tributary to:

Pacific Ocean

within the Counties of **Trinity and Humboldt**

2. Location of point of diversion

| By California Coordinate System of 1927 in Zone 1 | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|--|---|---------|----------|-------|-------------------|
| Storage-Ruth Dam South 18° East 3,194 feet from W¼ corner of section 18 | NW¼ of NW¼ | 19 | 1S | 7E | HB |
| 1. Rediversion South 1,421 feet and East 2,392 feet from NW corner of section 15 | SE¼ of NW¼ | 15 | 6N | 1E | HB |
| 2. South 1,657 feet and East 3,921 feet from NW corner of section 15 | SW¼ of NW¼ | 15 | 6N | 1E | HB |
| 3. South 2,350 feet and East 246 feet from NW corner of section 14 | SW¼ of NW¼ | 14 | 6N | 1E | HB |
| 4. South 2,287 feet and East 1,138 feet from NW corner of section 14 | SW¼ of NW¼ | 14 | 6N | 1E | HB |
| 5. North 578,787 feet and East 1,437,911 feet | NE¼ of SW¼ | 14 | 6N | 1E | HB |
| 6. North 578,982 feet and East 1,432,339 feet | SE¼ of NW¼ | 15 | 6N | 1E | HB |

| 3. Purpose of use | 4. Place of use | Section (Projected)* | Township | Range | Base and Meridian | Acres |
|-------------------|---|-------------------------|----------|-------|----------------------|-------|
| Municipal | Within the boundaries of Humboldt Bay Municipal Water District located within T3, 4, 5, 6 and 7N, R1W and R1, 2 and 3E, HB&M and areas adjacent to Ruth Lake Reservoir, as shown on maps filed with the State Water Board. | | | | | |

5. The amount of water to be appropriated shall be limited to the amount that can be beneficially used and shall not exceed 48,030 acre-feet per annum (afa) by storage, to be collected from October 1 of each year to April 30 of the succeeding year. The maximum amount per annum to be stored under this permit and Permit 11715 shall not exceed 48,030 afa. The total annual diversion and use allowed under this permit and Permit 11715 shall not exceed 132,030 afa. (0000005)

6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2029. (0000009)

7. For the protection, propagation and preservation of fish life permittee shall:
 - a. At all times bypass or release minimum flow of five cubic feet per second into the natural streambed of Mad River immediately below Ruth Dam.
 - b. During the periods herein specified, bypass or release into the natural streambed of Mad River immediately below Essex Diversion Dam the following minimum flow or the natural flow of Mad River as regulated by diversions now in existence, whichever is less:

| | |
|----------------------------------|--------|
| October 1 through October 15 | 30 cfs |
| October 16 through October 31 | 50 cfs |
| November 1 through June 30 | 75 cfs |
| July 1 through July 31 | 50 cfs |
| August 1 through August 31 | 40 cfs |
| September 1 through September 30 | 30 cfs |

(0360048)

8. This permit is subject to the Memorandum of Understanding between Humboldt Bay Municipal Water District and County of Trinity, drafted on January 28, 1959, and duly approved by both agencies and on file with the State Water Board. (0000999)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)

- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit 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 the permittee 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee 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)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

Application 16454
Page 4

Permit 11714

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605. (0000015)
- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

This permit is issued and permittee 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 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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 therefore 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

ORIGINAL SIGNED BY:
JAMES W. KASSEL, FOR

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **FEBRUARY 28, 2007**

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 11715

Application 17291 of

Humboldt Bay Municipal Water District
P.O. Box 95
Eureka, CA 95502

filed on **September 21, 1956**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Mad River

Tributary to:

Pacific Ocean

within the Counties of Trinity and Humboldt

2. Location of point of diversion

| By California Coordinate System of 1927 in Zone 1 | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|--|---|---------|----------|-------|-------------------|
| Storage-Ruth Dam South 18° East 3,194 feet from W $\frac{1}{4}$ corner of section 18 | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 19 | 1S | 7E | HB |
| 1. Rediversion South 1,421 feet and East 2,392 feet from NW corner of section 15 | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 15 | 6N | 1E | HB |
| 2. South 1,657 feet and East 3,921 feet from NW corner of section 15 | SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 15 | 6N | 1E | HB |
| 3. South 2,350 feet and East 246 feet from NW corner of section 14 | SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 14 | 6N | 1E | HB |
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| 5. North 578,787 feet and East 1,437,911 feet | NE $\frac{1}{4}$ of SW $\frac{1}{4}$ | 14 | 6N | 1E | HB |
| 6. North 578,982 feet and East 1,432,339 feet | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 15 | 6N | 1E | HB |

| 3. Purpose of use | 4. Place of use | Section (Projected)* | Township | Range | Base and Meridian | Acres |
|-------------------|---|-------------------------|----------|-------|----------------------|-------|
| Municipal | Within the boundaries of Humboldt Bay Municipal Water District located within T3, 4, 5, 6 and 7N, R1W and R1, 2 and 3E, HB&M and areas adjacent to Ruth Lake Reservoir, as shown on maps filed with the State Water Board. | | | | | |

5. The amount of water to be appropriated shall be limited to the amount that can be beneficially used and shall not exceed 116 cubic feet per second (cfs) by direct diversion from January 1 through December 31 of each year, and 20,000 acre-feet per annum (afa) by storage, to be collected from October 1 of each year to April 30 of the succeeding year. The maximum amount to be appropriated by direct diversion under this permit shall not exceed 84,000 afa. The maximum amount per annum to be stored under this permit and Permit 11714 shall not exceed 48,030 afa. The total annual diversion and use allowed under this permit and Permit 11714 shall not exceed 132,030 afa.

(0000005)

6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2029.

(0000009)

7. For the protection, propagation and preservation of fish life permittee shall:

- a. At all times bypass or release minimum flow of five cubic feet per second into the natural streambed of Mad River immediately below Ruth Dam.
- b. During the periods herein specified, bypass or release into the natural streambed of Mad River immediately below Essex Diversion Dam the following minimum flow or the natural flow of Mad River as regulated by diversions now in existence, whichever is less:

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| October 1 through October 15 | 30 cfs |
| October 16 through October 31 | 50 cfs |
| November 1 through June 30 | 75 cfs |
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- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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.

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The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee 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)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Application 17291
Page 4

Permit 11715

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee 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 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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 therefore 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

ORIGINAL SIGNED BY:
JAMES W. KASSEL, FOR

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **FEBRUARY 28, 2007**

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