



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUN 28 2016

In Reply Refer to:
SEF:D030843

Jo Denise Williams
P.O. Box 433
Philo, CA 95466

Dear Ms. Williams:

SMALL DOMESTIC USE CERTIFICATE D429 (REGISTRATION D030843) TO APPROPRIATE WATER FROM AN UNNAMED STREAM IN MENDOCINO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) has reviewed the above referenced registration.

Pursuant to Water Code section 1228.5, subdivision (d), Water Right Certificate D429 has been revoked by operation of law for the reasons indicated below.

- Registration renewal must be accompanied by a filing fee of \$100.
- Registration renewal form must be sufficiently completed.

This is a final action not subject to reconsideration by the State Water Board.

It is your responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. Unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the point of diversion identified in this water right certificate may be subject to administrative civil liability of up to \$500 per day without further notice. The State Water Board also may issue a cease and desist order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

Before initiating any work in a stream channel, you should consult with the California Department of Fish and Wildlife and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. You must also consult the Department of Water Resources, Division of Safety of Dams if a jurisdictional size dam will be removed or breached (dam height 15 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Some diverters claim rights to divert independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right. This letter serves as your notice of the statement requirement and potential penalty.

If you have any questions, please contact Sonia Frazier at sonia.frazier@waterboards.ca.gov or (916) 341-5685. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Sonia Frazier, PO Box 2000, Sacramento, CA, 95812-2000.

Sincerely,



C. Scott Frazier, Senior
North Bay Unit
Division of Water Rights

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

ec (w/enclosures): Jane Arnold
Northern Region
California Department of Fish and Wildlife
jane.arnold@wildlife.ca.gov

James Rosauer
Water Branch
California Department of Fish and Wildlife
james.rosauer@wildlife.ca.gov

Kathy Mrowka
Enforcement Section
State Water Resources Control Board
kathy.mrowka@waterboards.ca.gov

STATE WATER RESOURCES CONTROL BOARD *wondering copy*

2013 DEC 20 11:11:01

California Environmental Protection Agency
State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterboards.ca.gov/waterrights/>

REGISTRATION REPORT FORM

The Division furnishes separate forms for each water right. Only report use under this right on this form.

OWNER OF RECORD: *(If owner's information is incorrect or missing, please correct)*
DONALD STEPHEN WILLIAMS *please change to Jody Williams, my husband has passed away*

APPLICATION NO.: D030843
CERTIFICATE NO.: 000429
PARCEL NUMBER:

CONTACT PHONE NO.: (707) 895-2636
489-8839

PRIMARY CONTACT FOR MAIL AND REPORTING:
DONALD STEPHEN WILLIAMS *Jody Williams*
PO BOX 333
PHILO, CA 95466

CERTIFICATE SUMMARY

AA. MAXIMUM DIRECT DIVERSION RATE: 0 gallons per day

DIRECT DIVERSION SEASON:

BB. MAXIMUM COLLECTION TO STORAGE: 4.3 acre-feet

COLLECTION TO STORAGE SEASON: 12/1 to 3/30

WATER RIGHT FACE VALUE: 4.3 acre-feet

PURPOSE OF USE: **Domestic**

REPORT OF REGISTRANT

PROJECT/CERTIFICATE UPDATE - This section must be completed for all projects.

1. The project has been abandoned, and I request revocation of the registration: YES[] NO[]
2. Have you currently reviewed your certificate? YES[] NO[]
3. Are you complying with all of the conditions of this registration? YES[] NO[]
4. Identify any noncompliance by certificate term number under Section E, "Remarks" on the reverse side.
5. If no water was used in one or more years, briefly state the reason under "Remarks".
6. If the location of the point of diversion or place of use has been changed, please provide information on the change under "Remarks". A registration cannot be modified to cover project changes. Therefore, you will need to submit an amended registration form, including payment of the registration fee, if you have changed your project. A completed amended registration form continues in effect the priority of right as of the date of the original completed registration.
7. I wish to renew the certificate for another five years. YES[] NO[] Initials: *gdcw*

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: *11.26.13*

Jody Williams

SIGNATURE OF REGISTRANT, AGENT OR DESIGNEE

*Rec'd ck.
7132 Amt.
100.00
AB*

USE – If “Certificate Summary” on page 1 lists “Small Domestic”, fill out items 8, 9 and 10.

Small Domestic Use	2009	2010	2011	2012	2013
8. Indoor Use – List number of persons					
9. Outdoor Use – Irrigated lawn and garden area (in square feet, or acre) (Registrations are limited to 21,780 square feet or 0.5 acre of outside irrigation).					
Outdoor Use – List number of domestic animals					
10. Incidental uses – Recreation, fish and wildlife, dust control, fire protection, aesthetic, etc. (Circle use and put “Y” in box)					

USE – If “Certificate Summary” on page 1 lists “Stockwatering”, fill out items 11, 12 and 13.

Livestock Stockpond Use	2009	2010	2011	2012	2013
11. Maximum number of stock					
12. Total livestock grazing area (acres)					
13. Incidental uses – Recreation, fish and wildlife, dust control, fire protection, aesthetic, etc. (Circle use and put “Y” in box)					

STORAGE – Complete Only If “Certificate Summary” on page 1 lists a quantity of water under “B. Maximum Collection to Storage”

	2009	2010	2011	2012	2013
14. Did you store water each year? (Yes or No)	yes	yes	yes	yes	yes
15. Did your reservoir fill? (Yes or No)	yes	yes	yes	yes	no
16. What was the lowest level (in feet below spillway) of water in the reservoir?	9 1/2	10	10	10	11
17. State the amount of water used each year in acre-feet.	2.13716	2.12429	2.1243	2.4243	2.0612

DIRECT DIVERSION: Complete Only If “Certificate Summary” on page 1 lists a quantity of water under “A. Maximum Direct Diversion Rate”

18. Have you used the full, authorized amount of water each year? YES[] NO[]

19. State the quantity of water used each month in gallons (if not known, estimate approximate amount)

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug	Sept.	Oct.	Nov	Dec	Total Annual
2009													
2010													
2011													
2012													
2013													

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

**RENEWAL OF
SMALL DOMESTIC USE REGISTRATION**

**CERTIFICATE NO. R429
APPLICATION D030843R**

The subject appropriation meets the requirements for renewal specified in section 1228.5 of chapter 1, part 2, division 2 of the Water Code, and is hereby renewed for the next incremental five-year period which expires on March 17, 2014, based on the first filing date of the completed registration.

The renewed appropriation is subject to the conditions of the original certificate and any previous amendments.

Approved by:

KATHERINE MROWKA, Chief
Inland Streams Unit

Date of Renewal: September 24, 2009

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER for CERTIFICATE NO. R429

Application D30843R of Donald Stephen Williams and Jo Denise Williams was filed with the State Water Resources Control Board (SWRCB) on March 17, 1999. The SWRCB issued Certificate No. R429 on April 29, 1999.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of Chapter 1 of Part 2 of Division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to March 16, 2009, based on the above stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate and any previous amendments.


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

Dated: MAY 26 2004

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

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 429

Application 30843R of Donald Stephen Williams and Jo Denise Williams

P.O. Box 333, Philo, CA 95466

filed with the State Water Resources Control Board on March 17, 1999 meets the requirements for registration of small domestic use specified in Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code. The appropriation is subject to the following conditions.

1. Source:	Tributary to:
<u>Unnamed Stream</u>	<u>Mill Creek thence</u>
_____	<u>Navarro River</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. Location of Point of Diversion: By California Coordinate System, Zone 2	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 541,500 feet and East 1,578,100 feet	NE¼ of SW¼	23	15N	15W	MD

County of Mendocino

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	NE¼ of SW¼	23	15N	15W	MD	

The place of use is shown on a map on file with the State Water Resources Control Board.

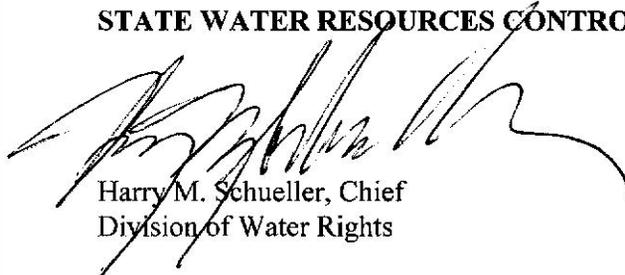
- The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 4.28 acre-feet per annum to be collected from December 1 of each year to March 30 of the succeeding year. The capacity of the reservoir shall not exceed 4.28 acre-feet which is the stated capacity shown in the registration.

The total amount of water to be taken from the source shall not exceed 4.28 acre-feet per water year of October 1 to September 30.

- Appropriation of water pursuant to this registration shall be made in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
- The appropriation registered herein shall be limited to the use of water in houses, resorts, motels, organization camps, campgrounds, and other similar facilities, including the incidental watering of domestic stock for family sustenance or enjoyment, the irrigation of not to exceed one-half acre of lawn, ornamental shrubbery, or gardens at any single establishment, and the human consumption, cooking, and sanitary needs at campgrounds or resorts.
- Any storage of water registered herein may include impoundment for incidental aesthetic, recreational, or fish and wildlife purposes.
- This appropriation is limited to the season of diversion specified in condition 5 herein. If such specified season is less than the actual season of need, an alternative supply of water, or other valid right, shall be utilized for all uses outside of the season registered herein.
- Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this registration, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control 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.

11. This appropriation is subject to prior rights. Registrant may be required to curtail diversion or release water stored during the most recent collection season should diversion under this registration result in injury to holders of legal downstream senior rights. If a reservoir is involved, registrant may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, registrant may be required to otherwise compensate the holders of such rights for injury caused.
12. Registrant shall allow representatives of the State Water Resources Control Board, and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms and conditions of this registration.
13. If the registrant does not own the point of diversion, this registration shall not be construed as conferring upon the registrant right of access to the point of diversion.
14. To the extent that water available for use under this registration is return flow, imported water, or wastewater, this registration shall not be construed, as giving any assurance that such supply will continue.
15. Diversion works shall be constructed and water applied to beneficial use with due diligence.
16. In accordance with Sections 1600 through 1607 and 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until registrant has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the registrant.
17. In compliance with Section 5937 of the Fish and Game Code, if storage or diversion of water under this registration is by means of a dam, registrant shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.
18. The facilities for diversion under this registration shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Game.
19. No construction shall be commenced and no water shall be diverted under this registration until all necessary federal, state, and local approvals have been obtained, including obtaining and complying with any waste discharge requirements from the appropriate California Regional Water Quality Control Board.

20. This registration does not authorize any act which results in the taking of a 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 and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the registrant shall obtain an incidental take permit prior to construction or operation. Registrant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this registration.
21. This registration is subject to the submittal of a report of water use and satisfactory renewal of the registration, on forms to be furnished by the State Water Resources Control Board, including payment of the then-current renewal fees prior to the expiration of each five-year period following the date of first filing the completed registration.
22. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Resources Control Board, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user of the water involved.
23. The appropriation registered herein shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
24. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the State Water Resources Control Board if 1) the Board finds that the registrant knowingly made any false statement, or knowingly concealed any material fact, in the registration; 2) the registration is not renewed as required by the conditions of this certificate; or 3) the Board finds that the registrant is in violation of the conditions of this registration.
25. In the event that water is to be collected to storage under this registration, the Registrant shall install and maintain an outlet pipe of adequate size and capacity through the dam, as near as practicable to the bottom of the natural stream channel so that water that is not authorized for collection to storage can be bypassed through the dam. In the event that the dam is already constructed, registrant shall provide other means satisfactory to the Chief of the Division of Water Rights for bypassing water. Before storing water in the reservoir, registrant shall provide evidence that substantiates that the outlet pipe or other means of bypassing water has been installed. Evidence shall include photographs showing the completed works or a certification by a registered engineer. The facilities shall be maintained and operated to ensure compliance with the terms of this registration.

Dated: **APR 29 1999****STATE WATER RESOURCES CONTROL BOARD**

Harry M. Schueller, Chief
Division of Water Rights