California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
619 Second Street
Eureka, California 95501
www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

KW/DTT

S001119

May 24, 2010

2010 MAY 27 AM 11:05

Mr. Darren Tran
Water Resources Control Engineer
State Water Resources Control Board
Division of Water Rights
Permitting Section
1001 I Street
Sacramento CA, 95814

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for a Master Agreement for Timber Operations (MATO) and a Road Management Waste Discharge Requirement (RMWDR) for Green Diamond Resource Company (Green Diamond); State Clearinghouse # 2010042020

Dear Mr. Tran:

The Department of Fish and Game (Department) has received your May 6, 2010, letter with comments on the subject IS/MND. We appreciate the time and effort you took to review the document and provide written comments.

In your letter, the Division of Water Rights (Division) staff noted the IS/MND indicates the MATO includes water diversion activities although the IS/MND did not describe on what bases would Green Diamond divert water or whether a water right would be required.

Based on the Department's discussion with Green Diamond, its uses of water as described in the IS/MND would be pursuant to valid "riparian rights". Green Diamond stated it is the successor in interest to Simpson Timber Company, which filed statements of use for riparian water diversions exercised on what are now Green Diamond timberlands. Green Diamond also stated it updates and supplements these statements consistent with its beneficial use of water and as required by law.

By copy of this letter with yours attached, the Department is forwarding to Green Diamond the information you provided of Green Diamond's obligation to file water right applications with the Division in the event they wish to appropriate water, their obligation to file a Statement of Water Diversion and Use (Statement), and information on where they can find additional information on water right permits and Statements.

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.waterboards.ca.gov/waterrights

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

MEMORANDUM

TO: California Department of Fish and Game
c/o William Condon
Northern Region
619 Second Street
Eureka, CA 95501

FROM: Darren Tran
Water Resources Control Engineer
Permitting Section
DIVISION OF WATER RIGHTS

DATE: MAY 0 6 2010

SUBJECT: COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR MASTER AGREEMENT FOR TIMBER OPERATIONS AND ROAD MANAGEMENT WASTE DISCHARGE REQUIREMENTS FOR GREEN DIAMOND RESOURCE COMPANY'S NORTHERN CALIFORNIA TIMBERLANDS, STATE CLEARINGHOUSE # 2010042020

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for Master Agreement for Timber Operations and Road Management Waste Discharge Requirements for Green Diamond Resource Company's Northern California Timberlands (Project). Division staff offers the following comments.

Appendix A of the IS/MND indicates that the Master Agreement for Timber Operations includes a framework for water diverted from streams into pump trucks for the purposes of dust abatement, road maintenance, upgrading, decommissioning and construction or reconstruction, prescribed fuel reduction burning, and herbicide mixing. The IS/MND did not provide sufficient information describing the water drafting and use to identify whether a water right is required for all or a portion of the water diversion associated with the project.

If the project requires a water right permit, the project proponent must file a water right application to appropriate water with the Division, and obtain an approval for the project, before any construction of diversion facilities is commenced or diversion of water is made. In addition, the Division may be a Responsible Agency and must review and consider the final environmental document to support our permitting process. Additional information on water right permits and the permitting process are located on the Division's website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

2/15 9K9
S-1119

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S001119
OWNER OF RECORD: SIMPSON TIMBER COMPANY

SIMPSON TIMBER COMPANY
PO BOX ~~1169~~ 68
~~ARCATA~~, CA ~~95521-1169~~
KORBEL 95550

STATE WATER RESOURCES CONTROL BOARD
1995 APR -7 AM 3:45
DIV. OF WATER RIGHTS
SACRAMENTO

SOURCE: UNST
TRIBUTARY TO: TERWER CREEK
COUNTY: DEL NORTE
DIVERSION WITHIN: SW¼ OF SW¼ SECTION 8, T13N, R2E, MDB&H.

TELEPHONE NUMBER: (707) ~~822-0371~~ 668-4400
YEAR OF FIRST USE: 1966
PARCEL NO: 141-030-10

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim X; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ❑ Gallons ❑ Acre-feet ❑ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC	TOTAL ANNUAL
1992					X	X	X	X	X	X			
1993					X	X	X	X	X	X			
1994					X	X	X	X	X	X			

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic _____
Other (specify) Fire Suppression, Road Maintenance

*** CONTINUE ON BACK PAGE ***

***** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS *****

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

Domestic Use curtailed

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

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

DATED: 4/4, 19 95, at Korbel, California

SIGNATURE: T. W Schuette

PRINTED NAME: T. (FIRST NAME) W. (M. NAME) Schuette (LAST NAME)

COMPANY NAME: Simpson Timber Company

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE INFORMATION SHEET

STATEMENT NO. S001119

DIVERSION SITE:

OWNER'S NAME SIMPSON TIMBER COMPANY
~~(FIRST)~~ ~~(MIDDLE)~~ ~~(LAST)~~

PARCEL NO. 141-030-10

PLACE OF USE:

OWNER'S NAME SAME
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. _____
2. PARCEL NO. SAME
3. PARCEL NO. AREA

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL STATEMENTS:

OWNER/LESSEE/AGENT/OTHER SIMPSON TIMBER COMPANY

NAME T. W. SCHUETTE
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS P.O. Box 68
KORBEL CA 95550
(CITY) (STATE) (ZIP)

TELEPHONE NO. (707) 668 - 4424

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____
(CITY) (STATE) (ZIP)

TELEPHONE NO. (_____) _____ - _____

2. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____
(CITY) (STATE) (ZIP)

TELEPHONE NO. (_____) _____ - _____

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL INFORMATION BOX.

(1/95)

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD: STATEMENT NO: 00111

SIMPSON TIMBER COMPANY
PO BOX 1159
ARCATA CA 95521-1159

TELEPHONE NUMBER:
(707) 822-0371

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: TERWER CREEK

COUNTY: DEL NORTE YEAR OF FIRST USE: 1966

DIVERSION and NW¼ of SW¼, Section 07
WITHIN: SW1/4 OF SW1/4 SECTION 08, T13N, R02E, H B&M.

STATE WATER RESOURCES CONTROL BOARD
1994 MAR 23 PM 4:11
DIV. OF WATER RIGHTS
SACRAMENTO

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim X; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ❑ Gallons ❑ Acre-feet ❑ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991					X	X	X	X	X	X			
1992					X	X	X	X	X	X			
1993					X	X	X	X	X	X			

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic _____
Other (specify) Fire suppression, road maintenance

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

Domestic use curtailed

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503
(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

PM 4:06

DIVERTER OF RECORD:

STATEMENT NO: 001119

SIMPSON TIMBER COMPANY
~~XXXXXXXXXXXXXX~~ P. O. Box 1169
ARCATA, CA 95521

TELEPHONE NUMBER:
(707) 822-0371

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: TERWER CREEK

COUNTY: DEL NORTE

DIVERSION and NW¼SW¼ Section 07
WITHIN: SW1/4 OF SW1/4 SECTION 08, T13N, R02E, H B&M.

INSTRUCTIONS: Please complete Items A. B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	X	X	X	X	X	X	X	X	X	X	X	X	
1989	X	X	X	X	X	X	X	X	X	X	X	X	
1990	X	X	X	X	X	X	X	X	X	X	X	X	

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic 4 persons

Other (specify) Fire suppression, road maintenance

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

STATEMENT OF WATER DIVERSION AND USE

S1119

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water: Simpson Timber Company

Address: P. O. Drawer "V", Arcata, California 95521

B. Name of body of water at point of diversion: Unclassified stream

Tributary to: Terwer Creek Tributary to Klamath River thence Pacific Ocean

C. Place of diversion: SW ¼ SW ¼ Section 8, Township 13N, Range 2E, H.M. B&M, Del Norte County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works: Water Tank

E. Capacity of diversion works: 80 gpm ~~cubic feet per second~~ gallons per minute

Capacity of storage reservoir: 8,000 gallons ~~acre-feet~~ gallons

State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
					X	X	X	X	X	X			

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc. 300 miles of road watered per year

Maximum annual water use in recent years: 245,000 gallons ~~acre-feet~~

Minimum annual water use in recent years: 245,000 gallons ~~acre-feet~~

Type of diversion facility: gravity XX, pump

Method of measurement: weir, flume, electric power meter, water meter, estimate XX

F. Purpose of use (what water is being used for): Fire protection and suppression use and road maintenance

G. General description or location of place of use (use sketch of section reverse side if you desire): See section grid.

H. Year of first use as nearly as known: 1966

I. Name of person filing statement: H. K. Trobitz

Position: Manager, California Timberlands Division

Organization: Simpson Timber Company

Address: P. O. Drawer "V", Arcata, California 95521

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed: 6/13/67

Signature: Henry K. Trobitz

See Instructions on Reverse Side