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State Water Resources Control Board



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Division of Water Rights

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Division of Water Rights: <http://www.waterrights.ca.gov>

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31352

DATE FILED: September 4, 2002

Notice is hereby given that RMC Pacific Materials Inc. has filed an application for a water right permit for diversion of water from (1) San Vicente Creek, (2) Mill Creek tributary to San Vicente Creek, and (3) Unnamed Stream, all tributary to Pacific Ocean in Santa Cruz County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

RMC Pacific Materials Inc.
c/o Harry Reppert
P.O. Box 5252
Pleasanton, CA 94566

DESCRIPTION OF THE PROJECT

The applicant seeks a right to collect water to storage behind an existing dam for industrial, fish and wildlife, and fire and protection. No new construction is contemplated, some repair to existing structures may be required. The applicant has an existing 59-foot-high dam forming a 10 acre-foot (af) capacity on-stream reservoir with a surface area of 1.7 acres. The maximum amount of water to be diverted during any one year shall not exceed 10 af. Water collected to storage is used for the purposes listed under "Application Information". The applicant is claiming pre-1914 rights for direct diversion.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 af per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.

APPLICATION INFORMATION

The applicant proposes to divert water from (1) San Vicente Creek, (2) Mill Creek tributary to San Vicente Creek, and (3) Unnamed Stream, all tributary to Pacific Ocean.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."

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The Points of Diversion are located within the

1. SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 15, T10S, R3W, MDB&M
2. SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 23, T10S, R3W, MDB&M
3. NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 33, T10S, R3W, MDB&M.

The diversion and place of use are located within the County of Santa Cruz.

Amount of water applied for: 10 af per year (Storage).

Water will be used for: Industrial, fish and wildlife enhancement, and fire protection.

The applicant has requested to divert water from: January 1 to December 31.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	10S	3W	MD		

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Patricia L. Miner
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 3:00 p.m.** on the **40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by

FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Patricia L. Miner by phone at (916) 341-5314 or by electronic mail at pminer@waterrights.swrcb.ca.gov. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

DATE OF NOTICE: 1-31-03