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TYPE OR PRINT
IN BLACK INK
(For instructions, see booklet: "How to File an Application to Appropriate Water in California")

California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
www.waterboards.ca.gov/waterrights

2015 JAN -5 PM 1:19

APPLICATION NO. A032324

APPLICATION TO APPROPRIATE WATER

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	Grist Creek Aggregates LLC	Robert M. Sawyer
		Remy, Moose, Manley
Mailing Address	P.O. Box 575	555 Capitol Mall, Suite 800
City, State & Zip	Covelo, CA 95428	Sacramento, CA 95814
Telephone	707-983-8135	916-443-2745
Fax	707-983-8147	916-443-9017
E-mail	wylatti@willitsonline.com	rsawyer@rmmenvirolaw.com

2. OWNERSHIP INFORMATION (Please check type of ownership.)

☐ Sole Owner ☒ Limited Liability Company (LLC) ☐ General Partnership*
☐ Limited Partnership* ☐ Business Trust ☐ Husband/Wife Co-Ownership
☐ Corporation ☐ Joint Venture ☐ Other _____

*Please identify the names, addresses and phone numbers of all partners.

3. PROJECT DESCRIPTION

(Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

The applicant has for a period of time exercised its riparian right to divert water from Outlet Creek, Mendocino County, as it flows through Applicant's property (Mendocino County Assessor's Parcel No. 036-190-26) for reasonable and beneficial use in the washing of aggregate products and related commercial activities. Diversion of water pursuant to such riparian right is accomplished by the use of an offset well located in a single water diversion infiltration gallery with associated bank stabilization operated in compliance with, and pursuant to, California Department of Fish and Wildlife Lake or Streambed Alteration Agreement No. 1600-2011-0138-R1 ("The Sec. 1602 Permit").

The Project will consist of from time to time storing water so diverted for periods in excess of thirty (30) days, in order to enable the Applicant to conduct its operations using stored water, rather than currently-diverted water, for certain periods during which pursuant to the Sec. 1602 Permit the Applicant is unable to divert water from Outlet Creek.

Storage under the Project will use two existing ponds and three existing steel tanks, all of which are located on the Applicant's property.

The maximum volume of water that will be stored on the Applicant's property at any given time will be 2.3 acre ft (750,00 gallons).

☐ *For continuation, see Attachment No.* ____

KEG
Chk# 1187 - $850.00
1188 - $1,000.00
1-5-15
PB

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)
~~Storage~~ Industrial					2.3	May 1	Nov 30
Dust Control							
Fire Protection							
	Total afa			Total afa	2.3		

☐ *See Attachment No.* ___ * If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be _____ acre-feet. N/A - Diversion is by Riparian Right

c. Reservoir storage is: ☐ onstream ☒ offstream ☐ underground (If underground storage, attach Underground Storage Form.)

d. County in which diversion is located: Mendocino County in which water will be used: Mendocino

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

☒ POD / ☐ PORD # Outlet Creek tributary to Mainstem Eel River thence Pacific Ocean

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

If needed, attach additional pages, check box below and label attachment

☐ *See Attachment No.* ___

b. State Planar and Public Land Survey Coordinate Description:

POD ID 63764

POD/ PORD #	CALIFORNIA COORDINATES (NAD 83)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWN-SHIP	RANGE	BASE AND MERIDIAN
POD	N 2,335,~~662.06~~ 660 E 6,617,255,~~46~~	2	SW ¼ of SE ¼	22	20 North	14 West	M.D.
	167		¼ of ¼				
			¼ of ¼				
			¼ of ¼				

If needed, attach additional pages, check box below and label attachment

☐ *See Attachment No.* ___

c. Name of the post office most often used by those living near the proposed point(s) of diversion: Willits

6. WATER AVAILABILITY

a. Have you attached a water availability analysis for this project? ☒ YES ☐ NO
If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.

☒ *See Attachment No.* 2

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?
☐ YES ☒ NO

c. In an average year, does the stream dry up at any point downstream of your project? ☐ YES ☒ NO
If YES, during which months? ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment
N/A
☒ *See Attachment No.* 1, Part 6.d.

7. PLACE OF USE

a.

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
SE ¼ of SE ¼	22	20 N	14 W	MD		☐ YES ☐ NO
SW ¼ of SE ¼	22	20 N	14 W	MD		☐ YES ☐ NO
NE ¼ of SE ¼	22	20 N	14 W	MD		☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
				Total Acres:		

*Please indicate if section is projected with a "(P)" following the section number.

☐ *See Attachment No.* ___ Please provide the Assessor's Parcel Number(s) for the place of use:
APN # 036-190-26

8. PROJECT SCHEDULE

Project is: ☐ proposed, ☒ partially complete or ☐ complete (Year completed - _____).

Extent of completion: The two ponds and three steel tanks are already in place and in use for current use of water diverted by the Applicant under its riparian rights

Estimated amount of time in years it will take for construction to be completed: N/A

Estimated amount of time in years it will take for water to be put to full beneficial use: N/A - all water is currently put to full beneficial use by the Applicant pursuant to its riparian rights and the Sec. 1602 Permit; upon completion of the Project, full beneficial use will continue.

9. JUSTIFICATION OF AMOUNTS REQUESTED

a. ☐ IRRIGATION: Maximum area to be irrigated in any one year: _____ acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

☐ *See Attachment No.* ___

b. ☐ DOMESTIC: Number of residences to be served: _____ Separately owned?
☐ YES ☐ NO Number of people to be served: _____ Estimated daily use per person is:
_____ gallons per day Area of domestic lawns and gardens: _____ square feet
Incidental domestic uses:

_____
(dust control area, number and kind of domestic animals, etc.)

a. ☐ STOCKWATERING: Kind of stock: _____ Maximum number: _____
Describe type of operation:_____
(feedlot, dairy, range, etc.)

d. ☐ RECREATIONAL: Type of recreation: ☐ Fishing ☐ Swimming ☐ Boating ☐ Other _____

e. ☐ MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

☐ *See Attachment No.* ___

Month of maximum use during year: _____
Month of minimum use during year: _____

f. ☐ HEAT CONTROL: Area to be heat controlled: _____ net acres
Type of crops protected: _____
Rate at which water is applied to use: _____ gpm per acre
Heat protection season will begin _____ and end _____.
(month and day) (month and day)

g. ☐ FROST PROTECTION: Area to be frost protected: _____ net acres
Type of crops protected:_____
Rate at which water is applied to use: _____ gpm per acre
The frost protection season will begin _____ and end _____.
(month & day) (month & day)

h. ☒ INDUSTRIAL: Type of industry: Aggregate processing

Basis for determination of amount of water needed: See Attachment 2

i. ☐ MINING: Name of the claim: _____ ☐ Patented ☐ Unpatented
Nature of the mine: _____ Mineral(s) to be mined: _____
Type of milling or processing: _____
After use, the water will be discharged into _____ (watercourse)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M.

j. ☐ POWER: Total head to be utilized: _____ feet
Maximum flow through the penstock: _____ cfs Maximum theoretical horsepower capable of being generated by the works (cfs x fall ÷ 8.8): _____
Electrical capacity (hp x 0.746 x efficiency): _____ kilowatts at: _____% efficiency
After use, the water will be discharged into _____ (watercourse)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B&M. FERC No.:_____

k. ☐ FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced: _____

l. ☐ OTHER: Describe use: _____
Basis for determination of amount of water needed: _____

10. DIVERSION AND DISTRIBUTION METHOD

a. Diversion will be by gravity by means of: _____
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: Offset Well
(sump, offset well, channel, reservoir, etc)
Pump discharge rate: 28,800 ☐ cfs or ☒ gpd Horsepower: 5 H.P.
Pump Efficiency: _____

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
Pipe	PVC - Buried	2"	650'	20	+	20 GPM

☐ *See Attachment No.* ___

d. Storage reservoirs: (For underground storage, complete and attach underground storage form)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
Wash Pond					0.3033	1.42	8
Recycle Pond					0.1062	0.79	8
Tanks (3)					N/A	0.092	varies

☐ *See Attachment No.* ___

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter in inches	Length in feet	Fall: Vertical distance between entrance and exit of outlet pipe in feet	Head: Vertical distance from spillway to entrance of outlet pipe in feet	Dead Storage: Storage below entrance of outlet pipe in acre-feet

☐ *See Attachment No.* ___

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be 0.045 cfs. Diversion to offstream storage will be made by:
☒ Pumping ☐ Gravity

11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.
Water from wash pond at aggregate processing plant is directed through a recycle pond where turbidity is settled out so that the water can be reused in the wash process.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ☐ Weir ☐ Meter ☐ Periodic sampling ☐ Other (describe)
In accordance with the terms and conditions of the Sec. 1602 Permit, the Applicant's pump is constructed, installed and calibrated to limit pumping capacity to not more that 20 gpm

12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?
☒ YES ☐ NO
If NO, I ☐ do ☐ do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:

☐ *See Attachment No.* ___

13. EXISTING WATER RIGHTS AND RELATED FILINGS

a. Do you claim an existing right for the use of all or part of the water sought by this application?
☒ YES ☐ NO
If YES, please specify: ☒ Riparian ☐ Pre-1914 ☐ Registration ☐ Permit ☐ License
☐ Percolating groundwater ☐ Adjudicated ☐ Other (specify) ___

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.
Riparian - Outlet Creek - 1972 - Industrial - Year around - SW 1/4 SE 1/4 of Section 22; Township 20 North; Range 14 West - Mount Diablo

☐ *See Attachment No.* ___

c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.

_____

_____

☐ *See Attachment No.* ___

14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ☐ Yes ☒ No If yes, please explain:_____

_____

15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at http://topomaps.usgs.gov. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage. See the instruction booklet for more information.

☒ *See Attachment No.* 3

ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

16. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: John Speka Date of contact: 3-20-2014

Department: Mendocino County Planning & Building Telephone: (707) 463-4281

County Zoning Designation:

I 2 - Heavy Industrial

Are any county permits required for your project? ☐ YES ☒ NO If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning

☐ General plan change ☐ Other (explain):

_____

_____

b. Have you obtained any of the required permits described above? ☐ YES ☐ NO

If YES, provide a complete copy of each permit obtained.

☐ *See Attachment No.* ___

17. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:
☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ U.S. Bureau of Land Management ☐ U.S. Corps of Engineers ☐ U.S. Natural Res. Conservation Service ☒ Calif. Dept. of Fish and Game ☐ State Lands Commission ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams) ☐ Calif. Coastal Commission ☐ State Reclamation Board ☐ Other (specify)

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
CA Fish/Wildlife	1602	Rick Macedo	Sept. 2011	(707) 445-6664

☒ *See Attachment No.* 2B

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☐ YES ☒ NO
If YES, explain:

☐ *See Attachment No.* ___

b. Have you contacted the California Department of Fish and Game concerning your project?
☒ YES ☐ NO If YES, name, telephone number and date of contact:
See Attachment 2B

18. ENVIRONMENTAL DOCUMENT

a. Has any California public agency prepared an environmental document for your project?
☐ YES ☒ NO

b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

c. If NO, check the appropriate box and explain below, if necessary:
☐ The applicant is a California public agency and will be preparing the environmental document.*
☒ I expect that the State Water Board will be preparing the environmental document.**
☐ I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency: _____
☒ *See Attachment No.* 1, Part 18.c.

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.

19. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ☒ YES ☐ NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

☒ *See Attachment No.* 1

b. Will a waste discharge permit be required for your project? ☒ YES ☐ NO
Person contacted: Paul Keiran Date of contact: January 2013

c. What method of treatment and disposal will be used? WDID # 123I024061
Sediment will be settled out of water and water recycled; Berms around ponds prevent overtopping by flood from Outlet Creek.

☒ *See Attachment No.* 1, Part 19.c.

20. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? ☐ YES ☒ NO
b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO
c. Do you know of any archeological or historic sites located within the general project area?
☐ YES ☒ NO If YES, explain:
All work for storage facilities is substantially complete. No excavation will occur.

☒ *See Attachment No.* 1, Part 20.a.

21. ENVIRONMENTAL SETTING

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

☒ Along the stream channel immediately downstream from the proposed point(s) of diversion.
☒ Along the stream channel immediately upstream from the proposed point(s) of diversion.
☒ At the place(s) where the water is to be used.
☒ *See Attachment No.* 1

SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an $850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application. Grist Creek Aggregates, LLC

Signature of Applicant	Brian K. Hurt, Managing Member Title or Relationship	12-31-14 Date
Signature of Co-Applicant (if any)	Title or Relationship	Date

Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.

"APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- ☐ **Answer each question completely.**
- ☐ **Number, label and include all necessary attachments.**
- ☐ **Include a legible map that meets the requirements discussed in the instruction booklet.**
- ☐ **Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation.**
- ☐ **Include two complete sets of color photographs of the project site.**
- ☐ **Enclose a check for the required fee, payable to the Division of Water Rights.**
- ☐ **Enclose an $850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game.**
- ☐ **Sign and date the application.**

Send the original and one copy of the entire application to:

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