



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 31057

PERMIT #####

Right Holder: Ronald W. McGehee
537 Parducci Road
Ukiah, CA 95482

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **April 7, 2000**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that the State Water Board and/or the Applicant have met the following requirements for permit issuance: (a) demonstrated the availability of unappropriated water; (b) resolved protests in compliance with Water Code section 1330 et seq. and included appropriate permit conditions; (c) demonstrated that the water will be diverted and used without injury to any lawful user of water; (d) demonstrated that the intended use is beneficial; (e) demonstrated that the requirements of the California Environmental Quality Act (CEQA) have been met or that the project is exempt from CEQA; and (f) demonstrated that the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams have been met.

The State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

Right holder is hereby granted a right to divert and use water as follows. No water shall be diverted or used under this water right unless right holder is in compliance with the terms and conditions herein:

1. Source of water: **Hensley Creek**
tributary to: **Russian River**
within the County of **Mendocino**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Offset Well North 2,204,811 feet and East 6,211,372 feet	SE ¼ of SW ¼	30*	16N	12W	MD

Location of place of storage

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Reservoir North 2,205,380 feet and East 6,211,041 feet	NE ¼ of SW ¼	30*	16N	12W	MD

3. Purposes of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
Irrigation Frost Protection	SE ¼ of SW ¼	30*	16N	12W	MD	5.3
	SW ¼ of SE ¼	30*	16N	12W	MD	5.0
	NE ¼ of NW ¼	31*	16N	12W	MD	0.2
	NW ¼ of NE ¼	31*	16N	12W	MD	9.5
	NE ¼ of NE ¼	31*	16N	12W	MD	2.0
	SW ¼ of NE ¼	31*	16N	12W	MD	0.1
	SE ¼ of NE ¼	31*	16N	12W	MD	5.6
	NW ¼ of NW ¼	32*	16N	12W	MD	8.9
	NE ¼ of NW ¼	32*	16N	12W	MD	0.4
Total						37

The place of use is shown on map dated January 22, 2018, on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not **exceed 45 acre-feet per year** by storage to be collected from December 15 of each year to March 31 of the succeeding year. (000005C)
6. No water shall be collected to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)
7. The maximum rate of diversion to offstream storage shall not exceed **2 cubic feet per second**. (000005J)
8. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2033. (000009)
9. The State Water Board reserves jurisdiction to impose conditions to conform this water right to State Water Board policy on use of water for frost protection. Action by the State Water Board will be taken only after notice to interested parties and opportunity for hearing. (000020)

10. Based on the information in the Division of Water Right's files, water has not been used under a claimed existing right on the place of use. If right holder exercises a claimed existing right on the place of use authorized by this right without prior approval from the State Water Board, right holder shall forfeit this water right.
(0000021C)
11. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.
(0090031)
12. Right holder shall comply with the measuring and monitoring requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is a conflict or inconsistency between the requirements. Right holder shall comply with the measuring and monitoring requirements of chapter 2.8, title 23, California Code of Regulations. Right holder shall comply with the measuring and monitoring requirements of the State Water Board's Policy for Maintaining Instream Flows in Northern California Coastal Streams as adopted October 22, 2013, including but not limited to monitoring of diversions at time intervals of one hour or less.
(0060046)
13. No water shall be diverted under this right unless right holder is operating in accordance with a mitigation plan satisfactory to the Deputy Director for Water Rights. The mitigation plan shall address eradication of non-native species. Right holder shall submit a report on mitigation plan activities in accordance with the time schedule contained in the mitigation plan, and whenever requested by the Division of Water Rights. The Deputy Director for Water Rights may require modification of the mitigation plan upon a determination that the plan is ineffective or unsuccessful, or provide relief from this term upon a determination that the mitigation plan is no longer required.
(0400053)
14. No water shall be diverted under this right unless the flow in Hensley Creek is at or above 30 cubic feet per second, as determined at Point of Diversion 1.
(0140060)
15. No water shall be diverted under this water right unless right holder is bypassing the flow required by this water right by use of a passive bypass device.

Right holder shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every year after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights. Evidence required by this condition shall include current photographs of the system in place and a statement, signed by the right holder, certifying that the system is still operating as designed.

(0050062C)

16. The State Water Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the State Water Board concerning availability of water and the protection of beneficial uses of water in the Russian River. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing.
(0000080)
17. This permit is subject to prior rights. Right holder is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Russian River Watershed are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the State Water Board, made after notice to interested parties and opportunity for hearing.
(0000090A)
18. No water shall be diverted or used under this right for commercial and applicable personal medical use cannabis cultivation unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation, which is available online at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf
(0000120)
19. No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.
(0000208)
20. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the right holder to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.
(0000215)
21. If human remains are encountered, then the right holder shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director for Water Rights.
(0380500)

22. Prior to the start of construction, right holder shall submit a detailed Emission Control and Mitigation Plan to the Deputy Director for Water Rights for approval. Right holder shall also submit a copy of the plan to the Mendocino County Air Quality Management District. The Emission Control and Mitigation Plan shall be consistent with the Bay Area Air Quality Management District's California Environmental Quality Act Air Quality Guidelines and Mendocino County Air Quality Management District's Interim CEQA Criteria and GHG Pollutant Thresholds, Revised December 2013, and include a monitoring and reporting component to ensure that mitigation measures identified in the Emission Control and Mitigation Plan are implemented. Right holder shall provide evidence to verify implementation of measures identified in the Emission Control and Mitigation Plan within 30 days of completion of construction work to the Deputy Director for Water Rights. Right holder shall also provide a copy of the evidence to Mendocino County Air Quality Management District upon request. Evidence may consist of, but is not limited to, photographs and construction records. (0390501)
23. Prior to the onset of construction activities, a qualified botanist and/or biologist shall conduct an appropriately timed bloom survey for white-flowered rein orchid (*Piperia candida*) (blooms March-September). The Toren's grimmia (*Grimmia torenii*) is a moss and therefore does not have defined flowers or a bloom season and can be surveyed for at all times of the year. If either of these species is observed during the pre-construction survey, the Division of Water Rights and the California Department of Fish and Wildlife shall be contacted; any and all construction activities will be delayed until an appropriate course of action is established and approved by the California Department of Fish and Wildlife, with a copy to the Deputy Director for Water Rights. If none of these special-status plants are observed during the pre-construction survey, then construction activities may begin. Within seven days of any pre-construction botanical survey, a report of findings from the survey shall be submitted to the California Department of Fish and Wildlife with a copy to the Deputy Director for Water Rights. (0600501)
24. If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (2011) can assess the nature and importance of the find and recommend appropriate treatment. The Deputy Director for Water Rights will also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Deputy Director for Water Rights. (0380502)
25. Prior to the start of construction or diversion or use of water under this right, right holder shall submit an erosion control plan, prepared by a licensed civil engineer, to the Deputy Director for Water Rights. The erosion control plan shall include best management practices for the control of sediment and erosion from the construction site, including but not limited to:
- a. Vegetation removal shall be limited to the minimum amount necessary to accommodate the proposed project. As the permanent vegetation cover (vineyard) is maturing, erosion control measures sufficient to stabilize the soil shall be established on all disturbed areas. Native seed mix hydroseeding is allowed as an erosion control measure if conducted in compliance with the terms and conditions of this water right, or as authorized under another basis of right;
 - b. Temporary erosion control measures, such as silt fences, staked straw bales, and temporary revegetation, shall be installed in disturbed areas;

- c. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months; and
- d. Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.

Before storing water in the reservoir, right holder shall furnish evidence which substantiates that the erosion control plan has been implemented. Evidence includes photographs showing the project area vegetation and slopes.

(0390502)

26. Within 14 days prior to the onset of construction activities, a qualified biologist shall conduct pre-construction surveys for foothill yellow-legged frog (*Rana boylei*) (FYLF), California red-legged frog (*Rana draytonii*) (CRLF), and western pond turtle (*Emys marmorata*) (WPT) within all areas on the property where construction, staging, or other ground disturbance may occur and which fall within 100 feet of any stream, drainage, wetland, reservoir, or pond. If FYLF, CRLF, or WPT are observed during the pre-construction survey, the Division of Water Rights, U.S. Fish and Wildlife Service, and/or California Department of Fish and Wildlife shall be contacted as appropriate; any and all construction activities will be delayed until an appropriate course of action is established and approved by the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service, with a copy to the Deputy Director for Water Rights. If no evidence of FYLF, CRLF, or WPT is observed during the pre-construction survey, then construction activities may begin following worker environmental awareness training. A qualified biologist shall conduct an environmental awareness training for crew members prior to commencement of construction activities. The training shall discuss a description of the species, their biology, habitat requirements, and the procedures to follow should any FYLF, CRLF, or WPT occur within the construction footprint. Right holder shall provide evidence to verify implementation of environmental awareness training within 30 days of commencement of construction activities to the Deputy Director for Water Rights, the California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service. Evidence may consist of, but is not limited to, a signed affidavit by the qualified biologist conducting the training.

If a FYLF, CRLF, and/or WPT is found, the construction crew shall be instructed to halt activities until the individual leaves the construction footprint. The construction crew shall notify the property owner immediately following a FYLF, CRLF, or WPT occurrence. If construction is delayed or halted for more than 30 days, another pre-construction survey for FYLF, CRLF, and WPT shall be conducted. Within seven days of the pre-construction survey, a report of findings from the survey shall be submitted to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, with a copy to the Deputy Director for Water Rights.

(0600502)

27. No vehicles shall use the stream crossings unless right holder is operating in accordance with a stream crossing plan satisfactory to the California Department of Fish and Wildlife. The stream crossing plan shall be developed by a qualified individual in consultation with the California Department of Fish and Wildlife and adhere to the terms of a Lake and Streambed Alteration Agreement. The stream crossing plan shall be designed to minimize introduction of sediment into the stream and impacts to anadromous salmonids, foothill yellow-legged frog, California red-legged frog, western pond turtle and their habitat. Right holder shall provide a copy of the stream crossing plan to the Deputy Director for Water Rights within 30 days of approval by the California Department of Fish and Wildlife.

(0390503)

28. Within 14 days prior to the onset of construction activities, a qualified biologist shall conduct a pre-construction survey for the purpose of identifying all potential bat roosting habitat for special-status bats within 200 feet of earthmoving activities. If active special-status bat roosts are found during the pre-construction survey, the right holder shall notify the Division of Water Rights and the California Department of Fish and Wildlife; any and all construction activities will be delayed until an appropriate course of action is established and approved by the California Department of Fish and Wildlife, with a copy to the Deputy Director for Water Rights. If no active special-status bat roosts are found during the pre-construction survey, the right holder shall notify the Deputy Director for Water Rights of the results of the survey before any construction begins. If construction is delayed or halted for more than 30 days, another preconstruction survey for this species shall be conducted. A report of the findings and actions taken shall be submitted to the Division of Water Rights prior to construction activities.
- During construction, a qualified biological monitor shall be onsite to ensure that no pallid bats are harmed. If pallid bats are observed in the construction area at any time during construction, the onsite biological monitor shall be notified and construction in the vicinity of the sighting shall be halted and the California Department of Fish and Wildlife shall be contacted and an appropriate course of action established.
- (0600503)
29. No water shall be diverted under this right unless right holder is operating in accordance with a riparian revegetation plan satisfactory to the Deputy Director for Water Rights. The plan shall be developed in coordination with California Department of Fish and Wildlife and include species and success criteria for riparian plantings along Hensley Creek within disturbed parts of the setback area identified in Term 0400508. The plan may be limited to revegetation of no more than five acres of land, and shall be designed to avoid significant adverse impacts on environmental resources.
- (0390504)
30. Construction activities within 100 feet of any drainage shall only occur from June 1 through October 15 to minimize the potential for rainfall events to mobilize and transport sediment to aquatic resources.
- (0400505)
31. If construction activities are to occur between February 1 and September 30, a qualified biologist shall conduct a pre-construction survey for the purpose of identifying nesting bird species. The pre-construction survey shall include all potential nesting habitat within 500 feet of proposed construction areas. The survey shall be conducted no more than 14 days prior to the beginning of construction activities proposed to occur between February 1 and September 30. If an active raptor or migratory bird nest is found during the pre-construction survey, the right holder shall notify the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service with a copy to the Deputy Director for Water Rights. If an active raptor nest is found during the pre-construction survey, a 500-foot no-disturbance buffer shall be established and maintained around the nest until all young have fledged. If an active nest of any other migratory or non-migratory bird is found, a 250-foot buffer shall be established around the nest until all young have fledged. The biologist shall delimit and maintain the buffer zone with construction tape or pin flags. A report of the findings and actions taken shall be submitted to the Division of Water Rights prior to construction activities. If construction is delayed or halted for more than 14 days between February 1 and September 30, another pre-construction survey for nesting bird species shall be conducted.
- (0400506)
32. A qualified biologist shall conduct a pre-construction survey for roosting bats within 14 days prior to removal of trees. The qualified biologist shall document the results of the pre-construction survey in a letter to the property owner and all involved regulatory agencies within 30 days following the survey. If no active roosts are identified during the pre-construction survey, then no further mitigation is required.

If any bats are found to occur within cavities of any trees proposed to be removed, then a 25-foot buffer shall be established around the tree until the biologist determines that the bats have vacated the cavity. (0400507)

33. Right holder shall establish setbacks for the protection of riparian corridors along the streams within the project site as shown on Figure 9 of the 2018 McGehee Initial Study/Mitigated Negative Declaration. The setback shall be measured from the Watercourse Transition Line as defined in the 2016 California Forest Practice Rules (Cal. Code Regs., tit. 14 § 895.1.) and shall extend a minimum of 75 feet from Class I streams. Right holder shall also establish setbacks for the protection of riparian corridors along the Class III streams within the project site. The setbacks shall be measured from the Watercourse Transition Line as defined in the 2016 California Forest Practice Rules (Cal. Code Regs., tit. 14 § 895.1.) and shall extend a minimum of 25 feet from Class III streams and 50 feet from all existing and proposed reservoirs. Setbacks from proposed reservoirs shall not apply to initial construction of the reservoir. Prior to ground disturbing activities adjacent to the setback areas, the right holder shall stake the setback and notify the California Department of Fish and Wildlife. Right holder shall not allow cattle or other domestic livestock access to the setback area, with the exception of existing stockwatering activities at Round Mountain Reservoir.

No ground disturbing activities shall occur within the setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas. Equipment access through the setback shall be limited to previously disturbed areas of the setback when possible and is only allowed when other means of access are not available. Equipment access through the setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the setback area are allowed if conducted in compliance with the terms and conditions of this water right, or as authorized under another basis of right. These requirements shall remain in effect as long as water is being diverted under this right.

(0400508)

34. Right holder shall follow the following standard operating procedures when applying pesticides to the vineyard:

- a. Purchase only enough pesticide that would be used per season.
- b. Store all pesticides in their original containers in accordance with manufacturer's recommendations. Do not remove labels on the containers.
- c. Keep pesticides in a well-ventilated locked area.
- d. The best way to dispose of a small amount of pesticide is to use it. If a pesticide must be disposed of, contact the Mendocino County Agricultural Commissioner to locate a hazardous waste facility for proper disposal.
- e. Never pour pesticides down the sink, toilet, or stream.
- f. Utilize proper personal protection equipment when working with pesticides.

Right holder shall provide evidence to verify implementation of best management practices. Evidence shall be submitted with the annual report or whenever requested by the Division of Water Rights, and may consist of, but is not limited to, an affidavit signed by the right holder.

(0400510)

35. Right holder shall follow the following best management practices designed to reduce the potential for incidents involving hazardous materials:
- a. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
 - b. Catch-pans shall be placed under equipment to catch potential spills during servicing.
 - c. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
 - d. Vehicle engines shall be shut down during refueling.
 - e. No smoking, open flames, or welding shall be allowed in refueling or service areas.
 - f. Refueling and all construction work shall be performed outside of any onsite stream buffer zones to prevent contamination of water in the event of a leak or spill.
 - g. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.

In the event that contaminated soil and/or groundwater or other hazardous materials are generated, all work shall be halted in the affected area and the type and extent of the contamination shall be determined. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with federal, state, and local regulations. If containment and size of the spill is beyond the scope of the contractor, proper authorities shall be notified.

Right holder shall provide evidence to verify implementation of best management practices. Evidence shall be submitted with the annual report or whenever requested by the Division of Water Rights, and may consist of, but is not limited to, an affidavit signed by the right holder.

(0400511)

36. Right holder shall follow the following best management practices designed to reduce the potential for fire:
- a. During fire season in designated State Responsibility Areas, motorized equipment shall have federal or state approved spark arrestors; all vehicles equipped with firefighting tools as appropriate and in accordance with all applicable laws, rules, regulations, orders and ordinances.
 - b. Right holder shall be responsible for checking and complying with the daily Project Activity Level (PAL) during fire season (PAL is a measure of fire weather conditions and, at certain levels, restricts activities otherwise permitted).
 - c. Smoking shall not be permitted during fire season, except in a barren area or in an area cleared to mineral soil at least three feet in diameter. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.

(0400512)

37. Right holder shall, for the maintenance of oak woodland, avoid oak tree removal to the extent possible. If avoidance is infeasible, right holder shall plant three oak trees for every one oak tree removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to Mendocino County. New plantings shall be protected by using such measures as jute netting, straw mulching, and fertilizing. Irrigation of planted trees, if necessary, can be made under this water right if within the authorized place of use and diversion is made in compliance with the terms and conditions of this water right, or as authorized under another basis of right. Within 30 days of completion of the final construction plan for the pipeline between Round Mountain Reservoir and the proposed offstream reservoir, the tree species and planting scheme shall be submitted to California Department of Fish and Wildlife for approval prior to planting. Right holder shall submit to the Deputy Director for Water Rights, a copy of the approved planting scheme within 15 days of approval by the California Department of Fish and Wildlife.

One year after completion of the tree planting program, photo documentation showing the trees shall be submitted to the Deputy Director for Water Rights. Right holder shall replace trees as needed to assure a 2/3rds survival rate three years after planting. Right holder shall submit evidence of survival (e.g., before-and-after photos) with annual reports for three years after planting.

(0400509)

38. Right holder acknowledges the prior rights of the Mendocino County Russian River Flood Control and Water Conservation Improvement District under appropriation issued pursuant to Permit 12947B (Application 12919B) and agrees not to interfere with its ability to divert water pursuant to that right.

(000000T)

39. Right holder acknowledges the prior rights of Thomas and Pamela J. Ricetti under appropriation issued pursuant to Permits 18810 and 20516 (Applications 26111 and 29338) and agrees not to interfere with its ability to divert water pursuant to those rights. Right holder shall not be obligated to release water in the reservoir below the previous October 1 staff gage reading unless right holder has withdrawn water from the reservoir for consumptive purposes since October 1.

(000001T)

THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.) (0000016)
- B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) Civil liability may be imposed administratively by the State Water Board pursuant to Wat. Code, § 1055, or may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums. (Wat. Code, § 1846.) (0000017)
- C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board. (0000018)
- D. Once the time to develop beneficial use of water ends under this permit, right holder is not authorized to increase diversions beyond the maximum annual amount diverted or used during the authorized development schedule prior to submitting a time extension petition and obtaining approval of the State Water Board. (0000019)
- E. The amount of water for consideration when issuing a license shall be limited to only the amount of water diverted and applied to beneficial use in compliance with the terms and conditions of this right, as determined by the State Water Board. (Wat. Code, § 1610.) (0000006)
- F. Right holder shall measure the amount of water beneficially used under this right using devices and/or methods satisfactory to the Deputy Director for Water Rights.
- In order to demonstrate compliance with the beneficial use monitoring requirements of this right, right holder shall provide evidence that the devices and/or methods are functioning properly, in a manner satisfactory to the Deputy Director of Water Rights, within thirty days of first use of the device and/or method, with the reports required by chapter 2.7, title 23, California Code of Regulations, and whenever requested by the Division of Water Rights. (0000015)
- G. Right holder shall comply with the reporting requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is conflict or inconsistency between the requirements.

Right holder shall comply with the reporting requirements of chapter 2.7, title 23, California Code of Regulations.

Right holder shall comply with the reporting requirements of the State Water Board's Policy for Maintaining Instream Flows in Northern California Coastal Streams as adopted October 22, 2013.

Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and beneficial use under this right, and documentation of compliance with the terms and conditions of this right.

(0000010)

H. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

(0000070)

I. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(0000011)

J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

(0000022)

K. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

(0000025)

L. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.

(0000212)

- M. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Within 90 days of the issuance of this right or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

(0000203)

- N. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

(000029D)

- O. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the 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 right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 right 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 right holder 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)

- P. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder 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)

- Q. This right does not authorize any act which results in the taking of a candidate, 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 & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

This right is issued and right holder takes it subject to the following provisions of the Water Code:

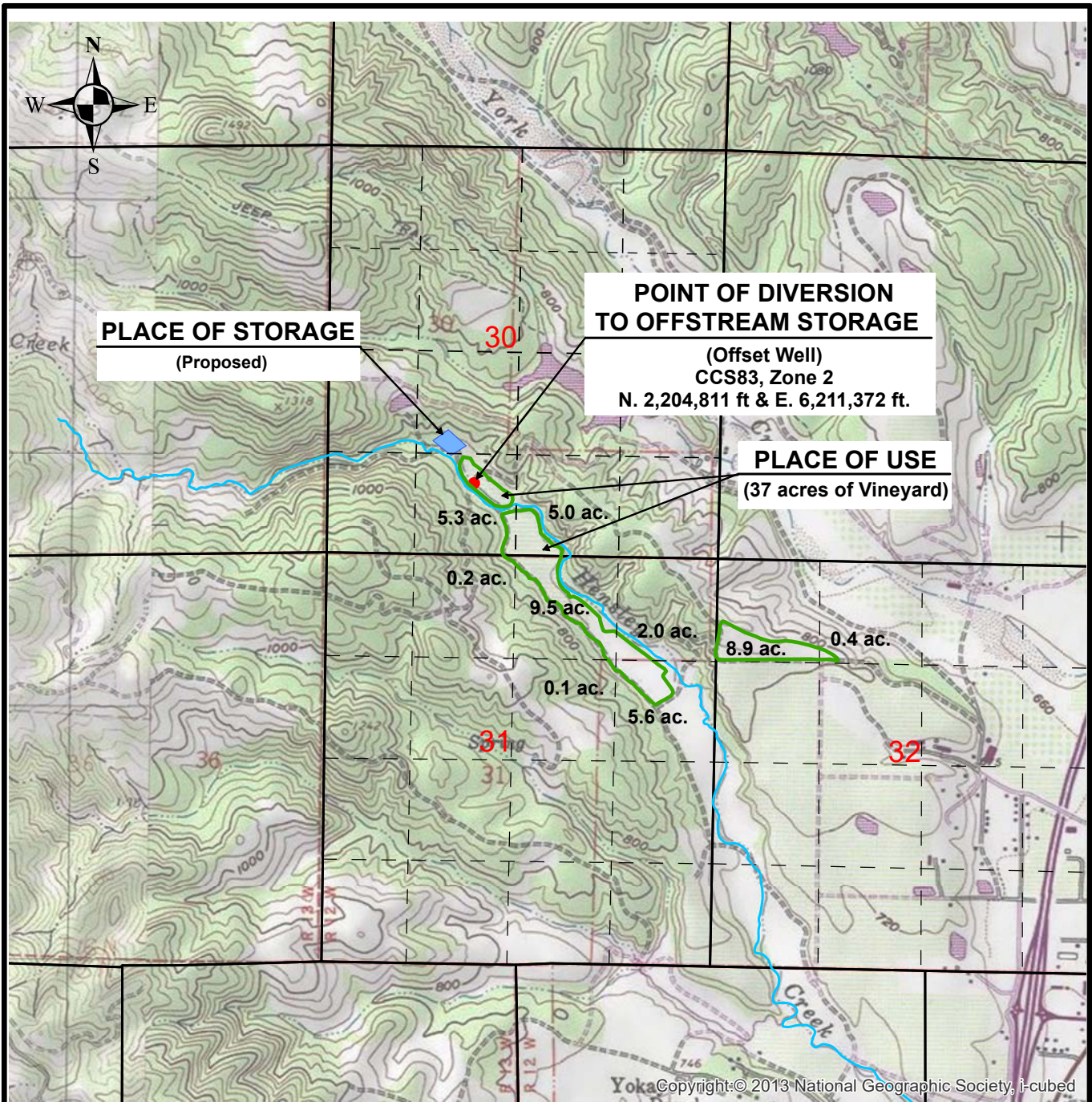
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 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 therefor 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

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated:



OWNER RONALD W MCGEHEE

SOURCE HENSLEY CREEK

POINT OF DIVERSION

WITHIN SE 1/4 OF SW 1/4 OF PROJECTED

SECTION 30, T16N, R12W, MDB&M

COUNTY OF MENDOCINO

U.S.G.S. QUAD: UKIAH

DATE: PH. RE. 1978 SCALE: 1:24,000

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 30157

PERMIT NO. XXXXX

PERMIT

DATE: 8-30-2018

DRAWN: DTT

CHECKED:

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.