

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

INITIAL STUDY

I. Background

PROJECT TITLE: Rodney Carley
Application to Appropriate Water

APPLICATION: 31360

APPLICANT: Rodney Carley
606 Wilson Ave.
Novato, CA 94947

APPLICANT'S CONTACT PERSON: Daniel Gamer
55 Professional Center Parkway, Suite H
San Rafael, CA 94903-2729

Zoning: Agriculture

Introduction

Mr. Rodney Carley (Applicant) filed water right Application 31360 (A031360), for a 19-acre-foot onstream reservoir on July 19, 2002. The project is located on the Jamison Ridge, California, U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle map in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 29, T22N, R12W, MDB&M (Figure 1). The property and site location is on an Unnamed Stream tributary to Turner Creek, thence Mill Creek, thence the Middle Fork Eel River, thence the Eel River, and thence the Pacific Ocean. The reservoir is intended to provide water for irrigation, domestic, and fire protection use. Applicant intends to irrigate two acres for the purpose of enhancing wildlife habitat.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued a small domestic use registration (SDUR) certificate (R603, Application D31221R) for a 10 acre-foot pond on the project site on November 1, 2001. In a Memorandum dated January 7, 2002, the California Department of Fish and Game (DFG) requested that the State Water Board revoke the SDUR, citing the applicant's violations of the conditions of the certificate and failure to follow the procedures required by law. In particular, the pond was constructed before the issuance of a DFG 1603 streambed alteration permit; and the impoundment had the storage capacity of 19 acre-feet (af), which exceeds the estimated 10 acre-feet applied for under the SDUR. As of August 9, 2002, the applicant agreed to store a maximum of 10 acre-feet as per the SDUR, and to diligently pursue A031360 for storage of 19 af. DFG protested A031360 in a letter dated January 17, 2003.

The DFG January 17, 2003 letter itemized protest dismissal terms, which were intended to mitigate adverse impacts to fisheries and wildlife resources. The dismissal terms included a habitat based stream needs assessment (habitat typing of the tributary), a hydrologic study, a