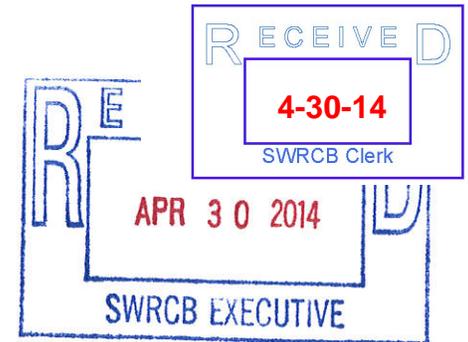


Andrew Nicoll  
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April 26, 2014

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, CA 95482-0100

Subject: Comment Letter 5/20/2014 Board Meeting Millview Revocation Hearing  
Water License 5763

Honorable Board Members;

After reviewing the Draft Order Revoking the above mentioned license, I respectfully request the Board reconsider the revocation due to nonuse and offer the following comments in support of Millview Water District's use and transfer of License 5763. Sections 1241 and 1675 of the Water Code state that a water license may be revoked due to 5 years of nonuse. This allows the Board discretion as the code does not say the license must be revoked. I believe the facts and circumstances related to License 5763 justify the use of the Boards discretion. I am a property owner in the Millview District and have been seriously affected by the 13 year hookup moratorium.

It is evident that the water in question was used through 2001 by the Masonite Corporation in their operations. Any amounts not used were conserved by using recycled water and the conjunctive use of ground water. (Sec 5.3 of Board Report) Evidence shows that after the closing of the plant in 2001, the Mendocino County Water Agency and Millview began efforts and negotiations to transfer and purchase license 5763. Every effort was made to transfer the license to Millview in good faith and in a timely manner.

Millview could not use the water until the license had been transferred and the beneficial use had been changed. This process led to a period of nonuse. Justifiably, Millview was reluctant to spend money to include this well in their system until the transfer and change of beneficial use were complete. Division staff is fully aware of Millview's efforts as they visited the site in 2002 and transferred the license in 2007. Staff was aware that Millview entered into a purchase agreement with Masonite in 2006. The Board began to reconsider the transfer in 2008 and did not hold a hearing until April 2, 2013. It does not seem appropriate that the Water Board can delay the transfer and changes to the license so long that the license can be revoked due to nonuse.

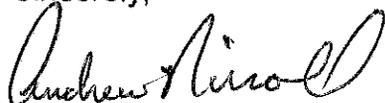
It appears that the Board has relied heavily on testimony from SCWA and the CDFW however this 1954 license predates the 1958 construction of the Coyote Dam. This license should have priority over the SCWA contract allotment and should not be considered as part of their allotment. The CDFW has presented no concrete evidence as to the appropriate flows for anadromous fish in the Russian River. CDFW has offered only speculation as to how use of water under license 5763 may affect fish habitat.

Perhaps most importantly, Millview County Water District has been under a new hookup moratorium for 13 years. There seems little consideration in your analysis given to the extreme hardship this has caused residents and businesses in the Millview Water District and the County of Mendocino. The moratorium has severely hurt efforts to provide additional housing in the District. Mendocino County has been sued (Coplen vs Mendocino County) due to a shortage of affordable housing. This moratorium has severely hindered the efforts of the County to meet the requirements of the Coplen Settlement Agreement and the County fears the Court may impose a county wide building moratorium until more sites for affordable housing have been identified. The Settlement Agreement requires new building sites have District water available. The County anticipates much of the future growth in the Ukiah Valley will take place within Millview District boundaries. Future development of the abandoned Masonite property will likely be served by Millview. These circumstances should be considered and the Water Board should make every effort to work with Millview to find additional sources of water. It is very likely that allowing Millview to use water under License 5763 would lead to a lifting of the moratorium and the satisfactory settlement of the Coplen law suit.

Section 2.0 Procedure, Reason #3 for revoking the license states "The unused water should revert to the public and be regarded as unappropriated water". It seems obvious that the residents, landowners and businesses within the Millview Water District are "the public" and should be permitted access to the water considered in License 5763. These residents, landowners and businesses have been suffering the affects of the moratorium for 13 years. Where in the SCWA district has the public been forced to endure a 13 year moratorium? Millview is not a money grabbing for profit business. Rather, it is a public not for profit water district desperately trying to meet the needs of its users.

Please reconsider the revocation of this license and work with Millview to meet the needs of the public residing in their District. This is an appropriate use of the water and your Board has the discretion to allow such use. Thank you for your serious consideration of a very important issue to those of us in the Millview County Water District.

Sincerely,



Andrew Nicoll  
Concerned Millview Customer