

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

**DIVISION OF WATER RIGHTS**

**ORDER WR 2008-0009-DWR**

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In the Matter of Application 30808

Allan W. Green

**ORDER APPROVING ISSUANCE OF PERMIT**

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SOURCE: Unnamed Stream tributary to Greenwood Creek

COUNTY: Mendocino County

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**WHEREAS:**

1. Application 30808 was filed with the State Water Resources Control Board (State Water Board) on November 9, 1998.
2. The Department of Fish and Game protest to approval of the application was dismissed. The protest dismissal did not result in any permit conditions.
3. The State Water Board has determined that there is unappropriated water available to serve Application 30808. On February 8, 2000, the Division of Water Rights (Division) issued a letter to protestant California Sportfishing Protection Alliance for Application 30451 of Elk County Water District (District) that included a water availability analysis for the Greenwood Creek watershed.

The Greenwood Creek watershed is 25 square miles, with an average annual runoff of 28,000 acre-feet (af). Use by all of the existing diverters is accounted for in the streamgage record. The tributary area for the reservoir is 3 acres. During the Application 30808 diversion season of November 15 each year through March 15 of the succeeding year, diversion of 10 af pursuant to Application 30808 will not result in a measurable reduction in the Greenwood Creek flow.

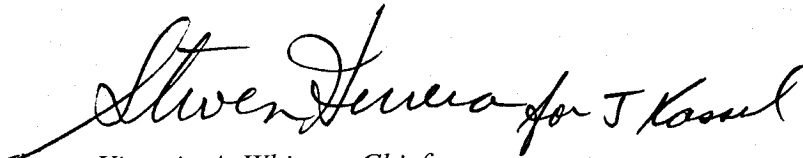
4. The water will be diverted and used without injury to any lawful user of water. The Division's February 8, 2000 letter states that there are very few water development projects and no major reservoirs within the 25 square mile Greenwood Creek watershed. There were no protests on the basis of potential injury to an existing right. The only downstream water user is the District and the District did not file a protest.
5. The water will be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses. The Department of Fish and Game (DFG) protest was initially accepted, but later rejected because DFG did not provide any site-specific information or a statement of facts supporting an allegation of harm to the resources. The project is located at the headwaters of the watershed, with only three acres of tributary area contributing flow to the reservoir.
6. The applicant requests a right to collect 10 af per annum for irrigation of 16 acres of vineyard. This purpose of use is beneficial.

7. Environmental review began on November 9, 1998. Approval of this project will not result in construction or expansion in the facilities or water use beyond that existing on the date environmental review began. Pursuant to the provisions of the California Environmental Quality Act, the State Water Board issued a Notice of Exemption (NOE) based on an Existing Facilities Exemption, pursuant to Title 14, California Code of Regulations, section 15301, Class 1.

- (1) The project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
- (2) There are no environmental protests.
- (3) The Department of Fish and Game did not identify any public trust impacts associated with diversion from the Unnamed Stream.

**NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 30808, subject to the conditions of the attached permit.**

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief  
Division of Water Rights*

**DATED: JAN 11 2008**

Attachment

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

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 21210**

Application 30808 of Alan Green, 5501 Highway 128, Philo, CA 95466-9477, filed on November 9, 1998, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

**Permittee is hereby authorized to divert and use water as follows:**

1. Source of water

Source:

**Unnamed Stream**

Tributary to:

**Greenwood Creek thence Pacific Ocean**

within the County of Mendocino

2. Location of point of diversion

By California Coordinate System of 1985 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>North 2,162,681 feet and East 6,115,074 feet</b>	<b>NE¼ of SW¼</b>	<b>7</b>	<b>14N</b>	<b>15W</b>	<b>MD</b>

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Irrigation</b>	<b>NE¼ of SW¼</b>	<b>7</b>	<b>14N</b>	<b>15W</b>	<b>MD</b>	<b>16</b>

The place of use is shown on map filed with the State Water Board.

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10 acre-feet per annum to be collected from **November 15** of each year to **March 15** of the succeeding year.  
(000005C)
2. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.  
(000005I)
5. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2017.  
(000009)
4. The amount authorized for appropriation may be reduced in the license if investigation warrants.  
(000006)
5. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board (State Water Board) until a license is issued.  
(000010)
6. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.  
(000011)
7. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit 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.

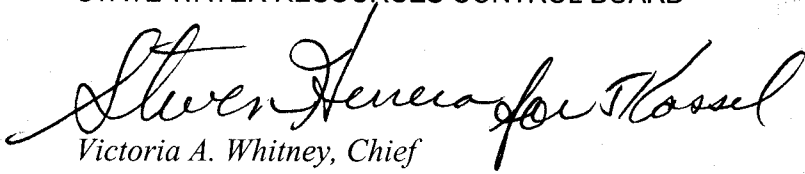
The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to 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.

(000012)



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



*Victoria A. Whitney, Chief  
Division of Water Rights*

Dated: **JAN 11 2008**