



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

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P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)



**Arnold Schwarzenegger**  
Governor

**November 10, 2009**

Wayne and Joyce Waters  
P.O. Box 126  
Willits, CA 95490

Dear Mr. and Mrs. Waters:

### CLOSURE OF COMPLAINT (23-25-01) OF WHITE AGAINST WATERS FOR DIVERSIONS FROM ALDER CREEK IN MENDOCINO COUNTY

Thank you for allowing us on your property, located at 5430 Canyon Road in Willits, CA, in order to collect data pertaining to your water right License 12898. With the information we collected on November 9, 2009, along with observations and evidence collected during our previous inspection on August 30, 2006, Complaint Unit staff has made the following determinations:

1. The five springs you currently use to divert water appear to be the same springs that were identified during a 1989 inspection by Division of Water Rights (Division) staff as the source of water for License 12898.
2. It is necessary to correct License 12898 by replacing US Public Land Survey ties used during the 1989 inspection to identify the point of diversion (POD), with the actual location of the POD as collected by staff on November 9, 2009 using a Global Positioning System (GPS)<sup>1</sup>.
3. It is similarly necessary to correct the description of the places of use (POU) for License 12898 to reflect the correct description as obtained from the GPS<sup>1</sup>.
4. All necessary flow meters have been installed in the distribution system so as to enable compliance with the bypass requirements to be determined, the allowable diversion amounts, and distribution for the various purposes of use.
5. A benchmark has been installed on the dock of the upper pond to measure elevation of the water surface and determine the amount of water stored at any time.
6. A conduit has been installed to bypass around the upper pond any run-off from the unnamed tributary of Alder Creek that should not be collected in the upper pond.
7. An application for a Small Domestic Use Registration has been submitted to the Department of Fish and Game – the initial step in acquiring this type of appropriative water right – for any and all domestic use at their property adjacent to your residence that I understand is currently occupied by your son.

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<sup>1</sup> We believe there has been no change in either the POD of the five springs or the locations of the POU's since 1989. New technology (i.e. GPS) allows us to provide a better, more accurate description of these locations.

8. No evidence of any violations of the terms and conditions of the license was observed on November 9, 2009.

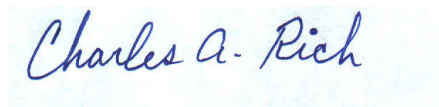
In addition to your licensed appropriative water rights, you appear to have riparian rights to the springs, Alder Creek and its unnamed tributary. Any of your direct diversion and use of water can be accomplished under either of these types of rights. However, any diversion and use of water that is accomplished under your riparian rights must be reported to the Division using a Statement of Water Diversion and Use form. A copy of this form is enclosed for your convenience.

Please be advised that Complaint Unit staff intends to amend License 12989 to correct the location of the POD and the description of the POU's. In addition, staff will add requirements for measuring devices, etc. as outlined in the January 7, 2007 Report of Investigation. Staff acknowledges and appreciates that, in anticipation of these new requirements, you have already voluntarily made the changes necessary to comply with them.

Staff is satisfied that all of the allegations contained in Complaint (23-52-01) have been satisfactorily addressed and will take no further action with respect to this complaint.

If there are any questions, Laura Lavalley, the staff person assigned to this complaint can be reached via e-mail at [LLavalle@waterboards.ca.gov](mailto:LLavalle@waterboards.ca.gov) or via telephone at (916) 341-5422 or I can be reached via e-mail at [CRich@waterboards.ca.gov](mailto:CRich@waterboards.ca.gov) or via telephone at (916) 341-5377.

Sincerely,



Charles A. Rich, Chief  
Complaints Unit

Enclosure

cc: Larry White  
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Willits, CA 95490

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