

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 14155,)
Issued on Application 21145,)
SURFWOOD MUTUAL WATER)
CORPORATION,)
Permittee.)

Order: WR 77-9
Source: Jack Peters Gulch
County: Mendocino

ORDER APPROVING EXTENSION OF TIME
AND DIRECTING ISSUANCE OF LICENSE

BY THE BOARD:

On January 9, 1973, permittee filed a petition for an extension of time to complete construction work and place water to beneficial use under Permit 14155. The petition was protested by the State of California, Department of Fish and Game. The applicant and protestant stipulated to proceedings in lieu of hearing as provided for by Section 737, Title 23, California Administrative Code. On October 25, 1974, a field investigation was made by the State Water Resources Control Board pursuant to said stipulation. The Board, having considered all available information, finds as follows:

1. Permit 14155 was issued in the matter of Application 21145 on September 5, 1963, to Joseph Burton, et al., for the appropriation of 0.45 cubic foot per second (cfs), year-round, from Jack Peters Gulch in Mendocino County for domestic, fire protection, and recreational purposes.

Since December 9, 1964, said permit, by assignment has been held by Surfwood Mutual Water Corporation.

2. The Department of Fish and Game contends that the appropriation of 0.45 cfs by the permittee would reduce the flow in Jack Peters Gulch in some years below that necessary for the migration of spawning silver salmon and steelhead trout. In addition, reduced flows would also severely affect hatching, rearing, and the downstream migration of these same species.

3. On March 3, 1976, at a Board workshop a proposed order concerning the permittee's petition for extension of time was discussed. By letter of March 7, 1976, the permittee was requested to submit within 30 days a declaration of other claimed water rights and assurance that the permittee would obtain access for construction of a fishway necessary to protect fish in the sources. The permittee requested an additional 90 days to submit this information. Pursuant to this request the Board deferred further action on Permit 14155 until July 15, 1976. The requested information has not been received.

It is concluded from the foregoing findings that further extension of time should be allowed only to the extent that water has been placed to beneficial use to date and that a license should be issued confirming actual use of water under said permit.

NOW, THEREFORE, IT IS ORDERED that further extension of time until September 1, 1977 is allowed within which to complete application of water to beneficial use; IT IS FURTHER ORDERED that a license shall be issued in accordance with applicable statutes and regulations, based on actual use of water under Permit 14155 prior to September 1, 1977.

Dated: September 22, 1977

/s/ JOHN E. BRYSON
John E. Bryson, Chairman

/s/ W. DON MAUGHAN
W. Don Maughan, Vice Chairman

/s/ W. W. ADAMS
W. W. Adams, Member