

State of California

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

901 - P Street, Sacramento, CA 95814  
P. O. Box 2000, Sacramento, CA 95810  
(916) 324-5626

STATE WATER RESOURCES CONTROL BOARD  
1991 MAR -8 PM 3:46  
DIV. OF WATER RIGHTS SACRAMENTO

262,0(2)-01-05

COMPLAINT

NUMBER: 411

(Complies with Section 820, Title 23, California Code of Regulations)

David B. Schaub

(916) 445-7067

(Name)

(Phone No.)

Calif. Dept. of Parks & Recreation, P.O. Box 942896, Sacramento, CA 94296-0001

(Address) (Street Number and City or Box Number, Route Number and Post Office)

(Zip Code)

wish to enter a complaint against the diversion of water made by:

California - American Water Company

(Name)

(Phone No.)

404 W. Franklin, Monterey, CA 93940

(Address)

(Zip Code)

The alleged diversion is located on: Lower Carmel River, below the Narrows

(Name of Spring, Stream, or Body of Water)

at a point within \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_ R \_\_\_\_\_, \_\_\_\_\_ B&M in the

County of Monterey. The general location is as follows:

Well fields along the lower Carmel Valley.

(Name of Road, Distance to Nearest Town, etc.)

I specifically complain that to the best of my knowledge, the following situation or condition is occurring:

The well fields used by California-American Water Company (Cal-Am) are pumping underflow from the Carmel River. Diversion of this underflow is an Appropriative Right regulated by the SWRCB. Cal-Am has no Appropriative Right for this diversion.

The situation is causing injury to me as follows:

Unauthorized diversion is causing mortality to mature riparian forests along a 4,000 foot length of river within Carmel River State Beach and pre-empts the Department's riparian rights to divert water from the River and to pump from underflow.

(If your discussion of the situation requires more space, please add additional pages)

I (have, have not) contacted the alleged offender.

The alleged offender's intentions are: To provide a Municipal Water Supply

I offer the following possible solution to the situation:

Cal-Am should apply for Appropriative Rights with the Board and be subject to  
Conditions to protect riparian, wetland and aquatic resources in the lower Carmel River  
and lagoon and riparian rights along the lower Carmel River.

My diversion is located on: Carmel River Below Highway 1  
(Name of Spring, Stream, or Body of Water)

at a point within \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B&M, in the  
County of Monterey

My use of water is as follows: Irrigation

The basis of my claim to divert water is:

- a) An appropriative right under License No. \_\_\_\_\_, Permit No. \_\_\_\_\_, Application No. \_\_\_\_\_.
- b) A Riparian or pre-1914 claim supported by Statement of Water Diversion and Use No. None on file
- c) Other (Describe): \_\_\_\_\_

A copy of this Complaint has been sent to the alleged offender by Regular mail  
(Certified Mail) (Regular Mail) (Personal Delivery)

I declare under penalty of perjury that to the best of my knowledge, the above are true statements.

David Schaub  
Signature David Schaub Mgr Date 3/8/91  
Natural History Section

Signature \_\_\_\_\_ Date \_\_\_\_\_

*Send original Complaint to the Division of Water Rights and a copy to the alleged offender.  
Forms for submitting an Answer to the Complaint will be sent to the alleged offender by the Division  
of Water Rights*