

November 20, 2004

Mr. Whalen Toy  
State Water Resources Control Board  
Division of Water Rights  
P. O. Box 2000  
Sacramento, CA 95812-2000

Re: APPLICATION # 31337 and 31505  
REDWOOD VALLEY COUNTY WATER DISTRICT  
Based on Environmental Consideration, Public Interest, Public Trust, and Other Issues

Dear Mr. Toy:

The Board of Trustees of the Mendocino County Russian River Flood Control and Water Conservation Improvement District hereby submits the enclosed Protest of Water Rights Applications #31337 and #31505. The following Exhibits are submitted as referenced on our Protest Form:

**EXHIBIT A**

Applicant proposes under Application 31337 to directly divert 9.2 cubic feet per second (cfs) of water surface and subterranean flow from Mill Creek, tributary to the Russian River from the following five proposed locations:

- #1 located within the SW ¼ of SE ¼ of projected section 25, T15N, R12W, MDB&M.
- #2 located within the NE ¼ of SW ¼ of projected section 25, T15N, R12W, MDB&M.
- #3 located within the NW¼ of SW ¼ of projected section 25, T15N, R12W, MDB&M.
- #4 located within the NE ¼ of SW ¼ of projected section 26, T15N, R12W, MDB&M.
- #5 located within the NW ¼ of SE ¼ of projected section 27, T15N, R12W, MDB&M.

Mr. Whelan Toy, SWRCB  
November 20, 2004

Applicant proposes under Application 31505 to directly divert 1200 acre feet of water, surface and subterranean flow, from Mill Creek, tributary to the Russian River, at the following five points of diversion:

- #1 located within the SW ¼ of SE ¼ of projected section 25, T15N, R12W, MDB&M.
- #2 located within the NE ¼ of SW ¼ of projected section 25, T15N, R12W, MDB&M.
- #3 located within the NW¼ of SW ¼ of projected section 25, T15N, R12W, MDB&M.
- #4 located within the NE ¼ of SW ¼ of projected section 26, T15N, R12W, MDB&M.
- #5 located within the NW ¼ of SE ¼ of projected section 27, T15N, R12W, MDB&M.

## **EXHIBIT B**

The above applications to appropriate water will have a significant and cumulative adverse impact on the environmental and ecological resources of the Mill Creek Reservoirs, Mill Creek and the Russian River. The Mill Creek Reservoirs are stocked with fish by the California Department of Fish and Game several times a year. Mill Creek is a spawning area and contains spawning habitat for the California Steelhead Trout and the Chinook Salmon, both species of which are listed as threatened under the California Endangered Species Act.

Mill Creek is tributary to the Russian River and therefore provides additional water to this waterway during the winter and spring months. Federal and State agencies are now requiring that more water be left in the Russian River, and its tributaries, for fishery, public trust, and endangered species purposes.

The Mill Creek Reservoirs were deeded to the County of Mendocino for fishery and recreational purposes. This application for water is for a year-round season and would completely deplete the reservoirs of their water thereby eliminating the fishery and recreational benefits. Also, Mill Creek dries up in the summer months.

The applications will not be in the public interest because it will further damage and deplete public trust resources and biological communities that are dependent upon the maintenance and sustainment of public trust resources.

These applications will be contrary to law in that the proposed Granite and Ford reservoirs are illegal and are not permitted reservoirs for water storage nor have they been appropriately engineered. Access to these reservoirs will be necessary from private citizens and use of these reservoirs will encumber these private properties for generations to come.

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## EXHIBIT C

A complete Environmental Impact Report should be completed as mentioned on the Protest Form. We also feel a complete hydrological analysis of Mill Creek, the Mill Creek Reservoirs and the mainstem of the Russian River, including findings and mitigations acceptable to protestant to preserve existing water rights and environmental resources in the Russian River, should be completed in an effort to see if in fact there is even any water available. Any distribution system should be included in this EIR.

Redwood Valley CWD presently has the right to store 2800 acre feet of water pumped directly from Lake Mendocino during the winter months. In view of this existing water right which is not being put to beneficial use, if any additional appropriation is approved, the pumping season should be drastically reduced and limited to flood waters.

Sincerely,

Barbara Spazek  
Executive Director

/bs  
encl.

Cc: Redwood Valley County Water District  
\_\_\_\_\_c/o Recovery Operations Specialty Services