



WATER-RIGHT DOCKET

Redwood National and State Parks

Docket No: 11

HANSETH DIVERSION

State Water Rights Documentation

00-00-0000: order revoking permit, permit 15642, application 22771

STATE OF CALIFORNIA - RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

(PEI 9.9)

EDMUND G. BROWN JR., Governor



In Reply Refer
to: 342:JHP:22771

ORDER REVOKING PERMIT

PERMIT 15642 (APPLICATION 22771)

Permittee: U. S. Redwood National Park
National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue, San Francisco, CA 94102

It is ordered that this permit is hereby revoked and canceled upon the records of the State Water Resources Control Board for the reason indicated:

- ☐ 1. A request has been received from, or on behalf of, permittee that the permit be revoked.
- ☒ 2. The State Water Resources Control Board has found that permittee failed to commence, prosecute and complete the work as required by this permit. This revocation has been issued under the direction of the Board and in accordance with Section 1410, California Water Code.
- ☐ 3. The State Water Resources Control Board has found that permittee failed to apply the water to beneficial use as required by the terms and conditions of this permit. This revocation has been issued under the direction of the Board and in accordance with Section 1410, California Water Code.

Walter G. Pettit

Walter G. Pettit, Chief
Division of Water Rights

Dated: MARCH 9 1981

CERTIFIED

SWRCB 26c (2/80)

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive
Sacramento, California 95825

CLAIM CHECK
367145
☐ HOLD
DATE
1ST NOTICE
2ND NOTICE
RETURN
Delivered from
PS Form 3549-A
May 1979

CERTIFIED
P01 5381521
MAIL

U. S. Redwood National Park
National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue,
San Francisco, CA 94102



State Water Resources Control Board
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 9582
(916) 920-6151

PROGRESS REPORT BY PERMITTEE FOR 1980

OWNER OF RECORD:

U S REDWOODS NATIONAL PARK
U S NATIONAL PARK SERVICE
WESTERN REGION, DIVISION OF WATER RESOUR
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIF 94102

APPLICATION: 022771

PERMIT: 015642

TELEPHONE NUMBER:
(415) 556-8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

Declaration: The United States gives this
notification to the State in the interest
of comity, and does not concede that the
State has power to regulate the rights of
the United States to the use of water.

COUNTY:

UNNAMED STREAM

DEL NORTE

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

~~DOMESTIC~~

JAN 01 TO DEC 31

.0 AC

Fish and Wildlife Propagation

AMOUNT: 0.690 CFS

0.0 AC-FT

COMPLETE USE BY: 12/01/71

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit:
YES [X] NO []. I am complying with the conditions under which my permit has been issued: YES [X] NO [].
Identify any noncompliance by permit term number under "Remarks" on reverse side. This report is important in providing
the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the above
address.

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES [] NO [X]

CONSTRUCTION WORK

- Has construction work commenced? YES [] NO []. Is construction completed? YES [] NO [].
- If incomplete, describe briefly the work done, including cost: _____

- If not completed, give estimated date of completion: _____

- What percent of construction work remains to be done? _____ Explain: _____

USE OF WATER

- Has use of water commenced? YES [X] NO []. Check appropriate box(es) below and explain how water was used.

(a) [] Irrigation

Total acres irrigated

Name of crops served and acreage of each

(b) [] Stockwatering

Number of animals

(f) [] Recreational

Boating, fishing, water contact sports

(c) [] Industrial

Nature of use

(g) [] Power generation

Installed horsepower capacity

(d) [] Domestic

Number of persons, area of garden, lawn, etc.

(h) [X] Other Fish and Wildlife Propagation

(e) [] Municipal

Approximate population

- Amount of water used each month under this permit in gallons or acre-feet. (If not known, check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	

- Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES [] NO []. If "No", explain in "Remarks".
- Has location of the intake, place of use, or type of use been changed? YES [] NO []. Explain in "Remarks".
- Did the source go dry? YES [] NO []. If so, during what months? _____

STORAGE PROJECTS ONLY

- Did your reservoir spill this year? YES [] NO []. If not, how many feet below spillway vertically was the water level at maximum storage? _____ Have you emptied the reservoir? YES [] NO []. If not, how many feet below spillway vertically was it drawn down at end of season? _____

(REPORT CONTINUES ON REVERSE SIDE)

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR PROJECT.
MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY
CONSERVATION OF WATER

11. How many service connections to date? _____ Total population served by the water system: _____
12. Estimated number of service connections under full use: _____
13. Are the connections individually metered; YES ☐ NO ☐ .
14. Do you plan to meter the connections? YES ☐ NO ☐ . When? _____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐ ; Seepage pits ☐ ; Central treatment plant ☐ operated by _____ ; Other ☐ (specify under "Remarks").
16. Is water service provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐ .
17. Name of area or subdivision so served: _____
18. State surface area at maximum water level in recreational reservoir(s) referred to in 16. Identify surface area(s) by name of dam or reservoir: _____
19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐ ; (2) Lining canals ☐ ; (3) Phreatophyte and aquatic vegetation control ☐ ; (4) Other (describe in "Remarks") ☐ .
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐ ; (2) Return flow systems on individual farms ☐ ; (3) Return flow system areawide ☐ ; (4) Water pricing to encourage reduced use ☐ ; (5) Charges for drainage of irrigated lands ☐ ; (6) Other (describe in "Remarks") ☐ .
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐ ; (2) Public education program on water conservation ☐ ; (3) Pricing to encourage reduced use ☐ ; (4) Assistance to industry in design of recycle systems ☐ ; (5) Other (describe in "Remarks") ☐ .
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐ ; (2) Water use for major crops by each farm ☐ ; (3) Other (describe in "Remarks") ☐ .
23. Describe any water conservation efforts you may have started: _____
24. If credit toward beneficial use of water under this permit for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.): _____

WATER QUALITY AND WASTEWATER RECLAMATION

25. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____
 26. After use, the water is (1) retained in reservoir ☐ ; (2) discharged into a stream or lake ☐ ; (3) discharged into settling ponds ☐ ; (4) other ☐ . Describe: _____
 27. Does or will water being discharged contain waste materials? ☐ YES ☐ NO.
(1) Domestic ☐ ; (2) Municipal ☐ ; (3) Industrial ☐ ; (4) Agricultural ☐ ; (5) Other ☐ . Describe: _____
 28. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? ☐ Yes ☐ No. Describe: _____
- TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR PERMIT, PLEASE ANSWER IN REMARKS SECTION BELOW.
29. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? ☐ Yes ☐ No.
If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show the amounts of reclaimed water used.
 30. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? ☐ Yes ☐ No.
If Yes, please describe: _____
 31. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?
 32. What is the current potential for reusing the appropriated water to satisfy part of your water needs?
 33. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Dated: February 10, 1981 at 450 Golden Gate Avenue, San Francisco, CA 94102
(Location) (State)

Sign here: (Sgd) Gerard S. Witucki

Gerard S. Witucki, Chief, Division of Water Resources, NPS

PPRESS REPORT BY PERMITTEE - PAGE 2

L54
REDW/WR#9
(WR)RW

Werrell
Witucki
A.K.

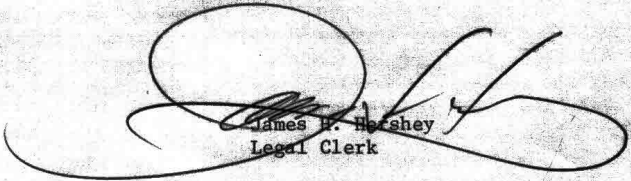
June 27, 1980

To: FILES
From: James H. Hershey, Legal Clerk
Subject: Notice of Proposed Revocation of water application #22771, and
a request for information on water application #22723, from the
State Water Resource Control Board

The recently received attached letters indicate that the state is probably not going to grant a "water right" under these permits. Several calls to the Board by James Hershey and Gerard Witucki on June 26 & 27 confirmed this.

The position of the Park Service as wishing to retain these water rights was made clear in our letter of May 20, 1977; and we requested a change in use from domestic to fish and wildlife propagation on application #22771 back on April 14, 1978. It seems one course of action would be to petition for a change of use to fish and wildlife propagation on application #22723 so as to be consistent with the other Kelly permit. In one of the above mentioned calls Mr. Ronald Bachman, Chief of Extension, Change and Compliance Unit, indicated that he would forward some petition forms to us. Upon their receipt we will complete and submit them; and then do nothing more at this time.

It is anticipated that the state will probably proceed with the revocation of these permits. If the situation should change, we will alter our posture accordingly.


James H. Hershey
Legal Clerk

STATE OF CALIFORNIA — RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

EDMUND G. BROWN JR., Governor



In Reply Refer
to: 342:RJM:22771

JUNE 25 1980

U. S. Redwood National Park
U. S. National Park Service,
Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

Gentlemen:

PERMIT 15642 (APPLICATION 22771) UNNAMED STREAM TRIBUTARY TO HIGH PRAIRIE
CREEK IN DEL NORTE COUNTY

Enclosed is a "Notice of Proposed Revocation" of this water right
permit. As stated in the notice, unless a request for a hearing is
received within 15 days from date of receipt of this letter, we will
conclude that the facts stated in the notice are correct and action
will be taken to revoke the permit.

Sincerely,

Ronald Bachman, Chief
Extension, Change and
Compliance Unit

Enclosure

CERTIFIED

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 CADILLAC DRIVE
SACRAMENTO, CALIFORNIA 95825



U. S. Redwood National Park
U. S. National Park Service,
Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

CERTIFIED
No. 689319

MAIL

STATE OF CALIFORNIA — RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

EDMUND G. BROWN JR., Governor



NOTICE OF PROPOSED REVOCATION

Permit 15642 (Application 22771)

Permittee: U. S. REDWOOD NATIONAL PARK

In accordance with the provisions of Section 1410 of the Water Code, notice is hereby given that revocation of this permit is proposed because work was not completed as contemplated in the permit.

The facts and information upon which the proposed revocation is based are the following:

1. Permit 15642 requires that the project be completed and water put to domestic use by December 1, 1971.
2. A letter dated March 15, 1978 was sent pointing out that the Board's regulations, Section 776, Title 23, states in part that an application will be denied when it appears, after a hearing, that the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources or other cause (emphases added).

This letter requested the permittee to submit plans for a definite project including a construction schedule. To date no answer to this letter has been received.

3. A recent telephone conversation with permittee's office revealed that there is no definite project proposed and there is no intention to take control of the water under this permit. Project area is still in natural state.

Permittee may request a hearing before the State Water Resources Control Board for the purpose of presenting evidence or testimony to show cause why this permit should not be revoked. However, unless a written request for hearing, signed by or on behalf of permittee, is delivered or mailed to the Board within 15 days after receipt of the notice, the Board may act upon the proposed revocation without a hearing and without further notice.

L. C. Spencer, for
Walter G. Pettit, Chief
Division of Water Rights

Dated: JUNE 25 1980

STATE OF CALIFORNIA - RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

RECEIVED - WATER RESOURCES
DATE JUN 20 1980

EDMUND G. BROWN JR., Governor



In Reply Refer
to: 342:RJM:22723

JUN 18 1980

U. S. Redwood National Park
National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

Gentlemen:

PERMIT 15723 (APPLICATION 22723) WILSON CREEK TRIBUTARY TO PACIFIC
OCEAN IN DEL NORTE COUNTY

Please refer to our letter of December 24, 1979. To date we have not received a reply to our letter which discusses Mr. W. W. Kelly's Permit 15723 (Application 22723). As you know the U. S. Redwood National Park has acquired about 435 acres of the original 640 acres covered under Permit 15723. According to Section 769, Chapter 3, Title 23, of the California Administrative Code, water rights are transferred with the real property. Therefore, U. S. Redwood National Park would be entitled to a portion of the water right under Permit 15723.

Unless you have a plan for a project that would take possession of and make beneficial use of the water, we suggest that you request the Water Quality Control Board to revoke your portion of Permit 15723. Enclosed are the necessary forms. If you will please sign and return these forms to this office, it will greatly simplify the matter. Otherwise, we will have to start the process of revocation under the provision of Section 1410 of the California Water Code.

Your response will be appreciated at your earliest convenience. If you have any questions, please contact Rick Miner of this office at 920-6151 between 7:30 a.m. and 4:00 p.m., weekdays.

Sincerely,

A handwritten signature in cursive script, reading 'Ronald Bachman'.

Ronald Bachman, Chief
Extension, Change and
Compliance Unit

Enclosures

0681 81 101

RECEIVED - WATER RESOURCES
DATE JUN 20 1980

State Water Resources Control Board
Division of Water Rights
77 Cadillac Drive
Sacramento, CA 95825

REVOCATION REQUEST

The undersigned hereby requests revocation

License _____, Permit 15723, issued
on water right Application 22723.

(Signature)

(Signature)

Dated:

State Water Resources Control Board
Division of Water Rights
77 Cadillac Drive
Sacramento, CA 95825

REVOCATION REQUEST

The undersigned hereby requests revocation

License _____, Permit 15723, issued
on water right Application 22723.

(Signature)

(Signature)

Dated:

SURNAME/FILES

(916) 920-6252

In Reply Refer
to:332:AAC:22723

DEC 24 1979

U. S. Redwood National Park
National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

Gentlemen:

PERMIT 15723 (APPLICATION 22723) WILSON CREEK TRIBUTARY TO PACIFIC OCEAN IN
DEL NORTE COUNTY

On November 16, 1979 Mr. W. W. Kelly visited this office and requested that his interest in Permit 15723 be designated as 0.31 cubic foot per second (200,000 gpd), total annual diversion not to exceed 129 acre-feet. A copy of his request is enclosed.

Mr. Kelly said that the limits and conditions of a buffer zone, between the boundary of the Redwood National Park and that property which he retained, have not yet been determined.

Mr. Kelly has transferred title of that portion of his property not acquired by the Park to his three daughters as shown on his request. The address remains at 733 - 47th Street, Great Falls, Montana 59405. He indicated that he will shortly forward a document to this office authorizing him to act as agent for his three daughters. Since Redwood National Park acquired about 435 of the 640 acres originally covered by Permit 15723, our records will be changed to show U. S. Redwood National Park as owner of an interest in an unspecified portion of Permit 15723. This will conform to the letter of May 20, 1977, a copy of which is enclosed for your reference.

Permit 15723 originally provided that construction work should commence on or before June 1, 1969; that construction work should be completed on or before December 1, 1971; and that use of water should be completed on or before December 1, 1972. Action on this order has been withheld because of the litigation regarding your Park project. We now propose to proceed with consideration of Mr. Kelly's petition for an extension of time.

You should now show cause why an extension of time is justified for that portion of the permit held by the U. S. Redwood National Park. As you know, the original storage portion of the permit and the point of direct diversion are located entirely on the retained Kelly land. Therefore, in addition, please specify whether the 20 acre-foot storage proposed in the permit should be deleted, and if not, the particulars of location, access and proposed use regarding this storage. The use proposed, if any, for the direct diversion on the Park portion of the place of use and access to points of diversion should also be set forth in detail.

E

SURNAME

1 *D. Hester*

2

3

4

U. S. Redwood National Park

-2-

DEC 24 1979

Please give this matter your earliest consideration so that we may proceed with the matter of extensions under this permit.

Sincerely,

Original Signed By:

Ronald Bachman, Unit Chief
Extension, Change and
Compliance Unit

Enclosure

cc: W. W. Kelly, as agent for
Sharon M. Kelly Morris,
Nancy A. Kelly Simonsen,
and Carol J. Kelly
733 - 47th Street South
Great Falls, MT 59405

AACHesler/RBachman:lryder (12/13/79)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
77 Cadillac Drive
Sacramento, Ca. 95825
(916) 920-6151

PROGRESS REPORT BY PERMITTEE FOR 1978

OWNER OF RECORD:

APPLICATION: 22771

U S REDWOODS NATIONAL PARK
U S NATIONAL PARK SERVICE, WESTERN REGION, DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE,
SAN FRANCISCO, CALIF 94102

REDW
WR #9

(415)-556-8660

Area Code and Telephone Number

If the owner or address shown above is wrong, please correct.

SOURCE: UNNAMED STREAM

COUNTY: DEL NORTE

AMOUNT: 0.69 CU FT/SEC

PURPOSE: DOMESTIC Fish and Wildlife Propagation

PERMIT: 15642

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the right of the United States to the use of water.

12-01-71

Time to complete use of water expires this date

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit: YES ☒ NO ☐. I am complying with the conditions under which my permit has been issued: YES ☒ NO ☐. Identify any noncompliance by permit term number under "Remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the above address.

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES ☐ NO ☒.

CONSTRUCTION WORK

1. Has construction work commenced? YES ☐ NO ☐. If YES, is construction completed? YES ☐ NO ☐.

2. If incomplete, describe briefly the work done, including cost: _____

3. If not completed, give estimated date of completion: _____

4. What percent of construction work remains to be done? _____ Explain: _____

USE OF WATER

5. Has use of water commenced? YES ☒ NO ☐. Check appropriate box(es) below and explain how water was used.

- (a) ☐ Irrigation _____
Total acres irrigated _____ Name of crops served and acreage of each _____
- (b) ☐ Stockwatering _____
Number of animals _____ (f) ☐ Recreational _____
Boating, fishing, water contact sports _____
- (c) ☐ Industrial _____
Nature of Use _____ (g) ☐ Power generation _____
Installed horsepower capacity _____
- (d) ☐ Domestic _____
Number of persons, area of garden, lawn, etc. _____ (h) ☒ Other Fish and Wildlife Propagation
- (e) ☐ Municipal _____
Approximate population _____

6. Amount of water used each month under this permit in gallons or acre-feet. (If not known, check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES ☐ NO ☐. If "No", explain on reverse side under "Remarks".8. Has location of the intake, place of use, or type of use been changed? YES ☒ NO ☐. Explain on reverse side under "Remarks".9. Did the source go dry? YES ☐ NO ☐. If so, during what months? _____

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES ☐ NO ☐. If not, how many feet below spillway vertically was the water level at maximum storage? _____ Have you emptied the reservoir? YES ☐ NO ☐. If not, how many feet below spillway vertically was it drawn down at end of season? _____

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Dated: October 30, 1978 at 450 Golden Gate Ave. San Francisco, CA, 94118

Sign here: (Sgd) Gerard S. Witucki
Gerard S. Witucki, Division of Water Resources,
1978 National Park Service, Western Region
(REPORT CONTINUES ON REVERSE SIDE)

SWRCB-15 (6-78)



IN REPLY REFER TO:

L54
REDW/WR #9
(WR)RW

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

April 14, 1978

RECEIVED
NATIONAL PARK SERVICE
SAN FRANCISCO OFFICE
APR 26 11 10 PM '78

State of California - Resources Agency
State Water Resources Control Board
Division of Water Rights
77 Cadillac Drive
Sacramento, CA 95825

MEG:
Please file
in Redwood
Federal Wch Right
Docket # 9

Reference: 333:SCA:22771

Dear Sir:

This responds to your letter of March 15, 1978, wherein you advise us of change in your records to indicate ownership of Application Number 22771 by the National Park Service. Enclosed is petition for change of use regarding this permit from municipal, irrigation and recreation to fish and wildlife propagation.

Payment in the amount of \$10.00 will be forwarded to your office by the U.S. Treasury Department under separate cover for the \$10.00 filing fee of the application.

We thank you for your continued assistance.

Sincerely yours,

(Sgd) Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

Enclosure

cc:

Superintendent, Redwood NP, w/inc. and encl
✓ WASO (550) Attn: Mr. Berte' w/inc. and encl

STATE OF CALIFORNIA - RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825

EDMUND G. BROWN JR., Governor



(916) 920-6151

In Reply Refer
to: 333:SCA:22771
Your File: VREDW/WR#9
(WR)RW L54

MARCH 15 1978

Redwoods National Park
U. S. National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

PERMIT 15642 (APPLICATION 22771), UNNAMED STREAM
IN DEL NORTE COUNTY

We have changed our records to show ownership of Permit 15642 in the name of U. S. Redwoods National Park as advised by our July 11, 1977 letter.

It is our understanding that the Park Service has no plan of development which includes use of water under Permit 15642. An application or permit cannot be used to reserve an amount of water for some indefinite future use. The Board's regulations, Section 776, Title 23, Waters, state in part that an application will be denied when it appears after hearing that the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources, or other cause.

There is a petition for an extension of time pending for Permit 15642. However, without a well-defined project, there is no basis for approval of an extension. Therefore, unless we receive evidence of a definite project and construction schedule in 30 days, we will initiate revocation of Permit 15642 in accordance with Section 1410 of the California Water Code.

The procedure in revoking a permit is greatly simplified if the owner of record so requests. A form for this purpose is enclosed.

If there are any questions, write or contact one of our engineers at (916) 920-6151.

A handwritten signature in cursive script that reads 'J. M. Page'.
J. M. Page
Supervising Engineer

Enclosure

cc: W. W. and Alice Kelly
733 - 47th Street South
Great Falls, Montana 59405

State Water Resources Control Board
Division of Water Rights
77 Cadillac Drive
Sacramento, California 95825

Gentlemen:

The undersigned hereby requests revocation of
License_____, Permit_____, issued on water
right Application_____.

(Signature)

(Signature)

Dated:

WRCB
26 (3-74)

PETITION FOR CHANGE IN PURPOSE OF USE April 14, 1978

Application 22771 Permit 15642 License ---

State Water Resources Control Board
Division of Water Rights
2125 - 19th Street
Sacramento, California 95818

I request permission to change the purpose of use described in this permit or license as follows:

Fish and Wildlife Propagation
(State all purposes for which water is to be used)

Give reason for proposed change: Change in ownership of Permit, from
private party to Redwoods National Park

Does this change involve any place of use not described in the permit or license? No. If answer is yes, give legal description:
(yes or no)

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

Give names and addresses of persons known to you who may be affected by the proposed change:

-None-

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.
Dated: April 14, 1978, at San Francisco, California.

(Sgd) Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources
National Park Service, Western Region
San Francisco, CA 94102

Section 1547 of the Water Code requires a \$10 filing fee with petitions for changes.

SWRCB 22e (4/75)

PETITION FOR CHANGE IN PURPOSE OF USE April 14, 1978

Application 22771 Permit 15642 License ---

State Water Resources Control Board
Division of Water Rights
2125 - 19th Street
Sacramento, California 95818

I request permission to change the purpose of use described in this permit or license as follows:

Fish and Wildlife Propagation
(State all purposes for which water is to be used)

Give reason for proposed change: Change in ownership of Permit, from
private party to Redwoods National Park

Does this change involve any place of use not described in the permit or license? No. If answer is yes, give legal description:
(yes or no)

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

Give names and addresses of persons known to you who may be affected by the proposed change:

-None-

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.
Dated: April 14, 1978, at San Francisco, California.

Gerard S. Witucki
Gerard S. Witucki
Chief, Division of Water Resources
National Park Service, Western Region
San Francisco, CA 94102

Section 1547 of the Water Code requires a \$10 filing fee with petitions for changes.

SWRCB 22e (4/75)

STATE OF CALIFORNIA — RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

77 Cadillac Drive, Sacramento, CA 95825

(916) 920-6151



In Reply Refer
to: 333:SCA:22771
Your File: VREDW/WR#9
(WR)RW 154

MARCH 15 1978

Redwoods National Park
U. S. National Park Service, Western Region
Division of Water Resources
450 Golden Gate Avenue
San Francisco, CA 94102

PERMIT 15642 (APPLICATION 22771), UNNAMED STREAM
IN DEL NORTE COUNTY

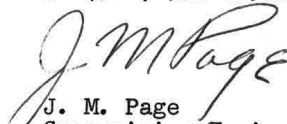
We have changed our records to show ownership of Permit 15642 in the name of U. S. Redwoods National Park as advised by our July 11, 1977 letter.

It is our understanding that the Park Service has no plan of development which includes use of water under Permit 15642. An application or permit cannot be used to reserve an amount of water for some indefinite future use. The Board's regulations, Section 776, Title 23, Waters, state in part that an application will be denied when it appears after hearing that the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources, or other cause.

There is a petition for an extension of time pending for Permit 15642. However, without a well-defined project, there is no basis for approval of an extension. Therefore, unless we receive evidence of a definite project and construction schedule in 30 days, we will initiate revocation of Permit 15642 in accordance with Section 1410 of the California Water Code.

The procedure in revoking a permit is greatly simplified if the owner of record so requests. A form for this purpose is enclosed.

If there are any questions, write or contact one of our engineers at (916) 920-6151.


J. M. Page
Supervising Engineer

Enclosure

cc: W. W. and Alice Kelly
733 - 47th Street South
Great Falls, Montana 59405

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15642

Application 22771 of W. W. Kelly and Alice V. Kelly
510 First Avenue, N., Great Falls, Montana 59401

filed on April 13, 1967, has been approved by the State Water Resources Control Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Name of source(s):

Tributary to:

- | | |
|---------------------------|--------------------------------------|
| (a) <u>Unnamed Stream</u> | (a) <u>High Prairie Creek thence</u> |
| (b) _____ | (b) <u>Hunter Creek thence</u> |
| (c) _____ | (c) <u>Klamath River</u> |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
N 300' and E 1,200' from SW corner of					
(a) Section 29	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	14N	1E	H
(b) _____	$\frac{1}{4}$ of $\frac{1}{4}$				
(c) _____	$\frac{1}{4}$ of $\frac{1}{4}$				
(d) _____	$\frac{1}{4}$ of $\frac{1}{4}$				
(e) _____	$\frac{1}{4}$ of $\frac{1}{4}$				

County of Del Norte

3. Place of use: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 29, T14N, R1E, HB&M, as shown
on map on file with the State Water Resources Control Board.

4. Purpose(s) of use: Domestic

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.
7. Actual construction work shall begin on or before December 1, 1968 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.
8. Said construction work shall be completed on or before December 1, 1970.
9. Complete application of the water to the proposed use shall be made on or before December 1, 1971.
10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.
11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
12. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.
13. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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).

Dated: JUN 11 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

Received
Division of Water Resources
MAR 8 1976

Name	Job	Info	File	Init

Other Supporting Information



United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

RECEIVED
NATIONAL PARK SERVICE
WASHINGTON OFFICE

IN REPLY REFER TO:

L54
DEVA/LAVO/PORE
REDW/WHIS/YOSE
(WR)RW

February 15, 1979

FEB 21 8 32 AM '79

State of California Resources Control Board
Chief, Division of Water Rights
77 Cadillac Drive
Sacramento, California 95825

Dear Sir:

Enclosed are the following Reports of Licensee for 1976, 77 and 78, as well as Progress Reports by Permittee for 1978:

Water Right Docket #	Application #	Licensee #	Source
DEVA WR #21	16096	10845	Tarantula Springs
DEVA WR #24	8423	10580	Unnamed Spring
LAVO WR #3	7156	2104	Unnamed Spring
PORE WR #12	22784	10112	Unnamed Spring
PORE WR #12	20917	8611	Unnamed Spring
REDW WR #1	12221	3866	Unnamed Spring
REDW WR #2	14833	5046	Unnamed Stream
REDW WR #3	14931	5125	Smith River
REDW WR #5	10666	5369	Unnamed Spring
REDW WR #9	22771	--	Unnamed Spring
WHIS WR #1	8229	2275	South Liberty Gulch
WHIS WR #3	20837	9292	Unnamed Spring
WHIS WR #5	19103	7453	Unnamed Spring
WHIS WR #6	19104	7454	Clear Creek
WHIS WR #7	21408	9261	Unnamed Spring
WHIS WR #12	21676	--	Boulder Creek
YOSE WR #1	6729	6112	Two Unnamed Springs
YOSE WR #6	10488	2973	Crane Creek
YOSE WR #6	19116	--	Moss Creek

Sincerely yours,

(Sgd) Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

Enclosures
a/s

ck

Please see me on this filing in Water Right Dockets

cc:

Superintendent, Death Valley NM, w/encls
Superintendent, Lassen Volcanic NP, w/encls
Superintendent, Point Reyes NRA, w/encls
Superintendent, Redwood NP, w/encls
Superintendent, Whiskeytown NRA, W/encls
Superintendent, Yosemite NP, w/encls
WASO(497) w/encls ✓

LS4
REDW/NR #9
(NR)RW

April 14, 1978

Werrell
Witucki
Kilgore
4/21

State of California - Resources Agency
State Water Resources Control Board
Division of Water Rights
77 Cadillac Drive
Sacramento, CA 95825

Reference: 333:SCA:22771

Dear Sir:

This responds to your letter of March 15, 1978, wherein you advise us of change in your records to indicate ownership of Application Number 22771 by the National Park Service. Enclosed is petition for change of use regarding this permit from municipal, irrigation and recreation to fish and wildlife propagation.

Payment in the amount of \$10.00 will be forwarded to your office by the U.S. Treasury Department under separate cover for the \$10.00 filing fee of the application.

We thank you for your continued assistance.

Sincerely yours,

(Sgd) Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

Enclosure

cc:
Superintendent, Redwood NP, w/inc.
WASO (550) Attn: Mr. Berte, w/inc.
(NR)AFP, Accounts Payable w/inc. and S.F. 1034

(WR)RW:Werrell:Witucki:mpm 4/13/78

Standard Form 1034 September 1973 4 Treasury FRM 2000		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION U.S. Department of the Interior National Park Service, Western Region Attn: Division of Water Resources 450 Golden Gate Avenue (Bx 36063) San Francisco, CA 94102			DATE VOUCHER PREPARED		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID BY	
			REQUISITION NUMBER AND DATE			
PAYEE'S NAME AND ADDRESS		State of California - Resources Agency State Water Resources Control Board Division of Water Rights 77 Cadillac Drive Sacramento, CA 94825			DATE INVOICE RECEIVED	
					DISCOUNT TERMS	
					PAYEE'S ACCOUNT NUMBER	
					GOVERNMENT B/L NUMBER	
SHIPPED FROM		TO		WEIGHT		
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE COST PER		AMOUNT (1)
		Filing Fee for Petition for Change in Purpose of Use, Application # 22771, Permit #15642, Redwood National Park, CA., Unnamed Stream - Del Norte County	1	10.00	ea	\$10.00
TOTAL						\$10.00
(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)						
PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE		APPROVED FOR BY: _____ TITLE _____	EXCHANGE RATE = \$1.00	DIFFERENCES _____ Amount verified; correct for (Signature or initials) _____		
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.						
April 14, 1978 (Date)		Gerard S. Witucki (Authorized Certifying Officer)³		Chief, Division of Water Resources (Title)		
ACCOUNTING CLASSIFICATION						
1481036 - 8094-1301-414						
PAID BY	CHECK NUMBER	ON TREASURER OF THE UNITED STATES		CHECK NUMBER	ON (Name of bank)	
	CASH	DATE		PAYEE ³		
				PER TITLE		

¹ When stated in foreign currency, insert name of currency.
² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
³ When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

Subject:

REDW

NATIONAL PARK SERVICE

Routed for: ☒ Information

Western Regional Office

☐ Action☐ Incoming Call

MESSAGE RECORD

To: File☒ Outgoing CallDate: 3/17/78

Name and Title

(Subhash) Subhash Agarwal & Ernie Miller

Representing

Telephone No. 442
920-6151

Address

NPS Personnel in on Call

Wernell, Witucke

Conversation:

Called State about March 15th letter on Permit 15642. Subhash will supply us with a ~~letter~~ copy of Kelly's request for extension of time and will also send along forms ~~requesting~~ by which we can request a charge of use to wildlife.

Monday April 18th Called again and requested forms WW

Follow-up Action to be Taken:

Follow-up Action Taken:

FILES

L1425 (Kelly)
August 26, 1976

Chief Ranger

156 42

Visit by Ben Rinehart, State Division of Water Rights on August 18, 1976

Mr. Rinehart was seeking information regarding the status of land settlement with W. W. Kelly. He had copies of 2 Progress Reports for 1975 completed by Kelly. On Permit 15642, Kelly is asking for revocation; on Permit 15723, Kelly has indicated plans for filing an amended application for a reduced allocation following settlement with the U. S. It appears that the wells and storage reservoir referenced in this permit are outside and upstream from the park.

Mr. Rinehart was advised that final settlement had not yet been made with Kelly and the case was in the Court of Claims. Rinehart was shown the present park boundaries and referred to Western Regional office if he had additional questions regarding the settlement.

Mr. Rinehart said the State might allow Kelly a portion of the original water right based on the proportion of land he retains.

S/ Homer P. Leach

Homer P. Leach

cc: WRO, Blue Envelope
A. Gray, WRO w/copies of permit
B. Warrell, WRO w/copies of permit
HPLeach:fp 8/26/76

Subject: NATIONAL PARK SERVICE
Western Regional OfficeRouted for: ☐ Information
☐ Action☐ Incoming Call

MESSAGE RECORD

To: _____

☐ Outgoing Call

Date

Tuesday Aug 17, 1976

Name and Title

Homer Leach

Representing

RED W

Telephone No. _____

Address _____

NPS Personnel in on Call _____

Conversation:

Homer called to say that a Ben Rienhardt of California State Water Resources is in the area and has asked about the new application part in by W.W. Kelly. Ben will be back tomorrow and Homer will get all papers and forward to us.

if we foresee problems with this action by Kelly we will proceed as appropriate and call Homer to let him know.

Follow-up Action to be Taken: _____

Follow-up Action Taken: _____

REAL ESTATE ASSOCIATES
GREAT FALLS, MONTANA

JHE
GRT
HEW

March 3, 1973

Mr. L. M. Page
Supervising Engineer
Division of Water Rights
Room 1015, Resources Building
1416 Ninth Street
Sacramento, California 95814

RE: Permits 15723 and 15642

Dear Mr. Page:

My sincere apologies for this delay in answering your letter of January 26th. Having recently returned home after a seven weeks trip, you can appreciate the many things awaiting my attention.

Regarding permit 15642, (application 22771) which is located on an unnamed stream in Section 29 at the southernmost end of our property. This 118 acre parcel has been incorporated within the Redwood National Park, and as a result has prohibited us from further developing this water system as we originally intended.

Therefore, with reference to permit 15642 this is to advise I will not need an extension of time to complete this project within Section 29.

However, in reference to permit 15723 (application 22723) I do respectfully request you grant us a 36 months extension as outlined in my letter to you dated December 4th.

This latter permit relates to our remaining Wilson Creek property which is located within sections 17 and 18, and is the property described in my petition dated December 4th to you, as well as further explained in my letter to Mr. Sabiston dated November 11, 1972, in requesting a 36 months extension be granted.

To review briefly, from our original 640 acres which we owned prior to the establishment of the Redwood National Park on October 2, 1968, we still retain ownership of 205 acres adjoining Wilson Creek and relates to our permit 15723. However, we have been unable to complete our construction thereunder due primarily to our having lost public access to this 205 acres.

This is a result of a 500 foot wide strip of land, adjoining our 205 acres and likewise adjoins the easterly edge of L.S. 101, which was taken from us and included within the Park. Until litigation is resolved on this and other related matters now pending in the U. S. Court of Claims, we remain helpless to continue our development plans until public access is restored. This is further explained in my letter of March 27, 1972 to Mr. Sabiston.

Our attorney advises everything is being done that is possible to expedite this, but that we should be patient as it looks like it still will involve approximately 24 months more before this case can be finally resolved. Thus you can appreciate why we must be granted a 36 months extension under permit 15723.

Docket Information

Number of Documents in Docket 31
Documents Dated from 4/13/1967 to 6/27/1980
Docket Compiled: 6/14/2011