



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

September 25, 2025

Sent Via Email

Friends of the Eel River
Attn: Scott Greacen, Conservation Director
PO Box 4945
Arcata, CA 95518

Subject: Protest of Petition for Change for Water Right License 3791 (Application 11876) and Permit 15665 (Application 23017) and Petition for Time Extension for Permit 15665 of Redway Community Services District

Dear Mr. Greacen;

The Redway Community Services District (RCSD or District) is in receipt of the protest to the subject project dated August 21, 2025. The District has reviewed each of the concerns and provides the following additional information relating to each of the protest dismissal terms. The District would like to set up an in person meeting with Friend of the Eel River (FOER) to discuss each of the protest dismissal terms and possible verbiage to satisfy the concerns while meeting the District's operational limitations.

Background Information on the Water Rights

RCSD holds three water rights. Two of the water rights are for the infiltration gallery in the South Fork of the Eel River (SF Eel River; one license and one permit) and the third is a permit for an Unnamed Spring. The basic information for each water right is shown in the Table 1 below.

Table 1. RCSD Water Rights Summary

App. #	App Date	Permit #	Permit Date	License #	Water Source	Max Diversion (cfs)	Max Diversion (acre-ft/year)
11876	05/12/47	7489	09/16/49	3791	SF Eel River	0.223	161.5
23017	04/05/68	15665	07/25/68	- - -	SF Eel River	1.050	441
23018	04/05/68	15666	07/25/68	- - -	Unnamed Spring	0.123	52

With each of these water rights, a Place of Use has been approved by the State Water Resources Control Board - Division of Water Rights (SWRCB DWR). For RCSD, the water diverted from the SF Eel River under Applications 23017 and 11876 is diverted at a single infiltration gallery, treated at the Surface Water Treatment Plant, then distributed to the customers and stored in the various water

storage tanks. **The combined spontaneous diversion rate for the river infiltration gallery is 1.273 cfs and the maximum annual diversion face-value total is 602.5 acre-ft/year.** The permit for the river has a development period that ended on December 1, 1995.

While the RCSD application date for the Unnamed Spring is in 1968, the previous Redway Water Company used this spring along with the water lines and water storage tank because the infrastructure is shown on the 1933 as-builts for Highway 101, so the use of the Unnamed Spring dates back much farther than the application. Water has not been diverted from the Unnamed Spring under Application 23018 since June 2008. In 1984 and 1988, the District asked for this permit to be converted to a license.

During numerous years in the 1990s, RCSD reported to SWRCB-DWR that they could not divert water from the river for one or more months in a given year because the river had migrated to the other side of the channel where there were not any infiltration gallery pipes. Eventually they found that there was a sandstone divider between the two sides that protruded above the top of the gallery pipes, thus creating a barrier at low-flow river conditions that prohibited the water from reaching the existing pipes. From the diversion records it appears that during those years they diverted additional water from the Unnamed Spring to offset their inability to use the river diversion.

On December 7, 2000, the SWRCB-DWR wrote to RCSD stating that they were violating the terms of their permit by diverting more than 52-acre-feet of water per year. RCSD responded on January 17, 2001, that they would monitor the diversion amounts more closely to make sure they stayed in compliance. The diversion amounts from 2000 and beyond stayed within the allocated amount (see Attachment #1). In the February 2, 2001 letter, SWRCB-DWR stated they have completed the change to the Place of Use and they are "...ready to continue the licensing process of your water right. The license will be issued based on the signed Request for License received on March 7, 1995." In a letter dated November 26, 2003, SWRCB-DWR stated they have a shortage of technical staff and a backlog of petitions, so they are implementing a new policy of requiring the petitioner to perform CEQA. This letter can be found in Attachment #7.

RCSD applies for funding to remedy the problems. In May 2007, the District was informed that their pre-application for upgrades to the surface water treatment plant at the SF Eel River and construction of a second treated water storage tank (600,000-gallon planned but 400,000-gallon built) at the Rusk site is eligible for funding. The District returned the Statement of Intent and completed the application. In the Sept 19, 2007, RCSD Board meeting minutes report for the State Revolving Fund Loan Application that "...The District will discontinue using the spring as a storage and water source. The funds from the State Revolving Fund Loan (SRF) will be used to purchase additional storage and increase the capacity at the water treatment plant." RCSD hired Waterworks Engineering to complete the final application package, which was due January 5, 2008. On May 8, 2008, the California Department of Public Health (CDPH) notified RCSD that the application had been reviewed and was considered complete. CDPH directed RCSD to begin the detailed technical, environmental, and financial review of the project.

In June 2008, the District ceased diverting from the Unnamed Spring. In a July 30, 2008, memo from the Operations Manager, Ken Dean, to the RCSD Board, he lays out the details of the events that have led to the pumps running out of water. Emergency measures were implemented. They suspended bulk water sales completely. Based upon the information within the monthly reports from the Operations Manager, RCSD experienced extreme issues with being able to divert enough water

with only the river diversion because the river was once again on the opposite side of the channel and the sandstone barrier was keeping the water from reaching the infiltration gallery pipes. In the August 13, 2008, memo Mr. Dean indicates that he contacted then CDFG about the situation and that “diverting the river to the intake area may be required.” Subsequently, the District submits an addendum to the SRF application to include the modification of the infiltration gallery. Jane Arnold of CDFG received photos of the problem and visited the site on September 10, 2008. RCSD was informed of the need for notifications to CDFG for all three of the water rights, if active. During the site visit, CDFG informed RCSD that they would “allow the District to install a screened electric well pump, that during an emergency, could be used to draft water into the wet well at the water treatment plant.” In October 2008, it rained early and began to alleviate the emergency conditions for that year.

The next year had similar issues. On July 8, 2009, RCSD’s Board adopted Resolution 09-10-1 declaring a local water emergency due to drought conditions (see Attachment #8). At the July 15, 2009, meeting, the Board adopted a Water Shortage Emergency Contingency Plan that contained several levels of specific conservation measures to be adhered to by the customers. The Board implements Level 2 of the mandatory conservation measures. On July 22, 2009, representatives from CDFG, United States Army Corp of Engineers (USACE), National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Waterworks Engineers, and Humboldt County (County) met onsite to discuss the environmental permits required before the District can disturb the riverbed. The declaration of the water emergency is extended through September. RCSD submitted the Lake and Streambed Alteration (LSA) Notification for the emergency work at the infiltration gallery and the LSA Agreement (LSAA) was issued July 23, 2009. The Notice of Exemption for the “temporary pump” was sent to the County Clerk’s Office on July 20, 2009. The Notice of Exemption for the permanent Repair of the Infiltration Gallery was subsequently sent on July 27th. Jane Arnold attended the August 5, 2009, Board meeting to answer questions about the LSAA process. On July 29, 2009, RCSD is informed by CDPH that the funding for the project has been reserved in the amount of \$3,046,200 and they must execute the Notice of Acceptance of Application by meeting specific terms and conditions. That same day the Notice to CDFG for the permanent repairs to the infiltration gallery were submitted. A second visit occurred with CDFG on August 17, 2009, to review work proposed for the permanent repair of the infiltration gallery. NMFS also visits site to review for permit. In October 2009, the Operations Manager reports that the performance of the emergency pump just maintains adequate storage levels and they are pumping at 143 gallons per minute (gpm). Rain started in mid-October and by the beginning of December production finally exceeds demand.

In January 2010, the District reports having received all the required permits to perform the permanent repairs to the infiltration gallery, however, work cannot begin until July 1, 2010. Construction plans and environmental review of the larger SRF project are underway. The project is bid August 2010. In July 2010 the river levels drop and the District began using the temporary pump again. Mandatory conservation measures were implemented. It takes a number of months to get the funding agreement fully executed and the construction contractor underway. By 2011, enough project is complete that there isn’t a water shortage at the river diversion anymore.

Diversion Reporting to SWRCB-DWR

The reporting by RCSD over the time period 1971 - current has been completed by many different operators and managers at the District. The various personnel reported inconsistently as to method and units of measure. Some years were reported in gallons/year, some in millions of gallons/year, and some in acre-ft/year. Because the river diversion for two water rights is accomplished and recorded from a single diversion through a single treatment plant, the way that this total diverted amount has been reported for the two water rights has varied. For many of the years, the total amount was reported on BOTH the river permit and the river license. From 2014 to present the total diverted from the river was reported only on the river permit. In 2012 & 2013, it was split between the license and permit. However, RCSD has treatment plant production records that reflect the total diverted from the river, and those have been used to verify the amounts reported to SWRCB-DWR to determine, by reporting year, which way the report was completed.

In Attachment 1, the first table is a tabulation of exactly the numbers that were on each of the diversion reports as submitted to SWRCB-DWR and are in a variety of units of measure. The second table takes those numbers and converts them all to acre-ft/year but leaves them as reported in the first three columns. Notice that for each year one number is in red for the river and one for the spring. Those are the numbers that most closely match the production records and are being used as the actual diversion amount that should have been reported. Please note that the river permit report and the Unnamed Spring reports for 2006 were not available from SWRCB-DWR staff, so we have used the production report amounts for those years (River = 65,661,000 gallons/ Spring = 15,510,000 gallons).

The way that the river diversion was reported for virtually all years is incorrect. The correct way to report is that all the water available under the license is diverted (161.5 acre-ft per year) and then the remainder of the total diverted is shown on the permit. Both water rights can be diverted simultaneously at a combined rate of 1.273 cfs but the agency always has to show they used the entire face value of the license before they show use on the permit. Three columns have been added to this second table showing how the diversion amounts should have been reported for each of the three water rights. The last column on the right sums the amount diverted under all three water rights. **Three years; 1989, 1995, and 2011 are most critical to the discussion on how to license the river permit and what that face value should be.** The SWRCB-DWR provided scans of these nine diversion reports, and they are provided in Attachment #3.

A graph showing the diversion amounts each year by water right and the total diverted each year from the SF Eel River watershed overall is provided in Attachment 2. Readily evident is overall downward trend of diversion amounts (red line) as the community of Redway has worked together to minimize water consumption, especially during drought years.

Dedication of the Unnamed Spring

Diversion at the Unnamed Spring for the town of Redway was occurring prior to 1933 when the State built what is now the old Hwy 101. The Unnamed Spring is diverted from a valuable cold-water source that enters the SF Eel River shortly beyond the diversion point at a beautiful waterfall. RCSD invested considerable funds (over \$3M) to upgrade the Surface Water Treatment Plant in 2010 so that they could cease diverting water from the Unnamed Spring and divert solely from the river. The last time RCSD diverted water at the Unnamed Spring was June 2008. At that time, CDFG staff (Jane Arnold

and her supervisor) were intimately involved in the approval of the temporary pumps in the SF Eel River and the permanent modifications to the infiltration gallery in the river. RCSD has a number of emails, letters, a LSA Notification, and LSAA related to this transition from two sources to a single source.

RCSD desires, and current CDFW staff supports, the dedication of the instream flow for the beneficial uses of fish, wildlife, and recreation in the Eel River watershed. RCSD adopted Resolution 2025-2026-01 titled "RESOLUTION OF THE REDWAY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AMENDING THE PREVIOUS RESOLUTION APPROVING THE WATER RIGHTS PETITION FOR CHANGE IN PLACE OF USE AND AN EXTENTION OF TIME APPLICATION, AND ADDING A 1707 IN STREAM DEDICATION PETITION FOR THE UNNAMED SPRING." This resolution is in Attachment #5. The Division of Water Rights' California Water Accounting, Tracking, and Reporting System (CalWATRS) will replace eWRIMS and will not be available for acceptance of the 1707 petition until after October 1, 2025. Once the SWRCB-DWR online application and reporting system opens, RCSD will submit to SWRCB-DWR a 1707 petition to dedicate the instream flow for the Unnamed Spring diversion's permit (A23018) utilizing a Change in Place of Use to encompass the unnamed stream's course from the spring to the confluence with the SF Eel River, and add recreation and "Fish and Wildlife Preservation and Enhancement" to the Beneficial Uses to protect the spring in perpetuity.

RCSD also desires to pursue funding to remove the spring diversion, pumping, transmission, and storage infrastructure from the stream channel. We will be coordinating with the Cannabis Watershed Restoration Program to determine if grant funds are available to deconstruct this facility. A letter of support from FOER for this restoration project would be appreciated. RCSD's Board is enthusiastic about deconstructing the diversion infrastructure and is merely awaiting funding to implement the project.

Parcels Being Added to the SF Eel River License & Permit

A list of the parcels being added to the river's license and permit Place of Use (POU) is included as Attachment 4. They are listed by APN and the status of their current water service is included. The Eel River Conservation Camp (Assessor's Parcel Number (APN): 222-161-002) is no longer a part of the proposed project. The Board removed it in Resolution 2025-2026-01 (see Attachment 5).

Specific Responses to Protest Dismissal Terms

1. To prevent impacts to listed fish and water temperatures from the project during the critical low-flow periods, Redway must limit their diversion rate to no more than one percent of the flow of the Eel River as measured at the Miranda USGS gage.

The town of Redway has been diverting water from the SF Eel River watershed for over 100 years. Redway is a severely disadvantaged community. The residents of Redway have a right to water as legislated by the State of California. "California was the first state to recognize a "Human Right to Water" (HR2W), establishing in its 2012 law (AB 685) that every person has a right to safe, clean, affordable, and accessible water for drinking, cooking, and sanitation. The Human Right to Water Policy, adopted by the California Department of Water Resources (DWR) in 2021, guides state operations, while the SWRCB implements strategies to achieve this right through programs like

SAFER, which works to ensure all Californians have access to safe and affordable drinking water, particularly disadvantaged communities.”

As can be found at <https://water.ca.gov/Programs/All-Programs/Human-Right-to-Water> ,

“California was the first state to recognize that “every human being has the right to safe, clean, affordable, and accessible water.” This includes water adequate for human consumption, cooking, and sanitary purposes. The human right to water (HR2W) extends to all Californians, including communities in traditionally underrepresented rural and urban areas. Acknowledging the social and environmental inequities across California communities, DWR adopted a HR2W Policy in April 2021, to guide its operations, projects, and programs when revising, adopting, or establishing policies, regulations, and grant program criteria.”

Limiting the diversion amount to 1% of the flow of the river equates to the residents of Redway no longer having access to adequate water once the river reaches 55 cfs, which is not low-flow conditions and is not reasonable. If each customer is allocated an average of 100 gallons per day, with RCSD’s population of 1,600 that equates to 160,000 gpd or 0.2476 cfs. If the 1% was applied then once the river flow reaches 24.76 cfs that minimal amount would no longer be available to the residential customers. This calculation doesn’t even address the amount of water needed by the commercial customers. Also, 1% of 55 cfs = 0.55 cfs = 250 gpm, which is the lowest pumping rate at which the surface water treatment plant can perform, so any time the river flow was below 55 cfs, the District would be unable to operate the existing pumps.

CDFW included a similar protest dismissal condition except theirs was 5% instead of 1%. CDFW’s reads: “To minimize cumulative impacts to listed fish and wildlife the Applicant shall not divert more than 5% of streamflow as measured at the USGS gaging station at Miranda.”

RCSD’s Response to CDFW

This same condition was proposed by CDFW in the Draft LSAA for the diversion. RCSD would like to modify how this diversion amount is implemented. RCSD proposes to calculate the maximum diversion amount on a 24-hour basis instead of instantaneous basis, due to the operational limitations of the pumps at the treatment plant.

RCSD’s water treatment plant contains numerous stages of treatment, each of which is sized to perform at a set range of flows. This infrastructure cannot be operated at flow rates that are outside of their designed ranges. The details of these capacities were included in the RCSD Water Capacity Analysis report by Waterworks Engineers, which was included in the LSAA notice to CDFW. RCSD upgraded the water plant in 2009 with new raw water pumps, among many other items. The pumps that were installed are a duplex pumping system instead of the previous triplex system. The raw water pumps have a maximum capacity of 450 gpm. For normal operations they are run at 350 gpm and the number of minutes they run each day varies based upon the consumption for that day. Under unusual circumstance, such as the river water having high turbidity or when water conservation stages have been declared, the plant can be recalibrated to run at a slightly slower speed. The lowest that the plant has ever run at for more than a few minutes is 250 gpm. We can decrease the instantaneous simultaneous pumping rate for the river license and permit to match the 5% on an instantaneous basis until the river flow reaches 11.15 cfs, but when the river falls below that flow rate we would like to set our pumping rate at 250 gpm and monitor the number of minutes pumped in a 24-hour period to make sure we stayed under 5% of the river’s flow during that same 24-hour period.

For example, if the Miranda gauge reads 5 cubic feet per second (cfs), then the maximum daily diversion amount at 5% would be 21,600 cubic feet per day (or 323,158 gallons per day (gpd)) based upon 0.25 cfs x 24 hours. We would like to be allowed to divert this amount at a rate of 250 gallons per minute (gpm) for a total of 646 minutes (10.76 hours) per day. This results in the same amount of water being diverted from the river over a 24-hour period. While 250 gpm is more than 5% of the instantaneous river flow rate, by pumping for less than the entire 24 hours, we would still divert less than the requested 5% maximum on a 24-hour basis. This difference has a significant effect on the viability of operating the treatment plant at a lower diversion amount while not destroying the pumps without sacrificing the protection of the fish and aquatic species.

Because the USGS gaging station at Miranda provides real-time numbers that are provisional, and sometime change when the station master recalibrates the gauge, RCSD will keep records of what USGS was reporting each day which informed the operator on how to calculate the total amount that can be diverted that day. These records will also show the pumping rate, amount of time pumps ran, and the total amount diverted each day. Records each year will begin to be created when the river flow is at or below 30 cfs.

2. To protect temperature, fish and wildlife, instream flows, and beneficial uses, Redway shall be held to the amount of water put to beneficial use as of December 1, 1995. These permit terms are the current permit terms Nos. 7 and 8 as amended on August 13, 1985.

We understand the concept of your condition; however, the maximum total amount of water diverted from the three water sources through December 1995 is significantly higher than the amount RCSD is requesting in the Extension of Time for the river permit with the inclusion of the 1707 Dedication of the Unnamed Spring. The following table summarized the diversion amounts for each of the three water rights in the three years that would impact this calculation: 1989, 1995, and 2011. The scanned diversion reports for each of these three years for each of the three water rights is provided in Attachment #3.

Table 3. Diversions (in acre-ft/year) by Water Right for Critical Diversion Amounts (taken from Attachment #1)

Year	River License	River Permit	Unnamed Spring	Total
1989	161.500	63.178	65.685	290.362
1995	161.500	57.039	81.645	300.184
2011	161.500	90.730	0.000	252.230
Request Amount	161.500	90.730	0.000	252.230

If RCSD were to use the 1995 diversion, the total would be 300.184 acre-ft/year. However, RCSD is requesting that the river permit be licensed at 90.730 acre-ft/year, in addition to the 161.5 acre-ft/year for the river license, for a total diversion of 252.230 acre-ft per year. Using the 2011 diversion results in **47.953 acre-ft/year less** than what would be requested if 1995 diversion amounts were used. If the 1989 diversions were used, then the 2011 request would be 38.132 acre-ft/year less. RCSD did not request the larger total from 1995 because we believe that the 252.230 acre-ft per year from 2011 is sufficient for the existing development within the proposed Place of Use (POU) plus any minor development amongst the few undeveloped or underdeveloped parcels.

The purpose for the river permit's Extension of Time petition was to document the maximum diversion from the SF Eel River once the diversion from the Unnamed Spring had ceased. This is the procedural process available from DWR to accomplish documenting the transfer of the diversion from the spring to the river in 2009.

3. If Redway seeks more water than was put to beneficial use under Permit Terms No. 7 and 8 for Permit 15665, then Redway shall file for a new appropriative water right.

This is not applicable since we are requesting less water than was put to beneficial use prior to 1995.

4. Use that may not have been permitted, including potential use outside the permitted area and unpermitted commercial cannabis cultivation, cannot be used for determining the maximum amount used under the Permit.

RCSD has an adopted Cannabis Policy that requires forbearance by any Cannabis customers using water to irrigate crops by storing water on their own property to use during low-flow times of year. This policy is included in Attachment #7. RCSD has historically had only one commercial cannabis customer, the nursery on Redwood Drive, but it was not operational yet in 2011. We have no records to indicate that unpermitted commercial cannabis was occurring in 2011.

As to bulk water, 4JsConsulting has reviewed the Board Packets including meeting minutes and attachments from 1998 - 2013. Prior to July 2008 the monthly financials documented the amount billed each month for bulk water. In the July 30, 2008, memo from Ken Dean, Operations Manager, to the Board he states that bulk water sales have been suspended. Emergency measures are implemented which have been detailed above. On July 8, 2009, the RCSD Board adopted Resolution 09-10-01 titled "A RESOLUTION OF THE GOVERNING BODY OF THE REDWAY COMMUNITY SERVICES DISTRICT DECLARING A LOCAL WATER EMERGENCY DUE TO DROUGHT CONDITIONS". RCSD's records show no bulk water sales since they were discontinued in 2008. This means that the 2011 diversion amounts do not include any bulk water sales.

The highest diversion years were in 1989 and 1995 at which time there weren't any water service connections outside of the Place of Use. The inter-tie between RCSD's water system and the Meadows Business Park was in 1998, so there were no users outside the permitted area during the development period.

5. Redway should develop additional water conservation measures such as improving home water efficiencies, eliminating leaks from the diversion infrastructure, expanding storage, and other measures as necessary. Such unnecessary losses constitute a prima facie unreasonable method of diversion forbidden by the California Constitution.

RCSD has developed water conservation measures, which are evident from the downward trend for the total water diverted in the graph (see Attachment #2). RCSD educates customers on water conservation fixtures for their homes and best practices that conserve water. Some of the projects they have completed to reduce excess water diversion include but are not limited to:

- Construction of a second 400,000-gallon water storage tank at the Rusk site in 2010 (see Attachment #9).

- Construction of improvements to the infiltration gallery, raw water pumping station, and surface water treatment plant (see Attachment #9).
- Installation of all new smart meters that allow customers to view their water use at any time from an online portal. RCSD staff monitors the data daily to advise customers of leaks that may be occurring on the customer's side of the meter so that they don't continue.
- Application for replacement of the older Rusk tank.
- Investigation of potential ground water sources to reduce reliance on surface water diversions

In addition, RCSD has an existing Water Conservation Ordinance 2018-01, which contains four stages of conservation. Table 3 below summarizes these stages.

Table 3. Summary of Water Conservation Ordinance 2018-01

Stage	River Flow Cubic Feet per Second (cfs)	Conservation Measures (June 1 - Oct 15)
1	25	<p>SEASONAL WATER SUPPLY CONSERVATION</p> <ol style="list-style-type: none"> 1. No pools or storage tanks can be filled. 2. Industrial accounts are restricted to 3,000 cubic feet per month. 3. Ten voluntary restrictions are suggested for all customers.
2	20	<p>MANDATORY CONSERVATION DECLARATION</p> <p>Mandatory enforceable restrictions with 25% reduction objective:</p> <ol style="list-style-type: none"> 1. Landscape watering is allowed only between the hours of 6pm and 10:00am. 2. Restrict outdoor water usage to an 'Odd Even' water conservation plan. Under this plan odd numbered homes are asked to restrict their outside water usage to Wednesday and Sunday. Even numbered homes are asked to water outdoors only on Tuesday and Saturday; Businesses are asked to water on Monday and Thursday. Water each area only for 10 minutes. 3. Refrain from allowing water to run off any lawns, landscape, or garden into adjoining streets, gutters, sidewalks, parking lot or alley. 4. Refrain from hosing or washing sidewalks, walkways, driveways, parking lots or other hard surfaced areas. 5. Refrain from washing cars, boats, trailers, or other vehicles except at commercial car wash where water is recycled. 6. Equip any hose with a quick acting shut-off nozzle. 7. Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems. 8. Equip ornamental fountains, ponds or lakes with a water recycling system. 9. Nurseries must use basins under watered inventory to catch excess water. 10. Hotels and motels shall provide a notice of water emergency in each room. 11. Restaurants shall refrain from serving drinking water except upon specific request by a customer. 12. Industrial accounts shall be limited to water usage of 2,500 cubic feet per month.

3	10 or Unable to Refill tank overnight	WATER SHORTAGE EMERGENCY DECLARATION Mandatory enforceable restrictions with maximum reduction objective: <ol style="list-style-type: none"> 1. Industrial and Commercial accounts are limited to 400 gallons per day (approx. 1600 cubic feet per month). 2. Residential accounts are limited to 60 gallons per resident per day (approx. 240 cubic feet per month each (per resident). 3. Provided the Board of Directors has declared a Water Shortage Emergency pursuant to California Government Code sections 350 et seq., no new construction meters will be issued. Construction water shall not be used for earth work, road construction purposes, dust control, compaction, or trench jetting. 4. Provided the Board of Directors has declared a Water Shortage Emergency pursuant to California Water Code sections 350 et seq., the District shall not allow any new connections to the water system during Stage Three. The existence and application of any such new connection moratorium or other similar restrictions shall be determined by separate action by the Board of Directors. 5. Plus the first 11 items from stage 2
4	Less than 10 cfs and Unable to Refill Tank to 80% Overnight	DIRE WATER SHORTAGE DECLARATION Mandatory enforceable restrictions with reduction of use to absolute minimums for human survival and safety. The following water uses will be prohibited: <ol style="list-style-type: none"> 1. Landscape irrigation or watering of lawns or gardens; 2. Washing of cars, boats, trailers or other vehicles; 3. Filling of swimming pools, spas, hot tubs or water tanks; 4. Serving of drinking water at restaurants unless requested; 5. Filling or operating ornamental fountains, ponds or lakes; 6. Sewer system maintenance, fire protection training or flushing of hydrants; 7. Street cleaning or dust control; 8. Water for nonessential use or for commercial or industrial processes. 9. Use of hydrants for anything other than firefighting. Plus all items in stages 1, 2 and 3.

The residents of Redway are accustomed to complying with these conservation requirements to maximize the amount of water that remains in the river for other uses. The conservation ordinance includes enforcement provisions and financial incentives for the customers to comply. The full Ordinance can be found in Attachment #11

6. The water right for the unnamed spring must be abandoned to protect summer flow into a critical refugia area for coho salmon and steelhead. The infrastructure for the spring must be removed to prevent waste discharges and pollution.

The water right for the Unnamed Spring is not a part of the petitions that were noticed nor the petitions that FOER are protesting. That being said, RCSD desires to pursue funding to remove the spring diversion, pumping, transmission, and storage infrastructure from the stream channel. Should FOER have funding suggestions, there is an opportunity to coordinate with RCSD. RCSD's Board is enthusiastic about deconstructing the diversion infrastructure and is merely awaiting funding to implement the project, but the petitions related to the river water rights should not be postponed until this deconstruction project is complete. We welcome any assistance FOER can offer and would appreciate a letter of support to go with our grant application to CDFW.

Once you have had a chance to review the additional information, please let me know when would be a convenient time for myself and Jennie Short to meet with you at your Eureka office. You can reach me at (707)923-3101 or via email at cody@redwaycsd.org.

Respectfully,



Cody Cox
General Manager

jms

Cc via email:

Scott Greacen { scott@eelriver.org }
Alicia Hamann { alicia@eelriver.org }
Arvin Chi, SWRCB-DWR { Arvin.Chi@waterboards.ca.gov }
Jennie Short, 4Js Consulting { 4JsConsulting@gmail.com }

Attachments:

1. Tabulation of Historical Diversion Reports to SWRCB-DWR AND Tabulation of Corrected Diversions by Water Right
2. Graph of Corrected Diversions by Water Right
3. Filed Diversion Reports for each of 3 Water Rights for Years 1989, 1995, 2011
4. List of Parcels Being added to POU With Water Service Status
5. 1707 Dedication of the Unnamed Spring & Resolution 2025-2026-01
6. Contract with LACO Associates for CEQA Services
7. Documents Related to the Unnamed Spring
8. Resolution 09-10-1 Declaring a local water Emergency due to Drought Conditions
9. Cannabis Policy with Forbearance Requirements
10. Select sheets from Construction Plans for Water System Improvements prepared by Waterworks Engineers March 2010
11. Water Conservation Ordinance 18-1