

CAR

S0002

Millview County Water District
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24 April 2006

Mr. Charles A. Rich
State Water Resources Control Board
Division of Water Rights
Complaint Unit
PO Box 2000
Sacramento, California 95812-2000

Subject: Reply 363:CAR:262.0(23-03-06)

Dear Mr. Rich,

In response to your recent letter regarding a complaint of Water use under pre 1914 statement # S000272 the following will address each of your questions sequentially.

- A) To the best of our knowledge Mr. Hill and Mr. Gomes firmly believe they are the legal owners of the pre 1914 water right S000272 as described and originally filed with the Mendocino County Recorder by J.A. Waldeufel, March 24, 1914.
- B) Water is diverted from the Russian River under S000272 in the amount indicated on the Supplemental Statement of Water Diversion and Use dated June 10, 2005 during the months of May through November. The point of diversion is located North 556,508 feet and East 1,660,210 feet of the California coordinate system Zone 2 being within the NE 1/4 of the SE 1/4 of projected Section 5 T15N, R12W MDB& M.
The water diverted is used upon lands as described in the original statement filed with the county recorder March 24, 1914 by J. A. Waldeufel, for domestic use, supplying 125 single family homes constructed by Mr. Gomes and Creek Bridge Homes. Map attached as Exhibit A.

Ex - I

C) In the lease agreement attached to your letter, Mr. Hill and Mr. Gomes granted, conveyed and assigned all right, title, and interest to the water right S000272 to the District. Excepting a collective reservation of 125,000 gallon per day for use by Mr. Hill and Mr. Gomes or their assignees.

It is our understanding the reservation was divided and one share deeded to each home constructed by Creek Bridge.

D) The District has no knowledge of Mr. Hill and Mr. Gomes having sold any portion of the claimed right.

E) Creek Bridge homes diverted water under the claimed right we believe from July of 2001 through September of 2002. The District did not receive a copy of the Statement submitted by Creek Bridge and does not know where the point of diversion was listed. However the current diversion point is approximately 400 feet south of Lake Mendocino Drive.

F) The 51 homes listed are situated on the parcels identified as APN 169-130-01 through 169-130-51. There are an additional 74 homes that are being served within the same subdivision. The water use reported for 2002-2004 included these additional parcels.

G) The District supplies water to the places of use identified in both statements, which is fully encompassed within the Districts boundaries. The amounts of water reported for the months of May through November on the Supplemental Statement of Diversion reflect the Districts pumping from its direct diversion point. The remaining months are reported under License 492 (Application 3601) Permit 13936 (Application 17587) and the water supply agreement with the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

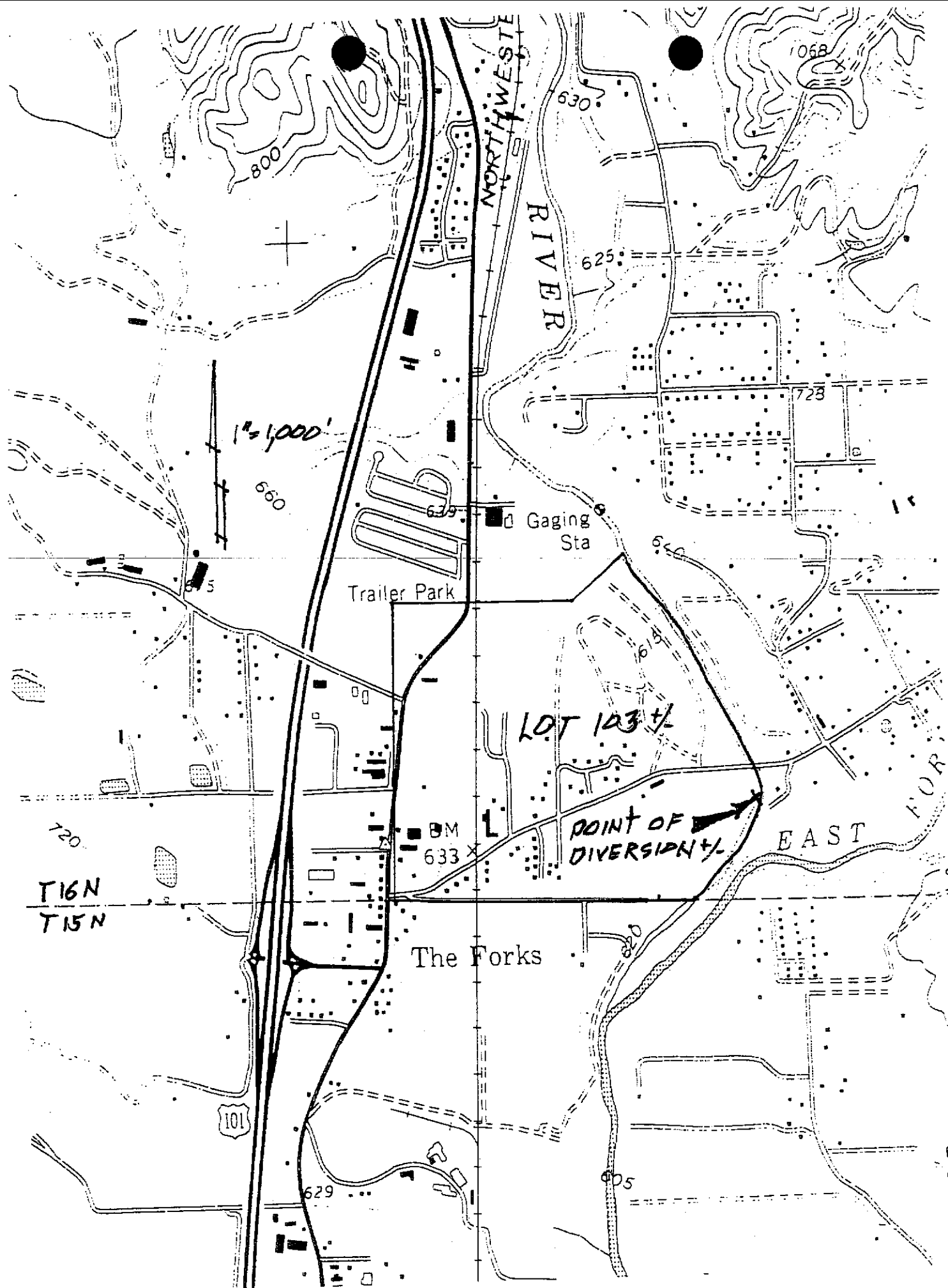
As for Mr. Howard's contention that the Pre- 1914 water right no longer exists, based on what he claims are statements made by Mr. Wood, publicly denouncing the validity of the water right, remains open to question.

The District's Legal Counsel met with and interviewed Mr. Woods prior to his passing regarding the historical water use under the Pre-1914 water right. The information gathered from that interview conflicts with the claims made by Mr. Howard in his complaint.

I hope the above information is helpful in making your determination regarding this issue. If I may be of further assistance or provide additional information, you may contact me at the District's Administration Office at (707) 462-7229.

Sincerely,


Tim Bradley
General Manager



William Dodson }
and }
S. L. Hastings }
John }
David H. Fowman }

Deed.
Dated July 16th 1870
Considered to be for

J. W.
Stamp
\$1.00
Wm. D.
167
7/1

This instrument made the 15th instant
day of July in the year of our Lord One thousand eight
hundred and seventy.

Between Wm Dodson and S. Clinton
Hastings, parties of the first part - and David H. Fowman
Grant of Mendocino County, State of Cal. for use
the party of the second part.

Witnesseth, that the said party
of the first part - for and in consideration of the sum
of Seven Hundred Dollars gold coin of the United States
of America to him in hand paid by the said party
of the second part - the receipt of which is here by ac-
knowledged, has granted, bargained, sold and con-
veyed and by these presents do grant, bargain
sell and convey unto the said party of the second part
and to his heirs and assigns for ever all the real
estate situated lying and being in Mendocino County
State of Cal. for and to be bounded and described as
follows.

Beginning at the North East cor-
ner of lot No 80 Healey's Survey and Chap of Upper
ranch, and at the point where the true standard North
crosses Russian River running thence West along the
township line and the North line of said lot - 82 West
forty chains and seventy eight hundredths, to a post
marked 2/3, thence North 38.30 chains, thence East
ninety two (92) chains, thence North 48 1/2 East 8.14 chains
to Russian River, thence down the center of the channel
of Russian River to the place of beginning, containing
one hundred and sixty acres, more or less, being lot
No 103 of Healey's Survey and map of Upper Ranch.

Together with all other regular
the tenements, here detachments and appurtenances
thereunto belonging or in anywise appertaining
and the reversions and reversions, remainders, and
remainders, rents, issues and profits thereof.
And also all the state right, title, interest, property,
possession, claims and demands whatsoever now or
in law as in equity, of the said party of the first part
of, in or to the said premises, and every part and
parcel thereof, with the appurtenances.

To Have and to hold, all and any
where, the said premises, together with the appurtenances
unto the said party of the second part - his heirs
and assigns forever.

TO MILES
18 MI.

Colpella

RUSSIAN

MENDOCINO
LAKE

MENDOCINO CO.
M. D. B. & M.

30

29

28

26

31

32

33 COYOTE
DAM

35

R.12W.

R.11W.

T.16 N.

T.15 N.

6

5

4

3

2

7

8

9

10

DIVERSION POINT

S 000272

N 556,508' E 1460210'

CALIFORNIA SYSTEM
ZONE 2

WITHIN THE NE 1/4 OF SE 1/4

OF SECTION 5

T.15N R.12W MDB & M

18

17

16

15

UKIAH

21

22

RIVER

29

28

27

32

33

34

101

TO HOPLAND
11 MI.

MILLVIEW COUNTY WATER
DISTRICT

SCALE



REFERENCE: Ukiah 15' Quad.

DATE: DRAWN: CHECKED: INQ: