

KBM  
28625

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

DEC 21 2004 11:58

**PETITION FOR EXTENSION OF TIME**

WATER USERS:

Application 28625 Permit 20813

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

**The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.**

Please check below the action you wish taken on this permit.

The project has been abandoned and I request revocation of the permit.

\_\_\_\_\_  
Signature

Full use of water has been made, both as to amount and season, and I request license be issued.

\_\_\_\_\_  
Signature

The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

**PETITION FOR EXTENSION OF TIME**  
**If START of construction has been delayed**

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Estimate date construction work will begin.

\_\_\_\_\_

3. Reasons why construction work was not begun within the time allowed by the permit.

\_\_\_\_\_  
\_\_\_\_\_

12/21/04  
\$50.00  
DC

**PETITION FOR EXTENSION OF TIME**  
**If construction work is proceeding**

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A \_\_\_\_\_ - year extension of time is requested to complete construction work and/or beneficial use of water (Indicate number of years).
5. How much water has been used? \_\_\_\_\_ acre-feet/year \_\_\_\_\_ cfs
6. How many acres have been irrigated? \_\_\_\_\_
7. How many houses or people have been served water? \_\_\_\_\_
8. Extent of past use of water for any other purpose. \_\_\_\_\_
9. What construction work has been completed during the last extension? \_\_\_\_\_
10. Approximate amount spent on project during last extension period. \$ \_\_\_\_\_
11. Estimate date construction work will be completed. \_\_\_\_\_
12. Estimated year in which water will be fully used. \_\_\_\_\_
13. Reasons why construction and/or use of water were not completed within time previously allowed. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.**

14. What water conservation measures are in effect or feasible within the place of use?  
\_\_\_\_\_  
\_\_\_\_\_
15. How much water is being conserved or is it feasible to conserve using these conservation measures?  
\_\_\_\_\_ acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? \_\_\_\_\_ gpd.

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: Nov 11, 2004, at Richmond, California  
Chin Joo Signature(s) 530-676-4481 Telephone No.

**NOTE: A \$50 FEE MADE PAYABLE TO THE State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.**

## Petition for Extension of Time

1. See below.
2. August, 2005
- 3.

Since I am the 2<sup>nd</sup> or 3<sup>rd</sup> owner of the property since the permit was issued, I do not know what was done prior to my purchase. Before and since the purchase, my neighbor has illegally diverted water stored under my permit in my pond to his place of use. Some (not all) of the facts related to this issue are in a complaint filed with the department. The terms of my permit, agreed to by prior owners and the current neighbor state that they would resolve the impoundment issue by separating the body of water into 2 pieces by constructing a barrier along the property line. It is also specifically stated that "if a physical barrier is to be constructed along the property line, the barrier shall be designed by a registered civil engineer as an integral feature of the dam to be constructed under permit 20682(Application 29160)." Further, it states that "Constructioun of the barrier shall be concurrent with the construction of the dam under Permit 20682." Since our neighbor never initiated nor completed this construction, neither we, nor prior owners of the property were able to begin our construction, since the permit required concurrent construction, among other things. The permit also states that construction of the barrier shall be coordinated with Mr. & Mrs. Knoble-Hamilton, or their successors in interest, so that there is minimal physical disturbance in the resorvoir area. The problems with this permit are manifold.

If we began our construction before the neighbor began his constructioun, we would be in violation of the permit terms requiring concurrent construction. We would also be violating the term requiring minimal disturbance in the resorvoir area as this would disturb the area with further construction at a later period. The terms of the permit, the neighbors lack of due dilligence in proceeding with his own construction project, his illegal diversion of our water, etc. all contributed to our inability to complete our own construction and put water to beneficial use as outlined in the permit.

We have since found out that the neighbors permit referred to in my permit for placing into use and construction expired several years ago. He has had almost 10 years to begin his construction and put to beneficial use the water impounded, but in that time has done nothing towards completion of the permit. This, along with his lack of due dilligence in proceeding with the permit, etc. all contributed to our inability to act dilligently in proceeding with our own permit and causes us to file for extension.

The terms basically prevented us and prior owners form doing anything until Mr Knoble-Hamilton began his construction work. Since the department has now

determined that it will no longer enforce Para 19 of our permit, and has presumably stopped Mr. Knoble-Hamilton from diverting water impounded under our permit to his place of use, we are now free to proceed with our construction, and put to beneficial use, the water diverted under our permit provided our petition of extension is granted. The problem we now face is that this complaint filed in Sept 2003, did not get resolved until Sept 2004, not giving us enough time to complete work before the time to complete construction expired.

We would also request that the fees be waived due to the facts listed above. We would also request that Mr. Knoble-Hamiltons extension for his permit not be renewed for the same reasons listed above and or that he be issued a licence for any water that he can show to have been put to beneficial use or be issued a licence for recreational purposes if no use can still be shown. There is nothing to indicate that he would ever fully comply with any terms in the future as he has never fully complied with any terms in the past. He has had several permits issued and he has yet to fully comply with any of them. He has completed construction of one dam, but he has never placed any of the water impounded to beneficial use as outlined under his permit. The water he has claimed to have used on his place of use has been impounded under our permit. Therefore, he can not show any use of water under that permit, causing him to be in non-compliance with this permit also. Since he has presumably filled out his Progress Reports indicating water impounded under his permit was used, these reports are likely false. Since our pond is not listed as a place-of-rediversion for his water, his use is not allowed.

He has indicated, as a way to try to explain his use and to make it *appear* legitimate, that he diverts water from his "upper pond" to the "lower pond" and then to his place of use. The facts indicate that this is plainly false as indicated by photographs of water levels, his own statements to me and can be proven beyond doubt by power consumption records. In the 2004 irrigation year, he has used a fraction of the water he normally uses and his water levels are 2x as low as they have ever been in the past (because he presumably can't use water impounded under our permit anymore). This indicates that all of the water he used in the past came from the water impounded under *our* permit.

4. 10 year. Once construction is completed, we will be planting & irrigating trees throughout the period. Full use of water, once all trees are planted and fully established should be at the end of the period.

5. Approximately 7ac ft

6. 10 ac

7. 1

8. n/a

9. n/a

10. n/a

11. Nov 2005, but an extension filed with the department may affect the timing of this.

12. 2015

13. See previous no. 3.

14. N/a (drip irrigation)

15. ??

16. ??

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

2000 APR 11 10:27

ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See attached sheets

See Attachment No. \_\_\_\_

**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: Sheri Woodford Date of contact: 04-10-06  
 Department: Dep. of Transportation Telephone: (530) 621-5941  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

- Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. \_\_\_\_\_

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management  
 Soil Conservation Service  Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board  
 Coastal Commission  State Lands Commission  Other (specify) \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_\_

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?  YES  NO

If YES, explain: The exist  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. \_\_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: \_\_\_\_\_

**4. ENVIRONMENTAL DOCUMENTS**

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.\*
  - I expect that the SWRCB will be preparing the environmental document.\*\*
  - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

See Attachment No. \_\_\_\_\_

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
 YES  NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):  
\_\_\_\_\_

See Attachment No. \_\_\_\_\_

- b. Will a waste discharge permit be required for your project?  YES  NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_\_

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project?  YES  NO
- b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO
- c. Do you know of any archeological or historic sites located within the general project area?  YES  NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 See Attachment No. \_\_\_\_\_

**7. ENVIRONMENTAL SETTING**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 4-8-06

Signature: 

## Environmental Information for Petitions

1. Water has been used based on the existing amount available. A water level measuring device has been installed. A method of draining the pond has been installed. Attempts have been made to resolve the issues remaining with neighboring property owners. The work to bring the storage capacity to permitted amount needs to be completed. It is anticipated, if approved, that the area behind the existing dam be deepened and widened.

2a.

2b. No

3a.

3b.

3c. Yes. We are planning to deepen and widen the existing pond area behind the dam.

3d. No.

4a. Yes. Public agency is the SWRCB.

4b.

5a. No.

5b. No.

5c. n/a

6a. No. But it is possible that in prior years and by prior owners of the property, reports have been filed with the SWRCB. In that case, the reports would already be in the file.

6b. No, unless we are required to.

6c. No.

7. See attached.



APR 11 2006  
2006 APR 11 PM 1:27  
SWRCB