

DIVISION OF WATER RIGHTS
PROSECUTION TEAM EXHIBIT 3

(PT-3)

April 24, 2006 Response to Lee Howard Complaint by the
Millview County Water District

CAR

S000272

2006 MAY 19 AM 11:47

Millview County Water District
3081 North State Street
Ukiah, California 95482
Phone (707) 462-7229
Fax 462 8327
E-mail millview@saber.net

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.

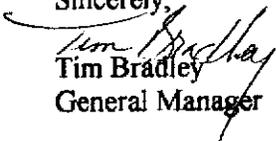
- C) In the lease agreement attached to your letter, Mr. Hill and Mr. Gomes granted, conveyed and assigned all right, title, and interest to the water right S000272 to the District. Excepting a collective reservation of 125,000 gallon per day for use by Mr. Hill and Mr. Gomes or their assignees.
It is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

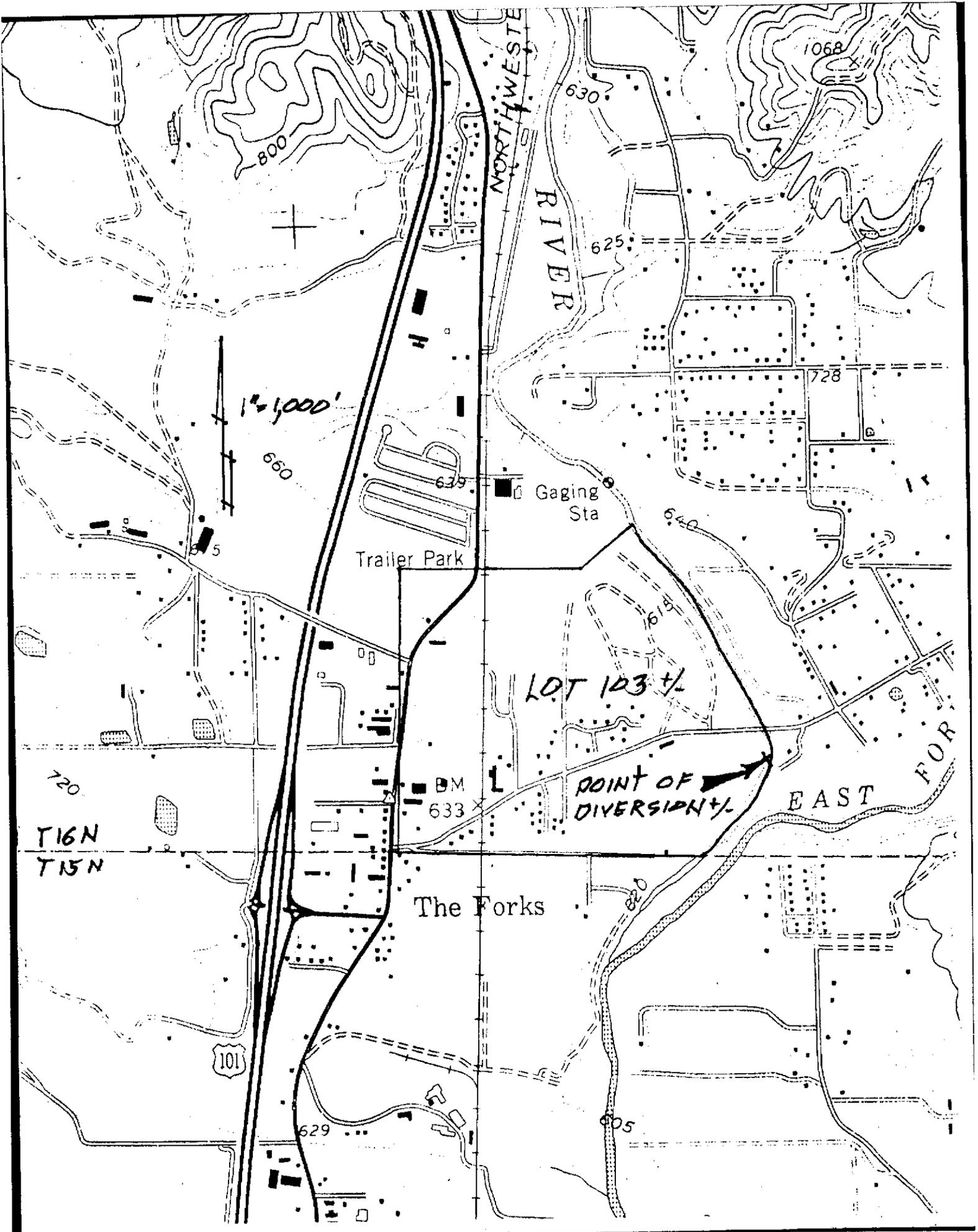
As for Mr. Howard's contention that the Pre- 1914 water right no longer exists, based on what he claims are statements made by Mr. Wood, publicly denouncing the validity of the water right, remains open to question.

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



WEST FORK RIVER

RIVER

EAST FORK

Trailer Park

LOT 103 1/2

POINT OF DIVERSION

The Forks

Gaging Sta

BM 633

101

T16N
T15N

1000'

660

630

625

1068

728

640

675

720

620

629

605

William Doolan 3
and
S. L. Hastings 3
David H. Foreman 3

Deed
Dated July 16th 1870
Consideration \$700.

2 W
Stamp
\$1.00
W. D
16
17
11.

This Indenture made the sixteenth day of July in the year of our Lord One thousand eight hundred and seventy.

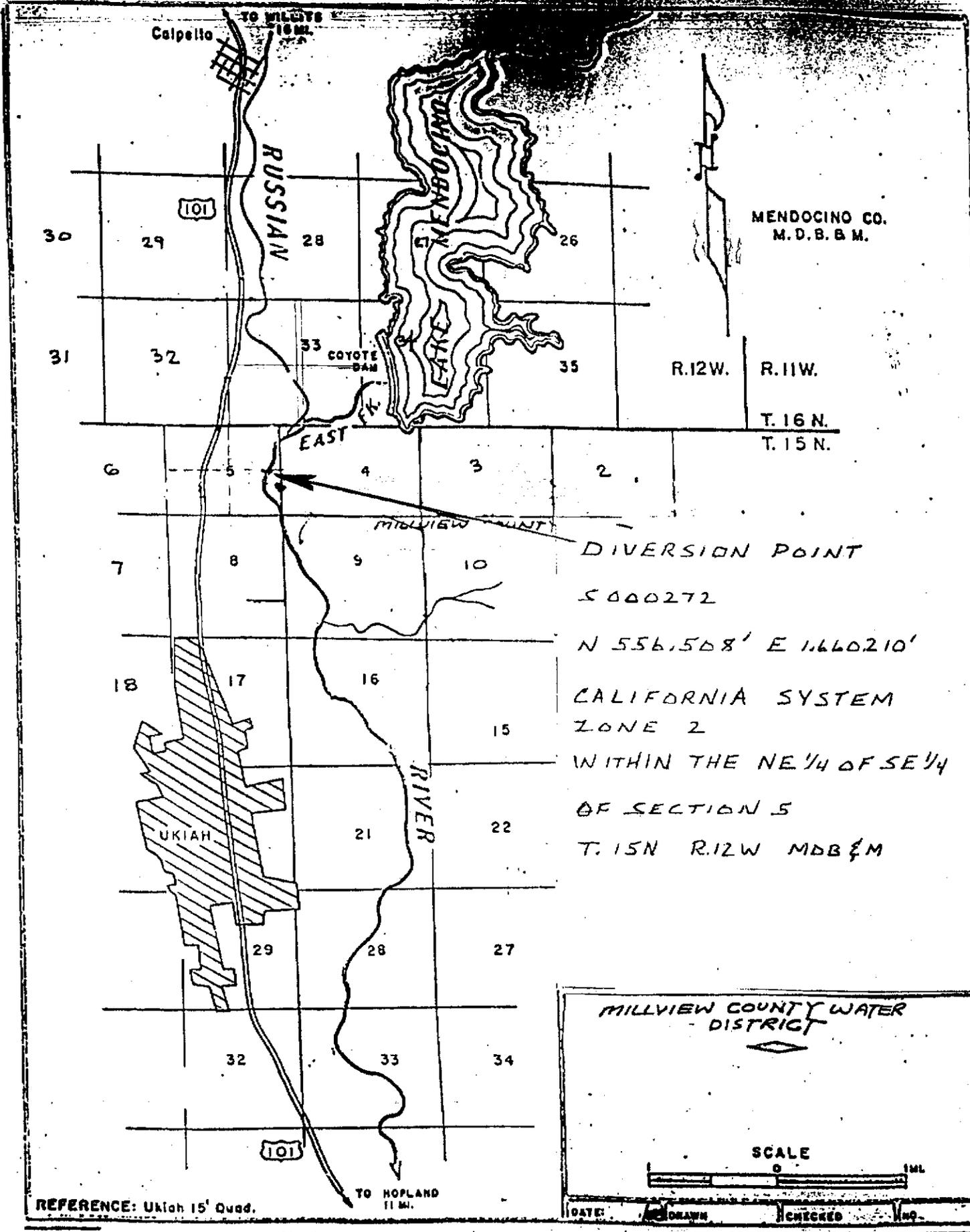
Between Wm Doolan and S. Lincoln Hastings, parties of the first part and David H. Foreman of Mendocino County, State of California the party of the second part.

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 then in hand paid by the said party of the second part the receipt of which is here by acknowledged, has granted, bargained, sold and conveyed, 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 California, and bounded and described as follows:

Beginning at the North East corner of Lot No 82. Healy's Survey and Chap of Chapman ranch, and at the point where the third standard north crosses Russian River running thence West along the town's trap line and the front line of said lot-82. West forty chains and seventy eight hundredths, to a post marked "P. 3", thence North 38.50 chains, thence East twenty two (22) 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 Lots No 103 of Healy's Survey and map of Chapman Ranch.

Together with all other rights, appurtenances, hereditaments 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 estate, right, title, interest, property, possession, claims and demands whatsoever, as well 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 singular the said premises, together with the appurtenances unto the said party of the second part his heirs and assigns forever.



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

R. 12W. R. 11W.

T. 16 N.
T. 15 N.

DIVERSION POINT
 5000272
 N 55° 56' 8" E 11660210'
 CALIFORNIA SYSTEM
 ZONE 2
 WITHIN THE NE 1/4 OF SE 1/4
 OF SECTION 5
 T. 15N R. 12W MDB & M

MILLVIEW COUNTY WATER DISTRICT

SCALE 0 1 MI

DATE: DRAWN CHECKED

REFERENCE: Ukiah 15' Quad.

TO HOPLAND 11 MI.

TO WILKES 16 MI.

101

101

30

29

28

26

31

32

33 COYOTE DAM

35

6

EAST

4

3

2

7

8

9

10

18

17

16

15

UKIAH

21

RIVER

22

29

28

27

32

33

34