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State Water Resources Control Board

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Gray Davis
Governor

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June 19, 2002

To: Hearing Participants

NORTH GUALALA WATER COMPANY WATER RIGHT HEARING

In accordance with my statements to you at the end of the hearing on June 5, 2002, there are several questions I want you to address when preparing your briefs or closing statements. Your responses to these questions should be factual and should include citations to the evidence in the hearing record and citations to legal authority to support your conclusions.

1. What findings of fact relevant to the key issues should the State Water Resources Control Board (SWRCB) make, based on the evidence received by the SWRCB during its hearing on June 4 and 5, 2002?
2. What legal authorities should be considered in determining whether groundwater in the alluvium under Elk Prairie is subject to the laws governing surface water rights and whether its extraction requires a water right permit or license? Applying these legal authorities to the findings of fact you are recommending the SWRCB make, what conclusions of law do you recommend the SWRCB make? Please explain your reasoning in detail with citations to authority.
3. Is there a known and definite channel bounding the alluvium under the surface of the North Gualala River at Elk Prairie? Is there a known and definite channel bounding the alluvium under the surface of the North Gualala River in the reach between Robinson Creek and Little North Fork Gualala River? Can the course of any channel be determined by reasonable inference?
4. Are Wells 4 and 5 drawing water from the alluvium at Elk Prairie? Will proposed Wells 6 and 7 draw water from the alluvium?
5. What is the general direction of flow of groundwater under the North Gualala River between Robinson Creek and Little North Fork Gualala River? What is the general direction of flow of groundwater under the North Gualala River at Elk Prairie?
6. a. What is the permeability of the Franciscan Rock below and on the two sides of the North Gualala River at Elk Prairie and in the reach between Robinson Creek and Little North Fork Gualala River?

b. What is the permeability of the alluvium at Elk Prairie and in the reach between Robinson Creek and Little North Fork Gualala River in these two reaches?

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7. If groundwater flows from fractured bedrock into alluvial materials, does that preclude the existence of a subterranean stream?
8. Is the direction of groundwater flow, relative to the direction of flow in a surface stream at a particular point in the system, a determining factor to establish the existence of a subterranean stream flowing through a known and definite channel?

Closing briefs are due to the SWRCB on Friday August 23, 2002, at 12:00 noon. I expect that transcripts from the hearing will be available after July 4, 2002. You may contact Capitol Reporters at (916) 923-5447 to request a copy of the transcripts. If you have questions about this letter, you may call Barbara Leidigh, Staff Counsel IV, at (916) 341-5190.

Sincerely,

ORIGINAL SIGNED BY

Arthur G. Baggett, Jr.
Chair