



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board



**Gray Davis**  
Governor

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5310  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION 31195**

**DATE FILED:** June 6, 2001

Notice is hereby given that Alaska Water Exports has filed an application for a water right permit for diversion of water from the Albion River, which is located in Mendocino County and is tributary to the Pacific Ocean. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

Any correspondence to the applicant shall be mailed to:

Alaska Water Exports  
c/o Ric Davidge, President  
3705 Arctic Circle, Suite 415  
Anchorage, Alaska 99502

### DESCRIPTION OF THE PROJECT

The applicant proposes to divert water from the Albion River through an infiltration gallery structure (cistern) to be buried within the active river channel. The proposed maximum diversion rate from the river is 30 cubic feet per second (cfs). The maximum amount of water that will be diverted annually will be 6,200 acre-feet (af). The applicant has requested to divert water from November 1 of each year through April 1 of the following year. The point of diversion is located in Mendocino County within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of section 21, T16N, R17W, MDB&M.

Water collected by the gallery will be transported through a pipeline to an offshore loading facility in the Pacific Ocean. Water will then be loaded into a large polyfiber bag that will hold 50,000 cubic meters (approximately 40.52 acre-feet) of water. The bag will then be pulled by tugboat to San Diego where the water will be used for municipal water supply.

The proposed pipeline from the infiltration gallery to the loading facility will be buried within the active river channel and submerged under the sea to eliminate visual and physical impacts to

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."*  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

habitat and local river recreational uses. The pipeline is proposed to be a concrete pipe, 24 inches in diameter and approximately 7,960 feet in length.

This is a "major" project (the diversion proposed is greater than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code. Therefore, any issues that are raised in a protest of the project that is accepted by the SWRCB and that cannot be resolved by the applicant will be considered by the SWRCB following an evidentiary hearing.

## **ENVIRONMENTAL INFORMATION**

The SWRCB, as lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information which indicates that the project may cause a significant effect on the environment, please send this information to Ms. Gita Kapahi, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## **PROCEDURE FOR SUBMITTING PROTESTS**

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/), but can be submitted in letter form provided that the required information is submitted. The protest should be submitted to the following staff engineer assigned to the application:

Kathryn Gaffney  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**In addition, the protestant must send a copy of the protest to the applicant.**

Protests filed in response to this notice must either be postmarked, faxed or hand-delivered to the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA), **by 4:00 p.m. on the 60<sup>th</sup> day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by fax at (916) 341-5400. However, an original copy of all materials must be received by the SWRCB within 30 days of the fax in order to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed above and receive an extension of time to submit the protest prior to the final filing date and time.

## **PROTEST REQUIREMENTS**

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. Since an upstream water user can take water before it reaches a downstream applicant, a protest based on interference with a prior right of an upstream user will not normally be accepted. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

## **RESOLUTION OF PROTESTS**

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) cannot be resolved, the SWRCB may hold a water right hearing.

## **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of the protest forms, please contact Kathryn Gaffney by phone at (916) 341-5310 or by electronic mail at [gual\\_albion@waterrights.swrcb.ca.gov](mailto:gual_albion@waterrights.swrcb.ca.gov), or visit the following website: [www.waterrights.ca.gov/gual\\_alb](http://www.waterrights.ca.gov/gual_alb). General information concerning water rights in California can be obtained from the Division's website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

**DATE OF NOTICE: September 13, 2002**

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