



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental
Protection

Division of Water Rights
1001 I Street - 14th Floor • Sacramento, California 95814 • (916) 341-5300
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>

Arnold Schwarzenegger
Governor

WATER RIGHT COMPLAINT

For information in filling out this form,
see pamphlet titled "Investigating Water Right Complaints"

CID# _____
File: _____
(For staff use only)

Complainant LOCAL WATER STAYS LOCAL
DICK RULLMAN (530) 474-1687
(Name) (Phone No.)
8232 ECKERT LANE 96088
(Address) SHINGLETOWN CA. (Zip Code)

Party complained against (Respondent)
LAWRENCE A. ADAMS + ASSOCIATES (530) 347-4526
(Name) (Phone No.)
P.O. BOX 576 COTTONWOOD, CA. 96022
(Address) (Zip Code)

Location of Respondent's Diversion
The diversion is located on: CROOK SPRINGS
(Name of Spring, Stream, or Body of Water)
At a point within _____ ¼ of _____ ¼ of Section _____ T _____ R, _____ B&M
County of SHASTA Assessor's Parcel No. 096250001000
The general location is as follows: 40 ACRES LAND SOUTH OF
(Name of Road, Distance to Nearest Town, Etc.)
SHINGLETOWN LANDING STRIP

Description of Complaint
The following situation or condition is occurring (attach additional sheets, photographs, maps, sketches, reports, etc. as needed.)
THIS IS AN ATTEMPT TO TAKE 288,000 GALLONS OF SPRING WATER FROM CROOK SPRINGS TO SELL FOR BOTTLED WATER. THIS AREA IS SURROUNDED BY SEVERAL OCCUPIED AND UNOCCUPIED DEVELOPMENTS OUR WATER IS PRECIOUS TO US AND WE ARE TRYING TO KEEP IT FROM BEING TAKEN AWAY, WE BELIEVE THAT "PUBLIC TRUST" IS IN EFFECT HERE.

COMP (2-05)

Injury to Complainant or Public Trust Resources

The situation is causing injury to me or public trust resources as follows (attach additional sheets if necessary):
LOSS OF WATER FOR RESIDENTIAL USE

Possible Resolution of Complaint

I offer the following possible solution to the situation (attach additional sheets if necessary):
DO NOT ALLOW BOTTLED WATER TO BE TAKEN FROM SAINGLETON'S WATER SUPPLY. ALSO, THIS WOULD BE TAKEN FROM THE SALMON SPawning HABITAT.

Complainant's Diversion and Water Rights (Fill in if Injury Claimed)

My diversion is located on: _____
(Name of Spring, Stream, or Body of Water)

At a point within _____ ¼ of _____ ¼ of Section _____ T _____ R, _____ B&M

County of _____ Assessor's Parcel No. _____

I use water for (what and where): _____

The basis of my claim to divert water is:

- An appropriative right under Licence No. _____, Permit No. _____, Application No. _____
- A Riparian or pre-1914 claim supported by Statement of Water Diversion and Use No. _____
- Other (Describe): _____

A copy of this complaint has been sent to the Respondent by:

- Certified Mail
- Regular Mail
- Personal Delivery

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

Richard Rulison
Signature

May 13, 2009
Date

NOTE: Send original Complaint to the Division of Water Rights and a copy to the Respondent. Forms for submitting an Answer to Complaint will be sent to the Respondent by the Division of Water Rights.



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MAY 29 2009

In Reply Refer to:
363:CEN:262.0 (45-48-01)

Lawrence A. Adams and Associates
P.O. Box 576
Cottonwood, Ca, 96088

Dear Mr. Adams

SUBJECT: WATER RIGHT COMPLAINT REGARDING DIVERSION OF WATER FROM CROOK SPRINGS, TRIBUTARY TO MILLSEAT CREEK, SHASTA COUNTY

The State Water Resources Control Board Division of Water Rights (Division) has received a water right complaint dated May 13, 2009 from Dick Rullman (Complainant) alleging that you are attempting to "take 288,000 gallons of spring water from Crook Springs to sell for bottled water." Enclosed for your review is a copy of the complaint, an "Answer to Complaint" form, and an information pamphlet. Please respond to the allegations in the complaint within 15 days from the date of this letter and state your basis of right for withdrawing the water. Upon receipt of your response, all items submitted by each party will be evaluated to determine if further action is required by the Division.

If you have any questions concerning this matter please call me at (916) 341-5313.

Sincerely,

ORIGINAL SIGNED BY:

Charles NeSmith
Engineering Geologist

cc: Dick Rullman
8232 Eckert Lane
Shingletown, Ca, 96088

Dickrullman

From: "Eihnard Diaz" <ediaz@diazplanning.com>
To: "cnesmith@waterboard.ca.gov" <cnesmith@waterboards.ca.gov>
Cc: "Andrew Behrens" <andrew.behrens@cbre.com>; <melindaadams511@sbcglobal.net>;
"Dickrullman" <Dickrullman@frontiernet.net>; <inlivelywood@frontiernet.net>
Sent: Wednesday, August 26, 2009 5:02 PM
Attach: 082509 NeSmith Memo Water Rights.pdf
Subject: Water Rights Complaint - 363:CEN:262.0 (45-48-01)

Dear Mr. NeSmith:

Please accept the attached memorandum as a response on behalf of Mr. Larry Adams to the above referenced Water Right Complaint letter dated May 29, 2009 submitted by Mr. Dick Rullman. Please do not blame Mr. Adams for not responding sooner since that was my responsibility for which I apologize. We were hoping to have another meeting with Mr. Rullman before responding to you, but due to summer and scheduling conflicts on our behalf, we have not been able to do so.

Since Mr. Rullman filed his May 13, 2009 complaint we had the opportunity to meet with Mr. Rullman, Mrs. Coleen Rullman and Ms. Beth Livesey on July 8, 2009 to discuss the potential project and to explore areas of concern. Most importantly we established an avenue of communication. One of the major areas of concern is the referenced *Hydrological Study* and the impacts on groundwater recharge. We have all agreed to continue having an open and candid dialogue with each other and we hope to meet with them within the next several weeks.

The attached memorandum identifies that there is currently no basis for the complaint to be filed since Shasta County has not approved any additional entitlements for Mr. Adams to extract additional water beyond the 26,000 gallons per day approved under Use Permit 17-92 by the Shasta County Board of Supervisors' Resolution 92-183 on July 16, 1999.

After meeting with Mr. Rullman, I can only ascertain that his concerns regarding the proposed project led him file the complaint. His thoroughness is exemplary and were I in his position would have done likewise. As I mentioned to you beforehand, if you wish to visit the proposed project site, we would be pleased to meet with you on-site. We would also invite Mr. and Mrs. Rullman and Ms. Livesey. However, due to the project status and possible fiscal limitations due to the current State funding crisis, a site visit at this stage may be considered premature, but this is for you to decide.

Should you have any questions, please do not hesitate to contact me.

Regards – Eihnard Diaz

Eihnard F. Diaz, AICP
Diaz Associates
4277 Pasatiempo Court
Redding, CA 96002
(530) 224-0811
(530) 224-0832 - Fax
(530) 949-9810 - Cellular
ediaz@diazplanning.com

9/3/2009



DIAZ ASSOCIATES

MEMORANDUM

Date: August 26, 2009
To: Mr. Charles NeSmith, Engineering Geologist, State Water Resources Control Board – Division of Water Rights
From: Eihnard Diaz, AICP
Cc: Larry Adams, Andrew Behrens, Beth Livesey, Dick Rullman, Coleen Rullman
Subject: **Water Rights Complaint Regarding Diversion of Water from Crook Springs, Tributary to Millseat Creek, Shasta County**
363:CEN:262.0 (45-48-01)

Please accept this memorandum in response to the above referenced Water Right Complaint letter dated May 29, 2009. As I explained to you on the telephone, there is currently no basis for the complaint to be filed since Shasta County has not approved any additional entitlements for Mr. Adams to extract additional water beyond the 26,000 gallons per day approved under Use Permit 17-92 by the Shasta County Board of Supervisors' Resolution 92-183 on July 16, 1999.

The Use Permit was approved to extract by well approximately 26,000 gallons of water per day, or 29 acre feet per year from Crook Springs. The water would be transferred by truck and sold to bottling plants. In addition to the well, the following structures were constructed: a well house approximately 4 x 6 feet in size and seven-feet high, a control building approximately 10 x 12 feet in size and 10 feet in height, and a steel storage tank 12 feet in height. A three-inch pipeline connects the well to the storage tank, a distance of approximately 750 feet. A truck pad and turnaround was constructed, however, an approved office building was not.

A 20-foot wide chip seal surface driveway was constructed to access the existing water storage tank approximately 800 feet from the end of Hidden Meadows Road. Hours of operation were limited to 7:00 AM to 7:00 PM, Monday through Friday. No more than five truck loads per day were permitted and were required to use Hidden Meadows Road as the only access.

Subsequent to the original use permit, Mr. Adams submitted an application to Shasta County for amendment of Use Permit 17-92 on or about July 14, 2008 to increase the approved average of 26,000 gallons per day (GPD) to 288,000 GPD, or 18 gallons per minute (GPM) to 218 GPM. Pumping will not exceed 22 hours per day. Submitted with the application was a study prepared by Lawrence & Associates dated January 27, 2008 and titled *Hydrological Study for Crook Springs Near Shingletown, Shasta County, California*.

The *Hydrological Study* evaluated various potential extraction (pumping) rates ranging from 100 gallons per minute (GPM) to 500 GPM to determine impacts on the flows of the Main and South Channels of Crook Springs, and Millseat Creek above and below the Al Smith Canal. At the end of a five-year drought period, the South Channel of Crook Springs would go dry at a rate of about 218 gpm. None of the extraction rates analyzed would cause Millseat Creek to go dry. In summary, extraction rates not exceeding 400 GPM in an average year, or 218 GPM in a drought year would not create an adverse impact on creek flows.

Dickrullman

From: "Dick Rullman" <Dickrullman@frontiernet.net>
To: <cnesmith@waterboards.ca.gov>
Sent: Thursday, August 27, 2009 10:13 AM
Subject: Adams reply to complaint

August 27, 2009

Re: Diaz reply to 363:CEN:262.0 (45-48-01)

Dear Mr. NeSmith,

Yesterday we received a copy of the letter from Einhard Diaz to you addressing the complaint I filed back in May. We noticed that Mr. Diaz failed to point out a few key factors regarding my complaint. My complaint was filed against this project because it was continuing through the planning department as a "Mitigated Negative Declaration". We have formed a group in the Shingletown area called "Local Water Stays Local" and we spent 3 days in front of the local grocery store from 9:00am to 4:30pm gathering signatures on a petition against this project. After gathering over 700 signatures in 3 days (more wanted to sign after we turned them in) and 42 letters were written against this project, we presented them to the planning department. We hired a hydrologist from Reno, Dr. Tom Myers to review the study submitted by Bonnie Lampley of Lawrence & Associates for this project to see if her study was accurate.

Dr. Myers found so many faults in the report submitted by Bonny Lampley of Lawrence and Associates that the county planning department asked for a full EIR on this project. We also submitted 2 other expert reports addressing the air quality, noise factor, and truck traffic impact on our community.

We also sent a packet of information to Mr. Ben Letton of the "California Regional Water Quality Control Board" to inform him of the scope of this project. The original inquiry letter that was sent to him implied that the 26,000 gallons per day withdrawal was already in operation. This is not true, there has never been any water removed and transported from the site as per the use permit 17-92.

9/3/2009

Mr. Ben Letton's 2 page letter to the planning department can be found on our web site along with a letter from Adams asking for a minor adjustment to move the well due to an inadequate water supply. You can find these letters along with the 2 page reply from the county to Adams regarding the Full EIR and an eye opening chart as to why we are worried about this project.

We hope this information will be useful to you in understanding why I filed the complaint. We have met with the developer and the planner for 4 hours one day to hear how they could justify taking our water. When we asked them why they just don't do the EIR, they told us it really wasn't necessary and not always the right thing to do. By waiting until the permit is issued it would be difficult to right the wrong and then would end up in litigation. We thought it may be easier to handle the situation before it had gone to far.

We will be adding more information to our web site soon since we just discovered 126 papers in the files that weren't there when we copied both files on November 11, 2008. Our attorney, Rachel Hooper from Shute, Mihaly, & Weinberger in San Francisco sent the county a letter of the "Freedom of Information Act" and we then found the papers. We also note that Adams or his representative was supposed to reply within 15 days of your May 29th letter, this is August 26 and they're just now replying, this is 89 days from the date of your letter. His letter also makes it sound like our committee and them are working things out, this isn't true either. We are meeting with them, but not only to hear their side, but to voice ours. We don't make the decision as to wheather it passes or not, we can only oppose it and try to see the right things are done.

If we can answer any questions for you or if you need any more information we would be glad to furnish it if we can.

Thank you for your time,

Dick Rullman, President
Local Water Stays Local (LWSL)
P. O. Box 342
Shingletown, CA 96088
Localwaterstayslocal.org

Dickrullman@frontiernet.net

Phone (530) 474-1687

Fax (530) 474-5758

<http://localwaterstayslocal.org/>