



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

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> 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.waterrights.ca.gov>



**Gray Davis**  
Governor

## NOTICE OF PETITION TO CHANGE LOCATION OF POINT OF DIVERSION AND ADD A SECOND POINT OF DIVERSION

**LICENSE:** 6519 (Application 15733)

**DATE ISSUED:** April 16, 1962

Notice is hereby given that Yggdrasil Land Foundation, Inc. (Petitioner), formerly Agriperpetua, Inc., has filed a petition to 1) change the location of the point of diversion under License 6519 and 2) add a point of diversion. Petitioner is currently licensed to divert water from Anderson Creek, thence Navarro River in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether an amended license should be issued and, if so, whether further conditions are needed in the license to protect the environment, the public interest, and downstream water users. This notice provides a description of the existing project and the proposed change and also describes the procedure and time frame for submittal of protests against the petition. The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioner should be mailed to:

Yggdrasil Land Foundation, Inc.  
c/o Nicholas F. Bonsignore, P.E.  
Wagner & Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814-0228

### Description of Project

Petitioner currently holds water right License 6519 (Application A015733) to divert 0.18 cubic feet per second (cfs) of water at a single onstream point of diversion (POD) from Anderson Creek tributary to Navarro River. The purpose of use is irrigation. The Petitioner recently abandoned the instream diversion facility and drilled two offset wells which are now being used. The wells are located approximately 200 feet east of the original POD, and are believed to be pumping underflow of Anderson Creek. Consequently, Petitioner seeks to amend License 6519 to 1) change the location of the licensed POD and 2) add a second POD.

### Summary of Petition

*"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>"*

### License Information

County: Mendocino

Licensee: Yggdrasil Land Foundation, Inc.

Source: Anderson Creek tributary to Navarro River.

Point of Diversion: Located North 501,491 and East 1,602,634, California Coordinate System, Zone 2, within the NW1/4 of NW1/4 of Section 34, T14N, R14W, MDB&M.

Purpose of Use: Irrigation.

Amount & Season: 0.18 cubic feet per second of direct diversion from May 1 to October 31.

Place of Use: 37 Acres within Sections 27, 33, and 34, T14N, R14W, MDB&M.

### Petition to Change Point of Diversion under License 6519

Petitioner seeks to change the location of the point of diversion under License 6519 to: North 501,471 and East 1,602,839, California Coordinate System, Zone 2, being within the NW1/4 of NW1/4 of said Section 34, T14N, R14W, MDB&M.

### Petition to Add Point of Diversion under License 6519

Petitioner further seeks to add a point of diversion to License 6519 to be located as follows: North 501,884 and East 1,602,834, California Coordinate System, Zone 2, being within the SW1/4 of SW1/4 of said Section 27, T14N, R14W, MDB&M.

### **Environmental Information**

The 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 that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## **PROTEST SUBMITTAL INFORMATION**

### **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior 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 petition and the factual basis for those objections. There must be a clear link between the proposed change and the objection

to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the petition is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior 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 vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed change would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the proposed change will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed change on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed change and how the change will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the petitioner a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the 30<sup>th</sup> day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400

3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

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 below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the petitioner are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" petition for change (the subject diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1704.4 of the Water Code. Therefore, any protest issues not resolved by the petitioner or by provisions of section 1703.6 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Mitchell Moody by phone at (916) 341-5383 or by electronic mail at [mmoody@waterrights.swrcb.ca.gov](mailto:mmoody@waterrights.swrcb.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **October 10, 2003**