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Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR CHANGE OF PURPOSE AND PLACE OF USE

LICENSE: 9837 (Application 21925)

DATE ISSUED: August 31, 1971

Notice is hereby given that Stephen T. Jacobs and Marci R. Jacobs (Petitioner) have filed a petition to change the purpose and place of use under License 9837. The petitioner is currently licensed to divert water from an Unnamed Creek tributary Brooks Creek thence the Russian River in Sonoma 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 changes and also describes the procedure and time frame for submittal of protests against the petition. The Division of Water Rights (Division) will not accept protests that are directed against the underlying water right. The Division will consider protests that address the petition to change the purpose and place of use. This notice may be viewed at the Division of Water Rights' website at www.waterrights.ca.gov. Any correspondence directed to the petitioner should be mailed to:

Stephen T. and Marci R. Jacobs
651 Piper Street
Healdsburg, CA 95448

Description of Project

The petitioner currently holds water right License 9837 (Application 21925) to divert 12 acre-feet per annum (afa) to storage from an Unnamed Creek tributary to Brooks Creek thence the Russian River in Sonoma County. The licensed purposes of use are stockwatering and recreation. The petitioner seeks to amend License 9837 by adding domestic use including irrigation of not more than one-half acre of landscaping at a residence.

Summary of Petition

License Information

County:	Sonoma
Licensee:	Stephen T. and Marci R. Jacobs
Source:	Unnamed Creek tributary to Brooks Creek thence the Russian River.
Point of Diversion:	Located north 2,100 feet and west 1,400 feet from the SE corner of Section 30, T9N, R9W, MDB&M
Purpose of Use:	Stockwatering and Recreation.
Amount and Season of Diversion:	12 afa from October 1 to May 31 of the succeeding year.
Place of Use:	At the reservoir within the NW ¼ of the SE ¼ of Section 30, T9N, R9W, MDB&M.

California Environmental Protection Agency



Petition to Change Purpose and Place of Use under License 9837

The petitioner seeks to add domestic use (a residence and landscape irrigation of not more than one half acre) to license 9837 with the new place of use within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 30, T9N, R9W, 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 significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause 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. **The Division will not accept protests that are directed against the underlying water right.** If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the petition were 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 and license 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 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 provide 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's website at www.waterrights.ca.gov/forms/, or upon request from the Division. 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 individual 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 30th day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following means:

1. Mailed to the 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 staff person listed below under the heading "Contact Person"
4. Hand delivered to the Division office located at 1001 "I" Street, 14th 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 staff person listed below as "Contact Person" to request an extension prior to the end of the protest period.

Resolution of Protests

The petitioner will have 30 days to respond to a protest once it is accepted by the Division. 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 an investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Geoff Newman by phone at (916) 341-5335 or by electronic mail at gnewman@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division’s website: www.waterrights.ca.gov/forms/.

Date of Notice: **July 2, 2004**

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