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*Secretary for
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State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS TO CHANGE PLACE OF USE

APPLICATIONS: 29910 and 29911

PETITIONS FILED: May 12, 2004

Notice is hereby given that Richard A. Savoy (Petitioner) has filed petitions to change the place of use under Applications 29910 and 29911. Petitioner is currently diverting water from Navarro River Underflow, tributary to Pacific Ocean in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether the Applications should be amended and, if water right permits are issued, the extent to which specific conditions will be needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed change and also describes the procedure and time frame for submittal of protests against the petitions. The Division of Water Rights (Division) will not accept protests that are directed against the underlying applications, rather than the change proposed by the petitions. This notice may be viewed at the Division's website at www.waterrights.ca.gov. Any correspondence directed to the petitioner should be mailed to:

Janet K. Goldsmith
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416

Description of Project

The subject petitions concern an existing project located approximately one and one-half miles northwest of the town of Philo. Petitioner filed Applications 29910 and 29911 on March 4, 1991 to appropriate water, as noted below. The applicant claims a riparian right to some or all of the direct diversions from the underflow of the Navarro River requested under these applications. A public notice of the applications was issued on June 23, 1995. All protests received by the Division as of the end of the protest period are currently unresolved. On May 12, 2004, in order to reflect the acquisition of certain adjoining parcels, the applicant filed petitions to increase the place of use under Applications 29910 and 29911 from 39.68 net acres within a gross of 46.67 acres to 44.25 net acres within a gross of 52.49 acres, as shown on maps filed with the SWRCB. The additional property is developed as wine grape vineyards; no new construction, excavation, or other development will occur as a result of the proposed change in place of use.

California Environmental Protection Agency



Summary of Petitions

Application 29910 Information

County: Mendocino
 Applicant: Mr. Richard A. Savoy
 Source: Navarro River Underflow tributary to Pacific Ocean.
 Point of
 Diversion: within the SE ¼ of NW ¼ of Section 13, T14N, R15W, MDB&M.
 Amount, Season & Use*: Direct diversion: 8,765 gallons per day (not to exceed 2.9 afa) from December 15 to March 31 of each year for domestic uses.
Offstream Storage: 55.6 acre-feet per annum to be collected from December 15 to March 31 of each year for irrigation and frost protection.
 The total amount of water to be taken from the source for all uses will not exceed 58.5 acre-feet per annum.

Application 29911 Information

County: Mendocino
 Applicant: Mr. Richard A. Savoy
 Source: Navarro River Underflow tributary to Pacific Ocean.
 Point of
 Diversion: within the SE ¼ of NW ¼ of Section 13, T14N, R15W, MDB&M.
 Amount, Season & Use*: Direct diversion: 3 cfs from March 1 to March 31 of each year for frost protection. The maximum amount diverted under this permit shall not exceed 40 af per year.

*The total amount of water diverted under Applications 29910 and 29911, either by direct diversion or storage shall not exceed 82.9 afa.

Place of Use:

Parcel	Use is within	Section (Projected)	Township	Range	Base and Meridian	Gross Acres	Net Irrigated Acres	Previously Cultivated
1	SE ¼ of SW ¼	12	14N	15W	MD	2.38	2.15	YES
2	SW ¼ of SE ¼	12	14N	15W	MD	16.02	14.78	YES
3	NW ¼ of NE ¼	13	14N	15W	MD	25.96	20.70	YES
4	NE ¼ of NW ¼	13	14N	15W	MD	2.28	2.04	YES
4	NE ¼ of NE ¼	13	14N	15W	MD	0.03	0.01	YES
Total Acres:						46.67	39.68	

Petition to Change Place of Use Under Applications 29910 & 29911:

Petitioner seeks to change the Place of Use under Applications 29910 & 29911 to:

Parcel	Use is within	Section (Projected)	Township	Range	Base and Meridian	Gross Acres	Net Irrigated Acres	Previously Cultivated
1	SE ¼ of SW ¼	12	14N	15W	MD	2.38	2.15	YES
2	SW ¼ of SE ¼	12	14N	15W	MD	16.02	14.78	YES
3	NW ¼ of NE ¼	13	14N	15W	MD	25.96	20.70	YES
4	NE ¼ of NW ¼	13	14N	15W	MD	2.28	2.04	YES
4	NE ¼ of NE ¼	13	14N	15W	MD	0.03	0.01	YES
5	SW ¼ of SE ¼	12	14N	15W	MD	4.42	3.40	YES
6	SE ¼ of SE ¼	12	14N	15W	MD	0.49	0.38	YES
7	NE ¼ of NE ¼	13	14N	15W	MD	0.48	0.36	YES
8	NW ¼ of NE ¼	13	14N	15W	MD	0.43	0.43	YES
Total Acres:						52.49	44.25	

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 petitions 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/ 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 **30th** 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, 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 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 Ross Swenerton by phone at (916) 341-5398 or by electronic mail at mmoody@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division’s website: www.waterrights.ca.gov/forms/.

Date of Notice: **September 10, 2004**