



State Water Resources Control Board



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 ♦ www.waterrights.ca.gov

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR AN EXTENSION OF TIME

PERMIT: 15341 (Application 22579) **PETITION FILED:** September 19, 2002

STREAM SYSTEM: Rock Creek

COUNTY: Mono

Notice is hereby given that the Lower Rock Creek Mutual Water Company and Paradise Lodge & Fishing Camp (Petitioner) has filed a petition for an extension of time in which to develop full beneficial use under Permit 15341 (Application 22579). The State Water Resources Control Board (State Water Board) will determine whether orders approving the time extensions should be issued for the permits, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the project and also describes the procedure and time frame for submittal of protests against the petitions. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterboards.ca.gov. Any correspondence directed to the petitioners should be mailed to:

Lower Rock Creek Mutual Water Company
P.O. Box 9
Bishop, CA 93514

Description of Project

Permit 15341 authorizes the Petitioner to directly divert 0.33 cubic feet per second (cfs), year round from Rock Creek for domestic and fire protection purposes. Petitioner has installed new distribution pipeline, regulatory tanks and water treatment plants. As of July 7, 2002, about 67 percent of the subdivision was being served, along with cabins, a RV Park and a Lodge.

Permit Information

County:	Mono
Applicant:	Lower Rock Creek Mutual Water Company and Paradise Lodge and Fishing Camp
Source:	Rock Creek tributary to Owens River thence Owens Lake
Point of Diversion:	Within the NW ¼ of SW ¼ of section 29, T5S, R31E, MDB&M.
Purpose of Use:	Domestic and fire protection
Amount & Season:	0.33 cfs taken January 1 through December 31 with an annual amount of 138 acre-feet per year.
Place of Use:	Paradise Subdivision within the W ½ of SW ¼ of Section 29, T5S, R31E, MDB&M and the E ½ of SE ¼ of Section 30, T5S, R31E, MDB&M as shown on a map on file with the State Water Board

Summary of Petition

The petitioner seeks additional time to allow additional lots to be developed within the Paradise Subdivision and to expand the distribution project. Full build out of the project is anticipated by 2020. Until this occurs, the full beneficial use of water taken under Permit 15341 cannot be accessed for licensing. The State Water Board will use the petitioner's diversion records up through December 31, 1999.

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; State Water Board, 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 State Water Board.

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 State Water Board 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 State Water Board'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 State Water Board 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 Divisions' 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, 2nd Floor (Fileroom), 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 in order for the protest to be accepted. The State Water Board 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 State Water Board 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. 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 “major” 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 hearing.

Contact Person

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Whalen Toy by telephone at (916) 341-5408 or by electronic mail at wtoy@waterboards.ca.gov. Information and protest forms are also available at the Division’s website: www.waterrights.ca.gov/forms

Date of Notice: **April 8, 2005**

WToy:wt/xrivera:3-28-05

U:\PERDRV\Wtoy\PETITION\22579PET NOT2.doc