



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
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Arnold Schwarzenegger
Governor

PETITIONS FOR TIME EXTENSION

PERMIT 18506 (APPLICATION 25991)
PERMIT 20657 (APPLICATION 29058)

PETITION FILED: April 23, 2000
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Notice is hereby given that Westland Nursery Inc. has filed petitions for extensions of time in which to develop full beneficial use for Permits 18506 and 20657. 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:

Westland Nursery Inc.
c/o Peter Vanos
P.O. Box 429
Pescadero, CA 94060-0429

Description of Project

Under Permits 18506 and 20657, the permittee collects a combine total of 44 acre-feet (AF) to storage from an unnamed stream tributary to Butano Creek and Butano Creek tributary to the Pacific Ocean in a 44 AF capacity reservoir. The points of diversion, amounts diverted, purpose of use, and the place of use are summarized in the information provided below. The maximum rate of diversion to offstream storage in Permit 18506 is 0.156 cubic foot per second. The petitioner requested an extension of time from Butano Creek in order to document their maximum use of water under the permits. If the extension of time is approved by the SWRCB, the time to complete full beneficial use under the two permits would be extended to December 31, 2006.

Summary of Permit 18506 (Application 25991):

County: San Mateo.
Source: (1) Unnamed stream tributary to Butano Creek thence the Pacific Ocean.
(2) Butano Creek tributary to the Pacific Ocean.
Point
of Diversion: (1) Located within the SE¹/₄ of NE¹/₄ of projected section 23, T8S, R5W, MDB&M.
(2) Located within the SE¹/₄ of NE¹/₄ of projected section 23, T8S, R5W,

California Environmental Protection Agency



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MDB&M.
Amount: 10 acre-feet (af) by storage.
Season: December 1 to April 15.
Purpose: Irrigation.
Place of Use: Seven acres within the SW¹/₄ of NE¹/₄ of projected section 23, T8S, R5W, MDB&M

Summary of Permit 20657 (Application 29058):

County: San Mateo.
Source: (1) Butano Creek tributary to the Pacific Ocean.
(2) Unnamed stream tributary to Butano Creek thence the Pacific Ocean.

Point

of Diversion: (1) Located within the SE¹/₄ of NE¹/₄ of projected section 23, T8S, R5W, MDB&M.
(2) Located within the SE¹/₄ of NE¹/₄ of projected section 23, T8S, R5W, MDB&M.

Amount: 34 af by storage.
Season: December 1 to April 15.
Purpose: Irrigation, recreation, fire protection.
Place of Use: Eight acres within the SW¹/₄ of NE¹/₄ of projected section 23, T8S, R5W, 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. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis 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. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petitions.**

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterboards.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 and should include a description of any measures that could be taken to resolve the protest.**

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 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.**

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

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 phone 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.waterboards.ca.gov/forms/.

Date of Notice: **APRIL 29, 2005**