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Agency Secretary

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Rights

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### NOTICE OF PETITION TO CHANGE THE PLACE OF USE AND ADD A PURPOSE OF USE

**APPLICATION:** 30848

**PETITION FILED:** November 10, 2004

**SOURCE:** Unnamed Stream tributary to Pacific Ocean.

**COUNTY:** San Mateo

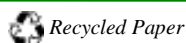
Notice is hereby given that Peninsula Open Space Trust (Applicant/Petitioner) has filed a petition to amend the above application to 1) change the place of use and 2) add a purpose of use. Petitioner has applied to divert water from two points of diversion (POD), one on an Unnamed Stream and the other on Purisima Creek, both points being tributary to Pacific Ocean in San Mateo County. The State Water Board will determine whether the Application should be amended and, if a water right permit is issued, the extent to which specific conditions will be needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of 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 application, rather than the change proposed by the petition. This notice may be viewed at the Division's website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioner should be mailed to:

Peninsula Open Space Trust  
c/o Tina Coleman  
3000 Sand Hill Road, 4-135  
Menlo Park, California 94025

**Description of Project:** The subject petition concerns an existing project located approximately four miles south of the town of Half Moon Bay. The project consists of a 49 acre-foot (AF) reservoir on Unnamed stream tributary to Pacific Ocean (POD #1) and a diversion from Purisima Creek (POD #2) to a 30 AF offstream reservoir. The reservoir at POD #2 is capable of rediverting water to the reservoir at POD #1 via a gravity-flow canal. While the proportion and quantity of water diverted from each POD will vary from year-to-year depending on rainfall and runoff conditions, the total combined amount appropriated may not exceed 79 acre-feet per annum (AFA) during the allowed diversion season of December 1 to March 31. The current use for the water is the irrigation of various row crops, including Brussels sprouts, artichokes, peas, pumpkins, fava beans and green beans.

Petitioner filed Application 30848 on March 19, 1999. A public notice was published by the State Water Board on November 19, 1999 and two protests were received. On November 4, 2004, Applicant petitioned the State Water Board to 1) expand the place of use from 264.5 acres to 264.5 net acres within a gross area of 509.5 acres and 2) add stockwatering as a use. An expanded area of use is sought to provide Petitioner flexibility should future crop patterns or

*California Environmental Protection Agency*



irrigation needs change. Subsequent to the public notice of Application 30848, Petitioner determined that the reservoir at POD #2 partially straddles the boundary with a neighboring parcel. Consequently, an expanded place of use is additionally sought by Petitioner to enable the adjoining landowner to use a portion of the stored water by agreement. No new construction, excavation, or other development will occur as a result of the proposed changes in the place or purpose of use.

**Application Information**

County: San Mateo  
 Applicant: Peninsula Open Space Trust  
 Source & (POD):

ONSTREAM STORAGE

POD #1: Unnamed Stream tributary to Pacific Ocean.  
 SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of projected Section 21, T6S, R5W, MDB&M.  
 Zone 3, North 330,575 and East 1,443,110, California  
 Coordinate System 1927.

DIVERSION TO OFFSTREAM STORAGE AND REDIVERSION

POD #2: Purisima Creek tributary to Pacific Ocean. Point of diversion to offstream storage and point of rediversion to POD #1. NW<sup>1</sup>/<sub>4</sub> of NE <sup>1</sup>/<sub>4</sub> of projected Section 21, T6S, R5W, MDB&M. Zone 3, North 334,250 and East 1,444,680, California Coordinate System 1927.

Amount, Season & Use:

POD #1: 49 AFA to be collected from December 15 to March 31 of each year for irrigation.

POD #2: 30 AFA to be collected from December 15 to March 31 of each year for irrigation. Maximum rate of diversion to offstream storage not to exceed 2 cubic feet per second (cfs).

The total amount of water to be taken from the sources for all uses will not exceed 79 AFA.

Place of Use:

Use is within	Section (Projected)	Township	Range	Base and Meridian	Acres	Previously Cultivated
NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	15	6S	5W	MD	12	YES
SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	15	6S	5W	MD	11	YES
SE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	16	6S	5W	MD	6	YES
NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	20	6S	5W	MD	5	YES
NW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21	6S	5W	MD	26.5	YES
NE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21	6S	5W	MD	16	YES

SW ¼ of NW ¼	21	6S	5W	MD	28	YES
SE ¼ of NW ¼	21	6S	5W	MD	37	YES
NW ¼ of NE ¼	21	6S	5W	MD	12	YES
NE ¼ of NE ¼	21	6S	5W	MD	4	YES
SW ¼ of NE¼	21	6S	5W	MD	28	YES
SE ¼ of NE ¼	21	6S	5W	MD	1	YES
NW¼ of SW¼	21	6S	5W	MD	19	YES
NE¼ of SW¼	21	6S	5W	MD	30	YES
SW ¼ of SW ¼	21	6S	5W	MD	18	YES
SE ¼ of SW ¼	21	6S	5W	MD	5	YES
NW ¼ of SE ¼	21	6S	5W	MD	6	YES
				<b>Net Acres:</b>	264.5	

### Petition Information

Change in Place of Use:

Petitioner seeks to expand the Place of Use to the following:

Use is within	Section (Projected)	Township	Range	Base and Meridian	Acres	Previously Cultivated
NW ¼ of SW ¼	15	6S	5W	MD	12	YES
SW ¼ of SW ¼	15	6S	5W	MD	11	YES
SE ¼ of SE ¼	16	6S	5W	MD	6	YES
NE ¼ of NE ¼	20	6S	5W	MD	5	YES
NW¼ of NW¼	21	6S	5W	MD	26.5	YES
NE ¼ of NW ¼	21	6S	5W	MD	16	YES
SW ¼ of NW ¼	21	6S	5W	MD	28	YES
SE ¼ of NW ¼	21	6S	5W	MD	37	YES
NW ¼ of NE ¼	21	6S	5W	MD	12	YES
NE ¼ of NE ¼	21	6S	5W	MD	4	YES
SW ¼ of NE¼	21	6S	5W	MD	28	YES
SE ¼ of NE ¼	21	6S	5W	MD	1	YES
NW¼ of SW¼	21	6S	5W	MD	19	YES
NE¼ of SW¼	21	6S	5W	MD	50	YES

SW ¼ of SW ¼	21	6S	5W	MD	18	YES
SE ¼ of SW ¼	21	6S	5W	MD	30	YES
NW ¼ of SE ¼	21	6S	5W	MD	41	YES
NE¼ of SE¼	21	6S	5W	MD	15	YES
SW ¼ of SE ¼	21	6S	5W	MD	40	YES
SE ¼ of SE ¼	21	6S	5W	MD	30	YES
NE ¼ of NE ¼	28	6S	5W	MD	20	YES
NW ¼ of NE ¼	28	6S	5W	MD	30	YES
NE ¼ of NW ¼	28	6S	5W	MD	30	YES
				<b>Gross Acreage:</b>	509.5	
				<b>Net Acres:</b>	264.5	

Change in Purpose of Use:

Petitioner seeks to add stockwatering as a purpose of use.

**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 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 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 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 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 contact person given 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 contact person given 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 contact person given below 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@waterboards.swrcb.ca.gov](mailto:mmoody@waterboards.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: **APRIL 29, 2005**

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