



# State Water Resources Control Board



Alan C. Lloyd, Ph.D.  
Agency Secretary

**Division of Water Rights**  
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**Arnold Schwarzenegger**  
Governor

## NOTICE OF PETITION TO CHANGE THE PLACE OF USE

**LICENSE 1598** (APPLICATION 4832)  
**LICENSE 4238** (APPLICATION 12958)  
**STREAM SYSTEM:** RUSSIAN RIVER

**PETITION FILED:** May 28, 2002  
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**COUNTY:** MENDOCINO

Notice is hereby given that Alex R. Thomas III and Mary Leittem Thomas (Petitioner) filed petitions to increase the place of use for Licenses 1598 and 4238. The State Water Resources Control Board (State Water Board) will determine whether an order approving the change should be issued for licensed Applications 4832 and 12958, if so, whether conditions are needed in the permit 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.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioners should be mailed to:

Alex R. Thomas III and Mary Leittem Thomas  
c/o John H. Thomas  
P.O. Box 748  
Ukiah, CA 95482

**Description of Project:** The Petitioner's diversion pump, irrigation system, and pear orchard are in place to utilize water under the licenses. State Water Board staff conducted a compliance inspection on September 19, 2001 and found that the acreage receiving irrigation water was greater than the combined total of 100 acres authorized under the two licenses. In addition, staff found that the Petitioner's source of water taken under License 4238 was from the river only, not extracting from the Russian River underflow.

### Summary of LICENSE 1598 (Application 4832):

County: Mendocino.  
Source: Russian River tributary to the Pacific Ocean.  
Point of  
Diversion: Located within the NW¼ of SE¼ of projected section 16, T15N, R12W,  
MDB&M.  
Amount: 0.2 cubic foot per second (cfs) by direct diversion.  
Season: June 1 to August 31.  
Purpose: Irrigation.

Place of Use: 25 acres within Lot 86 of the Yokayo Rancho within projected sections 16 and 17,

**California Environmental Protection Agency**



T15N, R12W, MDB&M.

**Summary of LICENSE 4238 (Application 12958):**

County: Mendocino.  
 Source: Russian River and Russian River Underflow tributary to the Pacific Ocean.  
 Point of Diversion: Located within the NE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of projected section 16, T15N, R12W, MDB&M.  
 Amount: 1.5 cfs by direct diversion.  
 Season: May 1 to September 30.  
 Purpose: Irrigation.  
 Place of Use: 50 acres within Lot 23 and 25 acres within Lot 86 of the Yokayo Rancho or a total of 75 acres within projected sections 16 and 17, T15N, R12W, MDB&M.

**Petition Summary:** The petitioner seeks approval from the State Sater Board to increase the authorized place of use, by adding a total of 42 acres to the combined 100 acres total in the two licenses. The Petitioner states that the 42 acres have been irrigated since the 1930's. The pears were planted in the 1960's. With conservation and installation of new sprinklers and pumps, the Petitioner states that the amount of water used for the 142 acres is less than that allowed by the licenses for the 100 acres.

The new place of use is shown in a map on file with the State Water Board would be as follow:

Use Within	Proj Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	21	Y
NE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	22.5	Y
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	34	Y
SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	38	Y
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	9	Y
SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	16	15N	12W	MD	0.4	Y
NE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	17	15N	12W	MD	3.5	Y
SE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	17	15N	12W	MD	1.1	Y
NW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21	15N	12W	MD	9.5	Y
NE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21	15N	12W	MD	3	Y
				TOTAL	142	

**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. 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 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. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

### 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/](http://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 **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 engineer listed 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 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 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](mailto:wtoy@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterboards.ca.gov/forms/](http://www.waterboards.ca.gov/forms/).

Date of Notice: **April 15, 2005**