



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
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Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR CHANGE IN POINT OF DIVERSION

LICENSE 4777B (APPLICATION 14997B) **PETITION FILED:** February 18, 2003

STREAM SYSTEM: Russian River (subterranean flow) tributary to the Pacific Ocean

COUNTY: Mendocino

Notice is hereby given that John E. Fetzer filed a petition for change in the point of diversion for License 4777B (Application 14997B). The State Water Resources Control Board (State Water Board) will determine whether an order approving the change in the point of diversion should be issued for licensed Application 14997B, 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 petition. 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:

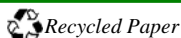
John E. Fetzer
P.O. Box 618
Hopland, CA 95449

Description of Project: The licensee has a right to directly divert 0.36 cubic foot per second (cfs) from a well located on the Russian River (subterranean flow) for irrigation of 48.3 acres of vineyard from May 1 to November 30 of each year. The maximum amount to be diverted under License 4777B shall not exceed 57 acre-feet (af) per year. The point of diversion (POD) is a well located North 2,400 feet and East 1,700 feet from the SE corner of projected Section 25, T14N, R12W, MDB&M within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 25 and has been abandoned and moved approximately one-half mile downstream.

Summary of LICENSE 4777B (APPLICATION 14997B):

County: Mendocino.
Source: Russian River (subterranean flow) tributary to the Pacific Ocean.
Point of
Diversion: Well located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T14N, R12W, MDB&M.
Amount: 0.36 cfs, with a maximum annual diversion of 57af per year.
Season: May 1 to November 30.

California Environmental Protection Agency



Purpose: Irrigation.

Place of Use: 48.3 acres of vineyard located within Section 26, T14N, R12W, MDB&M.

Petition Summary for License 4777B

As a result of a Division compliance inspection on July 18, 2001, the petitioner filed a change petition to move the POD under License 4777B approximately one-half mile downstream from the original POD that has been abandoned. The new point of diversion is the same as License 4777A (Application 14997A) of Flight Rail Corporation (aka Max Schlienger). Water is diverted from the POD through a mainline located on Max Schlienger's property that travels under Highway 101 in a northwesterly direction to Mr. Fetzer's pumping station at Canel Vineyards to irrigate 48.3 acres of vineyard.

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 Divisions' website at www.waterboards.ca.gov/forms/ or upon request from the Division. 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. of July 1, 2006** (30 days after the date of this notice). 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 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 Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterboards.ca.gov/forms/.

Date of Notice: **June 16, 2006**

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