



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> 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](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
Governor

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

**LICENSE:** 9842 (APPLICATION 20971)

**COUNTY:** Mendocino

**STREAM SYSTEM:** Unnamed Stream tributary Cahto Creek

**PETITION FILED:** October 29, 1998

**PETITION AMENDED:** April 18, 2005

Notice is hereby given that Nick Holquin has filed a petition to change the place of use for License 9842 (Application 20971). The successors in interest to License 9842, Stacy Holland et. al, also filed an amendment to the petition to include additional purposes of use and to expand the place of use. The State Water Resources Control Board (State Water Board) will determine whether the license should be amended and whether further conditions are needed in the license to protect the environment, the public interest, and downstream water users. This notice provides a description of the project and the proposed change 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 water right, rather than the change proposed by the petition. This notice and the petition may be viewed at the Division's website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioners should be mailed to:

Stacy Holland et. al  
4879 Paradise Drive  
Tiburon, CA 94920

### Description of Project

Mast Reservoir is operated under water right License 9842; however, the irrigation conveyance pipeline from the reservoir to the authorized gross 170 acres was removed in 1976. In 1997, the Division Complaint Section investigation found the licensee's irrigation was outside the acreage authorized in License 9842, which led to the filing of the Petition to Change.

Stacy Holland and Michael O'Donnell acquired the Holquin property and License 9842 in 2000. Dennis Miller, Mildred Mast Trust dated 9/29/93, Mendocino Magic LLC, and Bruce Campbell were designated as co-owners of License 9842 in July 2005. The new owners are modifying the place of use and the water usage under the license.

*California Environmental Protection Agency*



## License Information

County: Mendocino.

Applicants: Stacy Holland, Michael O'Donnell, Dennis Miller, Mildred Mast Trust dated 9/29/93, Mendocino Magic LLC, and Bruce Campbell.

Source: Unnamed stream tributary to Cahto Creek thence Tenmile Creek thence South Fork Eel River.

Point of Diversion: Within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 15, T21N, R15W, MDB&M.

Purpose of Use: Irrigation, stockwatering, aquaculture, and recreation.

Amount & Season: 380 acre-feet (af) collected to storage November 1 to May 1. The maximum withdrawal from storage shall not exceed 220 af.

Place of Use: Stockwatering, aquaculture, and recreation use at Mast Reservoir located within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 15, T21N, R15W, MDB&M. Irrigation is for net 60 acres within gross 170 acres as follows and as shown on a map (dated October 3, 1962) on file with the State Water Board:

- 11 acres within NE $\frac{1}{4}$  section 22, T21N, R15W, MDB&M.
- 62 acres within SW $\frac{1}{4}$  section 14, T21N, R15W, MDB&M.
- 42 acres within NW $\frac{1}{4}$  section 23, T21N, R15W, MDB&M.
- 46 acres within SW $\frac{1}{4}$  section 23, T21N, R15W, MDB&M.
- 9 acres within SE $\frac{1}{4}$  section 23, T21N, R15W, MDB&M.

## Summary of Petition

The former and current license holder(s) seek approval from the State Water Board to change the place of use by deleting the gross 170 acres and to designate water use on lands solely owned by the licensees. The 2005 petition map on file with the State Water Board and under the March 30, 2005 Water Rights Agreement between the co-owners increases the irrigated acreage to a net 220 acres out of 365 acres. The gross acreage is north and west of Branscomb Road and within sections 15, 16, 21, and 22, T21N, R15W, MDB&M.

Purposes of use identified in the 2005 amended change petition seeks to add domestic, frost protection, heat control, dust control, and fire protection. Under the Petition for Change, the existing license condition will not be change from the maximum 220 af withdrawal from storage.

## 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's website at [www.waterrights.ca.gov/forms/](http://www.waterrights.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 October 02, 2006** (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 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. 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.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **September 01, 2006**

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Application 20971

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