

MIT
30421



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-0765
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
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Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

PETITION FOR CHANGE (WATER CODE 1700)

Application 30429 Point of Diversion, Point of Rediversion, X Place of Use, X Purpose of Use
Permit License Statement or Other

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present
Proposed

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present See Attachment
Proposed

Purpose of Use

Present Irrigation, frost protection,
Proposed Irrigation, frost protection, heat control

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)?

- GIVE REASON FOR PROPOSED CHANGE: To describe project as it is being operated
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No
- WATER WILL BE USED FOR Irrigation, frost protection, heat control PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership
(ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No
(yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated 5/3/04, ~~19~~ 2004 at Sacramento, California

Frank Wheeler (916) 441-6850
Wagner & Bonsignore Signature(s) Consulting Civil Engineers, Telephone No. A Corporation

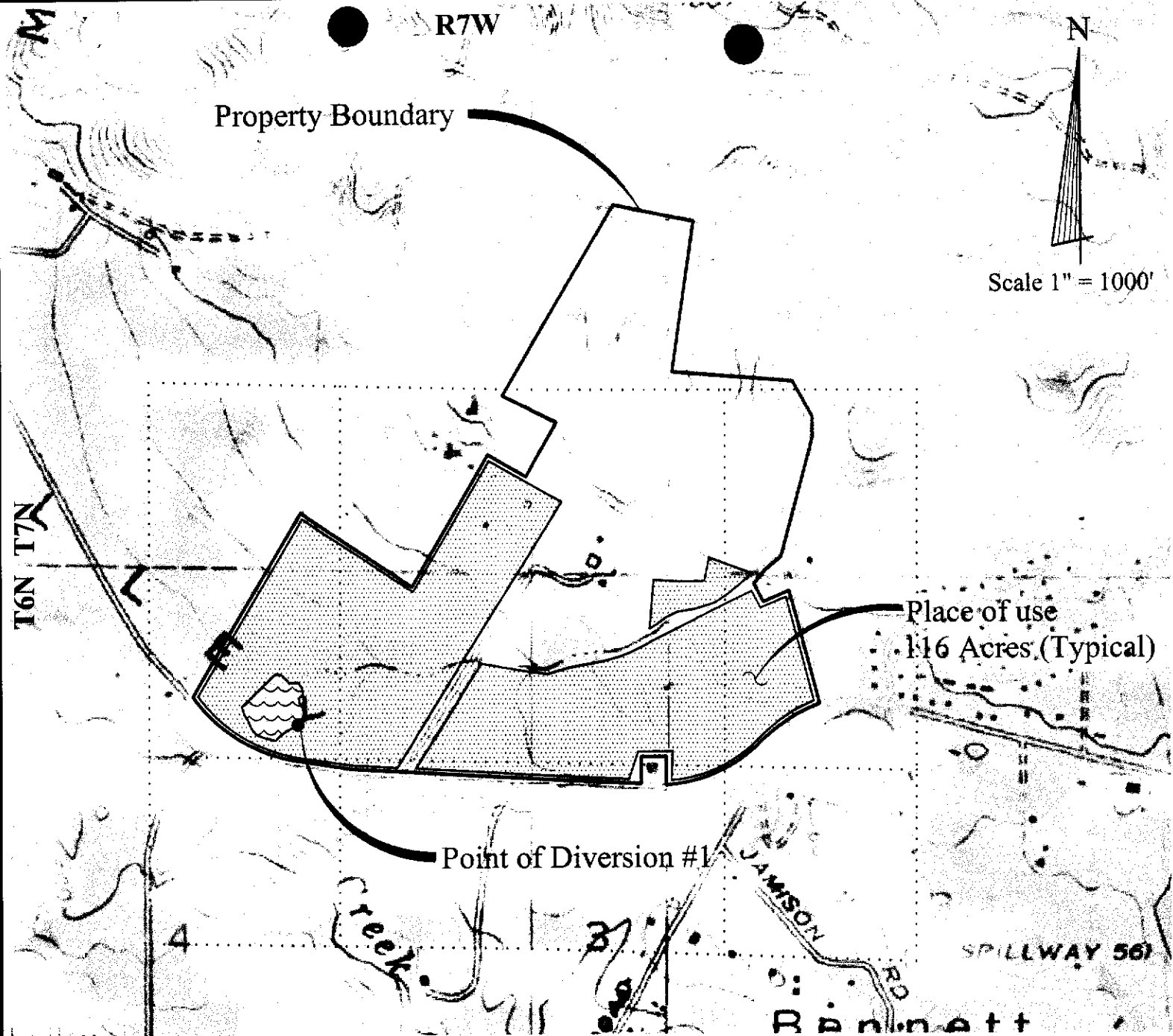
NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

5/6/04
\$1,000.00
JC

**Attachment to Accompany
Petition for Change
Application 30429
Jackson Family Investments**

Re: 6.b. Place of Use

Use is Within	Section	Township	Range	B. & M.	Acres	Previously Cultivated
SW ¼ of SE ¼	33	T.7N.	R.7W.	M.D.	3	Yes
SE ¼ of SE ¼	33	T.7N.	R.7W.	M.D.	10	Yes
SW ¼ of SW ¼	34	T.7N.	R.7W.	M.D.	2	Yes
SE ¼ of SW ¼	34	T.7N.	R.7W.	M.D.	1	Yes
NW ¼ of NW ¼	3	T.6N.	R.7W.	M.D.	27	Partial
NE ¼ of NW ¼	3	T.6N.	R.7W.	M.D.	12	Yes
SW ¼ of NW ¼	3	T.6N.	R.7W.	M.D.	3	Yes
NW ¼ of NE ¼	4	T.6N.	R.7W.	M.D.	22	Partial
NE ¼ of NE ¼	4	T.6N.	R.7W.	M.D.	33	Partial
SE ¼ of NE ¼	4	T.6N.	R.7W.	M.D.	3	Yes
				TOTAL	<u>116</u>	Acres



Use Within	Section	Township	Range	B&M	Acres	Cultivated
SW of SE	33	T.7N.	R.7W.	M.D.	3	Yes
SE of SE	33	T.7N.	R.7W.	M.D.	10	Yes
SW of SW	34	T.7N.	R.7W.	M.D.	2	Yes
SE of SW	34	T.7N.	R.7W.	M.D.	1	Yes
NW of NW	3	T.6N.	R.7W.	M.D.	27	Partial
NE of NW	3	T.6N.	R.7W.	M.D.	12	Yes
SW of NW	3	T.6N.	R.7W.	M.D.	3	Yes
NW of NE	4	T.6N.	R.7W.	M.D.	22	Partial
NE of NE	4	T.6N.	R.7W.	M.D.	33	Partial
SE of NE	4	T.6N.	R.7W.	M.D.	3	Yes

TOTAL 116 Acres

Map Point

Description

#1 Point of Diversion by Collection to Storage: Located N 267,300 and E 1,818,300 California Coordinate System, Zone 2. Being within the NW ¼ of the NE ¼ of Section 4, T6N, R7W, MDB&M

Map To Accompany

Petition for Change

for

Water Right Application 30429

by

Jackson Family Investments

Sonoma County, California

Wagner Bonsignore
Consulting Civil Engineers, A Corporation

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
1001 I Street, Sacramento
P. O. Box 2000, Sacramento, CA 95814

5 PM 2:07

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 30429 PERMIT NO. _____ LICENSE NO. _____

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DESCRIPTION OF CHANGES TO PROJECT

1. Provide a brief description of the proposed changes to your project, including but not limited to type of construction activity, structures existing or to be built, area to be graded or excavated, changes in land use, and project operational changes, including changes in how the water will be used.

The Petitioner proposes to increase the place of use from 90 acres to 116 acres and to add heat control as a purpose of use. Eighty acres of vineyard is existing and was planted in the late 1970's the additional 36 acres to be planted will be developed in cleared areas. Currently the vineyard is irrigated from the existing reservoir. The entire requested place of use is located on lands that were historically cleared for cattle grazing. The proposed vineyard will be developed in these previously cleared areas. Additionally, the Petitioner is filing a new application to enlarge the reservoir named in Application 30429. The new application seeks additional storage of 22 acre-feet of water and the same 116 acres of place of use named in this petition.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

(a) Person contacted Denise Peter Date of contact 5/23/03
Department Sonoma County Planning Telephone (707) 565-1900

(b) Assessor's Parcel No. 49-06-59 & 60

(c) County Zoning Designation LIA - B6 - 20 / 20 - J - RS - Z Ag Preserve

(d) Are any county permits required for your project? Yes If you answered yes, check appropriate spaces below:

X Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit,
_____ Change of Zoning, _____ General Plan Change, _____ Other explain: _____

(e) Have you obtained any of the required permits described above? No If you answered yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? No [i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.] For each agency from which a permit is required provide the following information:

Permit type _____

Person contacted _____ Agency _____

Date on Contract _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes?

No

If so, please submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the public agency.

If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing and environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

The Petitioner expects the State Water Resources Control Board will be the lead agency for the preparation of the appropriate environmental document for this project. The Petitioner has recently been directed by the SWRCB to enter into a MOU for this Application.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: _____

If you answered yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition?

Person contacted _____ Date of Contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency?
Yes, a cultural resources survey was conducted in 1984. A copy of the report was submitted with this application. Any additional reports that are required will be incorporated in the environmental document.

Do you know of any archeological or historical sites located within the general project area?

If so, explain: No

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- (a) Along the stream channel immediately downstream from the proposed point(s) of diversion
 - (b) Along the stream channel immediately upstream from the proposed point(s) of diversion
 - (c) At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
Red Fir
Lodgepole Pine
Mixed Conifer
 Sierran Mixed Conifer
 White Fir
 Klamath Mixed Conifer
Douglas-Fir
Jeffrey Pine
Ponderosa Pine
Eastside Pine
Redwood
Pinyon-Juniper
Juniper
Aspen
Closed-Cone Pine-Cypress
Montane Hardwood-Conifer
Montane Hardwood
Valley Foothill Hardwood
 Blue Oak Woodland
√ Valley Oak Woodland
 Coastal Oak Woodland
Valley Foothill Hardwood-Conifer
 Blue Oak-Digger Pine
Eucalyptus
Montane Riparian
Valley Foothill Riparian
Desert Riparian
Palm Oasis
Joshua Tree

Shrub Dominated Communities

Alpine Dwarf-Shrub
Low Sage
Bitterbrush
Sagebrush
Montane Chaparral
Mixed Chaparral
Chamise-Redshank Chaparral
Coastal Scrub
Desert Succulent Shrub
Desert Wash
Desert Scrub
Alkali Desert Scrub

Herbaceous Dominated Communities

Annual Grassland
Perennial Grassland
Wet Meadow
Fresh Emergent Wetland
Saline Emergent Wetland
Pasture

Aquatic Communities

Riverine
√ Lacustrine
Estuarine
Marine

Developed Communities

Cropland
√ Orchard-Vineyard
Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program, at (916) 653-7203.)

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the places of use due to additional water development.

The proposed vineyard will be planted in historically cleared areas. No trees or shrubs are expected to be removed as a result of this petition. Petitioner has been directed to enter into a Memorandum of Understanding for preparation of the environmental document to address these issues for this Application. A copy of the document will be submitted to the SWRCB for review upon completion.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes (Note: See footnote denoted by * under Question 11 below):

Petitioner has been directed to enter into a Memorandum of Understanding for preparation of the environmental document to address these issues for this Application. A copy of the document will be submitted to the SWRCB for review upon completion.

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use (Note: See footnote denoted by * below):

Petitioner has been directed to enter into a Memorandum of Understanding for preparation of the environmental document to address these issues for this Application. A copy of the document will be submitted to the SWRCB for review upon completion.

***Note:** The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (see attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near your, consult your local telephone directory yellow pages under **Environmental and Ecological Services**, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program at (916) 324-6881 or the University of California, Cooperative Extension Service (see your local telephone directory white pages).

12. Does your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain: _____

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 5/3/04 Signature Paul J. Whalen

Wagner & Bonsignore
Consulting Civil Engineers

**Photographs to Accompany
Petition for Change Application 30429
and New Water Right Application
for Jackson Family Investments**



Reservoir at POD #1

**Photographs to Accompany
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POD #1 looking upstream

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POD #1 - looking downstream



POD #1 – view of spillway

**Photographs to Accompany
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Existing Place of Use – Proposed Place of Use (at right side of photo)



Typical Place of Use overlooking reservoir

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Existing Place of Use