

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 657-2170, FAX: (916) 657-1485, Web: http://www.waterrights.ca.gov 2005 0C7 26 Pi 3: 32



PETITION FOR CHANGE

(WATER CODE 1700)

DV.	CHARLA AGAITS
	SACRAMENTO
	A MANUAL ()

X Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use Application Permit License Statement or Other See Attachment
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 See Attachment
Proposed <u>See Attachment</u> Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.) Present <u>See Attachment</u> Proposed <u>See Attachment</u> Proposed <u>See Attachment</u> Proposed <u>See Attachment</u> 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)? <u>Yes</u> (yes/no)
GIVE REASON FOR PROPOSED CHANGE: To increase flows in Sugar Creek for instream benefit through a water conservation project.
WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? WATER WILL BE USED FORIrrigation and Instream Beneficial usesPURPOSES. I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ?See _ Attachment(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?
See Attachment
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. See Attachment
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 10/20 , 2005 at CACCAHAN , California
Signature(s) Telephone No. 330 467 3 933
NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee

Attachment to Petition Form for Changes to Scott River Decree Diversion # 181-15-B11 – Gozzarino (formally Bunting)

General:

Project Background

The Sugar Creek instream flow project was originally proposed by the Siskiyou Resource Conservation District (SRCD), and Scott River Watershed Council (SRWC), and Sugar Creek Water Users Group (SCWUG) to the California Department of Fish and Game (DFG) in the spring and summer of 2000. The intent of the proposal was to conserve water for instream benefit through improved delivery efficiency by piping up to 15 miles of existing earthen ditch. In addition, the Project will increase and protect minimum instream flows during low flow periods in the summer and fall months through agreements between the DFG and the SCWUG. The water conserved through the piping of the ditches would be shared among the water users and Sugar Creek for instream benefit.

The parties involved selected a proposal that called for piping the Darbee (Thamer) and Fay (Tobias/Barnes) Ditches, and relocating the Davis/Peoples (Marx) and Bunting (Gozzarino) diversions and conveyances to the Darbee pipeline. Currently, the Darbee Ditch piping project is complete and operational, and the Davis/Peoples (Marx) and Bunting (Gozzarino) diversions have been relocated to the Darbee Ditch. Due to both technical and legal issues, the piping of the Fay Ditch has not been pursued. Instead, the Tobias/Barnes group will dedicate a portion, or all, depending on time period and available flow, of their water right to instream beneficial uses within Sugar Creek.

Sugar Creek Water Users Group

The SCWUG represents all of the current active water users within the Sugar Creek watershed, each of whom are participants in the Sugar Creek instream flow project. This group has been and is willing to continue working together for the benefit of natural resources within Sugar Creek. The SCWUG have elected to submit individual requests for "petitions for change" together to the State Water Resource Control Board (Board) as one project to implement the water right changes necessary for the Sugar Creek instream flow project. The SCWUG members are:

Tom and Beverly Tobias PO Box 1151

Trespinos, CA 95075

Rick Barnes 5508 East Callahan Road Etna, CA 96027

Michael Thamer 1424 Wildcat Road Callahan, CA 96014 William and Jennifer Marx

PO Box 71 Etna, CA 96027

Ed Gozzarino 505 B Street

Santa Rosa, CA 95401

Attachment to Petition for Change Form:

Water Right

Diversion # 181-15-B11 of Gozzarino (formally Bunting) as described in the Scott River Decree

Point of Diversion or Rediversion

Present Points of Diversion:

As described within the Scott River Decree and shown on a USGS quadrangle map, the present point of diversion at is located at:

N 728,454', E 1,769,733' (California Coordinate Plane NAD 27') Within the NW ¼ of SW ¼ of Section 12, T 40 N, R 9 W

Proposed Points of Diversion:

The petitioner proposes to add the Darbee Ditch as a point of diversion. The Darby Ditch is located at:

N 723,241', E 1,761,303' (California Coordinate Plane NAD 27') Within the NW ¼ of SE ¼ of Section 15, T 40 N, R 9 W

Place of Use

Present Place of Use:

As described within the Scott river Decree, 32 Acres within the NE ¼ of Section 12, T 40 N, R 9 W

Proposed Place of Use:

The petitioner proposes to add the reach of Sugar Creek between the Darby Ditch and the confluence of Sugar Creek and the Scott River.

N 723,241', E 1,761,303' to N 733,150, E 1,774,112' (California Coordinate Plane NAD 27')

Purpose of Use:

Current Purpose of Use:

Irrigation

Proposed Purpose of Use:

Irrigation and Instream Beneficial Uses for the benefit of fish and wildlife

Give Reason for Proposed Change:

The petitioners propose to increase spring, summer, and fall instream flows in most years in Sugar Creek by decreasing the amount of water diverted for agriculture use by means of elimination or reduction of ditch water conveyance losses. The increased stream flows within Sugar Creek will provide fishery and wildlife benefits, specifically for the rearing of juvenile coho salmon and steelhead, pursuant to and consistent with arrangements made with CDFG.

ATTACHMENTS TO PETITION.DOC

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

ENVIRONMENTAL INFORMATION FOR PETITIONS

☐ Petition for Extension of Time

☑ Petition for Change

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right
permit or a petition for extension of time to complete use, the SWRCB must consider the information contained
in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA).
This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be
made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated
with the environmental evaluation and preparation of the required CEQA documents. Please answer the
following questions to the best of your ability and submit any studies that have been conducted regarding the
environmental evaluation of your project. If you need more space to completely answer the questions, please
number and attach additional sheets.

•	DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED For a petition to change, provide a 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, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational change including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.
	SEE ATTACHMENT
	□ See Attachment No.

ENVIRONMENTAL INFORMATION FOR PETITIONS

	 Contact your cour 	nty planning or pub	lic works department and	provide the following	ng information:			
	•	Ed Jacobson						
		skiyou Co. Pul		Telephone: (5				
	County Zoning D	esignation: Agric	culture					
	☐ Grading permi		your project? □ YES 🗷 □ Watercourse □ Obstrexplain):					
b	. Have you obtained If YES, provide a \[\sum_{See Attachment}^{\text{Attachment}} \]	complete copy of e	d permits described above ach permit obtained.	e? □ YES □ NO				
	STATE/FEDERAL PERMITS AND REQUIREMENTS a. Check any additional state or federal permits required for your project: ☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ Bureau of Land Management ☐ Soil Conservation Service ☐ Dept. of Water Resources (Div. of Safety of Dams) ☐ Reclamation Boar ☐ Coastal Commission ☐ State Lands Commission ☐ Other (specify)							
b	b. For each agency from which a permit is required, provide the following information:							
(C)	THAT YELL		Purson(s) contactu					
350	DFG	DFG 1602	Mark Pisano	8/18/05	(530) 842-9322			
-								
	☐ See Attachment	No						
	□ See Auachment							
	. Does your propos		any construction or gradir ank of any stream or lake		at has significantly altere			
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ENVIRONMENTAL INFORMATION FOR PETITIONS

	d. Have you contacted the California Department of Fish and Game concerning your project? YES NO If YES, name and telephone number of contact: <u>Mark Pisano</u>
4.	ENVIRONMENTAL DOCUMENTS
••	a. Has any California public agency prepared an environmental document for your project? XYES \(\subseteq\) NO If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \(\subseteq\) Dept of Fish & Game
•	b. If NO, check the appropriate box and explain below, if necessary: The petitioner is a California public agency and will be preparing the environmental document.* I expect that the SWRCB will be preparing the environmental document.** I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency:
	Department of Fish & Game
	☐ See Attachment No. 4
	* Note: When completed, submit a copy of the <u>final</u> environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.
	** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.
5.	WASTE/WASTEWATER a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ☐ YES ☐ NO If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
	☐ See Attachment No
	b. Will a waste discharge permit be required for your project? ☐ YES ☐ NO
	Person contacted: Date of contact:
	c. What method of treatment and disposal will be used?
	☐ See Attachment No
i.	ARCHEOLOGY a. Have any archeological reports been prepared on this project? ☒ YES ☐ NO b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☒ NO

ENVIRONMENTAL INFORMATION FOR PETITIONS
If YES, explain:
☐ See Attachment No
ENVIRONMENTAL SETTING Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period. Along the stream channel immediately downstream from the proposed point(s) of diversion. Along the stream channel immediately upstream from the proposed point(s) of diversion. At the place(s) where the water is to be used. See Attachment
CERTIFICATION I hereby certify that the statements I have furnished above and in the attachments 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: 10/20/05 Signature: Edypus

7.

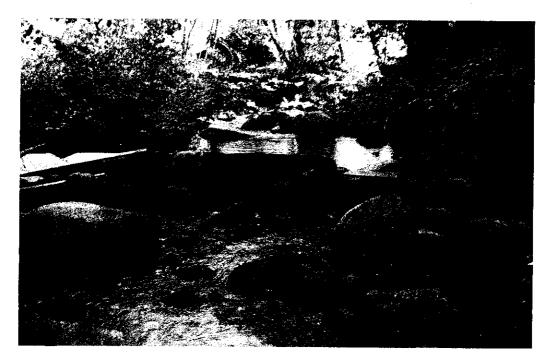
8.

Environmental Information Form

1. Description of Proposed Changes or Work to be Completed

The petitioner, Ed Gozzarino, currently diverts water under adjudicated rights pursuant to the Scott River Decree (Decree). The petitioner, together with other individual water users within Sugar Creek have proposed a project to conserve water for instream benefit within Sugar Creek, herein the Sugar Creek Flow Enhancement Through Diversion Piping Project (Project). The Project will make water available for instream beneficial use (fishery and wildlife enhancement) within Sugar Creek in two ways. First, the Project will increase instream flows through the dedication of conserved water made available as a result of piping the earthen Darbee irrigation ditch and thereby reducing or eliminating conveyance losses. Second, the Project will increase and protect minimum instream flows during low flow periods in the summer and fall months through agreements between the Department of Fish and Game and the Sugar Creek water users.

This petition has been prepared under Water Code Section 1707 to facilitate the changes necessary under the Project to Mr. Gozzarino's decreed water rights. As part of the Project, Mr. Gozzarino has relocated his point of diversion from the former Bunting Ditch, identified as Diversion #181-15-B11 in the Decree, to the Darby Ditch identified in the Decree as Diversion #173-15-B11. The petitioner is also seeking to add the reach of Sugar Creek downstream of the Darby Ditch to the confluence of Sugar Creek and the Scott River, and to add instream beneficial use for fishery and wildlife enhancement to the authorized purposes of use of his decreed water rights. The various points of diversion and proposed place of use involved in the Project are shown in a map attached to the petitions. There will be no changes under the Project to the existing irrigated place of use under Gozzarino's decreed water rights.



Looking upstream at Darbee Ditch diversion dam



Looking downstream from Darbee Ditch diversion dam

Sugar Creek 08/04/2005

Photographer -Marc Van Camp





Looking downstream at Darbee Ditch fish screen structure



At Gage site below Darbee Ditch

Sugar Creek 08/04/2005

Photographer -Marc Van Camp





From left bank looking at head of Fay Ditch



Fay Ditch

Sugar Creek 08/04/2005

Photographer -Marc Van Camp

