

2004 APR 19 11:11:19

PETITION FOR CHANGE
(WATER CODE 1700)

APR 19 2004 11:11:19

Application X Point of Diversion, 24790A Permit 17266A Point of Rediversion, X Place of Use, _____ Purpose of Use _____
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 CCS N 438,900 E 1,701,500 within NW 1/4 of NE 1/4, Sec. 26, T12N, R11W

Proposed Add second POD: CCS N 439,535 E 1,700,755 within SW 1/4 of SE 1/4, Sec. 23, T12N, R11W

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

Present See Attached

Proposed _____

Purpose of Use

Present No change

Proposed _____

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)? _____

(yes/no)

• GIVE REASON FOR PROPOSED CHANGE: reservoir location has changed to an onstream reservoir, additional vineyard has been planted, and additional vineyard is proposed.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? no

(yes/no)

• WATER WILL BE USED FOR Irrigation and Frost Protection 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. Attach additional pages if needed.
na

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.

na

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 April 5, 2004 at San Rafael, Ca, California

Robert D. Paterson
Signature(s)

Telephone No.

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.

4/19/04
\$850
1000

Attachment to Petition For Change Application 24790 A&B

Place of Use – Present

| Use is within | Section | Township | Range | B&M | # of acres | Irrig. |
|---------------|---------|----------|-------|-----|------------|--------|
| NW ¼ of NW ¼ | 25 | 12N | 11W | MD | 3 | yes |
| SW ¼ of NW ¼ | | | | | 14 | yes |
| NE ¼ of NW ¼ | 26 | | | | 2 | yes |
| NW ¼ of NE ¼ | | | | | 30 | yes |
| NE ¼ of NE ¼ | | | | | 24 | yes |
| SE ¼ of NE ¼ | | | | | 15 | yes |
| Total | | | | | 88 | |

Place of Use - Proposed

| Use is within | Section | Township | Range | B&M | # of acres | Irrig. |
|---------------|---------|----------|-------|-----|------------|--------|
| NW ¼ of NW ¼ | 25 | 12N | 11W | MD | 3 | yes |
| SW ¼ of NW ¼ | | | | | 14 | yes |
| NW ¼ of SW ¼ | 26 | | | | 1 | yes |
| SE ¼ of NW ¼ | | | | | 4 | yes |
| NW ¼ of NE ¼ | | | | | 32 | yes |
| NE ¼ of NE ¼ | | | | | 24 | yes |
| SE ¼ of NE ¼ | 23 | | | | 15 | yes |
| SW ¼ of NE ¼ | | | | | 1 | yes |
| SW ¼ of SE ¼ | | | | | 2 | yes |
| SW ¼ of SE ¼ | | | | | 15 | no |
| SE ¼ of SE ¼ | | | | | 5 | no |
| Total | | | | | 116 | |

State of California
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>

PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 24790A Permit 17266A

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

- The project has been abandoned and I request revocation of the permit.

Signature
- Full use of water has been made, both as to amount and season, and I request license be issued.

Signature
- The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME
If START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

2. Estimate date construction work will begin. _____

3. Reasons why construction work was not begun within the time allowed by the permit.

4/19/07
#11000

PETITION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A ~~10~~ 15 - year extension of time is requested to complete construction work and/or beneficial use of water (Indicate number of years).
5. How much water has been used? 3 acre-feet/year _____ cfs
6. How many acres have been irrigated? 4 _____
7. How many houses or people have been served water? _____
8. Extent of past use of water for any other purpose. _____
9. What construction work has been completed during the last extension? see item 13.
10. Approximate amount spent on project during last extension period. \$ unknown
11. Estimate date construction work will be completed. 2006
12. Estimated year in which water will be fully used. 2007
13. Reasons why construction and/or use of water were not completed within time previously allowed. Offstream resv. leaked and was filled in. A new reservoir has been constructed and needs to be enlarged to allow irrigation of the entire vineyard. A petition for change is also being filed.

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

14. What water conservation measures are in effect or feasible within the place of use?

15. How much water is being conserved or is it feasible to conserve using these conservation measures?
_____ acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? _____ gpd.

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

Dated: April 5, 2004, at San Rafael, California
[Signature]
Signature(s) Telephone No.

NOTE: A \$50 FEE MADE PAYABLE TO THE State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.

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**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 24790A & B PERMIT NO. 17266A & B 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 CHANGE PETITION 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.

DISCRIPTION OF CHANGES TO PROJECT

1. 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, changes in land use, and project operational changes, including changes in how the water will be used. The offstream reservoir constructed pursuant to Permits 17266A & B has been filled in and planted over with vineyard. A new dam and reservoir has been constructed on an adjacent drainage tributary to Edwards Creek and whose confluence with Edwards Creek is upstream from the existing point of diversion. This petition seeks to add the dam as a second point of diversion, and to retain the authorized diversion to offstream storage from Edwards Creek. Because the place of storage under Permit 24790A has changed, this petition also acts as a petition to redistribute storage. The existing reservoir has a capacity of 12 AF. Permittee proposes enlarging the reservoir to allow for the authorized storage of 60 AF. In addition, these petitions seek to expand the place of use from 88 acres to 116 acres. The authorized 88 acres of vineyard have been planted, as well as an additional +/-8 acres not currently authorized by the permits. Permittee proposes to plant another +/-20 acres.

5-13-04
PHOTOS ARE IN 24790A
KOM

PLACE OF USE DRAWING IN
7117110A (AERIAL PHOTO)

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 not required Date of contact _____
 Department _____ Telephone () _____
 - b. Assessor's Parcel No. See attached - Exhibit A
 - c. County Zoning Designation AG - 40
 - d. Are any county permits required for your proposed changes? no
 If yes, check appropriate space below:
 _____ 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? _____
 If yes, provide a complete copy of each permit obtained.

- 3. Are any additional state or federal permits required for your proposed changes? 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 (s) contacted _____ Agency _____
 Date of contact _____ 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 an 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:

Permittee assumes that SWRCB will act as lead agency in any environmental review of this petition.

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 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? no

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

no If so, explain: _____

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 change petition 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 you 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 place of use due to additional water development.

The development of the 20 acres of proposed vineyard may require removal of 10 to 15 small oak trees ranging from 10" to 20" DBH. All other aspects of this project are existing.

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):

Edwards Creek may support Steelhead Trout and other non-game fish species. The diversion from Edwards Creek is already permitted, and there are no aspects of this petition that will result in impacts to any fish species.

11. Identify the typical species of riparian and terrestrial wildlife in the 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):

The wildlife in the project area is typical to vineyard and north coastal hillsides. The area where additional vineyard is proposed, is mostly open grassland with a few scattered oaks. Development of 20 acres of vineyard will not impact wildlife species.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the 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 you, 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. Do 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 April 5, 2004 Signature Paulo Salazar

EXHIBIT A

A.P.N Parcel #: 50-310-14, 19; 50-350-01; 50-330-02, 17; 50-340-01, 06, 07, 14; 50-350-02