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Erickson Engineering Inc.

Katherine Washburn, Environmental Scientist, Watershed Unit 1
Water Rights Permitting Section, Division of Water Rights
State Water Resources Control Board
1001 I St., P.O. Box 2000
Sacramento, CA 95812-2000

March 30, 2007

Re: Application A31021 (Martinelli Ranch)

This memo is in response to your correspondence dated March 12, 2007, requesting elimination of certain typographical errors in the pending Petition for Change submittal materials for the subject application. The following adjustments have been made:

- All POD and POU areas within Sections 33 and 34 are referenced to the appropriate T5N.
- Certain areas within the Tolay drainage have been developed as vineyards during the lengthy water rights review process, and are now partially cultivated. Per request, those areas with at least partial cultivation have been noted in the POU tables.
- Present and proposed Purpose of Use has been revised for consistency with the original application. Present: frost protection, irrigation, recreation. Proposed: irrigation, recreation.
- The POD descriptions in the year 2000 submittals were correct. Subsequent to that time, the map and POD have been geo-referenced to NAD27 CA Zone 2 per DWR request. Transcription errors were made in notations for subdivision, Section, and Township that are now believed corrected. The Section 13 map in the 2006 submittal was correct, and the tabular values are now believed to be consistent with the map.
- POD Reservoir 7 NAD27 CA Z2 N and E coordinates on map and in text are now consistent.
- The tributary area for POD R7 has been removed from the map as being extraneous to the application process.
- The required Environmental Information for Petitions form was prepared for submittal in June 2005. A revised version has been updated and is resubmitted.

Hard copies of the updated Petition has been provided to Mr. Martinelli for signature. We expect that he will forward same to you under separate cover.

A hard copy of the updated Petition will be forwarded to CDFG Region III in Yountville by Mr. Martinelli, with signature upon receipt service per USPS protocols. A copy of the signed receipt will be forwarded to DWR when available to verify that a copy of the revised petition has been sent to CDFG.

Please contact EEI if any further materials are needed at this time.

Very truly yours,



Lee Erickson, PhD CE45660 AE468
Civil and Agricultural Engineer

cc: David Martinelli
Jeff Peters @ Jones and Stokes

P.O. Box 446, Valley Ford CA 94972-0446 707.795.2498 Voice/Fax erickson@ap.net

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>

SACRAMENTO

PETITION FOR CHANGE (Revised 03/30/07)
 (WATER CODE 1700)

Point of Diversion, Point of Re-diversion, Place of Use, Purpose of Use
 Application A31021 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:

| List all points giving coordinate distances from section corner or other tie as allowed by Board regulations i.e. California Coordinate System | Point is within (40-acre subdivision) | Section | Township | Range | Base and Meridian |
|--|---------------------------------------|---------|----------|-------|-------------------|
| 40 af Reservoir #6 3370' N, 2050' E Northeast Corner S4 (Projected) | SE 1/4 NW 1/4 | 34 | 5N | 6W | MDM |
| 49 af Reservoir #7 2945' N, 1293' E Northeast Corner S4 (Projected) | SW 1/4 NW 1/4 | 34 | 5N | 6W | MDM |
| 41 af Reservoir #8 2500' N, 300' E Northeast Corner S4 (Projected) | NW 1/4 SW 1/4 | 34 | 5N | 6W | MDM |

Proposed

| List all points giving coordinate distances from section corner or other tie as allowed by Board regulations i.e. California Coordinate System | Point is within (40-acre subdivision) | Section | Township | Range | Base and Meridian |
|--|---------------------------------------|---------|----------|-------|-------------------|
| 45 af Reservoir #7 2945' N, 1293' E Northeast Corner S4 (Projected) NAD27 CA Zone 2: 1852930E, 207140N | SW 1/4 NW 1/4 | 34 | 5N | 6W | MDM |

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

Present

| USE IS WITHIN (40-acre subdivision) Sections and subdivisions are projected | SECTION | TOWNSHIP | RANGE | BASE & MERIDIAN | IF IRRIGATED | |
|--|---------|----------|-------|-----------------|-----------------|----------------------------|
| | | | | | Number of acres | Presently cultivated (Y/N) |
| NE 1/4 of SE 1/4 | 33 | 5N | 6W | MDM | 15 | N |
| SW 1/4 of NW1/4 | 34 | 5N | 6W | MDM | 5 | N |
| SE 1/4 of NW1/4 | 34 | 5N | 6W | MDM | 20 | N |
| NE 1/4 of SW1/4 | 34 | 5N | 6W | MDM | 40 | N |
| NW 1/4 of SW1/4 | 34 | 5N | 6W | MDM | 30 | N |
| SE 1/4 of SW1/4 | 34 | 5N | 6W | MDM | 5 | N |
| NW 1/4 of SE1/4 | 34 | 5N | 6W | MDM | 10 | N |
| SW 1/4 of NE1/4 | 34 | 5N | 6W | MDM | 5 | N |

Champlin only watershed

130 Acres

4/25/07
 #0
 DC

Proposed

| USE IS WITHIN (40-acre subdivision) Sections and subdivisions are projected | SECTION | TOWNSHIP | RANGE | BASE & MERIDIAN | IF IRRIGATED | |
|---|---------|----------|-------|--------------------|--------------------|-------------------------------|
| | | | | | Number of acres | Presently cultivated (Y/N) |
| NE 1/4 of NW 1/4 | 4 | 4N | 6W | MDM | 6.6 | N |
| NW 1/4 of NE 1/4 | 4 | 4N | 6W | MDM | 40.0 | Y |
| NE 1/4 of NE 1/4 | 4 | 4N | 6W | MDM | 26.1 | Y |
| SW 1/4 of NE 1/4 | 4 | 4N | 6W | MDM | 10.3 | Y |
| SE 1/4 of NE 1/4 | 4 | 4N | 6W | MDM | 24.6 | Y |
| NE 1/4 of SE 1/4 | 4 | 4N | 6W | MDM | 7.1 | N |
| NW 1/4 of SE 1/4 | 33 | 5N | 6W | MDM | 2.6 | N |
| NE 1/4 of SE 1/4 | 33 | 5N | 6W | MDM | 29.2 | N |
| SW 1/4 of SE 1/4 | 33 | 5N | 6W | MDM | 26.7 | N |
| SE 1/4 of SE 1/4 | 33 | 5N | 6W | MDM | 38.0 | Y |
| SW 1/4 of NW 1/4 | 34 | 5N | 6W | MDM | 7.5 | N |
| SE 1/4 of NW 1/4 | 34 | 5N | 6W | MDM | 18.5 | N |
| SW 1/4 of NE 1/4 | 34 | 5N | 6W | MDM | 1.8 | N |
| NW 1/4 of SW 1/4 | 34 | 5N | 6W | MDM | 37.8 | N |
| NE 1/4 of SW 1/4 | 34 | 5N | 6W | MDM | 35.6 | N |
| SW 1/4 of SW 1/4 | 34 | 5N | 6W | MDM | 14.8 | N |
| SE 1/4 of SW 1/4 | 34 | 5N | 6W | MDM | 18.4 | N |
| NW 1/4 of SE 1/4 | 34 | 5N | 6W | MDM | 17.2 | N |
| SW 1/4 of SE 1/4 | 34 | 5N | 6W | MDM | 3.4 | N |
| Champlin and Toly watersheds | | | | | 366.2 | Acres |

Purpose of Use

Present: frost protection, irrigation, recreation Proposed: irrigation, recreation

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) No change. A 43 acre Red Legged Frog setaside is still proposed.

GIVE REASON FOR PROPOSED CHANGE: The changes in POD and POU reflect a revised project scope for ranch vineyard development as work progresses from concept to reality, with an emphasis on developing areas with minimum environmental impacts and best soil and sun exposure for maximum agronomic potential.

WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? The new POD is a revised subset of the original POD.

WATER WILL BE USED FOR vineyard irrigation, recreation PURPOSES.

- I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ownership.
- Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No
- If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Not applicable
- Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change. No other individuals, riparian users, or water rights holders are known or believed to 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 4-21, 2007 Petaluma, California

[Signature] Signature(s) Telephone No. (707) 695-6498

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: <http://waterrights.ca.gov>. Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

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**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

Petition for Change

Petition for Extension of Time

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.

I. 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 changes, 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.

This Petition seeks to adjust Place of Use and reduce the number of Points of Diversion as stated within the original application. The adjustments are all located within the area studied for the original application, and therefore do not affect the required environmental study areas. The change will reduce the number of agricultural reservoirs involved in diversion from three down to one. The place of use will be spread across the property, maximizing use of areas with better slope, aspect, and exposure from a viticultural standpoint.

Environmental documents completed to date:

- Initial Study (Jones & Stokes, in progress 2004-present, nearing completion)
- Water Availability Analysis and Cumulative Flow Impairment Index (Jones & Stokes 2003)
- Representatives of NOAA Fisheries and DFG visited the proposed project area on September 16, 2003.
- Archaeological Resource Service. 2000. A Cultural Resources Evaluation of the Martinelli Ranch, Water Rights Application #31021, Champlin Creek, Sonoma County, California.
- Monk and Associates. 2001. *Burrowing owl and California red-legged frog survey report, Martinelli Ranch, Petaluma, Sonoma County, California.* August 14. Prepared for Martinelli Ranch. Walnut Creek, CA. In *File for Application 31021*, Division of Water Rights, SWRCB.
- Monk and Associates. 2003. *California tiger salamander and rare plant survey report, Martinelli Ranch, Petaluma, Sonoma County, California.* September 24. Prepared for Martinelli Ranch. Walnut Creek, CA. In *File for Application 31021*, Division of Water Rights, SWRCB.

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____, 2007 Department: Sonoma County Permit and Resource Management Department – Planning Telephone: 707.565.1900

County Zoning Designation: _____ agricultural _____

Are any county permits required for your project? YES NO. If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit
 Change of zoning General plan change Other: Drainage review

b. Have you obtained any of the required permits described above? YES NO
 If YES, provide a complete copy of each permit obtained. _____

3. 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 Board
 Coastal Commission State Lands Commission Other (specify) _____

b. For each agency from which a permit is required, provide the following information:

| Agency | Permit Type | Person(s) Contacted | Contact Date | Phone Number |
|--------|-------------|---------------------|--------------|--------------|
| | | | | |
| | | | | |
| | | | | |

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO
 If YES, explain: _____

d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
 If YES, name and telephone number of contact: _____

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? YES 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: _____

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: _____

* Note: When completed, submit a copy of the final 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.):

- 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? _____

6. 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
- If YES, explain: _____

7. 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.

8. 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: 4-21-07

Signature: _____

