

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 CHANGE
(WATER CODE 1700)

Application 16467 Point of Diversion, 10422 Point of Rediversion, X Place of Use, Y Purpose of Use
Permit 10422 License 5879 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 attached Exhibit A
Proposed see attached Exhibit A and Exhibit B

Purpose of Use

Present Irrigation
Proposed Stockwatering, Recreation, Fire Protection

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
(yes/no)

- GIVE REASON FOR PROPOSED CHANGE: see attached Exhibit A
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? POU will be abandoned
(yes/no)
- WATER WILL BE USED FOR Irrigation of vineyard 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.

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 April 4, 2007 at _____, California

[Signature] Signature(s) 707-947-0476 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.

Handwritten notes: 1107, 850, 5000, 10000, 000

**EXHIBIT A TO PETITION FOR CHANGE IN PLACE OF USE
UNDER APPLICATION 16467, PERMIT 10422, LICENSE 5879**

(PETITIONER'S RESERVOIR "C")

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

Present: 10 acres within the southwest quarter of northwest quarter of projected Section 2, T 9 N, R 8 W, MDB&M.

Proposed: 20 acres within the southwest quarter of northwest quarter of projected Section 2 and 5 acres within the northwest quarter of southwest quarter of Section 2, all in T 9 N, R 8 W, MDB&M; 2 acres within the southeast quarter of northeast quarter of Section 3 and 8 acres within the northeast quarter of southeast quarter of Section 3, all in T 9 N, R 8 W, MDB&M. All as said acreage is shown in green on the map attached hereto as Exhibit B except in the northeast quarter of the southeast quarter of Section 3, in which a portion is shown in green and a portion is shown in red.

(NOTE: Reservoir B and the adjoining vineyard shown in red that is all within Section 2 of Exhibit B is covered by separate Application 21666, License 10270.)

GIVE REASON FOR PROPOSED CHANGE:

The original 10-acre place of use was an irrigated pasture, which was no longer economically feasible. In lieu thereof, vineyard has been planted on an adjoining 37 acres and the water is now being used for irrigation of that vineyard.

EXHIBIT A

I have changed the use, and place of use of the water under this license, from irrigated pasture for cattle feed to vineyard irrigation. The place of use is in an adjoining field. The reason for the change being that cattle feeding was simply no longer economically viable.

I now use a reduced amount of water for the irrigation and establishment of young vines. As the vines mature they are able to sustain themselves on sub surface flows.

At present we are replanting approx. 8.3 Ac. which is the largest unit that we intend to replant and that unit requires approx. 13 Ac./ft. / year.

As a general rule we would only replant blocks of 5 Ac. in size.

California Environmental Protection Agency

State Water Resources Control Board

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ENVIRONMENTAL INFORMATION FOR PETITIONS

SEP 28 2000

Petition for Change to License
5879 of Peter Newman

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.

1. 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.

See attachment No. 1 hereto

Multiple horizontal lines for providing a description of proposed changes or work remaining to be completed.

See Attachment No. 1

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: _____

Department: _____ Telephone: (____) _____

County Zoning Designation: _____

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 (explain): _____

County was contacted in 1991 when vineyard development commenced.

No grading or other permits were required.

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. ____

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	TELEPHONE NO.

See Attachment No. ____

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: _____

See Attachment No. 1

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: Copy of Change Petition and the
Environmental Information have been mailed to Dept. of Fish & Game

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: _____

See Attachment No. _____

* 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.):

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? N/A

See Attachment No. _____

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: _____

See Attachment No. ____

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: Sept. 24, 2007

Signature: Peter H. Newman

Attachment No. 1
to Environmental Information for Change Petition on
APPLICATION 16467, LICENSE 5879 OF PETER NEWMAN
[License 5879 is for the appropriation of 25 acre feet
per annum at **Reservoir C** for irrigation of 10 acres]

1. **DESCRIPTION OF PROPOSED CHANGES.** The changes petitioned for relate to the use of water stored at Reservoir C. The changes are: (1) to change the existing place of use for irrigation from ten acres of pasture on the Peter Newman property to 37 acres of vineyard, and (2) to add stockwatering, fire protection and recreation to the use of the water at Reservoir C.

Background

My predecessor-owners, Everett and Josephine Carlson, filed Application 16467 in 1955 to appropriate 25 acre feet per annum for the irrigation of ten (10) acres on the property. After obtaining Permit 10422 in 1956, the Carlsons constructed the reservoir shown as Reservoir C on the Exhibit B map attached hereto,¹ and began the irrigation of the 10 acres which was located southwest of and adjacent to the Reservoir. The Division's Inspection Report on the Application, dated May 27, 1959, indicates that the Carlsons had completed the project and applied the water to beneficial use. License 5879 was issued to the Carlsons on November 17, 1959, to appropriate 25 afa to be collected from about October 1 of each year to about May 1 of the succeeding year, to irrigate the 10 acres. The 10-acre place of use was pasture and it was flood irrigated by the Carlsons from Reservoir C.

I purchased the Carlson property in 1971, which consisted of approximately 165 acres, and continued the operation of the property as a cattle ranch, including the flood irrigation of the 10 acres of irrigated pasture from Reservoir C to produce cattle feed, until approximately 1991. Because the cattle-feeding operation became no longer economically feasible, I began in 1991 the planting of vineyard southwest of and adjoining the ten acres of irrigated pasture, on a portion of the property consisting of gently rolling dry hayfield land, and began irrigating the new vineyard from Reservoir C, and at the same time discontinuing the irrigation of the 10-acre pasture from Reservoir C.² The principal change under my Petition is to change the place of use from 10 acres at the previous irrigated pasture site adjacent to the Reservoir, to the 37 acres of planted vineyard southwest of the 10-acre site. The 10 acres continues to be dry pasture, and it typically provides one cutting of hay each spring and for cattle grazing thereafter. Additional planting of vineyards by block continued until 1998, at which time a total of 37 acres of grapes were planted, all of which are shown in green on the Exhibit B map

¹ The same Exhibit B map is attached to the Change Petition. There is no Exhibit A attached to this Environmental Information form.

² See the companion Application of Peter Newman and Judy Newman to Change Place of Use and the accompanying Environmental Information for the Change Petition on Application 21666, License 10270.

attached hereto, plus the rectangular portion in red in the NE ¼ of the SE ½ of Section 3. The vineyard can be seen in the photo page^s attached looking southwest which has Reservoir C in the foreground. The actual net acreage of vineyard is less than 37 acres, after subtracting roads, vine spacing, etc. Since 1998 and to the present, the 37 acres of vineyard have been drip-irrigated from Reservoir C, and the water is no longer used to irrigate the 10-acre pasture. Reservoir C is also used for recreation, fire protection, and stockwatering of about 25 head of cattle.

There is no increase in water use resulting from the change in place of use. The irrigation of the 37 acres of vineyard by drip irrigation is a more efficient use of the water than the prior flood irrigation of the 10 acres of pasture. Petitioner's calculations show that the amount of water used for drip irrigation of the vineyard is less than the amount of water used for the flood irrigation of the 10 acres of irrigated pasture (based upon the application of five gallons per vine and ten irrigations per season, or only approximately 4.4 acre feet per year).

The second change petitioned for is to add to the purpose of use of the water, stockwatering, fire protection and recreation at the storage Reservoir C. This change was added by amendment to the Petition on April 13, 2007, following discussions between the Petitioner and the Division's Jennifer Dick-McFadden. This change reflects the fact that the water in the reservoir has been used for those purposes as well since the Petitioner acquired the property in 1971.

All construction, planting and development of the 37 acres of vineyard has been completed for nearly ten years. There is no further construction or other work to be done. No structures were constructed or are required for this use. There was no grading or excavation on the property in planting any of the vineyard, other than the burying of plumbing for the frost protection and irrigation systems. There were no wetland areas where the vineyard was planted. The vineyard is bordered on the southeast by the intermittent stream channel on which Reservoir C is located, and the vineyard was planted adjacent to the bank of the stream channel, approximately 30 – 50 feet from the uppermost edge of the channel. No trees were removed in the development of the vineyard. There are a few large oaks within the vineyard, but neither the oaks nor any other trees were removed in the planting of the vineyard. The vineyards have resulted in an increase in the presence of wildlife (wild turkeys and deer) feeding on the grapes and growing vines, as well as coyotes.

In summary, there have been no increases in the use of water resulting from the changes, and there were no significant effects on the environment in developing the vineyard and moving the irrigation from the flood-irrigated pasture to the vineyard, nor in using the water in Reservoir C for stockwatering, recreation or fire protection.

Dated 9/24, 2007


Peter Newman

9/25/07