

PETITION FOR CHANGE
(WATER CODE 1700)

Application Point of Diversion, 18702 X Permit 12530 X Place of Use, 9916 X Purpose of Use
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 See Attachment
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, Stockwatering, Recreational
Proposed Irrigation, Stockwatering, Recreational, Frost & 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)? _____

(yes/no)

• GIVE REASON FOR PROPOSED CHANGE: See Attachment

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? N/A

(yes/no)

• WATER WILL BE USED FOR Irrigation, Stockwatering, Recreation, Frost Protection and Fire 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.

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 files of the State Water Board

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 3-29, 20 05 at Belvedere, California

(415) 435-1961

R. Stuart Bewley

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.

4/19/05
\$1000.00
DC

Attachment to Accompany
Petition for Change
Bewley-Motluk Family Limited Partnership
License 9916 (Application 18702)

Point of Diversion or Rediversion

PRESENT:

POD

Description

| | |
|------------------------------|---|
| Lower Forest Range Reservoir | North 1,400' and West 3,200' from the SE corner of Section 3, T21N, R15W, MDB&M. Being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 3. |
| Mud Springs Creek | North 1,200' and West 2,400' from the SE corner of Section 3, T21N, R15W, MDB&M. Being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3. |

PROPOSED:

POD

Description

| | |
|------------------------------|---|
| Lower Forest Range Reservoir | North 1,400' and West 3,200' from the SE corner of Section 3, T21N, R15W, MDB&M. Being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Said Section 3. |
| Mud Springs Creek | North 1,200' and West 2,400' from the SE corner of Section 3, T21N, R15W, MDB&M. Being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3. |

PORD

Description

Points Named in Permit 20916 (A30373)

| | |
|----|--|
| #1 | <u>Point of Rediversion for Water Diverted at Lower Forest Range Reservoir:</u> Located N 743,350' and E 1,573,050' California Coordinate System, Zone 2. Being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T21N, R15W, MDB&M. |
| #2 | <u>Point of Rediversion for Water Diverted at Lower Forest Range Reservoir:</u> Located N 746,450' and E 1,571,750' California Coordinate System, Zone 2. Being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T21N, R15W, MDB&M. |
| #3 | <u>Point of Rediversion for Water Diverted at Lower Forest Range Reservoir:</u> Located N 747,300' and E 1,570,900' California Coordinate System, Zone 2. Being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T21N, R15W, MDB&M. |
| #4 | <u>Point of Rediversion for Water Diverted at Lower Forest Range Reservoir:</u> Located N 745,100' and E 1,571,400' California Coordinate System, Zone 2. Being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, T21N, R15W, MDB&M. |

Point Named in License 9917 (A22328)

Upper Forest Range Reservoir

Point of Rediversion for Water Diverted at Lower Forest Range Reservoir: Located North 1,200' and West 2,400' from the SE corner of Section 3, T21N, R15W, MDB&M. Being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Said Section 3.

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Place of Use

PRESENT:

| Use is Within | Section | Township | Range | B.&M. | Acres | Previously Cultivated |
|---------------|---------|----------|--------|-------|----------|-----------------------|
| SE¼ of SW¼ | 3 | T.21N. | R.15W. | M.D. | 4 | No |
| NE¼ of NW¼ | 10 | T.21N. | R.15W. | M.D. | 11 | No |
| SE¼ of NW¼ | 10 | T.21N. | R.15W. | M.D. | 20 | No |
| NW¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 14 | No |
| SW¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 35 | No |
| | | | | | 84 Acres | |

PROPOSED:

| Use is Within | Section | Township | Range | B.&M. | Acres | Previously Cultivated |
|---------------|---------|----------|--------|-------|-------|-----------------------|
| NE¼ of SE¼ | 33 | T.22N. | R.15W. | M.D. | 2 | No |
| SE¼ of SE¼ | 33 | T.22N. | R.15W. | M.D. | 11 | No |
| NW¼ of NW¼ | 34 | T.22N. | R.15W. | M.D. | 13 | No |
| NE¼ of NW¼ | 34 | T.22N. | R.15W. | M.D. | 40 | No |
| SW¼ of NW¼ | 34 | T.22N. | R.15W. | M.D. | 20 | No |
| SE¼ of NW¼ | 34 | T.22N. | R.15W. | M.D. | 40 | No |
| NW¼ of SW¼ | 34 | T.22N. | R.15W. | M.D. | 36 | No |
| SW¼ of SW¼ | 34 | T.22N. | R.15W. | M.D. | 40 | No |
| SE¼ of SW¼ | 34 | T.22N. | R.15W. | M.D. | 2 | No |
| NW¼ of NW¼ | 3 | T.21N. | R.15W. | M.D. | 21 | No |
| NE¼ of NW¼ | 3 | T.21N. | R.15W. | M.D. | 1 | No |
| SE¼ of NW¼ | 3 | T.21N. | R.15W. | M.D. | 7 | No |
| NW¼ of SW¼ | 3 | T.21N. | R.15W. | M.D. | 26 | Yes |

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| Proposed: Continued | | | | | | |
|--------------------------------------|---------|----------|--------|-------|-------|-----------------------|
| Use is Within | Section | Township | Range | B.&M. | Acres | Previously Cultivated |
| NE $\frac{1}{4}$ of SW $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 22 | Partial |
| SW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 16 | Partial |
| SE $\frac{1}{4}$ of SW $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 11 | Partial |
| NE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 25 | No |
| SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 22 | No |
| SE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 3 | T.21N. | R.15W. | M.D. | 25 | No |
| NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 18 | Yes |
| NE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 7 | Yes |
| SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 12 | Yes |
| SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 29 | Yes |
| NE $\frac{1}{4}$ of SW $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 2 | Yes |
| SE $\frac{1}{4}$ of NE $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 2 | Yes |
| NE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 18 | Yes |
| SE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 4 | T.21N. | R.15W. | M.D. | 6 | Yes |
| NW $\frac{1}{4}$ of NE $\frac{1}{4}$ | 5 | T.21N. | R.15W. | M.D. | 10 | Yes |
| NE $\frac{1}{4}$ of NE $\frac{1}{4}$ | 5 | T.21N. | R.15W. | M.D. | 30 | Yes |
| SW $\frac{1}{4}$ of NE $\frac{1}{4}$ | 5 | T.21N. | R.15W. | M.D. | 1 | Yes |
| SE $\frac{1}{4}$ of NE $\frac{1}{4}$ | 5 | T.21N. | R.15W. | M.D. | 16 | Yes |
| NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 9 | T.21N. | R.15W. | M.D. | 7 | Yes |
| NE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 9 | T.21N. | R.15W. | M.D. | 32 | Yes |
| SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 9 | T.21N. | R.15W. | M.D. | 4 | Yes |
| SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 9 | T.21N. | R.15W. | M.D. | 28 | Yes |
| NW $\frac{1}{4}$ of NE $\frac{1}{4}$ | 9 | T.21N. | R.15W. | M.D. | 25 | Yes |

Attachment to Accompany
Petition for Change
Bewley-Motluk Family Limited Partnership
License 9916 (Application 18702)

| Proposed: Continued | | | | | | |
|---------------------|---------|----------|--------|-------|-----------|-----------------------|
| Use is Within | Section | Township | Range | B.&M. | Acres | Previously Cultivated |
| NE¼ of NE¼ | 9 | T.21N. | R.15W. | M.D. | 10 | Yes |
| SW¼ of NE¼ | 9 | T.21N. | R.15W. | M.D. | 3 | Yes |
| SE¼ of NE¼ | 9 | T.21N. | R.15W. | M.D. | 2 | Yes |
| NE¼ of NW¼ | 10 | T.21N. | R.15W. | M.D. | 27 | Partial |
| SE¼ of NW¼ | 10 | T.21N. | R.15W. | M.D. | 34 | Partial |
| NW¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 28 | Partial |
| NE¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 33 | No |
| SW¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 40 | Partial |
| SE¼ of NE¼ | 10 | T.21N. | R.15W. | M.D. | 40 | No |
| NE¼ of SW¼ | 10 | T.21N. | R.15W. | M.D. | 6 | No |
| NW¼ of SE¼ | 10 | T.21N. | R.15W. | M.D. | 6 | No |
| NE¼ of SE¼ | 10 | T.21N. | R.15W. | M.D. | 6 | No |
| NW¼ of NW¼ | 11 | T.21N. | R.15W. | M.D. | 19 | No |
| | | | | | 881 Acres | |

Give Reason for Proposed Changes:

Petitioner has developed lands outside of the licensed Place of Use. The purpose of this Petition is to accurately describe the project as it is being operated and to accommodate additional lands to be planted. Petitioner also wants the ability to commingle water diverted under this license in the six existing reservoirs named in License 9916 (A18702), License 9917 (A22328) and Permit 20916 (A30373), as needed for the operation of the project. Petitioner wishes to add frost protection as a purpose of use as the majority of the water used pursuant to License is currently for vineyard, which requires frost protection (the crop that was originally irrigated was hay which did not require this use).

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 Change

Petition for Extension of Time

License 9916 (Application 18702)

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. A

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

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

Person contacted: Mendocino County Date of contact: 3/16/05

Department: Planning Telephone: (707) 463-4281

County Zoning Designation: *See Notes Below

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):

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: _____

Re: Item 2a: The property consists of nearly 100 parcels. The lands to be developed are zoned either Forest Lands or Rurral Residential.

See Attachment No. ____

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: _____

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: *See answer below
- 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. **B&C**

* 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? _____

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

* Re: Item 4a: The California Department of Forestry prepared a Timber Conversion Permit and a Timber Harvest Plan for a portion of the project.

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: Archaeology Surveys have been prepared for all of
the existing and proposed vineyard and reservoir
areas. All identified sites are located outside
of the existing and proposed Place of Use.

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.

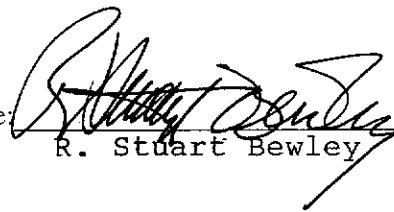
- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

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: 3.25.05

Signature: _____


R. Stuart Bewley

Attachment A to Accompany
Environmental Information Form
Bewley-Motluk Family Limited Partnership
License 9916 (Application 18702)

1. Description of proposed changes or work relating to be completed.

The Petitioner is concurrently filing petitions for change for the three rights associated with the property, License 9916 (A18702), License 9917 (A22328) and Permit 20916 (A30373). Petitioner proposes to add additional place of use, as shown on the attached map, and to operate the existing reservoirs named in the above rights so that water may be transferred between them as needed to serve the place of use. Petitioner is also filing a Petition for Extension of Time for Permit 20916 to allow additional time to develop the place of use.

License 9916 (A18702) allows for the direct diversion of 0.5 cfs water from Mud Springs Creek from June 1 to October 15 and the diversion and storage of 47 acre-feet of water in the existing Lower Forest Range Reservoir located on an unnamed stream to be collected from October 15 of each year to May 1 of each succeeding year. The total amount of water diverted cannot exceed 182 acre-feet. The maximum amount that can be placed to beneficial use is 111 acre-feet annually. Water is authorized for irrigation of 84 acres on the property (see attached map).

License 9917 (A22328) allows for the diversion and storage of 42 acre-feet of water in the existing Upper Forest Range Reservoir located on an unnamed stream to be collected from October 15 of each year to May 1 of each succeeding year. The total amount of water diverted and put to beneficial use cannot exceed 42 acre-feet. Water is authorized for irrigation of 97 acres on the property (see attached map).

Permit 20916 (A30373) allows for the diversion and storage of 199.6 acre-feet of water in four separate reservoirs (49.9 acre-feet each) located on unnamed streams to be collected from November 1 of each year to March 31 of each succeeding year. The total amount of water diverted and put to beneficial use cannot exceed 199.6 acre-feet. Water is authorized for irrigation of 125 acres on the property (see attached map).

Petitioner has developed lands located outside of the authorized place of use. Presently there are 100 acres of vineyard develop on the property. The majority of the developed lands are named in a Timber Conversion Plan (TCP) approved by the California Department of Forestry on May 10, 1999 and a Timber Harvest Plan (THP) approved by the California Department of Forestry on May 18, 1999. An archeological survey has been completed for all existing and proposed place of use. A biological survey has been completed for all lands included in the TCP and THP. Petitioner understands that additional studies may be required for the existing and proposed place of use that has not already been subject to review.

Currently the developed lands are irrigated by the six reservoirs named in the three rights named above and from groundwater sources. Petitioner proposes to increase the place of use to 881 acres (as shown on the attached map).

Attachment A to Accompany
Environmental Information Form
Bewley-Motluk Family Limited Partnership
License 9916 (Application 18702)

Petitioner also proposes to name each of the six reservoirs as points of rediversion under each right. This will allow the Petitioner to commingle water throughout the system of ponds as needed for irrigation and frost protection of all the proposed and existing place of use. The total amount of water to be diverted, under Licenses 9916 & 9917 and Permit 20916 will not exceed 423.6 acre-feet.

All of the reservoirs are built and currently storing water. The majority of the pipelines connecting the ponds to the place of use are existing. The undeveloped proposed place of use and associated irrigation system will need to be established pursuant to this petition.