

PETITION FOR CHANGE
(WATER CODE 1700)

Application X Point of Diversion, Point of Rediversion, X Place of Use, Purpose of Use
 29763 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 See Attachment #1

Proposed

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

Present See Application 29763

Proposed See Attachment #2

Purpose of Use

Present

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)?

• GIVE REASON FOR PROPOSED CHANGE: ^(yes/no) To give the Petitioner flexibility in serving his existing and proposed place of use and to describe the project as it will actually be operated.

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

• WATER WILL BE USED FOR Irrigation, frost protection and heat control, stockwatering, recreation ^(yes/no) PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of?
(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?
(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.

N/A

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 6/29 , 20 06 at Sacramento , California

Paula J. Whealen
Paula J. Whealen Signature(s)

(916) 441-6850

Telephone No.

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.

7/5/06
7/5/06

PETITION FOR CHANGE IN DISTRIBUTION OF STORAGE
Change in Point of Diversion for a Portion of the Water
(WATER CODE 1700)

Application 29763 Permit _____ License _____ Statement or
Other _____

I (we) request permission to change the amounts to be stored in each reservoir as set forth in paragraph 4 of this permit or license to amounts in each reservoir as follows:

Reservoir No. 1 See Attachment #3

Reservoir No. 2 _____

Reservoir No. 3 _____

Reservoir No. 4 _____

• WILL ANY RESERVOIR NAMED IN THE ORIGINAL APPLICATION BE ABANDONED? Yes
(yes/no)

• WILL THE CHANGE IN DISTRIBUTION OF STORAGE INVOLVE A CHANGE IN PURPOSE OF USE? No
(yes/no?)

• If so, 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?)

I (we) have access to the additional land to be flooded by virtue of Ownership
(ownership, lease verbal or written agreement)

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 upper and lower reservoirs...
N/A

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION

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

Dated: 10/29 at Sacramento, California
Paula J. Whealen (916) 441-6850
Paula J. Whealen Signature(s) Telephone No.

NOTE: A \$1,000 filing fee, for 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

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

Application 29763

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.

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.

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

See Attachment No. 4

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: 6/21/06
 Department: Planning Department Telephone: co.mendocino.ca.us/planning
 County Zoning Designation: See Attachment #5

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: _____

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: _____
- 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? _____

 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: Two sites were found within the proposed place of use. They are flagged
and will be avoided in any future planting.

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: 6/29/04

Signature: Paul J. Wheeler

Attachment to Accompany
Petition for Change
Nelson & Sons, Inc.

Application 29763

Attachment #1
Points of Diversion

Map Point	Description
1	<u>Point of Diversion to Offstream Storage in Offstream Reservoirs "B" and "C"</u> : Located N.505,925 and E.1,672,050, California Coordinate System, Zone 2. Being within NW¼ of NW¼ of projected Section 26, T14N, R12W, MDB&M.
2a	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.509,075 and E.1,671,700, California Coordinate System, Zone 2. Being within SW¼ of NW¼ of projected Section 23, T14N, R12W, MDB&M.
2b	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.509,200 and E.1,671,900, California Coordinate System, Zone 2. Being within SW¼ of NW¼ of projected Section 23, T14N, R12W, MDB&M.
2c	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.508,975 and E.1,672,080, California Coordinate System, Zone 2. Being within NW¼ of SW¼ of projected Section 23, T14N, R12W, MDB&M.
2d	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.508,780 and E.1,672,300, California Coordinate System, Zone 2. Being within NW¼ of SW¼ of projected Section 23, T14N, R12W, MDB&M.
2e	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.508,480 and E.1,672,600, California Coordinate System, Zone 2. Being within NW¼ of SW¼ of projected Section 23, T14N, R12W, MDB&M.
2f	<u>Point of Diversion to Offstream Storage in Offstream Reservoir "A"</u> : Located N.508,320 and E.1,673,000, California Coordinate System, Zone 2. Being within NE¼ of SW¼ of projected Section 23, T14N, R12W, MDB&M.
3	<u>Point of Diversion to Offstream Storage in Offstream Reservoirs "A", "B" and "C"</u> : Located N.509,350 and E.1,675,280, California Coordinate System, Zone 2. Being within SW¼ of NE¼ of projected Section 23, T14N, R12W, MDB&M.

Attachment to Accompany
Petition for Change
Nelson & Sons, Inc.

Application 29763

Attachment #2
Proposed Place of Use:

<u>Use Within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>B. & M.</u>	<u>Acres</u>	<u>Previously Cultivated</u>
SW¼ of SW¼	14	T14N	R12W	M.D.	11	No
NE¼ of SW¼	15	T14N	R12W	M.D.	10	No
NW¼ of SE¼	15	T14N	R12W	M.D.	36	No
NE¼ of SE¼	15	T14N	R12W	M.D.	9	Partial
SW¼ of SE¼	15	T14N	R12W	M.D.	13	No
SE¼ of SE¼	15	T14N	R12W	M.D.	36	Partial
NE¼ of NE¼	22	T14N	R12W	M.D.	19	Partial
SE¼ of NE¼	22	T14N	R12W	M.D.	16	Yes
NE¼ of SE¼	22	T14N	R12W	M.D.	1	Yes
SW¼ of SE¼	22	T14N	R12W	M.D.	7	Yes
SE¼ of SE¼	22	T14N	R12W	M.D.	20	Yes
NW¼ of NW¼	23	T14N	R12W	M.D.	23	Partial
SW¼ of NW¼	23	T14N	R12W	M.D.	27	Partial
SE¼ of NW¼	23	T14N	R12W	M.D.	24	Partial
SW¼ of NE¼	23	T14N	R12W	M.D.	5	Yes
NW¼ of SW¼	23	T14N	R12W	M.D.	31	Partial
NE¼ of SW¼	23	T14N	R12W	M.D.	21	Partial
NW¼ of SE¼	23	T14N	R12W	M.D.	3	Yes
SW¼ of SW¼	23	T14N	R12W	M.D.	32	Yes
SE¼ of SW¼	23	T14N	R12W	M.D.	6	Yes
NW¼ of NW¼	26	T14N	R12W	M.D.	42	Yes
NE¼ of NW¼	26	T14N	R12W	M.D.	22	Partial
SW¼ of NW¼	26	T14N	R12W	M.D.	40	Partial
SE¼ of NW¼	26	T14N	R12W	M.D.	18	Partial
NW¼ of SW¼	26	T14N	R12W	M.D.	5	Yes
NE¼ of SW¼	26	T14N	R12W	M.D.	4	Partial
NE¼ of NW¼	27	T14N	R12W	M.D.	1	Yes
NW¼ of NE¼	27	T14N	R12W	M.D.	32	Partial
NE¼ of NE¼	27	T14N	R12W	M.D.	40	Yes
SE¼ of NW¼	27	T14N	R12W	M.D.	5	Partial
SW¼ of NE¼	27	T14N	R12W	M.D.	29	Partial
SE¼ of NE¼	27	T14N	R12W	M.D.	33	Yes
NW¼ of SW¼	27	T14N	R12W	M.D.	3	Partial
NE¼ of SW¼	27	T14N	R12W	M.D.	37	Partial
NW¼ of SE¼	27	T14N	R12W	M.D.	37	Yes
NE¼ of SE¼	27	T14N	R12W	M.D.	5	Yes
SE¼ of SW¼	27	T14N	R12W	M.D.	10	Yes
SW¼ of SE¼	27	T14N	R12W	M.D.	9	Yes
SE¼ of SE¼	27	T14N	R12W	M.D.	2	Yes

724

Attachment to Accompany
Petition for Change
Nelson & Sons, Inc.

Application 29763

Attachment #3
Change in Distribution of Storage

	As Applied for	As Requested
McNab Reservoir	45	0
Offstream Reservoir "A"		50
Offstream Reservoir "B"		50
Offstream Reservoir "C"		39
Reservoir #1	44.5 ¹	0
Reservoir #2	49.5	0
Total	139	139

Attachment #4
Project Description

Petitioner proposes to increase the authorized place of use to include additional existing and proposed lands as shown on the attached map and move the proposed Points of Diversion to areas that can better serve the offstream reservoirs. The place of use will be increased from 595 acres to 703 acres. The amount of water to be used on the requested place of use (703 acres) will not exceed the 139 acre-feet of diversion to storage requested by this application. These lands will also be named in Applications 17624, 24139 and 24140. The majority of the requested place of use is already developed. The proposed place of use will be located in cleared areas and no trees are proposed to be removed pursuant to this Petition. The proposed place of use and associated water service and transmission systems will need to be developed pursuant to this petition.

The Petitioner also seeks to redistribute storage, as shown in the above table, from the existing offstream McNab reservoir and two proposed reservoirs #1 and #2 to offstream reservoirs "A", "B" and "C" as described in the above table. The offstream McNab reservoir already stores 50 acre-feet under License 12649. The Petitioner proposes to relocate the storage facilities to locations that will have fewer environmental impacts than the locations that were originally named. Offstream Reservoir "A" was built in 1998 with a capacity of 50 acre-feet. It is currently used to regulate water diverted pursuant to License 12649 and Permit 17331. Proposed Offstream Reservoirs "B" and "C" are proposed to be pit type reservoirs and will have capacities of 50 acre-feet.

¹ Public Notice showed this amount to be 20 acre-feet and the total amount of water sought as 139 acre-feet. However, the 20 acre-feet should have been 44.5 acre-feet.

Attachment to Accompany
Petition for Change
Nelson & Sons, Inc.

Application 29763

Attachment #5
County Zoning Designations"

<u>Assessors Parcel Number</u>	<u>Zoning Designation</u>	<u>Assessors Parcel Number</u>	<u>Zoning Designation</u>
047-140-1700	RL160	186-160-0400	RL160
046-300-5800	RL160	186-170-0100	RL160
047-130-0200	AG40	186-170-0200	RL160
047-130-0300	AG40	186-180-0100	RL160
047-140-0900	AG40	186-190-0100	RL160
047-160-0600	AG40	186-190-0200	RL160
047-170-0400	AG40	186-200-0100	RL160
047-170-2100	AG40	186-200-0200	RL160
186-220-0200	RL160	186-210-0100	RL160
186-260-0200	RL160	186-210-0200	RL160
046-300-0800	RL160	186-210-0300	RL160
046-300-1400	RL160	186-230-0100	RL160
046-300-1600	RL160	186-230-0200	RL160
046-300-3800	RL160	186-230-0300	RL160
046-320-0500	RL160	186-240-0100	RL160
047-130-0400	AG40	186-240-0200	RL160
047-140-1600	RL160	186-250-0100	RL160
047-160-0500	AG40	186-250-0200	RL160
047-170-2000	AG40	186-260-0600	RL160