

### PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 30373 Permit 209185

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.

\_\_\_\_\_  
\_\_\_\_\_

*"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](http://www.waterrights.ca.gov).*

4/19/05  
\$ 1000.00  
JC

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 ten (10) - year extension of time is requested to complete construction work and/or beneficial use of water. (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844)
- 5. How much water has been used? 100 acre-feet/year \_\_\_\_\_ cfs
- 6. How many acres have been irrigated? 100
- 7. How many houses or people have been served water? 0
- 8. Extent of past use of water for any other purpose. Irrigation of lands outside the named Place of Use
- 9. What construction work has been completed during the last extension? Construction of all reservoir
- 10. Approximate amount spent on project during last extension period. \$ Over \$500,000
- 11. Estimate date construction work will be completed. 2013
- 12. Estimated year in which water will be fully used. 2015
- 13. Reasons why construction and/or use of water were not completed within time previously allowed. After further evaluation, it was determined that lands on the property other than within the Place of Use were more suitable for vineyard development.

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: 07/25, 2005, at Belvedere, California

R. Stuart Bewley Signature(s) Telephone No. (415) 435-1961

PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: A \$1,000 filing fee, for each Application listed, 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.

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

Permit 20916 (Application 30373)

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.

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

See Attachment No. \_\_\_\_

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**

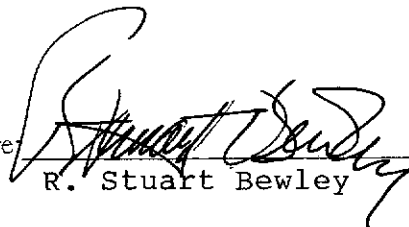
Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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  
Permit 20916 (Application 30373)

**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  
Permit 20916 (Application 30373)

Petitioner also proposes to name each of the six reservoirs as points of diversion 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.