

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO, CALIFORNIA
95812-2000
TEL: (916) 341-5300
FAX: (916) 341-5400
WWW.WATERRIGHTS.CA.GOV

PETITION FOR CHANGE
(WATER CODE 1700)

Application 21429A Point of Diversion, Permit Point of Rediversion, License 9947A Place of Use, Statement or Other Purpose of Use

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 attached
Proposed

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

Present See attached
Proposed

Purpose of Use

Present Stock, Recreation, Fire Protection, Domestic, Irrigation
Proposed Add Frost Protection and Heat Control

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 attached
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? no
- WATER WILL BE USED FOR See "Purpose of Use" above PURPOSES.

(yes/no)

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

none

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 6-27, 2005 at Utah, California

Signature(s)

Telephone No. 707-462-7573

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.

2/11/06
H. J. ...

Application 21429A (License 9947A)

Point of Diversion and Rediversion Present

P.O.D. – Penny Royal Lake

CCS N 565,234 E 1,651,974 being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30, T16N, R12W, MDBM

P.O.R.D. – Back Reservoir:

CCS N 566,119 E 1,653,605 being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

Point of Diversion and Rediversion Proposed

P.O.D. – Penny Royal Lake

CCS N 565,234 E 1,651,974 being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30, T16N, R12W, MDBM

P.O.R.D. – Back Reservoir:

CCS N 566,119 E 1,653,605 being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

P.O.R.D. - Sump:

CCS N 566,410 E 1,654,352 being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

P.O.R.D. – Upper Reservoir:

CCS N 567,874 E 1,655,321 being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

P.O.R.D. – Middle Reservoir:

CCS N 566,998 E 1,655,807 being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

P.O.R.D. – Lower Reservoir:

CCS N 564,438 E 1,656,605 being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, T16N, R12W, MDBM

P.O.R.D. – Regulatory Pond:

CCS N 568,530 E 1,652,097 being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, T16N, R12W, MDBM

Place of Use Present (License 9947A)

Use is within	Section	Township	Range	B&M	# of acres	Irrig.
SW ¼ of NW ¼	29	16N	12W	MD	1.7	yes
NW ¼ of SW ¼					3.9	yes
NE ¼ of NE ¼	30				3.7	yes
NW ¼ of NE ¼					8.8	yes
SE ¼ of NE ¼					14.6	yes
NE ¼ of SE ¼					<u>3.1</u>	yes
Total					35.8	

Place of Use Proposed (License 9947A)

Use is within	Section	Township	Range	B&M	# of acres	Irrig.
NW ¼ of NE ¼	30	16N	12W	MD	8.8	yes
NE ¼ of NE ¼					3.7	yes
NE ¼ of NE ¼	29				8.0	no
SE ¼ of NE ¼					14.6	yes
SE ¼ of NE ¼					1.0	no
NE ¼ of SE ¼					3.1	yes
NE ¼ of NW ¼					18.7	yes
SE ¼ of NW ¼					20.5	yes
SW ¼ of NW ¼					6.5	yes
SW ¼ of NW ¼					1.0	no
SW ¼ of NE ¼					1.6	yes
SW ¼ of NE ¼					7.0	no
NW ¼ of NE ¼					3.0	no
NW ¼ of SE ¼					5.8	yes
SW ¼ of SE ¼					15.9	yes
SE ¼ of SE ¼					10.0	yes
NW ¼ of SW ¼					23.6	yes
NE ¼ of SW ¼					27.1	yes
SE ¼ of SW ¼	30.1	yes				
SW ¼ of SW ¼	10.2	yes				
NE ¼ of NW ¼	32				2.1	yes
NW ¼ of NE ¼					6.9	yes
NE ¼ of NE ¼					25.1	yes
NW ¼ of SE ¼					19	2.0
SW ¼ of SE ¼	19				1.0	yes
NE ¼ of SE ¼					11.0	yes
SE ¼ of SE ¼					<u>17.0</u>	yes
Total					285.3	

REASON FOR PROPOSED CHANGE (License 9947A)

Mr. Cox has continuously used 96 acre-feet per year (afa) under License 9947 for the irrigation of vineyard since purchase of the property (1993-1994) encompassing the licensed place of use under License 9947. By this petition, Mr. Cox seeks to (1) add frost protection and heat control to the licensed place of use; (2) expand the place of use to include a total of 285.3 acres, all of which are currently under cultivation as vineyard, except for 20 acres which is contemplated to be converted from pasture to vineyard; and (3) add points of rediversion. All of the requested changes are intended to improve the efficiency and flexibility of vineyard operations and water use. Mr. Cox does not intend to increase the amount of his water use under License 9947 beyond 96 afa.

Note: License 9947 is being divided. This petition is relative to License 9947A.

ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 21429A

PERMIT NO.

LICENSE NO. 9947A

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. 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, changes in land use, and project operational changes, including changes in how the water will be used. This petition seeks to expand the place of use under License 9947A to include all cultivated lands, plus 20 acres of pasture contemplated for conversion to vineyard, and to include 6 existing reservoirs as points of diversion. The petition also seeks to add frost control and heat control as purposes of use. 265.3 acres of vineyard, and all reservoirs, are existing.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Mendocino County Date of contact Dec. 2002
Department Planning Telephone (707) 463-4281
- b. Assessor's Parcel No. see attached
- c. County Zoning Designation see attached
- d. Are any county permits required for your proposed changes? no
If yes, check appropriate space below:
_____ Grading Permit, _____ Use Permit, _____ Watercourse
Obstruction Permit, _____ Change of Zoning, _____ General Plan
Change, Other (explain):

- e. Have you obtained any of the required permits described above? _____
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? no (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type _____
Person (s) contacted _____ Agency _____
Date of contact _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? no

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? no If so, explain: _____
-
-
-

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? _____

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? no

Do you know of any archeological or historic sites located within the general project area?

no If so, explain: _____

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

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

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
 - Sierran Mixed Conifer
 - White Fir
 - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
 - Blue Oak Woodland
 - Valley Oak Woodland
 - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
 - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities

- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities

- Annual Grassland
- Perennial Grassland
- Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities

- Riverine
- Lacustrine
- Estuarine
- Marine

Developed Communities

- Cropland
- Orchard-Vineyard
- Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

All land is currently under cultivation except for 20 acres of grassland. No trees or large shrubs will be removed to complete the proposed project. The vineyard water distribution system is existing, but will need to be expanded into the new vineyard area. Reservoirs and diversion works are existing.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

Russian River supports Steelhead Trout and Coho Salmon. It is unknown which species might occur between Russian River and the project site.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

Wildlife is typical to North Coastal vineyard areas. The changes proposed in this petition will not impact any wildlife species.

Assessors Parcel Numbers**Zoning**

167-120-10	RL 160
167-130-04	UR 20
167-140-03	RL 160
167-170-13, 14	RL 160
167-180-03, 04	UR 20
167-210-03, 04	AG 40
167-220-01, 03	RR 10
167-240-04, 05	RL 160
167-250-03, 05	AG 40
167-270-03, 04	AG 40
152-120-06	UR 40