

Attachment to Accompany
Petition for Change
Ferrari Carano Vineyards and Winery – Lazy Creek Ranch

Permits 17837 A & B (Applications 24868 A & B)

Point of Diversion or Rediversion

As Requested: No Change in Point of Diversion (updated using NAD 83 datum)

<u>Map Point</u>	<u>Description</u>
1	Located N.2,170,833 and E.6,140,412, California Coordinate System, Zone 2, NAD 83. Being within the NE¼ of SW¼, Section 35, T15N, R15W, MDB&M.
2	Located N.2,170,315 and E.6,139,407, California Coordinate System, Zone 2, NAD 83. Being within the SW¼ of SW¼, Section 35, T15N, R15W, MDB&M.
3	Located N.2,169,579 and E.6,138,336, California Coordinate System, Zone 2, NAD 83. Being within the SW¼ of SW¼, Section 35, T15N, R15W, MDB&M.

Place of Use

As Permitted:

<u>Use Within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>B. & M.</u>	<u>Acres</u>	<u>Previously Cultivated</u>
E½ of SW¼	35	T15N	R15W	M.D.	27	Partial
SW¼ of SW¼	35	T15N	R15W	M.D.	13	Partial
NW¼ of NW¼	2	T14N	R15W	M.D.	10	Yes
Total					50	

As Requested:

<u>Use Within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>B. & M.</u>	<u>Acres</u>	<u>Previously Cultivated</u>
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SW¼ of SW¼	35	T15N	R15W	M.D.	27	Partial
SE¼ of SW¼	35	T15N	R15W	M.D.	14	Partial
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Total					53	

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2009 JUL 15 AM 11:01

DIV. OF WATER RIGHTS
SACRAMENTO

PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 24868B Permit 17837B

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 (State Water Board), 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 State Water Board 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 State Water Board'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.

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 10 - year extension of time is requested to complete construction work and/or beneficial use of water. (Must be consistent with the time frame allowed in California Code of Regulations sections 840 through 844) * for 2008 only. Permittee did not own property prior to 2008.
5. How much water has been used? 3.7* acre-feet/year _____ cfs
6. How many acres have been irrigated? 28
7. How many houses or people have been served water? N/A
8. Extent of past use of water for any other purpose. Irrigation pursuant to P17837A
9. What construction work has been completed during the last extension? Additional vineyard planted.
10. Approximate amount spent on project during last extension period. \$ Permittee has recently purchased the property, amount spent by prior owner
11. Estimate date construction work will be completed. Spring 2011 unknown.
12. Estimated year in which water will be fully used. 2013
13. Reasons why construction and/or use of water were not completed within time previously allowed. Petitioner recently purchased the property and wishes to develop the project in accordance with the permit and to plant additional lands as described in the attached Petition for Change and Redistribution of Storage between the reservoirs.

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?
N/A
15. How much water is being conserved or is it feasible to conserve using these conservation measures?
N/A acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? N/A 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: 7/14, 2009, at Sacramento, California

Paula J. Whealen (916) 441-6850
Signature(s) Telephone No.

Paula J. Whealen, Wagner & Bonsignore, Consulting Civil Engineers, A Corp.

PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: All petitions must be accompanied by the filing fee (see fee schedule at www.waterrights.ca.gov) made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

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>

STATE WATER RESOURCES CONTROL BOARD

2009 JUL 15 AM 11:01

DIV OF WATER RIGHTS
 3400

PETITION FOR CHANGE IN DISTRIBUTION OF STORAGE

Change in Point of Diversion for a Portion of the Water
 (WATER CODE 1700)

Application 24868A Permit 17837A 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.	Permitted	Proposed
Reservoir No. 1	5	5
Reservoir No. 2	15	29
Reservoir No. 3	<u>-15</u>	<u>-1</u>
Total	35 AF	35 AF

- WILL ANY RESERVOIR NAMED IN THE ORIGINAL APPLICATION BE ABANDONED? No
(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...
None

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: 7/14/2009 at Sacramento, California

Paula J. Whealen

(916) 441-6850

Signature(s) Paula J. Whealen, Wagner & Bonsignore, Consulting Civil Engineers, A Corp. 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.

Rec'd
 \$1,007.50
 7/15/09
 MT

2009 JUL 15 AM 11:01

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

DIV OF WATER RIGHTS SACRAMENTO

ENVIRONMENTAL INFORMATION

Permit 17837A (A24868A)

FOR PETITIONS

Permit 17837B (A24868B)

Permit 17837B (A24868B)

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. 1

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

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

Person contacted: www.co.mendocino.ca.us/cgi-bin/zone.p1 Date of contact: 6-17-2009

Department: Planning & Building Telephone: (707) 463-4281

County Zoning Designation: 260-295-10-RL160 260-330-06-RL160

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) Department of Fish & Game (DFG)

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
DFG	1600			
ACOE	404			
RWQCB	401			

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: Enlargement of existing Reservoir #2

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: _____

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: 7/14/09

Signature: Paul J. Whelan

Attachment to Accompany
Environmental Information Form
Petition for Change
Ferrari Carano Vineyards and Winery – Lazy Creek Ranch

Permits 17837 A & B (Applications 24868 A & B)

Attachment #1

3. Project Description

Petitioner recently purchased the subject property and proposes to develop additional lands within the Permitted place of use that were not developed by the previous owner. Petitioner also proposes to develop lands outside of the Permitted place of use. The total acreage requested for development is being increased from 50 acres to 53 acres.

Approximately 28 acres of vineyard have been developed by the previous land owner within the Permitted place of use and are currently irrigated by the three existing permitted reservoirs. The 25 acre proposed place of use consists of about 3 acres of existing vineyard and 22 acres of grasslands that will be developed in vineyard (see attached photos and map).

Petitioner also proposes to redistribute storage between the reservoirs at Points of Diversion #2 and #3. Reservoirs #2 and #3 are authorized for storage of 15 acre-feet each. As constructed Reservoir #2 holds 18 acre-feet and Reservoir #3 holds 1 acre-foot. Petitioner proposes to enlarge Reservoir #2 to 29 acre-feet and to maintain Reservoir #3 at 1 acre-foot. Existing Reservoir #1 holds 5 acre-feet as permitted and will not change. The total amount of water requested for diversion to storage under Permit 17837A (A 24868A) will remain at the 35 acre-feet authorized by the Permit.

	<u>Permitted</u>	<u>Proposed</u>
Reservoir #1	5	5
Reservoir #2	15	29
Reservoir #3	<u>15</u>	<u>1</u>
Total	35 af	35 af

All lands proposed for development are in cleared grassland areas and no tree removal is expected. Vineyard development will require the installation of water transmission, frost protection and irrigation systems. Petitioner understands that all impacts will be evaluated in the required environmental document pursuant to CEQA.