

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  
DIV. OF WATER RIGHTS  
SACRAMENTO  
10 OCT 13 PM 1:08

**PETITION FOR CHANGE (Amended)**  
(WATER CODE 1700)

\_\_\_\_ Point of Diversion, \_\_\_\_ Point of Rediversion XX Place of Use XX Purpose of Use  
Application A21371 Permit 14317 License 009730 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: SE ¼ NW ¼, Projected Section 26, T 3 N, R 9 W, M.D.B.&M.

Proposed: NA. <sup>SW</sup>

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

Present: 30 acres within SW ¼, Section 26., T3N, R9W, M.D.B.&M.

Proposed: Stream segment as highlighted in attached map (from point of diversion to mouth of creek).

**Purpose of Use**

Present: Irrigation (May 30 – September 30); Stock Watering (April 1 – May 30, October 1 – December 30).

Proposed: Enhance habitat, fish and wildlife resources, and recreation.

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.

- GIVE REASON FOR PROPOSED CHANGE: The purpose for the change is to realign the water right to benefit the mission of the Park, including enhancing fish and wildlife habitat, and recreation. The National Park Service acquired the water right with the lands associated with the Giacomini Wetland Restoration Project. The dedication of this water right supports the Giacomini Wetlands Restoration Project objectives and will support native fish and aquatic species including steelhead trout, tidewater goby, and potentially coho salmon.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? Yes.  
The original Point of Diversion with this license involved the Giacomini's excavating a diversion channel from Fish Hatchery Creek to the Place of Use. This practice has been discontinued since the restoration was completed.
- WATER WILL BE USED FOR Enhancement of fish and wildlife habitat pursuant to Section 1707. We are seeking to change the entire licensed amount of 0.50 cfs.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Land ownership and being the direct licensee.

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? 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. There are two claimants to water rights located upstream from the subject point of diversion.

S008676: Seth Wingate, P.O. Box 279, Point Reyes Station, CA 94956

S008811: North Marin Water District, (Chris DeGabrielle, GM) P.O. 146, Novato, CA 94948

**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 October 4, 20 10 at Fort Collins, Colorado.



William R. Hansen  
Acting Chief, Water Rights Branch  
Water Resources Division  
National Park Service  
(970) 225-3506

**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.**

**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**

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. 1*

**2. COUNTY PERMITS**

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

Person contacted: Front Desk (Mary) Date of contact: February 21, 2007

Department: Marin County Planning Telephone: (415) 499-6528

County Zoning Designation: Open Area

Are any county permits required for your project? NO\* If YES, check appropriate box below: \* Liz Lewis, Marin County Public Works (415) 499-7226

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? NA  
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: None.

**As part of the Giacomini Wetland Restoration Project EIS/EIR, the National Park Service and California State Lands Commission identified restoration of natural hydrologic and shoreline process as a principal objective. The California Coastal Commission was contacted on May 29, 2009 regarding this petition and whether the compliance associated with the Giacomini EIS/EIR was adequate. The CCC responded in a letter on June 9, 2009, that the dedication of this license is consistent with their permit CD-48-07 for the Giacomini Wetland Restoration.**

- 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? NO, this dedication does not require any construction or grading-related activities.

If YES, explain:

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

- d. Have you contacted the California Department of Fish and Game concerning your project? YES

If YES, name and telephone number of contact: Greg Martinelli (707) 944-5570

**It should be noted that the CDFG issued Streambed Alteration Agreement 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code on May 30, 2008 for activities in state lands associated with the Giacomini Wetland Restoration. The existing point of diversion and place of use are on federal lands. Federal lands are not subject to Streambed Alteration Agreements.**

### 4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?

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:

If NO, check the appropriate box and explain below, if necessary:

**CEQA: This change is exempt from CEQA pursuant to 14 Cal. Code Regs. 15301(i), 15307, 15308, and In the Matter of Lic. 465, 466, and 4822, and Permit 854, 1995 WL 59093 (Cal.St.Wat.Res.Bd.).**

**NEPA: As part of the Giacomini Wetlands Restoration Project, water rights held by Waldo Giacomini (previous owner) were to be dedicated pursuant to Section 1707. This dedication of water rights is addressed generally in the Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report (2007). This License 9730 was not specifically mentioned in the EIS/EIR, but the lands authorized for irrigation pursuant to License 9730 were restored as part of the Wetlands Project.**

*See Attachment No. 2*

\* 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?

**No. Diversion pursuant to this license ceased in August 2007, and all diversion activities stopped then. There are no structures remaining to be removed.**

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? **NO**  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

- c. What method of treatment and disposal will be used? **NA**

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

## 6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? As part of the Giacomini Wetland Restoration Planning process, archeological surveys were completed on the entirety of the project planning area, including the Point of Diversion for License 9730. On August 21, 2006 SHPO concurred with the park determination of "no historic properties affected."
- b. Will you be preparing an archeological report to satisfy another public agency? NO
- c. Do you know of any archeological or historic sites located within the general project area? NO  
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: October 16, 2009

Signature: Jeffrey C. Hengler  
for Charles W. Retee  
Chief, Water Rights Branch  
Water Resources Division  
National Park Service

***Attachment No. 1***

National Park Service (NPS) acquired this water right—License 9730—from Waldo Giacomini. Mr. Giacomini used this right to irrigate meadow and for stock watering in support of his dairy operation. The right continued to be used pursuant to its licensed terms until August 2007, at which time the dairy operation was discontinued. Since that time, the water has not been diverted but rather has been allowed to remain in the stream.

Subsequent to the ceasing of dairy operations, the NPS restored the dairy lands, including the lands identified for irrigation pursuant to this license, as part of the Giacomini Wetlands Restoration Project (Wetlands Project). The impacts of the Wetlands Project are addressed in the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007). Though dedication of License 9730 was not specifically identified as part of the Wetlands Project in the EIS/EIR, the lands authorized for irrigation pursuant to this license were included and restored as part of the Wetlands Project. License 4324A, used by Mr. Giacomini in support of the dairy operation and acquired by the Park, was specifically identified in the EIS/EIR for dedication; a petition for change of License 4324A is also being submitted with this petition.

In support of the Wetlands Project and the mission of the Park in general, NPS desires to change the use of License 9730 pursuant to Water Code Section 1707. The proposed place of use is the stream segment from the headwater to the mouth of the creek, as shown on the attached map.

***Attachment No. 2***

A hard copy of the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007) has been provided to staff of the State Water Resources Control Board.

Notices of Decision regarding the Wetland Project are attached.

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## Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

### Project Description

Restoration of wetlands and riparian areas through removal of levees along Lagunitas Creek, removal of invasive species, planting of native species, excavation of tidal channels, realignment of Tomasini Creek, and other means.

### Project Lead Agency

California State Lands Commission

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### Contact Information

#### Primary Contact:

Joel Gerwein  
California State Coastal Conservancy  
510-286-4170  
1330 Broadway, 13th Floor  
Oakland, CA 94612-2530

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### Project Location

County: Marin  
City:  
Region:  
Cross Streets:  
Parcel No:  
Township:  
Range:  
Section:  
Base:  
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

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### Determinations

This is to advise that the  Lead Agency  Responsible Agency California State Coastal Conservancy has approved the project described above on 9/20/2007 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

Final EIR Available at: [http://www.nps.gov/pore/planning\\_giacomini\\_wrp.htm](http://www.nps.gov/pore/planning_giacomini_wrp.htm)

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Date Received: 11/5/2007

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## Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

### Project Description

The National Park Service (NPS), Point Reyes National Seashore, is proposing to restore natural hydrologic processes and wetland functions to significant portions of the project area known as the Giacomini Ranch and Olema Marsh. The stated purpose of this large scale restoration project is to "promote restoration of ecological processes and functions" within the project area and adjoining watersheds. By a combination of actions including removal of levees, tide gates, and culverts, floodwaters of Lagunitas and other Project Area creek that carry sediment, nutrients, and other pollutants will be able to flood onto historic floodplains to be filtered and transformed by the restored wetlands. The California Department of Fish and Game (DFG) is executing Lake and Streambed Alteration Agreement Number 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code to the project Applicant, Don Neubacher, Point Reyes National Seashore, National Park Service.

### Project Lead Agency

California State Lands Commission

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### Contact Information

#### Primary Contact:

Jeremy Sarrow  
Department of Fish and Game  
707 944-5573  
Bay Delta Region  
P.O. Box 47  
Yountville, CA 94599

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### Project Location

County: Marin  
City:  
Region:  
Cross Streets:  
Parcel No:  
Township:  
Range:  
Section:  
Base:  
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

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### Determinations

This is to advise that the  Lead Agency  Responsible Agency DFG has approved the project described above on 5/28/2008 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

Final EIR Available at: Point Reyes National Seashore National Park Services 1 Bear Valley Road Point Reyes Station, CA 94956

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Date Received: 5/30/2008

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## Giacomini Wetland Restoration Project

**SCH Number:** 2002114002**Type:** NOD - Notice of Determination**Project Description**

This project will restore and enhance riparian and wetland habitat for fish and wildlife species, on 556+- acres of lands adjacent to the south and southeastern edge of Lagunitas Creek on Giacomini Ranch property.

**Project Lead Agency**

California State Lands Commission

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**Contact Information****Primary Contact:**

Bonnie Turner  
Department of Fish and Game Wildlife Conservation Board  
916 445-8448  
1807 13th Street, Suite 103  
Sacramento, CA 95811-7137

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**Project Location**

County: Marin  
City:  
Region:  
Cross Streets:  
Parcel No:  
Township:  
Range:  
Section:  
Base:  
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

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**Determinations**

This is to advise that the  Lead Agency  Responsible Agency Wildlife Conservation Board has approved the project described above on 8/28/2008 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

**Final EIR Available at:** California State Lands Commission 100 Howe Avenue, Suite 100 South Sacramento, CA 95825-8202

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**Date Received:** 8/29/2008

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## Giacomini Wetland Restoration Project

**SCH Number:** 2002114002**Type:** NOD - Notice of Determination**Project Description**

Application for a new General Lease - Public Agency Use for the Giacomini Wetland Restoration Project.

**Project Lead Agency**

California State Lands Commission

**Contact Information****Primary Contact:**

Eric L. Gillies  
California State Lands Commission  
(916) 574-1897  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

**Project Location**

County: Marin

City:

Region:

Cross Streets:

Parcel No:

Township:

Range:

Section:

Base:

Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

**Determinations**

This is to advise that the  Lead Agency  Responsible Agency California State Lands Commission has approved the project described above on 6/28/2007 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

**Final EIR Available at:** California State Lands Commission**Date Received:** 7/9/2007[CEQAnet HOME](#) | [NEW SEARCH](#)

License 9730  
Unnamed Stream aka  
Fish Hatchery Creek

Looking downstream from  
Point of Diversion  
(all diversion facilities removed)



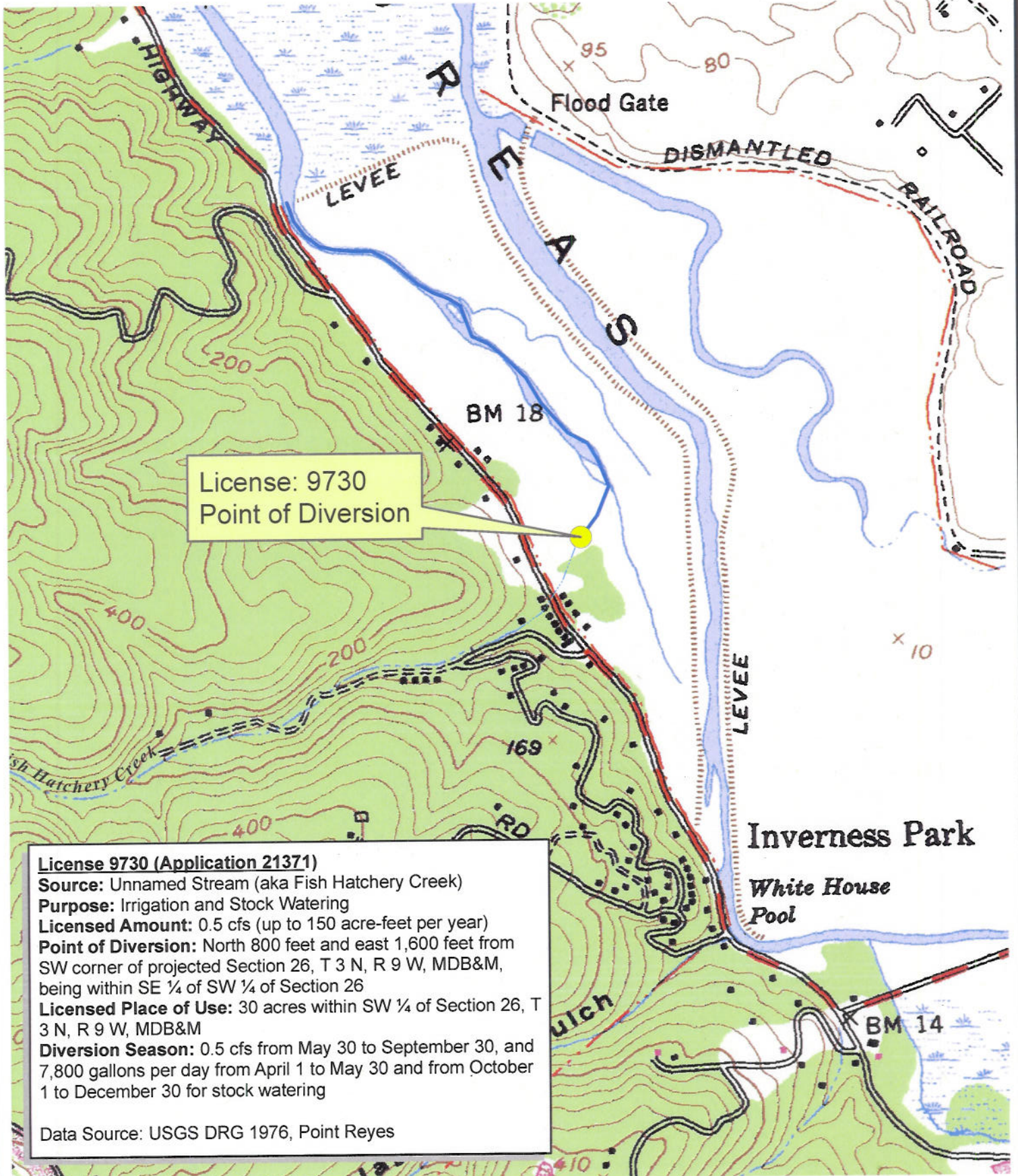
May 2009

License 9730  
Unnamed Stream aka  
Fish Hatchery Creek

Looking upstream from  
Point of Diversion  
(all diversion facilities removed)



May 2009



License: 9730  
Point of Diversion

**License 9730 (Application 21371)**  
**Source:** Unnamed Stream (aka Fish Hatchery Creek)  
**Purpose:** Irrigation and Stock Watering  
**Licensed Amount:** 0.5 cfs (up to 150 acre-feet per year)  
**Point of Diversion:** North 800 feet and east 1,600 feet from SW corner of projected Section 26, T 3 N, R 9 W, MDB&M, being within SE ¼ of SW ¼ of Section 26  
**Licensed Place of Use:** 30 acres within SW ¼ of Section 26, T 3 N, R 9 W, MDB&M  
**Diversion Season:** 0.5 cfs from May 30 to September 30, and 7,800 gallons per day from April 1 to May 30 and from October 1 to December 30 for stock watering

Data Source: USGS DRG 1976, Point Reyes

