



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams

Secretary for

Environmental Protection

Arnold Schwarzenegger

Governor

MAILED MARCH 7, 2008

TO INTERESTED PARTIES (Mailing List Enclosed)

NOTICE OF FIELD INVESTIGATION ON APPLICATIONS 31304, 31362, AND 31363 OF KLEIN FOODS INC., COOLEY RANCH TO APPROPRIATE WATER FROM UNNAMED STREAMS TRIBUTARY TO DRY CREEK THENCE LAKE SONOMA THENCE THE RUSSIAN RIVER IN SONOMA COUNTY

Staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) will conduct an investigation pursuant to California Water Code sections 1345 through 1348 for three pending "minor" water right applications within the Russian River watershed in Sonoma County. This investigation will assess the three applications, A031304, A031362, and A031363, submitted by Klein Foods, Inc. The purpose of this investigation is to (1) collect information relating to the pending water right applications and related protest, and (2) resolve the protest, if possible. If the protest is not resolved, Division staff may use the collected information to develop a Division Decision.

INVESTIGATION DATE, TIME AND LOCATION

Parties who wish to participate in this investigation should meet at the date, time, and location listed below.

Applicant: Klein Foods, Inc.

Date/Time: Friday April 4, 2008 beginning at 10:00 a.m. and continuing until completed or 2:00 p.m.

Location: [Cal EPA Building, Room 1410 14th Floor, 1001 I Street, Sacramento, CA 95814](#)

If necessary, the investigation will be concluded at a later date and time to be announced at the end of the April 4, 2008 investigation.

INVESTIGATION PROCEDURES

Water Code section 1345 states, "The Division of Water Rights shall conduct a field investigation of all minor protested applications." Since all parties participated in a field inspection on September 27, 2005 and are familiar with the physical aspects of the project, the Division and the parties have agreed to conduct the investigation required by section 1345 at Division headquarters. All other requirements of sections 1345 through 1348 will apply.

Division staff will make opening comments regarding the procedure. The applicant and protestant will be allowed to make comments, present evidence, or ask questions and participate in the subsequent discussion. Other interested persons may listen to the discussion and may be allowed to make short comments at the end of the discussion period.

The applicant should provide information relating to the proposed diversion and use of water. The protestant should provide information that demonstrates that approval of these applications would cause specific injury to the environment or public trust resources. The protestant should

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also propose permit terms that would resolve the issues raised in the protest. Parties are encouraged to submit written data to support their position.

Please note that the applicant and protestant or their authorized agents must participate in the investigation if they want to maintain status as an applicant/protestant or be party to the State Water Board's proceedings.

RESOLUTION OF PROTESTS

Pursuant to Water Code 1346 the Division may request the parties to submit additional information in support of their positions. The applicant and the protestant are encouraged to recommend terms or conditions that resolve the protest. If the protest cannot be resolved during the investigation, the Division may prepare a Division Decision based on the information in the files, and any information presented at the investigation, unless the Board in its discretion determines that additional proceedings should be conducted (Wat. Code 1347). If it is determined that a Division Decision will be prepared, copies will be sent to the applicant, protestant, and other interested persons.

FOR FURTHER INFORMATION

If you have any questions or would like to discuss this matter further, please contact:

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MAILING LIST FOR KLEIN FOODS, INC., COOLEY RANCH FIELD INVESTIGATION

APPLICANT

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Wagner & Bonsignore
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Sacramento, CA 95811-0238

Analytical Environmental Services
c/o Jennifer Aranda
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Mark R. Jennings
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Felger & Associates
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Rodney Strong Vineyards
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Jim Ledbetter
Vino Farms, Inc.
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Lodi, CA 95249

PROTESTANT

Department of Fish and Game
Attn. Mr. Scott Wilson
Bay Delta Region
PO Box 47
Yountville, CA 94558

Department of Fish and Game
Attn. Ms. Corrine Gray
Bay Delta Region
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Department of Fish and Game
Attn. Ms. Linda Hanson
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INTERESTED PERSON

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