



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

NOTICE OF PETITION TO CHANGE THE POINTS OF DIVERSION AND THE PLACE OF USE

LICENSE 9597 (APPLICATION 21927)
LICENSE 9598 (APPLICATION 21928)
LICENSE 9613 (APPLICATION 21929)
LICENSE 9614 (APPLICATION 21930)
LICENSE 9602 (APPLICATION 21931)
LICENSE 9604 (APPLICATION 21932)
LICENSE 9823 (APPLICATION 22702)

PETITION FILED: October 15, 2002
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STREAM SYSTEM: RUSSIAN RIVER

COUNTY: MENDOCINO

Notice is hereby given that Fetzer Vineyards filed petitions for the above licensed applications. The State Water Resources Control Board (State Water Board) will determine whether an order approving the change should be issued for licensed applications, if so, whether conditions are needed in the licenses to protect the environment, the public interest, and downstream water users. This notice provides a description of the project and also describes the procedure and time frame for submittal of protests against the petitions. This notice may be viewed at the Division of Water Rights (Division) website at www.waterboards.ca.gov. Any correspondence directed to the petitioner should be mailed to:

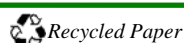
Fetzer Vineyards
c/o Wagner & Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95814-0228

Description of Project: In 2001, Division staff found there are no fixed diversion sites and the place of use (POU) were changed without approval by the State Water Board, thereby necessitating the listed petitions for change. The Fetzer Vineyards' diversion pump sites, conveyance and irrigation systems, and acreage for the places of use to utilize water as authorized under the licenses are summarized below.

Summary of LICENSE 9597 (Application 21927):

County: Mendocino
Source: Russian River tributary to Pacific Ocean
Point of
Diversion: Located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 7, T13N, R11W, MDB&M.

California Environmental Protection Agency



FETZER VINEYARDS

Amount: 0.23 cfs by direct diversion and a maximum amount of 42 af per year.
 Season: May 1 to October 31.
 Purpose: Irrigation.
 Place of Use:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
SW¼ of NE¼	7	13N	11W	MD	2
NW¼ of SE¼	7	13N	11W	MD	16
NE¼ of SE¼	7	13N	11W	MD	2
SW¼ of SE¼	7	13N	11W	MD	4
SE¼ of SE¼	7	13N	11W	MD	10
NE¼ of NE¼	18	13N	11W	MD	15
NW¼ of NW¼	17	13N	11W	MD	3
				TOTAL	52

Summary of LICENSE 9598 (Application 21928):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: Located within the SE¼ of NE¼ of projected section 18, T13N, R11W, MDB&M.
 Amount: 1.04 cfs by direct diversion and a maximum amount of 157 af per year.
 Season: May 1 to October 31.
 Purpose: Irrigation.
 Place of Use:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
NE¼ of NE¼	18	13N	11W	MD	13
SE¼ of NE¼	18	13N	11W	MD	8
NW¼ of NW¼	17	13N	11W	MD	4
SW¼ of NW¼	17	13N	11W	MD	28
SE¼ of NW¼	17	13N	11W	MD	1
NW¼ of SW¼	17	13N	11W	MD	18
NE¼ of SW¼	17	13N	11W	MD	12
SW¼ of SW¼	17	13N	11W	MD	1
SE¼ of SW¼	17	13N	11W	MD	1
				TOTAL	86

Summary of LICENSE 9613 (Application 21929):

FETZER VINEYARDS

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: Located within the SE¼ of SE¼ of projected section 18, T13N, R11W, MDB&M.
 Amount: 0.27 cfs by direct diversion and a maximum amount of 61 af per year.
 Season: May 1 to October 31.
 Purpose: Irrigation.
 Place of Use:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
NE¼ of SE¼	18	13N	11W	MD	12
SE¼ of SE¼	18	13N	11W	MD	9
NW¼ of SW¼	17	13N	11W	MD	10
SW¼ of SW¼	17	13N	11W	MD	8.3
				TOTAL	39.3

Summary of LICENSE 9614 (Application 21930):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: Located within the NE¼ of NE¼ of projected section 19, T13N, R11W, MDB&M.
 Amount: 0.31 cfs by direct diversion and a maximum amount of 34 af per year.
 Season: May 1 to October 31.
 Purpose: Irrigation.
 Place of Use:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
NW¼ of NE¼	19	13N	11W	MD	3
NE¼ of NE¼	19	13N	11W	MD	23
SW¼ of NE¼	19	13N	11W	MD	2
SE¼ of NE¼	19	13N	11W	MD	1
NW¼ of NW¼	20	13N	11W	MD	2
SW¼ of NW¼	20	13N	11W	MD	1
				TOTAL	32

Summary of LICENSE 9602 (Application 21931):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of

Diversion: Located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 19, T13N, R11W, MDB&M.
 Amount: 0.34 cfs by direct diversion and a maximum amount of 49 af per year.
 Season: May 1 to October 31.
 Purpose: Irrigation.
 Place of Use:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	1
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	22
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	1
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20	13N	11W	MD	12
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	11
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	2
				TOTAL	49

Summary of LICENSE 9604 (Application 21932):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: Located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 19, T13N, R11W, MDB&M.
 Amount: 0.046 cfs by direct diversion and a maximum amount of 12 af per year.
 Season: April 15 to October 31.
 Purpose: Irrigation, domestic, stockwatering.
 Place of Use: 3.15 acres within the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of projected section 20, T13N, R11W, MDB&M

Summary of LICENSE 9823 (Application 22702):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: Located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected section 18, T13N, R11W, MDB&M.
 Amount: 0.05 cfs by direct diversion and a maximum amount of 4 af per year.
 Season: April 15 to October 31.
 Purpose: Irrigation.
 Place of Use: 7.7 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected section 17, T13N, R11W, MDB&M

PETITION SUMMARY:

Fetzer Vineyards' petitions seek approval by the State Water Board to amend their seven licenses to re-designate the places of use for each water right as currently operated, and to have

moveable points of diversion (MPOD) to directly divert Russian River flows primarily for irrigation of vineyards. The proposal is to replace the fixed points of diversion with MPOD along the east bank of the Russian River with a defined upper and lower limit. The following are the changes petitioned by Fetzer Vineyards as shown on maps on file with the State Water Board.

For Licenses 9597, 9598, 9613, and 9823; the upper reach of the MPOD is within the SW¹/₄ of NE¹/₄ of projected section 7, T13N, R11W, MDB&M. The lower reach is within the SW¹/₄ of NE¹/₄ of projected section 19, T13N, R11W, MDB&M. Approximately three miles of river frontage would be allowed to have portable diversion pump(s) be placed.

For Licenses 9614, 9602, and 9604; the upper reach of the MPOD is within the NE¹/₄ of NE¹/₄ of projected section 19, T13N, R11W, MDB&M. The lower reach is within the SW¹/₄ of NE¹/₄ of projected section 19, T13N, R11W, MDB&M. Approximately a half-mile of river frontage would be allowed to have portable diversion pump(s) be placed.

The POU for 180 acres under Licenses 9597, 9598, 9613, and 9823:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
NW ¹ / ₄ of SE ¹ / ₄	7	13N	11W	MD	17
NE ¹ / ₄ of SE ¹ / ₄	7	13N	11W	MD	1
SW ¹ / ₄ of SE ¹ / ₄	7	13N	11W	MD	13
SE ¹ / ₄ of SE ¹ / ₄	7	13N	11W	MD	10
NE ¹ / ₄ of NE ¹ / ₄	18	13N	11W	MD	28
SE ¹ / ₄ of NE ¹ / ₄	18	13N	11W	MD	11
NE ¹ / ₄ of SE ¹ / ₄	18	13N	11W	MD	7
SE ¹ / ₄ of SE ¹ / ₄	18	13N	11W	MD	14
NW ¹ / ₄ of NW ¹ / ₄	17	13N	11W	MD	5
SW ¹ / ₄ of NW ¹ / ₄	17	13N	11W	MD	10
NW ¹ / ₄ of SW ¹ / ₄	17	13N	11W	MD	28
NE ¹ / ₄ of SW ¹ / ₄	17	13N	11W	MD	12
SW ¹ / ₄ of SW ¹ / ₄	17	13N	11W	MD	22
SE ¹ / ₄ of SW ¹ / ₄	17	13N	11W	MD	1
NW ¹ / ₄ of NW ¹ / ₄	20	13N	11W	MD	1
				TOTAL	180

Fetzer Vineyards would set the total amount of water taken under Licenses 9597, 9598, 9613, and 9823 not to exceed 264 af per year.

The POU for 151 acres under Licenses 9614, 9602, and 9604:

Use Within	Proj Section	Township	Range	B & M	Irrigated acreage
NW ¹ / ₄ of NE ¹ / ₄	19	13N	11W	MD	2

NE¼ of NE¼	19	13N	11W	MD	15
SW¼ of NE¼	19	13N	11W	MD	5
SE¼ of NE¼	19	13N	11W	MD	23
NW¼ of NW¼	20	13N	11W	MD	2
SW¼ of NW¼	20	13N	11W	MD	17
SE¼ of NW¼	20	13N	11W	MD	26
SW¼ of NE¼	20	13N	11W	MD	1
NW¼ of SW¼	20	13N	11W	MD	13
NE¼ of SW¼	20	13N	11W	MD	34
NW¼ of SE¼	20	13N	11W	MD	7
SW¼ of SW¼	20	13N	11W	MD	4
SE¼ of SW¼	20	13N	11W	MD	2
				TOTAL	151

Fetzer Vineyards would set the total amount of water taken under Licenses 9614, 9602, and 9604 not to exceed 95 af per year.

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the petition, and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the

date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterboards.ca.gov/forms/ or upon request from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the

submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner and should include a description of any measures that could be taken to resolve the protest.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **30th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

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f you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The petitioners will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Whalen Toy by phone at (916) 341-5408 or by electronic mail at wtoy@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterboards.ca.gov/forms/.

Date of Notice: **MAILED APRIL 8, 2005**