

2/1/05
21931



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-0765
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

PETITION FOR CHANGE (WATER CODE 1700)

Point of Diversion, _____ Point of Rediversion, Place of Use, _____ Purpose of Use
Application 21931 Permit _____ License 9602 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 See Attachment
Proposed See Attachment

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

Present See Attachment
Proposed See Attachment

Purpose of Use

Present _____
Proposed _____

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: To accurately describe how the project is operated & to allow for physical changes due to extreme storm events & future relocation of instream diversion facilities.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? See Attachment
(yes/no)

• WATER WILL BE USED FOR Irrigation PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? 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? No
(yes/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.

See SWRCB's Files

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 9-9, 2002 at Sacramento, California

Paula J. Whealen

Wagner & Bonsignore, Consulting Civil Engineers Telephone No. _____

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.

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**ATTACHMENT TO PETITION FOR CHANGE
LICENSES 9614, 9602 and 9604
(APPLICATIONS 21930, 21931 and 21932, RESPECTIVELY)
BY
FETZER VINEYARDS**

POINTS OF DIVERSION

Existing

- Application 21930: Located South 650 feet and West 800 feet from NE corner of projected Section 19, T13N, R11W, MDB&M, being within NE¼ of NE¼ of said Section 19.
- Application 21931: Located South 2,200 feet and West 1,300 feet from NE corner of projected Section 19, T13N, R11W, MDB&M, being within SE¼ of NE¼ of said Section 19.
- Application 21932: Located South 2,200 feet and West 1,150 feet from NE corner of projected Section 19, T13N, R11W, MDB&M, being within SE¼ of NE¼ of said Section 19.

Proposed Movable Points of Diversion for Licenses 9614, 9602, 9604 (APPLICATIONS 21930, 21931 and 21932, respectively)

Upstream Limit: Located within the left bank of the riparian corridor of the Russian River between North 488,250 and East 1,685,350, California Coordinate System, Zone 2, being within the SW¼ of NE¼ of projected Section 7, T13N, R11W, MDB&M, and

Downstream Limit: Located within the left bank of the riparian corridor of the Russian River between North 477,150 and East 1,685,750, California Coordinate System, Zone 2, being within the SW¼ of NE¼ of projected Section 18, T13N, R11W, MDB&M.

19

10/10/02
Petition Map
057

PLACE OF USE

Existing

- Application 21930: 32 acres within projected Sections 19 and 20, T13N, R11W, MDB&M as stated in License 9614.
- Application 21931: 49 acres within projected Sections 19 and 20, T13N, R11W, MDB&M as stated in License 9602.
- Application 21932: 3.15 acres within projected Section 20, T13N, R11W, MDB&M as stated in License 9604.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95810

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.	<u>21930</u>	PERMIT NO.	<u> </u>	LICENSE NO.	<u>9614</u>
	21931				9602
	21932				9604

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application 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.

DESCRIPTION OF CHANGES TO PROJECT

1. Provide a brief 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.

The Petitions seek to add a movable point of diversion on the left bank of the Russian River between the north (upstream) and south (downstream) ends of the subject property, Valley Oak Ranch. The Petitions also seek to increase and consolidate the place of use. The intent of the proposed movable point of diversion is to allow for future relocation of instream diversion facilities (if require) and to allow for removal of certain instream diversion facilities to be replaced by offset wells.

The place of use will be increased from 84 acres to 151 acres as shown on the accompanying map in order to allow for operational flexibility of these rights which are part of a single vineyard operation. At the time these rights were issued a License, the place of use was developed in orchard. Since that time, the place of use has been converted to vineyard. The Licensee acknowledges that the maximum annual amount of water to be diverted pursuant to Licenses 9614, 9602 and 9604 (Applications 21930, 21931 and 21932, respectively) is limited to 95 acre-feet.

The 151-acre place of use is currently being served water from direct diversion and storage facilities named in pending water right Applications 30987 and 30988. Further, the Licensee is entitled to receive a portion of the Mendocino County Russian River Flood Control and Water Conservation Improvement District's (Flood Control District) 8,000 acre-foot reservation

pursuant to Permit 12947B for its irrigation use. The Flood Control District has historically included Fetzer Vineyards' water use on the Valley Oak Ranch in its Progress Reports for Water Right Permit 12947B. As such, Fetzer Vineyards believes it is using water pursuant to the Flood Control District's Permit 12947B for diversions made that are in not covered by Licenses 9614, 9602 and 9604.

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 8/6/2002
Department Planning & Building Telephone (707) 463-4281
 - (b) Assessor's Parcel No. 048-160-01; 048-210-01, 05; 048-320-12, 15, 16
 - (c) County Zoning Designation Ag 40, F.P.
 - (d) Are any county permits required for your proposed changes? No If you answered yes, check appropriate spaces 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? N/A If you answered yes, provide a complete copy of each permit obtained.
3. Are any additional state or federal permits required for your project? Yes [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 Stream Alteration Agreement
- Person contacted Fish & Game Code 1603 Agency Dept. of Fish and Game
- Date of Contract Telephone (707) 944-5500
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: The Applicant expects that the SWRCB will be the lead agency for this project and will require preparation of the appropriate environmental document pursuant to CEQA.

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 you answered 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? Yes, a report by the Anthropological Studies Center, Sonoma State University prepared a report dated June 2002 which covers the Valley Oak property. A copy will be submitted to the SWRCB.

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

Yes

If so, explain: See referenced report for details.

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 application will be delayed until you furnish the remaining sets!

The photos submitted with Applications 30987 and 30988 adequately show the typical place of use.

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your 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
v 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

v Riverine
 Lacustrine
 Estuarine
 Marine

Developed Communities

 Cropland
v 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 places of use due to additional water development.

The places of use have been cultivated for 50+ years. Historically the land was planted in orchard. No trees will be removed as a result of these Petitions.

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):

Typical species of fish occurring in the Russian River include the Coho Salmon and Steelhead Trout. The Petitioner has fish screens on their existing diversion facilities.

11. Identify the typical species of riparian and terrestrial wildlife in the project 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):

As stated in question #9, the place of use has been developed for many years. We do not believe that any wildlife species will be affected by the project.

***Note:** The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (see attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near your, consult your local telephone directory yellow pages under **Environmental and Ecological**

Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program at (916) 324-6881 or the University of California, Cooperative Extension Service (see your local telephone directory white pages).

12. Does your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake?
No

If so, explain: _____

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits 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 9-9-02

Signature Paula Wheeler

Wagner & Bonsignore
Consulting Civil Engineers