



# State Water Resources Control Board



Alan C. Lloyd, Ph.D.  
Agency Secretary

Division of Water Rights  
1001 I Street, 14<sup>th</sup> 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 FOR CHANGE IN POINT OF DIVERSION

**LICENSES 11862 AND 12206**  
(APPLICATIONS 25464 AND 25465)

**PETITION FILED:** February 22, 2005

**STREAM SYSTEM:** Arroyo Leon tributary Pilarcitos Creek

**COUNTY:** San Mateo

Notice is hereby given that the Peninsula Open Space Trust (POST) filed petitions for change in the points of diversion for Licenses 11862 and 12206 (Applications 25464 and 25465) to improve habitat for steelhead. The State Water Resources Control Board (State Water Board) will determine whether an order approving the changes in the point of diversion should be issued for licensed Applications 25464 and 25465, 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](http://www.waterboards.ca.gov). Any correspondence directed to the petitioners should be mailed to:

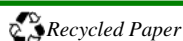
Peninsula Open Space Trust  
c/o Tina Coleman  
3000 Sand Hill Road, 1-155  
Menlo Park, CA 94025

**Description of Project:** Pursuant to Licenses 11862 and 12206, water is collected to storage in two onstream reservoirs on Arroyo Leon, and diverted via a shared point of diversion at a concrete dam to offstream storage in Reservoir E, F and G. Reservoirs F and G are located on one unnamed stream tributary to the Pacific Ocean and Reservoir E is located on another unnamed stream tributary to Arroyo Leon.

### Summary of LICENSE 11862 (APPLICATION 25464):

County: San Mateo.  
Source: (1) Arroyo Leon tributary to Pilarcitos Creek thence Pacific Ocean, (2) Unnamed Stream tributary to Arroyo Leon and (3) Unnamed Stream tributary Pacific Ocean.  
Point of Diversion to Offstream  
Storage: (1) Concrete Diversion Dam: NW¼ of SW¼ of projected section 33, T5S, R5W, MDB&M.

*California Environmental Protection Agency*



Points of  
Diversion,  
Rediversion

and Storage: (2) Reservoir E: SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 33, T5S, R5W, MDB&M.  
(3) Reservoir G: NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 4, T6S, R5W, MDB&M.

Amount: 22.2 acre-feet per annum (afa) as follows: (a) 9.2 afa in Reservoir E, and (b) 13 afa in Reservoir G. The maximum rate of diversion to offstream storage shall not exceed 1 cubic feet per second (cfs).

Season: December 1 to April 30.

Purpose: Irrigation, Fire Protection and Stockwatering.

Place of Use: Fire protection and stockwatering at Reservoir E within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 33, T5S, R5W, MDB&M, and irrigation as follows: 70 acres within SE $\frac{1}{4}$  of projected section 32, T5S, MDB&M; 53 acres within projected section 33, T5S, R5W, MDB&M; 162 acres within projected section 5, T6S, R5W, MDB&M; 5 acres within SE $\frac{1}{3}$  of SE $\frac{1}{4}$  of projected section 6, T6S, R5W, MDB&M; and 20 acres within N $\frac{1}{2}$  of projected section 8, T6S, R5W, MDB&M.

**Summary of LICENSE 11862 (APPLICATION 25464):**

County: San Mateo.

Source: (A), (B) Arroyo Leon tributary to Pilarcitos Creek thence Pacific Ocean,  
(F) Unnamed Stream tributary to Pacific Ocean.

Point of  
Diversion  
To Offstream

Storage: (A) NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 33, T5S, R5W, MDB&M.  
(B) NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected section 32, T5S, R5W, MDB&M

Points of  
Diversion,

Rediversion: (F) NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 4, T6S, R5W, MDB&M.

Place of

Storage: Reservoir F within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 4, T6S, R5W, MDB&M.

Amount: 49 afa. The maximum rate of diversion to offstream storage shall not exceed 1 cfs.

Season: December 1 to April 30.

Purpose: Irrigation, Fire Protection and Stockwatering.

Place of Use: Fire protection and stockwatering at Reservoir F within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 4, T6S, R5W, MDB&M, and irrigation as follows: 70 acres within SE $\frac{1}{4}$  of projected section 32, T5S, MDB&M; 53 acres within projected section 33, T5S, R5W, MDB&M; 162 acres within projected section 5, T6S, R5W, MDB&M; 5 acres within SE $\frac{1}{3}$  of SE $\frac{1}{4}$  of projected section 6, T6S, R5W, MDB&M; and 20 acres within N $\frac{1}{2}$  of projected section 8, T6S, R5W, MDB&M.

**Petition Summary for Licenses 11862 and 12206:**

Pursuant to Licenses 11862 and 12206, water is collected to storage in two onstream reservoirs on Arroyo Leon, and is also diverted via a shared point of diversion on the upstream concrete dam on Arroyo Leon to offstream storage. Because Arroyo Leon is habitat for steelhead, the National Marine Fisheries Service and the California Department of Fish and Game expressed concern regarding the operation and management of the onstream reservoirs authorized by the licenses. Pursuant to this petition, use of the onstream reservoirs on Arroyo Leon and common point of diversion at the upstream dam will be discontinued and the diversion point moved downstream of its present location to provide adequate habitat for steelhead. The licensee will continue to operate the offstream reservoirs, Reservoirs E, F and G.

### **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 Resources Control 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 Divisions' website at [www.waterboards.ca.gov/forms/](http://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 **30<sup>th</sup>** 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, 14<sup>th</sup> Floor, Sacramento, CA

If 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 of Water Rights. 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 Katherine Mrowka by phone at (916) 341-5363 or by electronic mail at [kmrowka@waterboards.ca.gov](mailto:kmrowka@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterboards.ca.gov/forms/](http://www.waterboards.ca.gov/forms/).

Date of Notice: **7/22/2005**