

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

1/17/04
A022817

STATE WATER RESOURCES CONTROL BOARD

2004 MAR 15 PM 1:31

DIVISION OF WATER RIGHTS SACRAMENTO

PETITION FOR CHANGE
(WATER CODE 1700)

Application Point of Diversion, A022817 Point of Rediversion, Permit 15561 Place of Use, License 011707 Purpose of Use, 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 _____
Proposed _____

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

Present SEE ATTACHED.
Proposed SEE ATTACHED.

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)? No.

- GIVE REASON FOR PROPOSED CHANGE: SEE ATTACHED.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? NO
- WATER WILL BE USED FOR IRRIGATION, STOCKWATERING AND RECREATIONAL PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? OWNERSHIP

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. Attach additional pages if needed.

N/A

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.

N/A

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 MARCH 10, 2004 at STOCKTON, California

Jennifer L. Spaletta
Jennifer L. Spaletta, Esq., Agent for the Clark Trust

(209) 472-7700

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.

3-15-04
\$850
#1000
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ATTACHMENT TO PETITION FOR CHANGE

Application 022817

Permit 15561

License 011707

Licensee: Robert A. Clark, Jr. and Sandra J. Clark, Trustees
FBO The Clark Living Trust dated March 6, 1989

Place of Use

Present:

Stockwatering and Recreation at the reservoirs and irrigation of ten acres all within S 1/2 of NW 1/4 of Section 17, T10N, R9E, MDB&M, as shown on map on file with State Water Resources Control Board.

Proposed:

Stockwatering and Recreation at the reservoirs and irrigation of 36 acres, more particularly described as follows:

S1/2 of NW 1/4 Sec. 17, T10N, R9E, MDB&M	10 acres net
SE 1/4 of NE 1/4 of Section 18, T10N, R9E, MDB&M	26 acres

As shown on the attached map.

Reason for the Proposed Change

The Clark Trust purchased this water right from the Dufrey family (the prior owner of the water right). The Clark Trust also owns adjacent land and desires to irrigate these lands with water under this water right.

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**APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.

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 COMPLETED, 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.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

The water right holder desires to add up to 26 acres of adjacent land to the place of use. Water use on the land will be for irrigation of landscaping, natural habitat, and possibly for cultivated plants in the future.

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 Jason Hade Date of contact Nov. 14, 2003
Department El Dorado C. Planning Dept. Telephone (553) 621-5355
 - b. Assessor's Parcel No. 102-180-21-100, 102-180-18-100, 102-180-23-100
 - c. County Zoning Designation RE-10, Residential 10 acre minimum parcel size
 - d. Are any county permits required for your proposed changes? No
If yes, check appropriate space 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? _____
If yes, provide a complete copy of each permit obtained.

- 3. Are any additional state or federal permits required for your proposed changes? No (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 _____
Person (s) contacted _____ Agency _____
Date of contact _____ Telephone () _____

- 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:

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? _____ If so, explain: N/A
-
-
-

If 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? No

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

No. _____ If so, explain: _____

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 change petition will be delayed until you furnish the remaining sets!

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

Riverine
 Lacustrine
 Estuarine
 Marine

Developed Communities

Cropland
 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 place of use due to additional water development.

None.

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):

No change.

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

No change.

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 project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by * below):

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. 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 you, 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 project 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 March 10, 2004 Signature Jennifer Spaletta

Jennifer L. Spaletta, Esq.
Agent for the Clark Trust
HERUM CRABTREE BROWN
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Stockton, California 95207