

File
26448

State of California
California Environmental Protection Agency
State Water Resources Control Board
DIVISION OF WATER RIGHTS
1001 I Street, 14th Floor, Sacramento, CA 95814
P.O. Box 2000, Sacramento, CA 95812

REQUEST FOR LICENSE

PERMIT 18300

APPLICATION 26448

SUBJECT TO THE APPROVAL BY THE STATE WATER RESOURCES CONTROL BOARD (SWRCB)

Donald H. Van Steenwyk
2450 Mission Street
San Marino, CA 91108

HAVING MADE PROOF AS OF May 25, 2000 (Date of Inspection)

HEREBY REQUESTS LICENSE ACTION AS LISTED BELOW:

ACCORDING TO THE BEST KNOWLEDGE AND BELIEF OF THE UNDERSIGNED, A RIGHT HAS BEEN ESTABLISHED TO THE USE OF THE WATERS OF an Unnamed Stream in San Luis Obispo County

TRIBUTARY TO Las Tablas Creek thence Nacimiento River thence Salinas River

FOR THE PURPOSE OF: Irrigation, Industrial, and Domestic uses

UNDER PERMIT 18300 THE PRIORITY OF WHICH DATES FROM July 8, 1980

BY BENEFICIAL USE IN THE AMOUNT OF: a total of twenty-three (23) acre-feet per annum to be collected from December 1 of each year to April 30 of the succeeding year as follows: (1) 11 acre-feet per annum in Reservoir No. 1 and (2) 12 acre-feet in Reservoir No. 3. The maximum withdrawal in any one year shall not exceed 22 acre-feet from both reservoirs.

The capacities of Reservoir No. 1 and Reservoir No. 3 covered by this license shall not exceed 11 acre-feet and 12 acre-feet, respectively.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) Reservoir No. 1 - By California Coordinate System of 1927, Zone 5, North 793,931 feet and East 1,166,138 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T26S, R11E, MDB&M, and
- (2) Reservoir No. 3 - By California Coordinate System of 1927, Zone 5, North 793,344 feet and East 1,167,172 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T26S, R11E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Industrial use at winery within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, domestic uses at residence and at amphitheater within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, and irrigation of 5 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, all within T26S, R11E, MDB&M, as shown on map on file with the SWRCB.

REQUEST6 (11-00)

SD
12/8/00

17/160
10/10
10/10
10/10
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10/10

APPLICATION 26448
Donald H. Van Steenwyk

-2-

REQUEST FOR LICENSE

CHANGE PETITION:

This Request for License also serves as a Petition for Change of use, the place of use, and the redistribution of storage described as follows:

PURPOSE OF USE: Add Industrial and Domestic as uses and delete Stockwatering.

PLACE OF USE: Change the description of the irrigated area from 20 acres within S1/2 of SE1/4 of Section 20, T26S, R11E, MDB&M to 5 acres with SE1/4 of SW1/4 of Section 21, T26S, R11E, MDB&M. Also add the winery, residence, and amphitheater as places of use.

REDISTRIBUTION OF STORAGE: Reservoir Nos. 3 (permitted 8 acre-feet) and 4 (permitted 8 acre-feet) were found to be connected and therefore will be considered as one reservoir (Reservoir No. 3) with a capacity of 12 acre-feet. Reservoir No. 1 stores 11 acre-feet.

The proposed changes do not involve an increase in the diversion amount or season of use for the appropriation.

The form titled Environmental Information for Petitions (PET-ENV) must be completed and returned before this Change Petition will be processed. Also, the following fees must accompany this Change Petition before it will be processed: (1) \$100 payable to the "State Water Resources Control Board", and (2) \$850 payable to the "State Department of Fish and Game".

THIS REQUEST FOR LICENSE IS MADE SUBJECT TO THE SWRCB APPROVAL OF ANY PETITION NOTED ABOVE. IF ANY REDUCTION IN AMOUNT, SEASON, OR LAND DESCRIPTION BECOMES NECESSARY WHEN THESE CALCULATIONS ARE CHECKED, THE OWNER WILL BE NOTIFIED AND ALLOWED TIME WITHIN WHICH TO PROTEST THE REDUCTIONS.

PLEASE NOTE BEFORE SIGNING:

A LICENSE IS THE FINAL CONFIRMATION OF THE WATER RIGHT. THE DIVERSION AMOUNT AND SEASON AS LIMITED BY THE LICENSE CANNOT BE INCREASED.

SIGNATURE: Donald H. Van Steenwyk DATE: 12/5/00
PERMITTEE OR AUTHORIZED REPRESENTATIVE

INSPECTED BY: Kris Brown

26448

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 657-2170, FAX: (916) 657-1485, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
CONTROL BOARD
2000 DEC - 7 PM 2: 19
DIV. OF WATER RIGHTS
SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 26448 PERMIT NO. 18300 LICENSE NO.

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION 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 change petition 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.

DISCRIPTION OF CHANGES TO PROJECT

1. Provide a 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.

Applicant requests change of purpose of use, the place of use, and the redistribution of storage described as follows:

PURPOSE OF USE: Add Industrial and Domestic as uses and delete Stockwatering.

PLACE OF USE: Change the description of the irrigated from 20 acres within S½ of SE¼ of Section 20, T26S, R11E. MDB&M to 5 acres within SE¼ of SW¼ of Section 21. T26S, R11E. MDB&M. Also add the winery, residence and amphitheater as places of use.

REDISTRUBUTION OF STORAGE: Reservoir Nos. 3(permitted 8 acre-fee) and 4 (permitted 8 acre-feet) were found to be connected and therefore will be considered as one reservoir (Reservoir No. 3) with a capacity of 12 acre-feet. Reservoir No. 1 stores 11 acre feet.

All structures and locations are existing with no proposed structures, construction activity, grading or excavating. No changes or proposed changes in land use.

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 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, NONE REQUIRED

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

No If so, explain: _____

ENVIRONMENTAL SETTING - NO CHANGES TO ENVIRONMENTAL SETTING

7. Attach THREE COMPLETE SETS of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

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):

CHANGES HAVE NO AFFECT TO FISH SPECIES OR THEIR HABITAT

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):

CHANGES HAVE NO AFFECT TO WILDLIFE OR THEIR HABITAT.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18300

Application 26448 of DONALD H. VAN STEENWYK, DBA HILLTOP RANCH

2450 MISSION STREET, SAN MARINO, CALIFORNIA 91108

filed on JULY 8, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

UNNAMED STREAMS (2)	LAS TABLAS CREEK THENCE
	NACIMIENTO RIVER THENCE
	SALINAS RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) NORTH 1,050 FEET AND WEST 1,400 FEET FROM SE CORNER OF SECTION 20	SW1/4 OF SE1/4	20	26s	11E	MD
(3) NORTH 700 FEET AND WEST 250 FEET FROM SE CORNER OF SECTION 20	SE1/4 OF SE1/4	20	26s	11E	MD
(4) NORTH 525 FEET AND WEST 250 FEET FROM SE CORNER OF SECTION 20	SE1/4 OF SE1/4	20	26s	11E	MD

County of SAN LUIS OBISPO

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
STOCKWATERING	RESERVOIR NO. 1 IN SW1/4 OF SE1/4	20	26s	11E	MD	
	RESERVOIRS NOS. 3 & 4 IN SE1/4 OF SE1/4	20	26s	11E	MD	
IRRIGATION	SE1/4 OF SE1/4	20	26s	11E	MD	10
	SW1/4 OF SE1/4	20	26s	11E	MD	10
					TOTAL	20

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 24 acre-feet per annum to be collected from December 1 of each year to April 30 of the succeeding year as follows: (1) 8 acre-feet per annum in Reservoir No. 1, (2) 8 acre-feet per annum in Reservoir No. 3, (3) 8 acre-feet per annum in Reservoir No. 4.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

8. Said construction work shall be completed on or before DECEMBER 1, 1984.

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985.

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JULY 7 1981

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
CHIEF, DIVISION OF WATER RIGHTS



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
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FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

In Reply Refer
To:341:SO:26448

NOV 14 2000

Mark Kenyon
3025 Buena Vista Drive
Paso Robles, CA 93446

Dear Mr. Kenyon:

PERMIT 18300 (APPLICATION 26448) AN UNNAMED STREAM IN SAN LUIS OBISPO COUNTY

Kris Brown of our staff conducted a pre-license inspection accompanied by you of the storage project covered by the above water right on May 25, 2000. Permit 18300 (copy enclosed) was issued to allow storage in Reservoir Nos. 1, 3, and 4 for stockwatering use and the irrigation of 20 acres within the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 20, T26S, R11E, MDB&M.

During the inspection, it was found that changes had occurred in the project operations. Our inspector found that the irrigated place of use was now 5 acres within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, T26S, R11E, MDB&M. Reservoir Nos. 3 and 4 were found to be connected and we will consider them as one reservoir named Reservoir No. 3. It was also determined that water from the reservoirs was being used at the winery for industrial use and at a residence and an amphitheater for domestic uses. Therefore, a petition for change in the purpose of use, the place of use, and redistribution of storage is required at this time.

It has been recommended that a license be issued pending the approval of all the above changes. Enclosed is a request for license (request) form that incorporates all aspects of the proposed license, including the changes noted above. Please review and if it meets your approval and you are authorized by Mr. Steenwyk to sign on his behalf, please sign the request. The signed request will constitute a petition to change the purpose of use, the place of use, and redistribute storage. Please sign (or have signed), date and return the request with the completed "Environmental Information for Petitions" form that is enclosed along with the appropriate fees. 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.

If I can be of further assistance, please write or call me at (916) 341-5369.

Sincerely,

Shige Okada, Chief
Licensing Unit

Enclosures

cc: Donald H. Van Steenwyk
2450 Mission Street
San Marino, CA 91108

Date 12/4/80

Signature *M. L. King*

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.

CERTIFICATION

12. Do 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: _____

*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 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 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).

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

- | | |
|---|-----------------------------------|
| Urban | Joshua Tree |
| Orchard-Vineyard | Palm Oasis |
| Cropland | Desert Riparian |
| <u>Developed Communities</u> | Valley Foothill Riparian |
| Marine | Montane Riparian |
| Estuarine | Eucalyptus |
| Lacustrine | Blue Oak-Digger Pine |
| Riverine | Valley Foothill Hardwood-Conifer |
| <u>Aquatic Communities</u> | Coastal Oak Woodland |
| Pasture | Valley Oak Woodland |
| Saline Emergent Wetland | Blue Oak Woodland |
| Fresh Emergent Wetland | Valley Foothill Hardwood |
| Wet Meadow | Montane Hardwood |
| Perennial Grassland | Montane Hardwood-Conifer |
| Annual Grassland | Closed-Cone Pine-Cypress |
| <u>Herbaceous Dominated Communities</u> | Aspen |
| Alkali Desert Scrub | Juniper |
| Desert Scrub | Pinyon-Juniper |
| Desert Wash | Redwood |
| Desert Succulent Shrub | Eastside Pine |
| Coastal Scrub | Ponderosa Pine |
| Chamise-Redshank Chaparral | Jeffrey Pine |
| Mixed Chaparral | Douglas-Fir |
| Montane Chaparral | Klamath Mixed Conifer |
| Sagebrush | White Fir |
| Bitterbrush | Sierran Mixed Conifer |
| Low Sage | Mixed Conifer |
| Alpine Dwarf-Shrub | Lodgepole Pine |
| | Red Fir |
| | <u>Tree Dominated Communities</u> |
| | Subalpine Conifer |

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):

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!

- 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

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 _____ Date of contact _____

Department _____ Telephone () _____

b. Assessor's Parcel No. 026-221-027

c. County Zoning Designation AGRICULTURE

d. Are any county permits required for your proposed changes? NONE

If yes, check appropriate space below:

Grading Permit, _____

Use Permit, _____

Obstruction Permit, _____ Change of Zoning, _____

e. Have you obtained any of the required permits described above? NONE REQUIRED

If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? NONE (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.