



# State Water Resources Control Board



**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
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P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

**Arnold Schwarzenegger**  
Governor

## NOTICE OF PETITIONS TO CHANGE THE PLACE OF USE AND PURPOSE OF USE

**PERMIT:** 19330 (A028176)  
**APPLICATIONS:** 30782, 30991  
**PETITIONS FILED:** November 4, 2005

**ISSUED:** October 2, 1984  
**DATE FILED:** November 4, 2005

**COUNTY:** Sonoma

**STREAM SYSTEM:** Russian River

Notice is hereby given that JWV Corporation (petitioner) has filed petitions to add a purpose of use and change the place of use under Permit 19330 (A028176) and Applications 30782 and 30991. The State Water Resources Control Board (State Water Board) will determine whether it should issue an order approving the requested changes, and if so, whether additional conditions are needed in Permit 19330 (A028176) and any permits issued on Applications 30782 and 30991 to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed 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.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioner should be mailed to:

JWV Corporation  
c/o Wagner & Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814

### Description of Project

Permit 28176 (A028176): The State Water Board issued Permit 28176 on October 2, 1984 for 46 acre-feet per annum (afa) to be collected to storage from October 1 of each year to April 30 of the succeeding year for Irrigation and Frost Protection.

Application 30782: The petitioner filed for a water right permit on May 5, 1998 to divert water to storage from four Unnamed Streams tributary to the Russian River and from Russian River subterranean flow for the purposes of Irrigation, Frost Protection, Heat Control, Stockwatering, and Recreation. A total of 306 acre-feet of water per year is proposed to be diverted into five reservoirs from December 15 of each year to March 31 of the succeeding year. This application was noticed on March 3, 2000 and four protests remain outstanding.

Application 30991: The petitioner filed for a water right on March 24, 1999 to divert water to storage from an Unnamed Stream tributary to the Russian River and from Russian River subterranean flow for the purposes of Irrigation and Frost Protection. A total of 46 acre-feet of water per year is proposed to be diverted into an existing onstream reservoir. This application was noticed on March 3, 2000 and four protests remain outstanding.

*California Environmental Protection Agency*

**Summary of Permit 19330 (A028176) and Applications 30782 and 30991**

Permit 19330 (A028176):

County: Sonoma  
 Source: Unnamed Stream tributary to the Russian River thence the Pacific Ocean  
 Point of  
 Diversion: Located within the NW¼ of SE¼ of projected section 3, T9N, R9W, MDB&M  
 Amount: 46 acre-feet per year of storage  
 Season: From October 1 of each year to April 30 of the succeeding year  
 Purposes: Irrigation and Frost Protection  
 Place of Use: 203 acres located within projected sections 2, 3, 9, 10, and 11, T9N, R9W, MDB&M

Application 30782:

County: Sonoma  
 Source: Four Unnamed Streams tributary to the Russian River and Russian River subterranean flow  
 Points of  
 Diversion: See table below  
 Amount: 306 acre-feet per year of storage  
 Season: From December 15 of each year to March 31 of the following year  
 Purposes: Irrigation, Frost Protection, Heat Control, Stockwatering, and Recreation  
 Place of Use: 203 acres located within projected sections 2, 3, 9, 10, and 11, T9N, R9W, MDB&M

Point is Within	Section (projected)	Township	Range	B & M
POD #1: SE¼ of SW¼	3	9N	9W	MD
POD #2: NE¼ of NW¼	11	9N	9W	MD
POD #3: SW¼ of SW¼	2	9N	9W	MD
POD #4: NE¼ of SW¼	2	9N	9W	MD
POD #5: SE¼ of SE¼	3	9N	9W	MD
POD #6: SE¼ of NW¼	2	9N	9W	MD

Application 30991:

County: Sonoma  
 Source: Unnamed Stream tributary to the Russian River and Russian River subterranean flow  
 Points of  
 Diversion: POD #1 located within the SE¼ of NW¼ of projected section 2, T9N, R9W, MDB&M; POD #2 located within NW¼ of SE¼ of projected section 3, T9N, R9W, MDB&M  
 Amount: 46 acre-feet per year of storage  
 Season: From October 1 of each year to April 30 of the succeeding year for the Russian River subterranean flow and from December 15 of each year to March 31 of the

succeeding year for the Unnamed Stream.  
Purposes: Irrigation and Frost Protection  
Place of Use: 203 acres located within projected sections 2, 3, 9, 10, and 11, T9N, R9W,  
MDB&M

### **Summary of Petitions for Change of Permit 19330 (A028176) and Applications 30782 and 30991**

The applicant filed a change petition to add incidental domestic use as a purpose of use and increase the place of use from 203 acres to 222 acres to accurately reflect how the project is being operated. This description conforms to the place of use as surveyed during a compliance investigation for Permit 19330 (A028176) conducted May 10, 2005 by the Division. The correct place of use is 222 acres located within projected sections 2, 3, 4, 9, 10, and 11, T9N, R9W, MDB&M.

### **Environmental Information**

The lead agency will prepare the appropriate environmental documents for the petition according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the changes requested in the petition will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the changes 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

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 changes proposed by the petition.**

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division's website at [www.waterrights.ca.gov/forms/](http://www.waterrights.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 Contact Person listed 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 April 13, 2007**, 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 Contact Person listed below
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 staff person 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.

Permit 19330 (A028176)  
Applications 30782, 30991

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### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Jennifer Dick-McFadden by phone at (916) 322-8568 or by electronic mail at [jdick-mcfadden@waterboards.ca.gov](mailto:jdick-mcfadden@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **March 14, 2007**