

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

STATE WATER RESOURCES CONTROL BOARD
10 OCT 13 PM 1:08
DIV. OF WATER RIGHTS
SACRAMENTO

PETITION FOR CHANGE (Amended)
(WATER CODE 1700)

____ Point of Diversion, ____ Point of Rediversion XX Place of Use XX Purpose of Use
Application A13965A Permit 008632 License 004324A 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: SW ¼ NW ¼, Projected Section 36, T 3 N, R 9 W, M.D.B.&M. *within SW ¼ SE ¼ and SE ¼ NE ¼ of projected Section 25, T3N, R9W, MDBM.*

Proposed: NA.

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

Present: 312 acres located within Projected Sections 26, 35 and 36, T3N, R9W, M.D.B.&M.

*Egg 10/27/10.
see 10/27/10 email.*

Proposed: Stream segment from points of diversion to mouth of creek, as highlighted on attached map.

Purpose of Use

Present: Irrigation (May 1 – November 1).

Proposed: Enhance habitat, fish and wildlife resources, and recreation.

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.

• GIVE REASON FOR PROPOSED CHANGE: Realign water right to benefit Park mission, including enhancing fish and wildlife habitat, and recreation.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? Yes.

There are three Points of Diversion for this water right. Prior owner of this right—Waldo Giacomini and his successors— maintained an intake on Marin County parcel 119-240-67 for use on parcel 119-04-26. Following SWRCB Decision 95-17 which determined that the seasonal summer dam erected to maintain this water right affected coho salmon and steelhead trout, an upstream point of diversion was added. This point of diversion on Lagunitas Creek was from a surface flow influenced well (Downey Well) operated by North Marin Water District. The original structures associated with the original surface point of diversion (APN 119-240-67) were removed as part of the Giacomini Wetlands Restoration Project. The North Marin Water District is currently evaluating closure of the Downey Well through a separate CEQA process.

• WATER WILL BE USED FOR Enhancement of fish and wildlife habitat pursuant to Section 1707. We are seeking to change the entire licensed amount of 2.00 cfs.

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

NA.

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. **No known persons are taking water from Lagunitas Creek between the old points of diversion and confluence with Tomales Bay. No known persons will be affected by this change.**

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 October 4, 20 10 at Fort Collins, Colorado.



William R. Hansen

Acting Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

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ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, 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, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment No. 1

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: Front Desk (Mary) Date of contact: February 21, 2007

Department: Marin County Planning Telephone: (415) 499-6528

County Zoning Designation: Open Area

Are any county permits required for your project? NO* If YES, check appropriate box below: * Liz Lewis, Marin County Public Works (415) 499-7226

Grading permit Use permit Watercourse Obstruction permit Change of zoning
General plan change Other (explain):

- b. Have you obtained any of the required permits described above? NA.
If YES, provide a complete copy of each permit obtained.

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project: **This action was included in the Giacomini EIS/EIR. All actions identified under Alternative D of the EIS/EIR were permitted. Permitting agencies include: California Coastal Commission, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, and State Historic Preservation Office.**

- b. For each agency from which a permit is required, provide the following information:

AGENCY PERMIT TYPE PERSON(S) CONTACTED CONTACT DATE TELEPHONE NO.

See Attachment No. ____

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? **No. All restoration activities associated with the removal of the downstream Point of Diversion were completed as part of the Giacomini Wetland Restoration Project. This request is specific to the water rights license.**

If YES, explain:

See Attachment No. ____

- d. Have you contacted the California Department of Fish and Game concerning your project? YES

If YES, name and telephone number of contact: **Linda Hanson (retired); Greg Martinelli (707) 944-5570. The CDFG issued Streambed Alteration Agreement 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code on May 30, 2008 (see attached State Clearing House File)**

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?

YES

If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: **This conversion, and all associated restoration actions at the POD were included in the Giacomini Wetland Restoration EIS/EIR. The California State Lands Commission (CSLC) was the state CEQA lead on this project. The CSLC**

certified this EIR at their June 28, 2007 meeting, and the Notice of Determination was submitted to the State Clearing House on July 9, 2007.

See Attachment No. 2

If NO, check the appropriate box and explain below, if necessary:

- * Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.
- ** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

No. All physical changes associated with this petition have already been done as part of the Wetlands Project.

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

- b. Will a waste discharge permit be required for your project? **NO**
Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used? **NA**

See Attachment No. _____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? **SHPO determination completed for the Giacomini Wetland Restoration EIS/EIR.**
- b. Will you be preparing an archeological report to satisfy another public agency? **NO**
- c. Do you know of any archeological or historic sites located within the general project area? **NO**

If YES, explain:

See Attachment No. _____

7. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

Along the stream channel immediately downstream from the proposed point(s) of diversion.

Along the stream channel immediately upstream from the proposed point(s) of diversion.

At the place(s) where the water is to be used.


8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments 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: October 16, 2009

Signature: _____

for


Charles W. Pence
Chief, Water Rights Branch
Water Resources Division
National Park Service
(970) 225-3506

Attachment No. 1

The National Park Service (NPS) acquired this water right in conjunction with land purchased from Waldo Giacomini. License No. 4324 was divided between Waldo Giacomini and his successors and the North Marin Water District prior to the time of purchase. At the time of purchase, the National Park Service received License 4324A (2.00 cfs). The North Marin Water District maintains License 4324B (0.67 cfs).

The grantor of the land and water right, Waldo Giacomini, reserved the right to continue use of this License No. 4324A through August 2007 in support of his dairy and cattle operation. Diversion of water pursuant to this License ceased August 2007; thereafter the water was allowed to remain in the stream.

NPS desires to change the use of this License pursuant to Section 1707. Most of the land acquired from Mr. Giacomini has been restored to active floodplain or wetlands as part of the Giacomini Wetland Restoration Project. The impacts of this Project are addressed in the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007). The conversion of License 4324A to instream flow was identified in the Giacomini EIS/EIR. The National Park Service Record of Decision for the Giacomini Wetland Restoration was signed August 16, 2007. The California State Lands Commission, the lead CEQA agency, voted to certify the EIR on June 28, 2007. The Notice of Determination was filed at the California State Clearing House on July 9, 2007.

There will be no construction or re-grading as a result of this petition. All physical work, including removing of diversion structures, was completed during the fall of 2008 as part of the Giacomini Wetland Restoration.

Attachment No. 2

A hard copy of the *Final Giacomini Wetland Restoration Project Environmental Impact Statement/Environmental Impact Report* (2007) has been provided to staff of the State Water Resources Control Board.

The Notices of Determination are attached.

California Home

Thursday, June 18, 2009

[QPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#) > [Document Description](#)

Giacomini Wetland Restoration Project

SCH Number: 2002114002**Type:** NOD - Notice of Determination**Project Description**

Restoration of wetlands and riparian areas through removal of levees along Lagunitas Creek, removal of invasive species, planting of native species, excavation of tidal channels, realignment of Tomasini Creek, and other means.

Project Lead Agency

California State Lands Commission

Contact Information**Primary Contact:**

Joel Gerwein
California State Coastal Conservancy
510-286-4170
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the Lead Agency Responsible Agency California State Coastal Conservancy has approved the project described above on 9/20/2007 and has made the following determinations regarding the project described above.

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

Final EIR Available at: http://www.nps.gov/pore/planning_giacomni_wrp.htm

Date Received: 11/5/2007

[CEQAnet HOME](#) | [NEW SEARCH](#)

California Home

Thursday, June 18, 2009

[OPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#) > [Document Description](#)

Giacomini Wetland Restoration Project

SCH Number: 2002114002**Type:** NOD - Notice of Determination**Project Description**

The National Park Service (NPS), Point Reyes National Seashore, is proposing to restore natural hydrologic processes and wetland functions to significant portions of the project area known as the Giacomini Ranch/Olema Marsh. The stated purpose of this large scale restoration project is to "promote restoration of ecological processes and functions" within the project area and adjoining watersheds. By a combination of actions including removal of levees, tide gates, and culverts, floodwaters of Lagunitas and other Project Area creek that carry sediment, nutrients, and other pollutants will be able to flood onto historic floodplains to be filtered and transformed by the restored wetlands. The California Department of Fish and Game (DFG) is executing Lake and Streambed Alteration Agreement Number 1600-2008-0141-3 pursuant to Section 1602 of the Fish and Game Code to the project Applicant, Don Neubacher, Point Reyes National Seashore, National Park Service.

Project Lead Agency

California State Lands Commission

Contact Information**Primary Contact:**

Jeremy Sarrow
Department of Fish and Game
707 944-5573
Bay Delta Region
P.O. Box 47
Yountville, CA 94599

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the Lead Agency Responsible Agency DFG has approved the project described above on 5/28/2008 and has made the following determinations regarding the project described above.

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

Final EIR Available at: Point Reyes National Seashore National Park Services 1 Bear Valley Road Point Reyes Station, CA 94956

Date Received: 5/30/2008[CEQAnet HOME](#) | [NEW SEARCH](#)

California Home

Thursday, June 18, 2009

[OPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#) > [Document Description](#)

Giacomini Wetland Restoration Project

SCH Number: 2002114002

Type: NOD - Notice of Determination

Project Description

Application for a new General Lease - Public Agency Use for the Giacomini Wetland Restoration Project.

Project Lead Agency

California State Lands Commission

Contact Information

Primary Contact:

Eric L. Gillies
California State Lands Commission
(916) 574-1897
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the Lead Agency Responsible Agency California State Lands Commission has approved the project described above on 6/28/2007 and has made the following determinations regarding the project described above.

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

Final EIR Available at: California State Lands Commission

Date Received: 7/9/2007

[CEQAnet HOME](#) | [NEW SEARCH](#)

California Home

Thursday, June 18, 2009

[OPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#) > [Document Description](#)

Giacomini Wetland Restoration Project

SCH Number: 2002114002**Type:** NOD - Notice of Determination**Project Description**

This project will restore and enhance riparian and wetland habitat for fish and wildlife species, on 556+/- acres of lands adjacent to the south and southeastern edge of Lagunitas Creek on Giacomini Ranch property.

Project Lead Agency

California State Lands Commission

Contact Information**Primary Contact:**

Bonnie Turner
Department of Fish and Game Wildlife Conservation Board
916 445-8448
1807 13th Street, Suite 103
Sacramento, CA 95811-7137

Project Location

County: Marin
City:
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City/Nearest Community: Point Reyes Station, Inverness Park, Olema

Determinations

This is to advise that the Lead Agency Responsible Agency Wildlife Conservation Board has approved the project described above on 8/28/2008 and has made the following determinations regarding the project described above.

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

Final EIR Available at: California State Lands Commission 100 Howe Avenue, Suite 100 South Sacramento, CA 95825-8202

Date Received: 8/29/2008[CEQAnet HOME](#) | [NEW SEARCH](#)

License 4324A
Lagunitas Creek

Looking downstream from
Point of Diversion



June 2005

License 4324A
Lagunitas Creek

Point of Diversion
(diversion facilities have
since been removed)



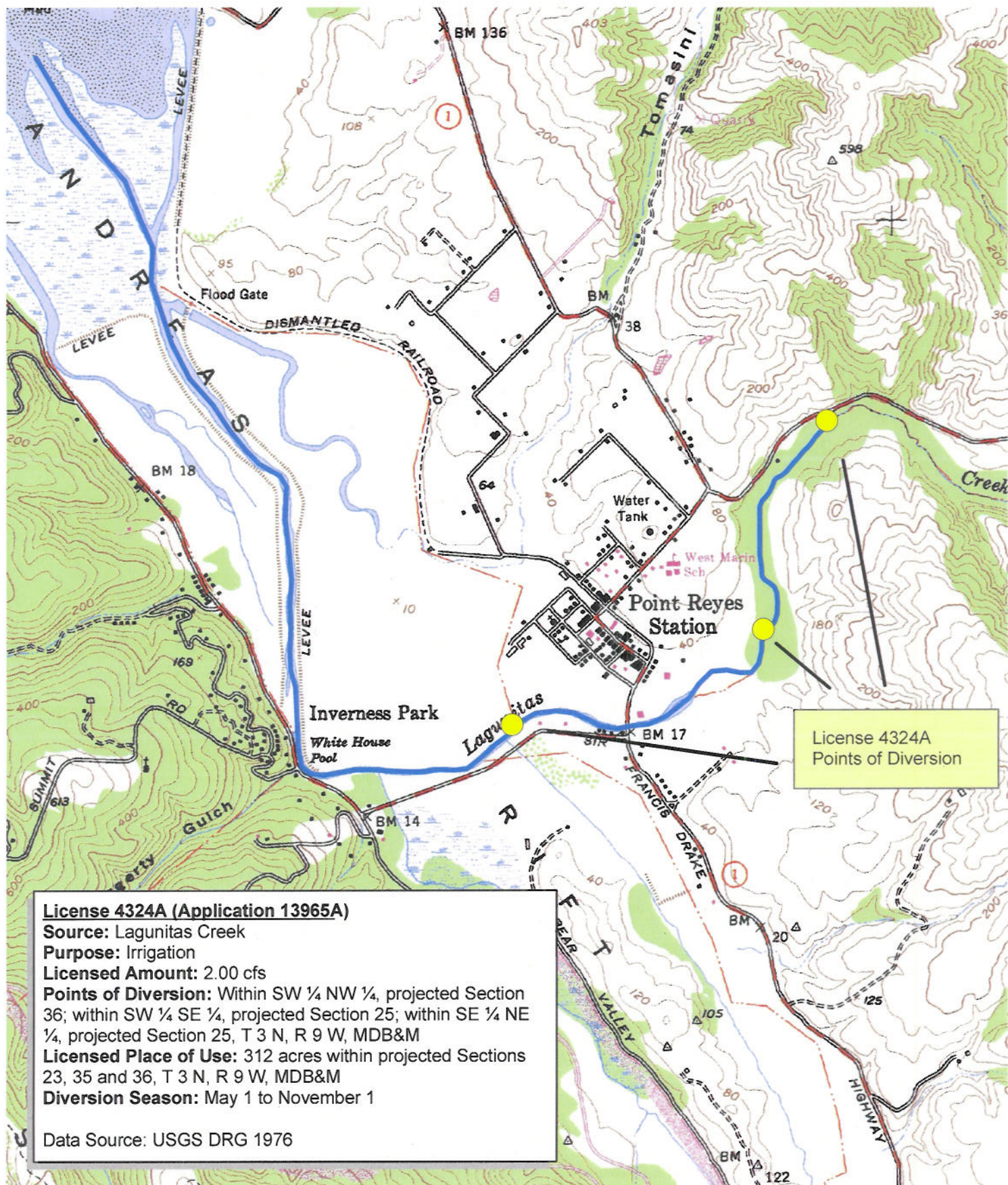
June 2005

License 4324A
Lagunitas Creek

Looking upstream from
Point of Diversion



June 2005



License 4324A (Application 13965A)
Source: Lagunitas Creek
Purpose: Irrigation
Licensed Amount: 2.00 cfs
Points of Diversion: Within SW ¼ NW ¼, projected Section 36; within SW ¼ SE ¼, projected Section 25; within SE ¼ NE ¼, projected Section 25, T 3 N, R 9 W, MDB&M
Licensed Place of Use: 312 acres within projected Sections 23, 35 and 36, T 3 N, R 9 W, MDB&M
Diversion Season: May 1 to November 1

Data Source: USGS DRG 1976

0 750 1,500 3,000 4,500
Feet