



# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
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**Gray Davis**  
Governor

## PETITION FOR CHANGE (WATER CODE 1700)

Point of Diversion, \_\_\_\_\_ Point of Rediversion,  Place of Use, \_\_\_\_\_ Purpose of Use  
Application 21927 Permit \_\_\_\_\_ License 9597 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 See Attachment  
Proposed See Attachment

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

Present See Attachment  
Proposed See Attachment

**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)? \_\_\_\_\_

(yes/no)

- GIVE REASON FOR PROPOSED CHANGE: To accurately describe how the project is operated & to allow for physical changes due to extreme storm events & future relocation of instream diversion facilities.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? See Attachment  
(yes/no)
- WATER WILL BE USED FOR Irrigation PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? ownership  
(ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? NO  
(yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

\_\_\_\_\_  
\_\_\_\_\_

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.

See SWRCB's Files  
\_\_\_\_\_  
\_\_\_\_\_

**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 9-9, 2002 at Sacramento, California

Paula Wheeler  
\_\_\_\_\_  
\_\_\_\_\_

Wagner & Bonsignore, Consulting Civil Engineers 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.

*See paid 5/11/02 \$100.00 NCS 10/15/02 \$850 RDC*

**ATTACHMENT TO PETITION FOR CHANGE  
LICENSES 9597, 9598, 9613 AND 9823  
(APPLICATIONS 21927, 21928, 21929 AND 22702, RESPECTIVELY)  
BY  
FETZER VINEYARDS**

**POINTS OF DIVERSION**

**Existing**

- Application 21927: Located South 2,500 feet and West 1,850 feet from NE corner of projected Section 7, T13N, R11W, MDB&M, being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 7.
- Application 21928: Located South 1,400 feet and West 1,200 feet from NE corner of projected Section 18, T13N, R11W, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 18
- Application 21929: Located North 700 feet and West 700 feet from SE corner of projected Section 18, T13N, R11W, MDB&M, being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 18.
- Application 22702: Located North 700 feet and West 700 feet from SE corner of projected Section 18, T13N, R11W, MDB&M, being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 18.

**Proposed Movable Points of Diversion for Licenses 9597, 9598, 9613 and 9823 (Applications 21927, 21928, 21929 and 22702, Respectively)**

Upstream Limit: Located within the left bank of the riparian corridor of the Russian River between North 488,250 and East 1,685,350, California Coordinate System, Zone 2, being within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 7, T13N, R11W, MDB&M, and

Downstream Limit: Located within the left bank of the riparian corridor of the Russian River between North 477,150 and East 1,685,750, California Coordinate System, Zone 2, being within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18, T13N, R11W, MDB&M.

17

10/02  
PETITIONER  
WJ

**ATTACHMENT TO PETITION FOR CHANGE  
 LICENSES 9597, 9598, 9613 AND 9823  
 (APPLICATIONS 21927, 21928, 21929 AND 22702, RESPECTIVELY)  
 BY  
 FETZER VINEYARDS**

**PLACE OF USE**

**Existing**

- Application 21927: 52 acres within projected Sections 7, 17 and 18, T13N, R11W, MDB&M as stated in License 9597.
- Application 21928: 86 acres within projected Sections 17 and 18, T13N, R11W, MDB&M as stated in License 9598.
- Application 21929: 39.3 acres within projected Sections 17 and 18, T13N, R11W, MDB&M as stated in License 9613.
- Application 22702: 7.7 acres within projected Section 17, T13N, R11W, MDB&M as stated in License 9823.

**Proposed for Licenses 9597, 9598, 9613 and 9823  
 (Applications 21927, 21928, 21929 and 22702, Respectively)**

<u>Use is within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base &amp; Meridian</u>	<u>Acres</u>
NW¼ of SE¼	7	13N	11W	MD	17
NE¼ of SE¼	7	13N	11W	MD	1
SW¼ of SE¼	7	13N	11W	MD	13
SE¼ of SE¼	7	13N	11W	MD	10
NE¼ of NE¼	18	13N	11W	MD	28
SE¼ of NE¼	18	13N	11W	MD	11
NE¼ of SE¼	18	13N	11W	MD	7
SE¼ of SE¼	18	13N	11W	MD	14
NW¼ of NW¼	17	13N	11W	MD	5
SW¼ of NW¼	17	13N	11W	MD	10
NW¼ of SW¼	17	13N	11W	MD	28
NE¼ of SW¼	17	13N	11W	MD	12
SW¼ of SW¼	17	13N	11W	MD	22
SE¼ of SW¼	17	13N	11W	MD	1
NW¼ of NW¼	20	13N	11W	MD	<u>1</u>
<b>TOTAL</b>					<b>180</b>

**ATTACHMENT TO PETITION FOR CHANGE  
LICENSES 9597, 9598, 9613 AND 9823  
(APPLICATIONS 21927, 21928, 21929 AND 22702, RESPECTIVELY)  
BY  
FETZER VINEYARDS**

**AMOUNT OF WATER**

The total amount of water diverted from Licenses 9597, 9598, 9613 and 9823 (Applications 21927, 21928, 21929 and 22702, respectively) shall not exceed 264 acre-feet per year.

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
901 P Street, Sacramento  
P. O. Box 2000, Sacramento, CA 95810

**ENVIRONMENTAL INFORMATION  
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.	PERMIT NO.	LICENSE NO.
21927		9597
21928		9598
21929		9613
22702		9823

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 COMPLETE, 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.

**DESCRIPTION OF CHANGES TO PROJECT**

1. Provide a brief 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.

The Petitions seek to add a movable point of diversion on the left bank of the Russian River between the north (upstream) and south (downstream) ends of the subject property, Valley Oak Ranch. The Petitions also seek to increase and consolidate the place of use. The intent of the proposed movable point of diversion is to allow for future relocation of instream diversion facilities (if require) and to allow for removal of certain instream diversion facilities to be replaced by offset wells.

The place of use will be increased from 177.3 acres to 180 acres as shown on the accompanying map in order to allow for operational flexibility of these rights which are part of a single vineyard operation. At the time these rights were issued a License, the place of use was developed in orchard. Since that time, the place of use has been converted to vineyard. The Licensee acknowledges that the maximum annual amount of water to be diverted pursuant to Licenses 9597, 9598, 9613 and 9823 (Applications 21927, 21928, 21929 and 22702, respectively) is limited to 260 acre-feet.

The 180-acre place of use is currently being served water from direct diversion and storage facilities named in pending water right Applications 30987 and 30988. Further, the Licensee is entitled to receive a portion of the Mendocino County Russian River Flood Control and Water Conservation Improvement District's (Flood Control District) 8,000 acre-foot reservation



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: The Applicant expects that the SWRCB will be the lead agency for this project and will require preparation of the appropriate environmental document pursuant to CEQA.

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 you answered 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? Yes, a report by the Anthropological Studies Center, Sonoma State University prepared a report dated June 2002 which covers the Valley Oak property. A copy will be submitted to the SWRCB.

Do you know of any archeological or historical sites located within the general project area? \_\_\_\_\_

Yes \_\_\_\_\_

If so, explain: See referenced report for details.

### 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 application will be delayed until you furnish the remaining sets!

The photos submitted with Applications 30987 and 30988 adequately show the typical place of use.

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):

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 places of use due to additional water development.

The places of use have been cultivated for 50+ years. Historically the land was planted in orchard. No trees will be removed as a result of these Petitions.

#### 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):

Typical species of fish occurring in the Russian River include the Coho Salmon and Steelhead Trout. The Petitioner has fish screen on their existing diversion facilities.

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 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):

As stated in question #9, the place of use has been developed for many years. We do not believe that any wildlife species will be affected by the project.

\*Note: The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project 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 your,

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 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: \_\_\_\_\_

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 10/8/02 Signature Paul J. Wheeler  
Wagner & Bonsignore  
Consulting Civil Engineers