



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS FOR CHANGE IN POINT OF DIVERSION

LICENSE 2805 (APPLICATION 10068)

PETITIONS FILED: December 19, 2005

STREAM SYSTEM: Snodgrass Slough

COUNTY: Sacramento

Notice is hereby given that Tom Stokes and the Department of Water Resources (DWR) filed petitions for change for License 2805. The State Water Resources Control Board (State Water Board) will determine whether an order approving the changes should be issued for licensed Application 10068, if so, whether conditions are needed in the license to protect the environment, the public interest, and downstream water users. This notice provides a description of the 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. Any correspondence directed to the petitioner should be mailed to:

Tom Stokes
7581 Kile Road
Lodi, CA 95242

Nancy Quan
Department of Water Resources
1416 Ninth Street
Sacramento, CA 94236

Description of Project: Water is directly diverted at a rate of 9.65 cubic feet per second (cfs) from an Unnamed Stream known as Dredger Cut or Lost Slough, tributary to Snodgrass Slough. The point of diversion is on the eastern portion of the place of use. The water is used for irrigation and stockwatering. The point of diversion is located east of Interstate 5. The place of use for the license is about 772.2 acres.

Summary of LICENSE 2805 (APPLICATION 10068):

County: Sacramento.
Source: Unnamed Stream known as Dredger Cut or Lost Slough tributary to Snodgrass Slough.
Point of Diversion: NE ¼ of SE ¼ of section 17, T5N, R5E, MDB&M.
Amount: 9.65 cfs.
Season: March 1 to December 1.
Purpose: Irrigation, stockwatering.

California Environmental Protection Agency



Place of Use: 772.5 acres including 150.2 acres within section 8, 329.4 acres within section 17, 82.9 acres within section 18, 77.7 acres within section 19, and 132.3 acres within section 20, all within T5N, R5E, MDB&M, as shown on map filed with the State Water Board.

Petition Summary for License 2805.

Multiple new owners have purchased the place of use for License 2805. The Division plans to issue new licenses to the new owners for the portion of the place of use that each owner has obtained and associated portion of the water right. Two of the new owners, the Department of Water Resources and Tom Stokes, use different points of diversion than authorized by the license.

Accordingly, these persons have filed change petitions to obtain authorization to use the alternative diversion locations. DWR purchased parcels in the 1970's. At the time DWR purchased the property, the irrigated parcels were using surface water from two points of diversion, one located on Lost Slough and the other located on a drainage canal that discharges water to Lost Slough. The change petition includes a request to add the drainage canal (aka Unnamed Stream) as a source of diversion for License 2805. DWR states that the total quantity of water diverted from both locations and the amount of land irrigated has not changed during the last 30 years. The change petition also requests the addition of a third point of diversion, which is a moveable point of diversion along Lost Slough, to allow use of a pump at any point along the southern boundary of its property. DWR states that there are no authorized diversions between the original points of diversion and the proposed points of diversion. A total of 98 acres are irrigated within the gross acreage owned by DWR of 189 acres.

Tom Stokes has used an alternate point of diversion on Lost Slough, located west of Interstate 5, since construction of Interstate 5. The pump was moved prior to 1980 due to construction of the highway, which cut off access to the original point of diversion. No other changes have been made since the pump was moved. Mr. Stokes has petitioned for approval of the alternate point of diversion.

Environmental Information

DWR is lead agency pursuant to the California Environmental Quality Act (CEQA) for its petition and prepared a Notice of Exemption dated April 11, 2002 for the petition. The State Water Board will be lead agency pursuant to CEQA for the Stokes petition. The State Water Board will prepare the appropriate environmental documents for the project according to CEQA and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project 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 the California Environmental Quality Act.

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 information is not submitted, the State Water Board may reject the protest or request that the 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 change proposed by the petition.**

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. 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 engineer listed as the contact person 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 the **30th** day after the date of this notice (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 engineer listed below under the heading "Contact Person"

4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or email the protest due to the constraints of the noticing period, the fax or email must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights 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 engineer 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.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Katherine Mrowka by phone at (916) 341-5363 or by electronic mail at kmrowka@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **March 24, 2006**

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