



# State Water Resources Control Board



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

**Division of Water Rights**  
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Mailing Address: 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 PETITION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE

**PERMIT 17206B** (APPLICATION 24789B)

**PETITION FILED:** August 1, 2002

**STREAM SYSTEM:** Russian River Tributary to the Pacific Ocean

**COUNTY:** Mendocino

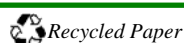
Notice is hereby given that Beckstoffer Vineyards XI filed a petition for change in the point of diversion and place of use for Permit 17206B (Application 24789B). The State Water Resources Control Board (State Water Board) will determine whether it should issue an order approving the change in the point of diversion and place of use for Permit 17206B, and if so, whether additional conditions are needed in the permit to protect the environment, the public interest, and downstream water users.

**GENERAL INFORMATION:** Persons diverting water from a stream must, in certain circumstances, obtain a water right permit issued by the State Water Board, in accordance with provisions of the California Water Code. A water right permit issued by the State Water Board defines the:

- Stream or river from which water is diverted;
- Amount of water that can be diverted;
- Season of the year during which the water can be diverted;
- Point of diversion from the stream;
- Place of use of the diverted water; and
- Purpose of use.

In addition, the water right permit includes a date by which the permittee must apply the water to beneficial use. Any party having a water right permit must submit a petition and receive approval from the State Water Board to change the place of use, the purpose of use, or the point of diversion, or to request an extension of time to make full beneficial use of water. The State Water Board must consider the potential impacts to other water users that could be affected by the proposed change and must also consider the potential environmental impacts that would result from the proposed change. The State Water Board must comply with the requirements of the California Environmental Quality Act (CEQA) prior to the approval of any petition.

This notice provides a description of the project and also describes the procedure and  
***California Environmental Protection Agency***



time frame for submittal of protests against the petition. 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 petitioners should be mailed to:

Beckstoffer Vineyards XI  
 c/o Drew L. Aspegren, P. E.  
 Napa Valley Vineyard Engineering, Inc.  
 176 Main Street, Suite B  
 St. Helena, CA 94574

**Description of Permitted Project:** Permittee pumps water from the Russian River for frost protection of 88 acres of vineyard (see attached map).

**Summary of Permit 17206B (Application 24789B):**

County: Mendocino.  
 Source: Russian River Tributary to the Pacific Ocean.  
 Point of Diversion: Located within NE¼ of SW¼ of Section 10, T14N, R12W, MDB&M.  
 Amount: 4.66 cubic feet per second, with a maximum annual diversion of 23 acre-feet per year.  
 Season: March 1 to May 15 and September 15 to November 1 of each year.  
 Purpose: Frost Protection.  
 Place of Use: As shown on a map on file with the State Water Board.

¼ - ¼ Section	Section	Township	Range	Base & Meridian	Acres
NE¼ of SE¼	9	14N	12W	MD	8
SE¼ of SE¼	9	14N	12W	MD	6
NW¼ of SW¼	10	14N	12W	MD	31
SW¼ of SW¼	10	14N	12W	MD	4
S½ of NW¼	10	14N	12W	MD	2
NE¼ of SW¼	10	14N	12W	MD	21
SE¼ of SW¼	10	14N	12W	MD	15
<b>Total Acres</b>					<b>88</b>

**Summary of proposed changes to Change in Permit 17206B**

The permitted location of the point of diversion has been relocated approximately 350 feet south due to changes in the flow pattern of the Russian River and problems with erosion. The petitioner seeks to replace the existing stationary point of diversion approved by Permit 17206B with two movable points of diversion. The proposed points of diversion are located along an approximate one-half mile stretch of the Russian River between points identified by the California Coordinate System as N 517,400 and E 1,668,050 within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Projected Section 10 and N 520,300 and E 1,667,500 within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Projected Section 10, T14N, R12W, MDB&M, as shown on attached map.

In order to provide greater flexibility in operation of the vineyard, the petitioner also requests to expand the place of use to cover the northern portion of the vineyard, which is irrigated under related License 11173 (Application 24617). The proposed location of the place of use is shown on the attached map.

$\frac{1}{4}$ - $\frac{1}{4}$	Section	Township	Range	Base & Meridian	Acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	9	14N	12W	MD	32.3
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	9	14N	12W	MD	1.7
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	9	14N	12W	MD	4.9
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	9	14N	12W	MD	7.5
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	9	14N	12W	MD	0.2
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	10	14N	12W	MD	16.4
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	10	14N	12W	MD	2.1
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	14N	12W	MD	34.6
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	10	14N	12W	MD	13.3
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	10	14N	12W	MD	12.2
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	14N	12W	MD	5.3
Total Acres					130.5

**Environmental Information**

The lead agency will prepare the appropriate environmental documents for the project

according to the 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 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 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/](http://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 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 the **30<sup>th</sup>** 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 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 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 Division contact person listed below 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 of Water Rights. 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 Luann Erickson by phone at (916) 341-5318 or by electronic mail at [lerickson@waterboards.ca.gov](mailto:lerickson@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/).

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