

MCS
30987



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-0765
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

2003 APR 15 **Gray Davis**
Governor

DIV OF WATER RIGHTS
SACRAMENTO

PETITION FOR CHANGE (WATER CODE 1700)

Application 30987 Permit _____ License _____ Statement or Other _____
 Point of Diversion, Point of Rediversion, Place of Use, _____ Purpose of Use _____

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 _____

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

Present See Attachment
Proposed _____

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 project is and will be operated when all facilities are constructed.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No
(yes/no)
- WATER WILL BE USED FOR Frost Protection 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.

N/A

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 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 March 20 2003 at Hogland, California

[Signature]
signature(s)

(707) 744-7589
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.

4-16-03
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**ATTACHMENT TO PETITION FOR CHANGE
APPLICATIONS 30987
BY
FETZER VINEYARDS**

EXISTING POINTS OF DIVERSION

<u>Point</u>	<u>Description</u>
1	<u>Point of Direct Diversion:</u> Located North 476,400 and East 1,685,000, California Coordinate System, Zone 2, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 7, T13N, R11W, MDB&M.
2	<u>Point of Direct Diversion:</u> Located North 484,000 and East 1,685,900, California Coordinate System, Zone 2, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 18, T13N, R11W, MDB&M.
3	<u>Point of Direct Diversion:</u> Located North 481,700 and East 1,686,700, California Coordinate System, Zone 2, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 18, T13N, R11W, MDB&M.
4	<u>Point of Direct Diversion:</u> Located North 481,500 and East 1,686,300, California Coordinate System, Zone 2, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 18, T13N, R11W, MDB&M.
5	<u>Point of Direct Diversion:</u> Located North 480,200 and East 1,686,300, California Coordinate System, Zone 2, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 18, T13N, R11W, MDB&M.
6	<u>Point of Direct Diversion:</u> Located North 478,900 and East 1,686,200, California Coordinate System, Zone 2, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 19, T13N, R11W, MDB&M.
7	<u>Point of Direct Diversion:</u> Located North 477,300 and East 1,685,800, California Coordinate System, Zone 2, being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 19, T13N, R11W, MDB&M.

**ATTACHMENT TO PETITION FOR CHANGE
APPLICATIONS 30987
BY
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PROPOSED POINTS OF DIVERSION

Proposed Movable Points of Diversion on Russian River – Seven points within this reach, also named in Licenses 9597, 9598, 9613, 9614 and 9602 (Applications 21927, 21928, 21929, 21930 and 21931, 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.

**ATTACHMENT TO PETITION FOR CHANGE
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BY
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EXISTING PLACE OF USE

<u>Use is within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base & Meridian</u>	<u>Acres Cultivated</u>
NW¼ of SE¼	7	13N	11W	MD	17
SE¼ of SE¼	7	13N	11W	MD	10
SW¼ of SE¼	7	13N	11W	MD	13
NE¼ of SE¼	7	13N	11W	MD	16
SE¼ of NE¼	7	13N	11W	MD	9
SW¼ of SW¼	8	13N	11W	MD	7
NW¼ of SW¼	8	13N	11W	MD	17
SW¼ of NW¼	8	13N	11W	MD	1
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	1
SW¼ of NE¼	17	13N	11W	MD	17
SE¼ of NW¼	17	13N	11W	MD	16
SW¼ of NW¼	17	13N	11W	MD	10
NW¼ of SW¼	17	13N	11W	MD	28
NE¼ of SW¼	17	13N	11W	MD	30
NW¼ of SE¼	17	13N	11W	MD	12
SW¼ of SW¼	17	13N	11W	MD	22
SE¼ of SW¼	17	13N	11W	MD	1
NE¼ of NE¼	19	13N	11W	MD	15
SE¼ of NE¼	19	13N	11W	MD	23
NW¼ of NE¼	19	13N	11W	MD	2
SW¼ of NE¼	19	13N	11W	MD	5
NW¼ of NW¼	20	13N	11W	MD	3
SW¼ of NE¼	20	13N	11W	MD	1
SE¼ of NW¼	20	13N	11W	MD	16
SW¼ of NW¼	20	13N	11W	MD	14
NW¼ of SW¼	20	13N	11W	MD	7
NE¼ of SW¼	20	13N	11W	MD	29
NW¼ of SE¼	20	13N	11W	MD	8
SW¼ of SW¼	20	13N	11W	MD	4
SE¼ of SW¼	20	13N	11W	MD	1
TOTAL					415

**ATTACHMENT TO PETITION FOR CHANGE
APPLICATIONS 30987
BY
FETZER VINEYARDS**

PROPOSED PLACE OF USE

<u>Use is within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base & Meridian</u>	<u>Acres Cultivated</u>
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	7	13N	11W	MD	12
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	13N	11W	MD	17
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	13N	11W	MD	26
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	13N	11W	MD	14
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	13N	11W	MD	15
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	8	13N	11W	MD	1
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	8	13N	11W	MD	14
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	8	13N	11W	MD	1
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	8	13N	11W	MD	1
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	8	13N	11W	MD	2
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	13N	11W	MD	28
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	13N	11W	MD	13
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	18	13N	11W	MD	7
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	18	13N	11W	MD	19
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	13N	11W	MD	6
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	17	13N	11W	MD	5
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	13N	11W	MD	15
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	17	13N	11W	MD	10
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	17	13N	11W	MD	17
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	17	13N	11W	MD	27
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	13N	11W	MD	30
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	13N	11W	MD	12
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	13N	11W	MD	22
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	17	13N	11W	MD	1
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	2
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	17
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	6
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	13N	11W	MD	26
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20	13N	11W	MD	1
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20	13N	11W	MD	23
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	20	13N	11W	MD	28
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	20	13N	11W	MD	1
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	30
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	39
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	20	13N	11W	MD	6
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	4
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	13N	11W	MD	4
TOTAL					502

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. 30987 PERMIT NO. _____ LICENSE NO. _____

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 Petition seeks to add 87 acres to the place of use and to change the existing seven points of diversion to movable points 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) to allow for operational flexibility as the points of diversion often have to be moved due to physical changes in the Russian River. The intent of the proposed movable points of diversion is to allow for future relocation of instream diversion facilities (if necessary) and to allow for future removal of instream diversion facilities to be replaced by offset wells.

The place of use will be increased from 415 acres to 502 acres as shown on the accompanying map to include all existing and potential lands. Water to irrigate these lands are also covered by Licenses 9597, 9598, 9613, 9614, 9602, 9604 and 9823 (Applications 21927, 21928, 21929, 21930, 21931, 21932 and 22702 respectively). Further, the Petitioner 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 pursuant to Permit 12947B for its irrigation use. The Flood Control District has historically included Fetzer Vineyards' water use on the Valley Oak Ranch in its Progress Reports for Water Right Permit 12947B. As such, Fetzer Vineyards believes it is using water pursuant to the Flood Control District's Permit 12947B for diversions made that are in not covered by Licenses 9597, 9598, 9613, 9614, 9602, 9604 and 9823.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- (a) Person contacted Mendocino County Date of Contact 6/1999
Department Planning & Building Telephone (707) 463-4281
- (b) Assessor's Parcel No. 1) 048-320-12, 14, 15, 16; 048-160-01; 048-020-02, 03; 048-100-01; 048-060-01 2) 048-100-06, 07 3) 048-060-02
- (c) County Zoning Designation 1) Ag 40, F.P.; 2) Rangeland, F.P.; 3) Rangeland
- (d) Are any county permits required for your proposed changes? Yes If you answered yes, check appropriate spaces below:
X Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit,
_____ Change of Zoning, _____ General Plan Change, _____ Other explain: _____
- (e) Have you obtained any of the required permits described above? No If you answered yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? No [i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.] For each agency from which a permit is required provide the following information:

Permit type _____
Person contacted _____ Agency _____
Date of Contract _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? No

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 included with the CEQA documentation. Upon request, 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: Multiple sites were located, 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 enclosed photos show the place of use and points of diversion requested to be added by this Petition.

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 majority of places of use to be added have been cultivated for 50+ years, otherwise it is naturally cleared. Historically the land was planted in orchard. The place of use will be developed and planted in naturally clear areas.

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 screens on their existing diversion facilities in the Russian River. However, it is intended that in the future these diversion facilities will be removed and replaced by offset wells.

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 majority of the place of use has been developed for many years. We do not believe that any wildlife species will be affected by the project. A Biological Resources Survey was conducted in Spring 2002 and a will be included in the CEQA documentation.

*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 March 20, 2009 Signature 

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