

Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

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January 17, 2019

Mr. Scott McFarland
State Water Resources Control Board
P.O. Box 2000
Sacramento, California 95812-2000

Re: License 5880 (Application 014489) and License 12341 (Application 024505) of Cloud Peak Corporation, Petitions for Change in Place of Use.

Dear Mr. McFarland:

On behalf of Cloud Peak Corporation, enclosed are two petitions for change of place of use for the subject licensed rights, including the environmental information forms, maps and photos.


Enclosed are the following checks for the required filing fees:

- \$1,000 filing fee to the State Water Resources Control Board for License 5880
- \$1,000 filing fee to the State Water Resources Control Board for License 12341
- \$850 environmental fee to the Department of Fish and Wildlife (as the two licenses cover a single pond and comingled place of use, a single environmental review fee is required.)

Please contact me if you have any questions.

Very truly yours,

WAGNER & BONSIGNORE
CONSULTING CIVIL ENGINEERS



Ryan Stolfus

Encl. ✓
Cc: Keith Horn
David Hines (CDFW)

A024505

SWRCB - DWR
'19 JAN 22 AM 11:13

Please indicate County where your project is located here:

Napa

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion Wat. Code, § 1701
 - Point of Rediversion Cal. Code Regs., tit. 23, § 791(e)
 - Place of Use Wat. Code, § 1701
 - Purpose of Use Wat. Code, § 1701
 - Distribution of Storage Cal. Code Regs., tit. 23, § 791(e)
 - Temporary Urgency Wat. Code, § 1435
 - Instream Flow Dedication Wat. Code, § 1707
 - Waste Water Wat. Code, § 1211
 - Split Cal. Code Regs., tit. 23, § 836
 - Terms or Conditions Cal. Code Regs., tit. 23, § 791(e)
 - Other
- Application Permit License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:

Proposed:

chk#16784 / Rec'd 1-22-19
\$850.00 / chk#16783
\$1,000.00

Temporary Urgency

This temporary urgency change will be effective from [] to [] .

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location: []
Downstream Location: []

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.
[]

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

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

If by lease or agreement, state name and address of person(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 redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.
[]

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated [1/17/2019] at [Sacramento, CA] .

Right Holder or Authorized Agent Signature Paula J. Whealen, Wagner & Bonsignore Consulting Civil Engineers Right Holder or Authorized Agent Signature []

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

1/17/2019 (by copy of this Petition)

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?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

[Empty text box for additional information]

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

[Empty text box for Date of Contact]

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Jon McDowell

Date of Contact: October 4, 2018

Department: Planning Division

Phone Number: (707) 253-4417

County Zoning Designation: AW (Agricultural Watershed)

Are any county permits required for your project? If yes, indicate type below.

Yes No

- Grading Permit
- Use Permit
- Watercourse
- Obstruction Permit
- Change of Zoning
- General Plan Change
- Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

[Empty text box for additional information]

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
 Dept of Water Resources, Division of Safety of Dams California Coastal Commission
 State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
 Bureau of Land Management Federal Energy Regulatory Commission
 Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. N/A Yes No

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

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

The project is existing and no additional work is required. The point of diversion, place of storage and place of use are fully developed.

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations: Photographs of requested place of use only

Along the stream channel immediately downstream from each point of diversion

Along the stream channel immediately upstream from each point of diversion

At the place where water subject to this water right will be used

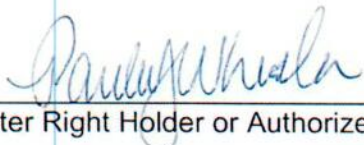
Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated at .



Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

Paula J. Whealen, Wagner & Bonsignore Consulting Civil Engineers

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

**Attachments to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**

Description of Proposed Changes or Work Remaining to be Completed

License 5880 (Application 014489)

Through this Petition, Licensee seeks to change the place of use from the 4.75 acres currently authorized to the 38 acres of existing vineyard that are currently developed and being served, as shown on the attached map. The pond identified as the point of diversion and place of storage in this License is also identified as the point of diversion and place of storage for License 12341, which authorizes irrigation of a separate property. Licensee is requesting to change the place of use under this License and in a companion petition for License 12341, that is concurrently being filed, to change the place of use to cover the same existing 38 acres of developed lands on both properties. This will allow water diverted under either right to be used on either property. The project is fully developed, and no further development is requested.

Although this Petition requests an increase in place of use, no increase in the amount of water used under this right is proposed. This License authorizes a maximum diversion of 4 acre-feet per year. It was issued in 1959 for irrigation uses. When this License was issued in 1959, sprinklers were used to irrigate 0.25 acres of "truck farm" crops and 4.5 acres of orchard within the place of use. Due to the change in crop type (from truck farm crops and orchards to only grapes), advancement in irrigation practices, and the current use of drip irrigation, the same amount of water used to irrigate 4.75 acres of truck farm crops and orchards in 1959 is capable of irrigating a much larger area of vineyards today, which allows an expansion in place of use without an increase in water use above the licensed amount.

License 12341 (Application 024505)

Through this Petition, Licensee seeks to change the authorized place of use from the three acres currently authorized to the 38 acres of existing vineyard that are currently developed as shown on the attached map (the same 38 acre referenced in the description for License 5880). The pond identified as the point of diversion and place of storage in this License is also identified as the point of diversion and place of storage for License 5880, which authorizes irrigation of a separate property. Licensee is requesting to change the place of use under this License and in a companion petition for License 5008, that is concurrently being filed, to change the place of use to cover the same existing 38 acres of developed lands on both properties. This will allow water diverted under either right to be used on either property. The project is fully developed and no further development is requested.

Although this Petition requests an increase in place of use, no increase in the amount of water used under this right is proposed. This License authorizes maximum diversions of 6 acre-feet per year but restricts combined annual water use under this License and License 5880 to 6.6 acre-feet. When this License was issued in 1987, water diverted under this License was used to serve "a home and horses" and also to drip irrigate 3 acres of vineyard. Due to advancement in irrigation practices and the change to solely a vineyard irrigation use, the same amount of water used to irrigate three acres of vineyard and serve domestic and stockwatering uses in 1987 is capable of irrigating a much larger area of vineyards today, which allows an expansion in place of use without an increase in water use above the licensed amount.

**Photographs to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**



Point of Diversion #1 – Typical Place of use and Pond named in Licenses 5880 and 12341

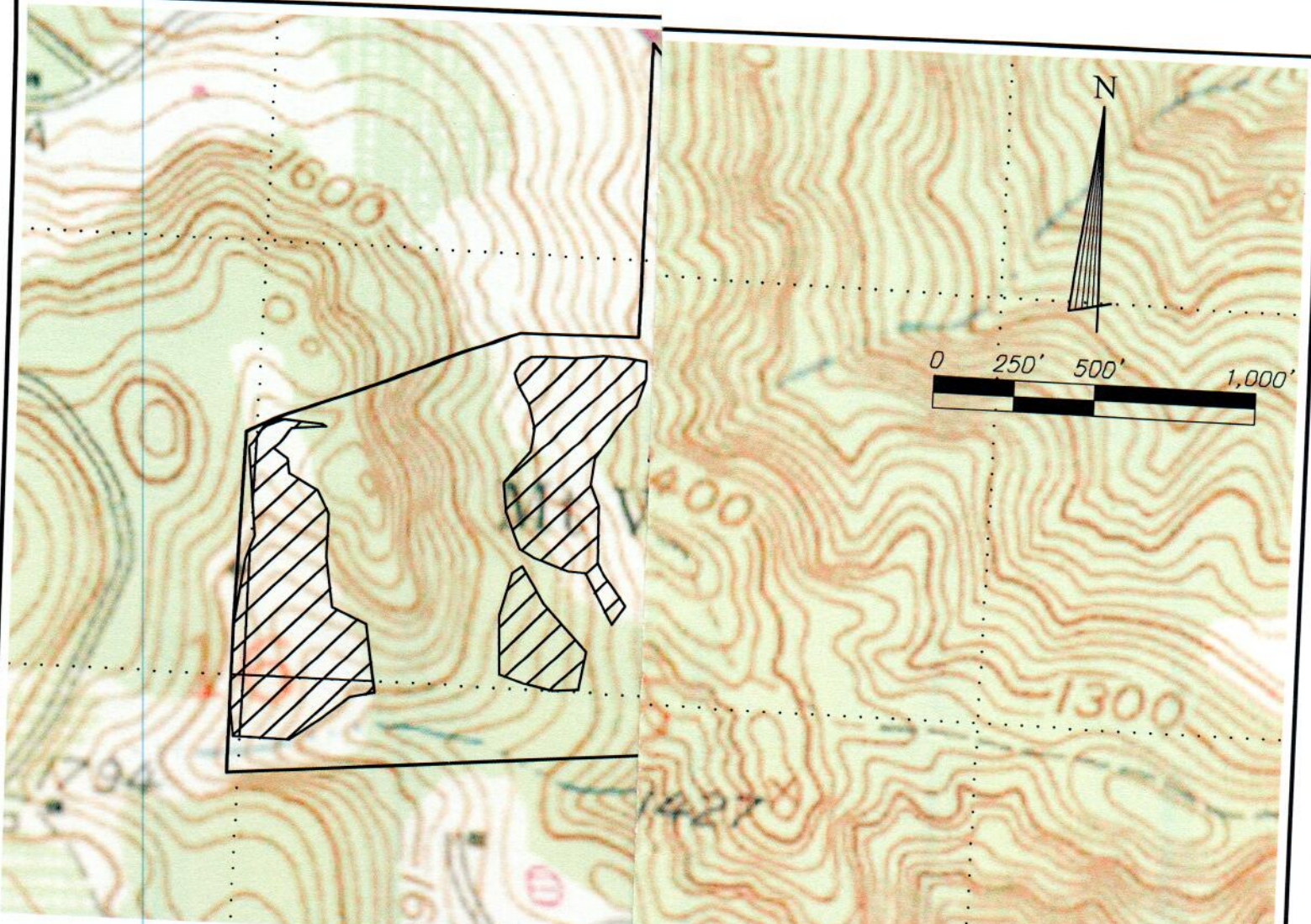


Point of Diversion #1 – On Dam Looking Upstream

**Photographs to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**






Typical Place of Use



Place of Use (As Requested By This Petition):

Use Within	Section	Township	Range	B.&M.	Acres	Pr Cu Winery Ranch
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	16	T6N	R5W	M.D.	1	
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	T6N	R5W	M.D.	1	
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	16	T6N	R5W	M.D.	11	
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	16	T6N	R5W	M.D.	2	
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	16	T6N	R5W	M.D.	12	
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	15	T6N	R5W	M.D.	10	
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	15	T6N	R5W	M.D.	$\frac{1}{2}$	
					38	

Legend

-  Winery Ranch Authorized Place of Use License 5880 (A14489) - 4.75 ac
-  North Ranch Authorized Place of Use License 12341 (A24505) - 3 ac
-  Proposed Place of Use (all existing) - 38 ac

Map to Accompany
 Petition for Change
 for
 Water Right License 5880 (A014489)
 and
 Water Right License 12341 (A024505)
 by
 Mt. Veeder Vineyards
 Napa County, California

Wagner & Bonsignore
 Consulting Civil Engineers, A Corporation

Base map per USGS 7.5 Minute Quad map for Sonoma.

**Attachments to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**



2016 Google Earth Aerial Photo Showing Pond and
Vineyard Development of Property named in License 5880

**Photographs to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**



2007 Google Earth Aerial Photo Showing Pond and
Vineyard Development of Property named in License 5880

**Photographs to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**



2016 Google Earth Aerial Photo Showing Pond and
Vineyard Development of Property named in License 12341

**Photographs to Accompany - Petitions for Change
License 5880 (Application 014489) and License 12341 (Application 024505)
Cloud Peak Corporation**



2007 Google Earth Aerial Photo Showing Pond and
Vineyard Development of Property named in License 12341