

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 75-118

PETITION BY VINIFERA ASSOCIATES FOR  
A DETERMINATION OF RIGHTS UNDER  
LICENSE 9718 ISSUED ON PERMIT 7795

WHEREAS:

1. Vinifera Associates, a California Limited Partnership, is the holder of License 9718, (Application 13288, Permit 7795) which allows appropriation of 0.7 cfs of water from the Russian River from June 1 to October 15 for the purpose of irrigation, having been assigned that license by the State of California, Mendocino State Hospital.
2. On October 21, 1975, the State Board received a "Petition to Determine Water Rights under Permit No. 7795, and License No. 9718" from Vinifera Associates, which petition alleges that Vinifera Associates purchased certain property from the State of California in reliance on a representation that water was being taken from the Russian River under Permit 7795, which allowed appropriation of 3.0 cfs for use on that property.
3. Vinifera Associates further alleges that subsequent to that purchase it discovered that the State Board had issued License No. 9718 covering only part of the use of water permitted under Permit No. 7795, and that it believes that the property is less valuable if it is entitled to use only that amount of water specified in License 9718.
4. Vinifera Associates petitions for the following:
  - a. An order declaring that in the event it can demonstrate to the satisfaction of the State Board that it is beneficially using water from the Russian River in excess of 0.7 cfs and less than 3.0 cfs on the land covered by Permit No. 7795, it is entitled to a license confirming said use with a priority based on the application upon which Permit No. 7795 was issued;
  - b. An order finding that the State Board is estopped from denying that Vinifera Associates is entitled to a license to use the water in excess of the 0.7 cfs specified in License No. 9718 and less than the 3.0 cfs specified in Permit No. 7795.

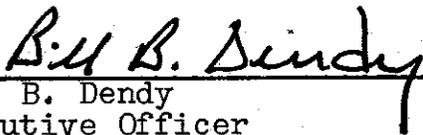
5. The record relating to License No. 9718 discloses no errors in the processing of this water right on the part of the State Board.
6. The State Board has no authority to grant the relief requested by Vinifera Associates.

THEREFORE BE IT RESOLVED:

1. That the Petition of Vinifera Associates for a determination of rights under Permit 7795 and License No. 9718 must be and is hereby dismissed.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 18, 1975.

  
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Bill B. Dendy  
Executive Officer