

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2008-0001-DWR

In the Matter of Application 29772
Michael Sass

ORDER APPROVING ISSUANCE OF PERMIT

SOURCE: Unnamed Stream tributary to Starr Creek thence the Russian River
COUNTY: Sonoma County

WHEREAS:

1. George Hoffberg filed application 29772 with the State Water Resources Control Board (State Water Board) on July 5, 1990. On February 25, 1993, Application 29772 was assigned to Mr. Brian Barbota, then subsequently assigned to Mr. Michael Sass on August 5, 1997.
2. All protests to approval of the application have been resolved by inclusion of permit conditions and by dismissal pursuant to Water Code section 1335, subdivision (d).
3. The State Water Board has determined that there is unappropriated water available to serve Application 29772. Robertson Engineering prepared and submitted a water availability analysis on March 21, 2007, documenting the availability of water. Division of Water Rights staff conducted a supplemental hydrologic analysis of the flow related impacts associated with approval of Application 29772. Division of Water Rights staff analysis concluded that unappropriated water is available and that approval of the application, as conditioned, would not result in potentially significant impacts to anadromous fish or aquatic resources. The water will be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The water will be diverted and used without injury to any lawful user of water. The Division issued a public notice of Application 29772 on November 21, 1997. Based on the water availability analysis, water is available to serve this application without injury to prior rights. Protests were filed by California Sportfishing Protection Alliance and Trout Unlimited of California on the bases of injury to the environment. The protests were resolved through inclusion of terms in the permit that were agreed upon by the Protestant and the Applicant.
5. The intended use is beneficial. The applicant requested to store water in a 40 acre-foot capacity reservoir for recreation. The proposed water use is beneficial.

6. Approval of this project will not result in an adverse physical change to the environment relative to the conditions that existed at the time Water Right Application 29772 was filed. The project is exempt from CEQA under California Code of Regulations, title 14, section 15301. The Division will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.

NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 29772, subject to the conditions of the attached permit.

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel
for Victoria A. Whitney, Chief
Division of Water Rights

JAN - 2 2008
Dated: