



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
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 TO CHANGE THE PLACE OF USE AND POINTS OF DIVERSION

**APPLICATION:** 31034

**PETITION FILED:** August 20, 2004

Notice is hereby given that Gordon Family Ranch (Applicant/Petitioner) has filed a petition to change the place of use and the points of diversion under the above application. Petitioner seeks to divert water from points on or tributary to LedgeWood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay in Napa County. The State Water Resources Control Board (State Water Board) will determine whether the Application should be amended and, if a water right permit is issued, the extent to which specific conditions will be needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed changes and also describes the procedure and time frame for submittal of protests against the petition. The Division of Water Rights (Division) will not accept protests that are directed against the underlying application, rather than the change proposed by the petition. This notice may be viewed at the Division's website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioner should be mailed to:

Gordon Family Ranch  
c/o James C. Hanson  
444 North Third Street, Suite 400  
Sacramento, CA 95814-0228

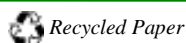
### DESCRIPTION OF THE PROJECT

The subject petition concerns a partially-constructed project located approximately five miles east of the city of Napa. Petitioner filed Application 31034 on March 21, 2000. It proposes construction of a 200 acre-foot (af) reservoir on Unnamed Stream tributary to LedgeWood Creek (Point Of Diversion{POD} #1), which would additionally store water via pipelines from POD # 2, located on Unnamed Stream tributary to LedgeWood Creek and from POD #3, on LedgeWood Creek. Also included is an existing 20 af reservoir on Unnamed Stream tributary to LedgeWood Creek (POD #4). The total amount to be appropriated is 220 acre-feet per annum (afa) during a diversion season of November 1 to May 31. The purpose of use is irrigation of 159 acres, heat control, frost protection, fire protection, stockwatering, incidental recreation and domestic. A public notice of Application 31034 was published by the State Water Board on January 26, 2001 and one protest was received.

On August 20, 2004, the applicant filed a petition with the State Water Board to amend Application 31034 so as to:

- 1) reduce the place of use to 95 acres;
- 2) reduce the total amount appropriated to 64 afa;

*California Environmental Protection Agency*



- 3) abandon POD # 1 (200 af reservoir), POD #2 & POD #3;
- 4) reduce the capacity of POD #4 from 20 af to 15 af and correct its California Coordinate description.
- 5) add a 49-af onstream reservoir (POD #5) partially supplied by two new points of diversion to offstream storage (PODs #6 & 7).

### APPLICATION INFORMATION (PRIOR TO PETITION)

County: Napa.  
 Applicant: Gordon Family Ranch.  
 Source & (POD):

POD #1: point of onstream storage and point of rediversion for water diverted at pod #2 & #3; Unnamed Stream tributary to Gordon Valley Creek thence Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay. SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 28, T6N, R2W, MDB&M. Zone 2, North 243,200 and East 1,974,350, California Coordinate System 1927. Storage capacity: 200 af.

POD #2: point of diversion to offstream storage at pod #1 & pod #4 Unnamed Stream tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay. SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, T6N, R2W, MDB&M. Zone 2, North 242,700 and East 1,976,950, California Coordinate System 1927.

POD #3: point of diversion to offstream storage at pod #1 & pod #4 Unnamed Stream tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay. SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, T6N, R2W, MDB&M. Zone 2, North 242,500 and East 1,977,050, California Coordinate System 1927.

POD #4: point of diversion to onstream storage and point of rediversion for water diverted at pod #1, #2 & #3 Unnamed Stream tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay. SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 32, T6N, R2W, MDB&M. Zone 2, North 236,950 and East 1,971,700, California Coordinate System 1927. Storage capacity: 20 af.

Amount, Season & Use: 220 afa to be collected from November 1 to May 1 of each year for irrigation, heat control, frost protection, fire protection, incidental recreation, domestic and stockwatering use. Maximum rate of diversion to offstream storage shall not exceed 5 cubic feet per second (cfs).

Place of Use:

Use is within	Section	Township	Range	Base and Meridian	Acres	Previously Cultivated
SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	28	6N	2W	MD	8	YES
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	28	6N	2W	MD	16	YES
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	28	6N	2W	MD	14	YES
NW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	13	YES
NE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	20	YES
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	9	YES
SE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	26	YES
NW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	8	YES
NE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	6	YES
NW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	5	YES
NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	14	YES
SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	33	6S	2W	MD	20	YES
				<b>Total Acres:</b>	<b>159</b>	

**PETITION TO AMEND APPLICATION**

Change in Place of Use: Petitioner seeks to reduce the Place of Use to the following:

Use is within	Section	Township	Range	Base and Meridian	Acres	Previously Cultivated
NW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	17	YES
NE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	27	YES
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	2	YES
SE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	32	6N	2W	MD	17	YES
NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	12	YES
SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	33	6N	2W	MD	20	YES
				<b>Total Acres:</b>	<b>95</b>	

Change in POD's: Petitioner seeks a change in points of diversion as follows:

- 1) abandon POD #1, POD #2, & POD #3;
- 2) correct the California Coordinate Description of POD #4;
- 3) reduce the capacity of POD #4 from 20 af to 15 af and correct its California Coordinate description and,
- 4) add POD #5, POD #6 & POD #7, as follows:

Source & (POD):

POD #4: Point Of Diversion To Onstream Storage and Point of Rediversion For Water Diverted at Pod #6 & #7.

Unnamed Stream tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay thence Pacific Ocean. SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 32, T6N, R2W, MDB&M. Zone 2, North 237,000 and East 1,971,650, California Coordinate System 1927. Storage capacity: 15 af.

POD #5: Diversion to Offstream Storage and Point of Rediversion For Water Diverted at POD #6 & POD #7.

Unnamed Stream tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay thence Pacific Ocean. SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 32, T6N, R2W, MDB&M. Zone 2, North 237,550 and East 1,971,750, California Coordinate System 1927. Storage capacity: 49 af.

POD #6: Diversion to Offstream Storage at POD #4 & POD #5.

Ledgewood Creek tributary to Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay thence Pacific Ocean. NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, T6N, R2W, MDB&M. Zone 2, North 238,650 and East 1,972,300, California Coordinate System 1927.

POD #7: Diversion to Offstream Storage at POD #4 & POD #5.

Gordon Valley Creek tributary to Ledgewood Creek thence Peytonia Slough thence Suisun Slough thence Suisun Bay thence San Francisco Bay thence Pacific Ocean. NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 32, T6N, R2W, MDB&M. Zone 2, North 238,640 and East 1,971,300, California Coordinate System 1927.

Amount, Season & Use: 64 afa to be collected from November 1 to May 1 of each year for irrigation, heat control, frost protection, fire protection, incidental recreation, domestic and stockwatering use. Maximum rate of diversion to offstream storage shall not exceed 5 cfs.

## **ENVIRONMENTAL INFORMATION**

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (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; SWRCB, 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. There must be a clear link between the proposed change and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the petition is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed change would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the proposed change will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed change on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed change and how the change will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the petitioner a duplicate copy 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.

### **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 given at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner.**

### **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 given below under the heading "Contact Person"
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 contact person given below to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the petitioner are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a “minor” petition for change (the subject diversion is 3 cfs or less by direct diversion or 200 af or less per year by storage) as defined by section 1704.4 of the Water Code. Therefore, any protest issues not resolved by the petitioner or by provisions of section 1703.6 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

**CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Mitchell Moody by phone at (916) 341-5383 or by electronic mail at [mmoody@waterboards.ca.gov](mailto:mmoody@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/).

Date of Notice: **April 1, 2005**