

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

DIVISION OF WATER RIGHTS

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In the Matter of Riparian Diversion Statements 15199, 15200, 15201, and 15202

**Beckstoffer Vineyards XIV**

**ORDER APPROVING INSTREAM FLOW DEDICATION**

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SOURCE: Russian River and Russian River Underflow thence Pacific Ocean

COUNTY: Mendocino

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**WHEREAS:**

1. Beckstoffer Vineyards XIV (Petitioner) filed a petition pursuant to Water Code section 1707 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on January 18, 2011. The petition was filed for the riparian right described in Statements of Water Diversion and Use (Statements) 15199, 15200, 15201, and 15202.
2. The Petitioner has requested that:
  - a. Downstream portions of the Russian River flow from the point of diversion (POD) #5 identified under Statement 15202 (see petition map, dated January 18, 2011, on file with the State Water Board) to the mouth of the Russian River be added to the description of the place of use;
  - b. Recreation, and preservation and enhancement of fish and wildlife resources be added as purposes of use; and
  - c. The pumping capacity be modified at PODs #2, #3, #4, and #5 such that the rate of diversion will be reduced to a maximum of 9.875 cubic feet per second (cfs). Approximately 20.125 cfs of the combined instantaneous rate of diversion between POD #2 and POD #5 will be dedicated to instream use.
3. The action requested in the petition is part of a larger project that is categorically exempt from the requirement for the preparation of environmental documents under California Environmental Quality Act (CEQA) in accordance with the criteria for Class 1 (Existing Facilities), Class 4 (Minor Alterations to Land), Class 7, and Class 8 (Action by Regulatory agencies for Protection of Natural Resources and the Environment) exemptions identified in Title 14, California Code of Regulations, sections 15301, 15304, 15307, and 15308, respectively.
4. The State Water Board finds that the petition will neither increase the amount of water that the Petitioner is entitled to use nor unreasonably affect any legal user of water, and otherwise meets the requirements of Division 2 of the Water Code. (Wat. Code, § 1707.) These findings are based on the "Memo to File", dated April 21, 2014, prepared by Division staff. An accounting of the volume or rate of flow of the riparian right dedicated to instream use may be relied upon for purposes of curtailment or other limitation on the diversion of water only if prior notice of the

accounting was provided to the legal users of water subject to such limitation. Accordingly, the petition is approved subject to the conditions imposed herein.

5. The amount of water dedicated to instream use under this Order is limited to a correlative share of the natural flow of the Russian River. This Order does not adjudicate the riparian right described in Statements 15199, 15200, 15201, and 15202.
6. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights, and authorized redelegation, to act on change petitions and take related actions to comply with CEQA. This authority has been so redelegated.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the place of use is modified to include the portion of the Russian River flow from POD #5 to the mouth of the Russian River for that portion of the riparian right dedicated to instream use.
2. The purposes of use are modified to include recreation, preservation, and enhancement of fish and wildlife resources.
3. From the period of March 15 to May 15 of each year, the Petitioner shall dedicate up to 20.125 cfs to instream use. The combined instantaneous rate of diversion for beneficial use at the place of use shall not exceed 9.875 cfs at the following PODs:
  - a. POD #2 – operated under Statement 15200 located at North 2,123,075 feet and East 6,247,075 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of NE¼ of projected Section 18, T13N, R11W, MDB&M;
  - b. POD #3 – operated under Statement 15199 and License 9434 located at North 2,121,260 feet and East 6,247,035 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of SE¼ of projected Section 18, T13N, R11W, MDB&M;
  - c. POD #4 – operated under Statement 15201 located at North 2,119,105 feet and East 6,246,620 feet by California Coordinate System of 1983, Zone 2, being within NW¼ of NE¼ of projected Section 19, T13N, R11W, MDB&M; and
  - d. POD #5 – operated under Statement 15202 and License 8627 located at North 2,118,360 feet and East 6,246,280 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of NE¼ of projected Section 19, T13N, R11W, MDB&M.
4. The Petitioner shall continue to submit the Supplemental Statements of Water Diversion and Use in accordance with Water Code section 5104 and shall include the following: (a) the total quantity diverted under Statements 15199, 15200, 15201, and 15202; (b) the quantity consumptively used; and (c) the quantity dedicated to instream flow resources pursuant to this order. No credit shall be given for instream flow dedication pursuant to Water Code section 1707 unless the required documentation is timely submitted and whenever requested by the Division of Water Rights.
5. If the Petitioner submits Supplemental Statements of Water Diversions and Use that includes the quantity dedicated to instream flow resources pursuant to this order, then the Petitioner shall include documentation with supplemental statements to show that natural flow was available at the PODs at the time of dedication and water would have been used under the riparian claim

absent the project modifications. This documentation may include but is not limited to, gage readings from USGS Gage 11461000 (Russian River near Ukiah), Lake Mendocino release data, temperature, and estimated frost demand information.

6. The State Water Board may supervise diversion and use of water under this order for the protection of lawful users of water and instream beneficial uses and for compliance with the conditions. The Petitioner shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this order.
7. The conditions of this order apply to the riparian right described in Statements 15199, 15200, 15201, and 15202, and shall apply to and bind all successors and assigns of that right. This order shall be recorded by the Petitioner in the County of Mendocino within 30 days of the date of this order.

#### STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
JOHN O' HAGAN (FOR)

*Barbara Evoy, Deputy Director*  
*Division of Water Rights*

Dated: MAR 14 2016

**State of California, State Water Resources Control Board**

Division of Water Rights  
 P.O. Box 2000, Sacramento, CA 95812-2000  
 Info: (916) 341-5300, Web: http://www.waterboards.ca.gov/waterrights

S015202  
 2007, 2008, 2009

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM**

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

**Owner(s) of Record:**  
 STEPHEN N THOMAS; DIANA J THOMAS

Complete and Return This Form by JULY 1, 2010

**Primary Contact:**  
 JOHN HALL THOMAS  
 PO BOX 748  
 UKIAH, CA 95482

**Agent:**  
**Address:**

**Phone No.** 707-621-1357  
**Fax No.**  
**E-mail Address:**

**Phone No.**  
**Fax No.**  
**E-mail Address:**

**Source Name:**  
**Tributary To:**  
**County:**  
**Diversion within:**

**Year of First Use:** 1980  
**Name of Diversion works:**  
**Assessor Parcel Number of the Diversion site:**

2010 APR -5 PM 12:17  
 DIVISION OF WATER RIGHTS  
 SACRAMENTO  
 STATE WATER RESOURCES CONTROL BOARD

- A. **Water Is Used Under:** Riparian claim  Pre-1914 claim  Court Decree No.: \_\_\_\_\_ Other (explain): \_\_\_\_\_
- B. **Year of First Use:** (Please provide if missing in the Division of Rights database (eWRIMS) \_\_\_\_\_)
- C. **Rate of Diversion (required by Water Code section 5104):** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
 Gallons per minute (GPM) 4500 Gallons per day (GPD) \_\_\_\_\_ Cubic feet per second (CFS) \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2007	0	0	4500	4500	0	0	0	0	0	0	0	0	4500
2008	0	0	4500	4500	0	0	0	0	0	0	0	0	4500
2009	0	0	0	0	0	0	0	0	0	0	0	0	0

- D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
 Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF)  \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2007	0	0	21	29	0	0	0	0	0	0	0	0	50
2008	0	0	21	29	0	0	0	0	0	0	0	0	50
2009	0	0	0	0	0	0	0	0	0	0	0	0	0

- E. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.  
 Irrigation 90 acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
 Other (specify) Forest Protection  
 Parcel Number(s) of Place of Use: Manning Ranch

- F. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
Sold Ranch in 2009

- G. Please answer only those questions below which are applicable to your project.

1. Conservation of water
- a. Are you now employing water conservation efforts? YES  NO   
 Describe any water conservation efforts you have initiated:  
Soil moisture meters and Daily water monitoring
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:
- Reduction in Diversions:  
 Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- Reduction in consumptive use:  
 Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- I have data to support the above surface water use reductions due to conservation efforts. YES  NO

**S015202**  
**2004, 2005, 2006**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**  
 If the information below is inaccurate, please line it out in red and provide current information.  
 Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **STEPHEN N THOMAS**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING  
**JOHN HALL THOMAS**  
 PO BOX 748  
 UKIAH, CA 95482

STATEMENT NO.: **S015202**  
 CONTACT PHONE NO.: **(707) 462 - 4716**

Source Name: **RUSSIAN RIVER**  
 Tributary To: **PACIFIC OCEAN**  
 County: **Mendocino**  
 Diversion Within: **SW 1/4 of NE 1/4 Section 19 T13N, R11W, MB&M**

Year of First Use: **1980**  
 Parcel Number:

STATE WATER RESOURCES CONTROL BOARD  
 SACRAMENTO  
 2007 APR 30 PM 3:32

- A. **Water is Used Under:** Riparian claim  Pre-1914 right \_\_\_\_\_ Other (explain): \_\_\_\_\_
- B. **Year of First Use:** (Please provide if missing above) 1980
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.  
 Amounts below are in: Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF)  Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004			X	X	X								
2005			X	X	X								
2006			-	-	X								

- D. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.  
 Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;  
 Other (specify) Frost Control - 78 acres
- E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.  
 (New pump, enlarged diversion dam, location of diversion, etc.)  
 \_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water  
 a. Are you now employing water conservation efforts? YES  NO \_\_\_\_\_  
 Describe any water conservation efforts you have initiated:  
low pressure nozzles  
and low pressure sprinklers  
cover crop management

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriate right, please show the amount of water conserved:

Reduction in Diversions:  
 Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Reduction in consumptive use:  
 Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_



S015202%S%2003

2001, 2002, 2003

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.

Notify this office if ownership or address changes occur during the coming year.

**Please Complete and Return This Form by August 1, 2004.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record: STEPHEN N THOMAS; DIANA J THOMAS;**

STATEMENT NO.: S015202  
 CONTACT PHONE NO.: (707)462-4716

**PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:**

**JOHN HALL THOMAS  
 PO BOX 748  
 UKIAH, CA 95482**

**Source Name:** RUSSIAN RIVER

**Tributary To:** PACIFIC OCEAN

**County:** Mendocino

**Diversions Within:** SW1/4 of NE1/4 Section 19, T13N, R11W, MB&M

**Year of First Use:**

**Parcel Number:**

A. Water is used under: Riparian claim X Pre 1914 right ✓ Other (explain): \_\_\_\_\_

B. Year of first use (Please provide if missing above) 1980 ✓

C. Amount of Use -- Enter the amount (or the approximate amount) of water used each month.

Year	Amounts below are:												Total Annual
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2001			X	X	X								
2002			X	X	X								
2003			X	X	X								

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;

Other (specify) Frost Control - 78 acres

E. Changes in Method of Diversion -- Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES NO  
 Describe any water conservation efforts you have initiated: Low Pressure Sprinklers and Mowler and cover crop management.

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)

Reductions in consumptive use:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES NO

SEP 2 2004

*K. Collier*



# State Water Resources Control Board

SURNAME



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

**Gray Davis**  
Governor

MAR 27 2002

In Reply Refer  
to:331:KSN:S015199,  
S015202

Stephen N. and Diana J. Thomas  
c/o John Thomas  
P.O. Box 748  
Ukiah, CA 95482

Dear Mr. John Thomas:

STATEMENT OF WATER DIVERSION AND USE,  
STATEMENT NUMBERS 015199 AND 015202

Your statements of water diversion and use have been received and assigned the above numbers. You should refer to these numbers in any future correspondence to this office regarding the statements.

Copies of the statements are enclosed for your records.

Please notify us of any change in address or change in ownership.

The law requires that supplemental statements be filed at three-year intervals. The forms are automatically sent to you by the State Water Resources Control Board at the close of the period.

Thank you for your cooperation. If you have any questions or concerns, please telephone me at (916) 341-5366.

Sincerely,

Koso Nodohara  
Sanitary Engineering Associate  
Application Acceptance and Noticing Unit

Enclosures

KSNodohara:kns/itziar:3-26-02  
u:kns\SDThomasS015199andS015202letter

*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

ST-TRANS-LTR (11-00)

SURNAME

8015202

STATEMENT OF WATER DIVERSION & USE

CLAIMANT: Stephen & Diana Thomas

FILE NUMBER: S015202 NAME INDX(S): \_\_\_\_\_

CLAIM(S) RECEIVED BY: MAIL  OC \_\_\_\_\_ DATE REC'D: OCT 21 2001

ACCEPT: OK ksn RETURN: \_\_\_\_\_ STREAM CODE: 100500000

QUAD MAP CODE: G 606 QUAD MAP NAME: Hopland

CALIF COORD: ZONE N 0477400 ✓ E 1685300 ✓

REMARKS: 73 of 9

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
~~Related~~ Related to A17145

8015202

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

STATE WATER RESOURCES CONTROL BOARD  
 2001 OCT 29 PM 3:37

**STATEMENT OF WATER DIVERSION AND USE**

(This is not a Water Right)

This Statement should be typewritten or legibly written in ink and submitted to the address above.  
 A separate statement should be filed for each point of diversion. A duplicate copy will be returned for your file.

A. Name of person diverting water Stephen + Diana Thomas  
 Address P.O. Box 748 Ukiah, California - 95482  
c/o John Thomas Telephone: (707) 462-4716

B. Water is used under: Riparian claim;  Pre 1914 right; \_\_\_\_\_ Other (explain) \_\_\_\_\_

C. Name of the body of water at the point of diversion  
Russian River  
 Tributary to Pacific Ocean

D. Point of diversion is located within Mendocino County on Assessors Parcel # \_\_\_\_\_, being within the SW 1/4 of NE 1/4 of Section 19, of Township 13N, Range 11W MD B&M.  
 Name of works Kieffer

E. Do you own the land at the point of diversion? Yes  NO \_\_\_\_\_ The name and address of the owner of the land is: Same (Same as above)

F. Capacity of diversion works 3000 (cfs, gpm, or gpd) Capacity of storage tanks or reservoir none (gallons or acre-feet)  
 Type of diversion facility: Gravity \_\_\_\_\_ Pump   
 Method of measurement: Weir \_\_\_\_\_ Flume \_\_\_\_\_ Electric Meter \_\_\_\_\_ Estimate

G. Enter the amount (or approximate amount) of water used each month.  
 Amounts below are shown in: Gallons \_\_\_\_\_ Acre-feet  Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
			X	X	X								

H. Annual water use in recent years: Maximum \_\_\_\_\_ (gallons or acre-feet) Minimum \_\_\_\_\_ (gallons or acre-feet)  
 Year of first use (nearly as known) 1980

I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) Frost Protection - Bartlett Pear Orchard

J. General description or location of place of use. (example: 40 acres of pasture located 3 miles from Happyville on Alpha Road)  
1 mile east of Highland next to old Highland Bridge.

K. Map: Please locate the point of diversion and place of use on a print of a USGS quad map, or make a sketch on the section grid provided on the reverse side of this form. The sketch should identify the section lines, prominent local landmarks and roads, your point of diversion, and your place of use (your house, acreage irrigated, etc.).

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: <http://waterrights.ca.gov>. Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).*

*Kieffer*