



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE OF APPLICATION 31870, PETITIONS FOR CHANGE FOR LICENSES 8627, 9434, 9851B, AND 11060B (APPLICATIONS 17145, 16670, 18093B, AND 23926B, RESPECTIVELY), AND PETITION PURSUANT TO WATER CODE SECTION 1707 FOR STATEMENTS OF DIVERSION AND USE 15199, 15200, 15201 and 15202

COUNTY: Mendocino

STREAM SYSTEM: Russian River

On January 18, 2011, Beckstoffer Vineyards (Applicant) filed 1) an application to appropriate water by permit, 2) four petitions for change seeking to modify the place of use, purpose of use, and method of diversion for the above referenced licensed water rights, and 3) a petition pursuant to Water Code Section 1707 to dedicate a portion of the above referenced Statements of Diversion and Use to instream uses. The purpose of this project is to modify existing operations in a manner that is beneficial to the environment and public trust resources. The goals are to 1) develop an offstream storage project which will serve to reapportion water diversions under existing water right licenses and riparian claims to periods of high flow and 2) reduce the total instantaneous rate of water diverted during periods of peak demand, and 3) dedicate water previously used under riparian claims to benefit instream uses. Consistent with the principles of the *Policy for Maintaining Instream Flows in Northern California Coastal Streams* (Policy), Application 31870 requests water diversion to offstream storage that is seasonally limited to a period in which instream flows are naturally high for the purposes of irrigation, frost protection, and heat control. During frost events, the Applicant proposes to use water stored in the offstream reservoirs to meet a portion of the demand for frost protection, and thereby avoid additional contribution to the instantaneous draw down of the Russian River during peak demand periods.

The Applicant has agreed to specific terms and conditions designed for the protection of fish, wildlife, instream uses, and other legal users of water. A copy of the draft permit detailing the specific terms and conditions is available on the State Water Resources Control Board (State Water Board) website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/appropriations/2011.shtml

Additional terms and conditions or modification to the proposed terms and conditions may be incorporated into the draft permit in order to comply with the prerequisites identified in Water Code section 1375 and the State Water Board's independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

The implementation of this project would allow: 1) the ability for diversion to offstream storage to occur when streamflows are generally high; 2) the avoidance and reduction of diversions during peak demand periods; 3) a reduction of the existing maximum volume diverted under all existing water right licenses, riparian claims, and pending application 31870 from 1,200 acre feet to 870 acre feet; and 4) a reduction of the existing maximum instantaneous rate of diversion under all existing water right licenses, riparian claims, and pending application 31870 by a total of 20.1 cubic feet per second. These factors are consistent with the Division of Water Rights' Criteria for Prioritization of the Processing of Applications to Appropriate Water and Change Petitions and the conditions for expedited processing identified in Section 3.3.2.5 of the Policy.

Any correspondence directed to the Applicant should be mailed to Drew L. Aspegren, P.E. at 176 Main St. Suite B, St. Helena, CA 94574, or by email at nvvedlw@covad.net.

Summary of Application 31870

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| Source: | Russian River tributary to the Pacific Ocean |
| Point of diversion (POD): | POD 1 and POD 2 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, each within projected Section 18, T13N, R11W, MDB&M; POD 3 within SW $\frac{1}{4}$ of SE $\frac{1}{4}$, POD 4 within NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and POD 5 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, all within projected Section 19, T13N, R11W, MDB&M. All diversion facilities currently exist under claims of riparian right and appropriative water right licenses. |
| Amount: | 274 acre-feet by diversion at a maximum rate of 9 cubic feet per second. This amount is inclusive of 137 acre-feet of initial storage and 137 acre-feet of refill in one existing offstream reservoir and one proposed offstream reservoir. |
| Season: | December 15 through May 15 of the succeeding year |
| Purpose of use: | Irrigation, Frost Protection, and Heat Control |
| Place of use: | 320 total acres: 218 acres within NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of projected Section 18 and 102 acres within NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M. The entire 320 acres were previously cultivated as pear orchard under riparian claims of right and existing licenses. The Applicant currently irrigates 155 acres of vineyard. The remaining 165 acres will be converted to vineyard within the next 4 years. |

Summary of License 8627 (Application 17145) and Petition of Change

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| Source: | Russian River tributary to the Pacific Ocean |
| Point of diversion: | SW $\frac{1}{4}$ of NE $\frac{1}{4}$ within projected Section 19, T13N, R11W, MDB&M |
| Amount: | 0.73 cubic foot per second by direct diversion |
| Season: | May 15 through October 1 of each year. |
| Purpose of use: | <i>Present:</i> Irrigation <i>Proposed:</i> Irrigation and Heat Control |

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| Place of use: | <p><u>Present:</u> 78 acres within NW$\frac{1}{4}$ and NE$\frac{1}{4}$ of projected Section 19, T13N, R11W, MDB&M.</p> <p><u>Proposed:</u> 320 total acres: 218 acres within NW$\frac{1}{4}$, NE$\frac{1}{4}$, SW$\frac{1}{4}$, and SE$\frac{1}{4}$ of projected Section 18 and 102 acres within NW$\frac{1}{4}$ and NE$\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M.</p> |
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Summary of License 9434 (Application 16670) and Petition for Change

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| Source: | Russian River tributary to the Pacific Ocean |
| Point of diversion: | SW $\frac{1}{4}$ of SE $\frac{1}{4}$, within projected Section 18, T13N, R11W, MDB&M |
| Amount: | 0.9 cubic foot per second by direct diversion |
| Season: | May 15 through October 15 of each year. |
| Purpose of use: | <p><u>Present:</u> Irrigation</p> <p><u>Proposed:</u> Irrigation and Heat Control</p> |
| Place of use: | <p><u>Present:</u> 93 total acres: 56 acres within projected Section 18 and 37 acres within projected Section 19, all within T13N, R11W, MDB&M.</p> <p><u>Proposed:</u> 320 total acres: 218 acres within NW$\frac{1}{4}$, NE$\frac{1}{4}$, SW$\frac{1}{4}$, and SE$\frac{1}{4}$ of projected Section 18 and 102 acres within NW$\frac{1}{4}$ and NE$\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M.</p> |

Summary of License 9851B (Application 18093B) and Petition for Change

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| Source: | Russian River Underflow tributary to the Pacific Ocean |
| Point of diversion: | <p><u>Present:</u> SW$\frac{1}{4}$ of NE$\frac{1}{4}$, within projected Section 18, T13N, R11W, MDB&M</p> <p><u>Proposed:</u> POD1 and POD2 within SW$\frac{1}{4}$ of NE$\frac{1}{4}$, each within projected Section 18, T13N, R11W, MDB&M</p> |
| Amount: | 1.54 cubic feet per second by direct diversion |
| Season: | May 1 through October 1 of each year. |
| Purpose of use: | <p><u>Present:</u> Irrigation</p> <p><u>Proposed:</u> Irrigation and Heat Control</p> |
| Place of use: | <p><u>Present:</u> 168 acres within projected Section 18, T13N, R11W, MDB&M.</p> <p><u>Proposed:</u> 320 total acres: 218 acres within NW$\frac{1}{4}$, NE$\frac{1}{4}$, SW$\frac{1}{4}$, and SE$\frac{1}{4}$ of projected Section 18 and 102 acres within NW$\frac{1}{4}$ and NE$\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M.</p> |

Summary of License 11060B (Application 23926B) and Petition for Change

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| Source: | Russian River Underflow tributary to the Pacific Ocean |
| Point of diversion: | <i>Present:</i> SW $\frac{1}{4}$ of NE $\frac{1}{4}$, within projected Section 18, T13N, R11W, MDB&M <i>Proposed:</i> POD1 and POD2 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, each within projected Section 18, T13N, R11W, MDB&M |
| Amount: | <i>Present:</i> 0.875 cubic foot per second by direct diversion <i>Proposed:</i> 0.875 cubic foot per second by direct diversion and diversion to offstream storage from March 15 to May 1 and by direct diversion from October 1 to November 1. |
| Season: | March 15 through May 1 and October 1 through November 1 of each year. |
| Purpose of use: | <i>Present:</i> Irrigation and Frost Protection <i>Proposed:</i> Irrigation, Frost Protection, and Heat Control |
| Place of use: | <i>Present:</i> 168 acres within projected Section 18, T13N, R11W, MDB&M. <i>Proposed:</i> 320 total acres: 218 acres within NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of projected Section 18 and 102 acres within NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M. |

Summary of Statements of Diversion and Use 15199, 15200, 15201 and 15202 and Petition Pursuant to Water Code Section 1707

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| Source: | Russian River tributary to the Pacific Ocean |
| Point of diversion: | POD 1 and POD 2 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, each within projected Section 18, T13N, R11W, MDB&M; POD 3 within SW $\frac{1}{4}$ of SE $\frac{1}{4}$, POD 4 within NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and POD 5 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, all within projected Section 19, T13N, R11W, MDB&M. |
| Amount: | <i>Present:</i> combined total of 30 cubic feet per second by direct diversion under all Statements of Diversion and Use <i>Proposed:</i> combined total 9 cubic feet per second by direct diversion under all Statements of Diversion and Use |
| Season: | March 15 through May 31 |
| Purpose of use: | Irrigation, Frost Protection, and Heat Control |
| Place of use: | 320 total acres: 218 acres within NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of projected Section 18 and 102 acres within NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of projected Section 19, all within T13N, R11W, MDB&M. |

Project information, procedures for protesting, protest forms, and a copy of the draft permit are available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/appropriations/2011.shtml

The Division of Water Rights' Criteria for Prioritization of the Processing of Applications to

Appropriate Water and Change Petitions can be found at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/priority_criteria.shtml

A copy of the Policy for Maintaining Instream Flows in Northern California Coastal Streams is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/docs/ab2121_0210/adopted050410instreamflowpolicy.pdf

The contact person for this application is Darren Tran and can be reached at (916) 341-5388, or by e-mail at DTTran@waterboards.ca.gov.

Protests must be received by the Division of Water Rights by **4:30 p.m. on November 14, 2011**. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Darren Tran, P.O. Box 2000, Sacramento, CA 95812-2000.

Date of Notice: September 13, 2011