



Winston H. Hickox
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Protection

State Water Resources Control Board



Gray Davis
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Division of Water Rights

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FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

RENOUNCE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

This is a renounce of the notice dated August 23, 2002. That notice was not posted in accordance with California Water Code requirements. Protest submitted pursuant to the original notice need not be resubmitted unless amendments to the existing protest are desired.

APPLICATION: 31256

DATE FILED: December 11, 2001

Notice is hereby given that Thomas and Sandra Passalacqua have filed an application for a water right permit for diversion of water from two unnamed streams tributary Dry Creek; an unnamed stream tributary to Mill Creek; Mill Creek tributary to Dry Creek, and Dry Creek tributary to the Russian River all in Sonoma County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicants shall be mailed to:

Thomas and Sandra Passalacqua
c/o Wagner & Bonsignore
Consulting Civil Engineers
444 North Third Street, Suite 325
Sacramento, CA 95814

DESCRIPTION OF THE PROJECT

The applicants seek a water right to collect to storage 147 acre-feet (af) at three existing reservoir sites. The project will enlarge each onstream facility to have a 24-foot high earth dam which would create a 49 acre-foot capacity reservoir with a maximum depth of 20 feet and covers a surface area of 3.5 acres.

The project will divert water to offstream storage at the three reservoirs from an offset well adjacent to Mill Creek (POD#4) and another well next to Dry Creek (POD #5). The maximum delivery rate of water to offstream storage would be 1.0 cubic foot per second (cfs) moved via either a four or six inch diameter pipe.

Water held in storage is for drip irrigation, frost protection, and heat control of 150 acres of grapevines. In addition, the applicant will provide water for fire protection and incidental recreational purposes.

The applicants propose under this application the direct diversion of 4,000 gallons per day from the offset well on Dry Creek. This diversion will be a year-round domestic supply for four residences. The project is located approximately 2.5 mile southwest of Healdsburg and south of Mill Creek Road.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cfs by direct diversion or 200 af per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

"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 demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."

This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.

APPLICATION INFORMATION

The applicants propose to divert water from:

- POD#1 Unnamed stream tributary to Dry Creek thence the Russian River.
- POD#2 Unnamed stream tributary to Dry Creek thence the Russian River.
- POD#3 Unnamed stream tributary to Mill Creek thence Dry Creek.
- POD#4 Mill Creek tributary to Dry Creek thence the Russian River.
- POD#5 Dry Creek tributary to the Russian River thence the Pacific Ocean.

The Points of Diversion are located as follows:

- POD#1 within the NE¹/₄ of SE¹/₄ of projected Section 30, T9N, R9W, MDB&M.
- POD#2 within the SE¹/₄ of SW¹/₄ of projected Section 30, T9N, R9W, MDB&M.
- POD#3 within the NW¹/₄ of NE¹/₄ of projected Section 31, T9N, R9W, MDB&M.
- POD#4 within the NE¹/₄ of NW¹/₄ of projected Section 31, T9N, R9W, MDB&M.
- POD#5 within the SW¹/₄ of NE¹/₄ of projected Section 29, T9N, R9W, MDB&M.

The diversion and place of use are located within the County of Sonoma.

Amount of water applied for: 147 af per year (Storage) with a maximum rate of diversion to offstream storage of 1 cfs at 4,000 gallons per day (Direct Diversion) for an annual amount of 5 af. The total annual amount taken by storage and direct diversion is 152 af.

Water will be used for: Irrigation, Frost Protection, Heat Control, Stockwatering, Fire Protection and Incidental Recreation from stored water, and Domestic purposes under direct diversion.

The applicant has requested to divert water from: December 15 to March 31 of the succeeding year for Storage and from January 1 to December 31 for Domestic.

Place of Use of 150 acres is described as follows:

Use Within	Section (Projected)	Township	Range	B & M	Acres	Cultivated
NW ¹ / ₄ of SW ¹ / ₄	29	9N	9W	MD	11	no
NE ¹ / ₄ of SW ¹ / ₄	29	9N	9W	MD	2	no
SW ¹ / ₄ of SW ¹ / ₄	29	9N	9W	MD	7	partial
SE ¹ / ₄ of SW ¹ / ₄	29	9N	9W	MD	5	no
SW ¹ / ₄ of SE ¹ / ₄	30	9N	9W	MD	9	partial
SE ¹ / ₄ of SE ¹ / ₄	30	9N	9W	MD	25	partial
NW ¹ / ₄ of NE ¹ / ₄	31	9N	9W	MD	23	partial
NE ¹ / ₄ of NE ¹ / ₄	31	9N	9W	MD	30	yes
SW ¹ / ₄ of NE ¹ / ₄	31	9N	9W	MD	3	no
NW ¹ / ₄ of NW ¹ / ₄	32	9N	9W	MD	29	yes
NE ¹ / ₄ of NW ¹ / ₄	32	9N	9W	MD	6	partial

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, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Whalen Toy
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 4:00 p.m.** on the **40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing 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 SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Whalen Toy by phone at (916) 341-5408 or by electronic mail at wtoy@waterrights.swrcb.ca.gov. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

DATE OF NOTICE: 11-01-02