



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
1001 I Street, 14th 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

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION 31250
2001**

DATE FILED: November 19,

Notice is hereby given that Michael B. Kuimelis has filed an application for a water right permit for diversion of water from Anderson Creek tributary to the Navarro River, from an Unnamed Stream tributary to Donelly Creek thence Anderson Creek thence the Navarro River, and from two Unnamed Streams tributary to an Unnamed Stream thence Donelly Creek thence Anderson Creek thence the Navarro River in Mendocino 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 Applicant shall be mailed to:

Michael B. Kuimelis
Wagner & Bonsignore, Consulting Engineers
c/o Nick Bonsignore
444 North Third Street, #325
Sacramento, CA 95814

DESCRIPTION OF THE PROJECT

The Applicant is proposing to divert a total of 42 acre-feet of water annually to storage from four points of diversion in the Navarro River watershed. The season of diversion is October 1 through May 31.

It is proposed that up to 2.9 cubic feet per second be diverted from Anderson Creek using an off-set well (POD No. 1) and that the diverted water be placed in a 36 acre-foot capacity reservoir referred to as Reservoir A. Reservoir A was constructed in the Year 2000 and is described by the Applicant as an off-stream reservoir.

Reservoir A is located downslope of two drainage swales/Unnamed Streams. These Unnamed Streams are tributary to an Unnamed Stream, thence Donelly Creek, thence Anderson Creek, thence the Navarro River. Water flowing in these streams is prevented from flowing into Reservoir A by a standpipe and pipeline system. Reservoir A currently does not collect any water other than direct precipitation.

The standpipe and pipeline system above Reservoir A presently redirects flow in the Unnamed Streams to an onstream reservoir adjoining Reservoir A. This adjoining reservoir is referred to as Reservoir 2. Reservoir 2 has a capacity of 6 acre-feet and is located on an Unnamed Stream tributary to Donelly Creek, thence Anderson Creek, thence the Navarro River. According to Application 31250, Reservoir 2

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Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

APPLICATION 31250

Page 2

spans the property line between the Applicant's property and an adjoining property--Donnelly Creek Vineyards, LLC.

Application 31250 proposes that water flowing in the two Unnamed Streams above Reservoir A be directed into Reservoir A in addition to Reservoir 2 using the standpipes and a modified pipeline system. The application names the standpipes in the two Unnamed Streams as PODs No. 3 and 4. In short, the application proposes that Reservoir A receive water diverted from Anderson Creek at POD No.1 and from the two Unnamed Streams upslope of Reservoir A at PODs No. 3 and 4.

Application 31250 also proposes that water be diverted at Reservoir 2. The application names this point of diversion as POD No. 2. POD No. 2 will also serve as a point of redirection for water routed to Reservoir No. 2 from PODs No. 3 and No. 4. Reservoir No. 2 is also named as a point of diversion by Donnelly Creek Vineyards as part of its pending water rights Application No. 30722. The SWRCB currently has no record of any agreement between the Applicant and Donnelly Creek Vineyards concerning the operation of Reservoir No. 2 and the use of water in that reservoir.

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

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 Applicant proposes to divert water from Anderson Creek (POD No. 1) tributary to the Navarro River, from an Unnamed Stream (POD No. 2) tributary to Donnelly Creek thence Anderson Creek thence the Navarro River, and from two Unnamed Streams (PODs No. 3 and 4) tributary to an Unnamed Stream thence Donnelly Creek thence Anderson Creek thence the Navarro River.

The Points of Diversion are located as follows:

Point of Diversion No. 1: within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R14W, MDB&M. (Water diverted at POD No. 1 will be placed in Reservoir A for off-stream storage.)

Point of Diversion No. 2: within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R14W, MDB&M. (Water diverted at POD No. 2 will be collected to storage at POD No. 2. POD No. 2 will also serve as a Point of Rediversion for water diverted at PODs No. 3 and 4.)

Points of Diversion No. 3 and 4: within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R14W, MDB&M. (Water diverted at PODs No. 3 and 4 will be placed in Reservoir A for storage and in the Reservoir at POD No. 2 for storage and redirection.)

Reservoir A: within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R14W, MDB&M (off-stream reservoir).

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

Amount of water applied for: 42 af per year to storage.

Water will be used for: Irrigation, Frost Protection, Heat Control, and Recreation.

The Applicant has requested to divert water from: October 1 through May 31.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	1	13N	14W	MD	3	No
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	1	13N	14W	MD	20	No
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	13N	14W	MD	22	No
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	2	13N	14W	MD	8	No

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. Steve Herrera, 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:

Susan Wilson
 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 within 30 days of the fax 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 Susan Wilson by phone at (916) 341-5315 or by electronic mail at swilson@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: April 18, 2003