

Working COPY

TYPE OR PRINT
IN BLACK INK
(For instructions, see
booklet "How to File an
Application to Appropriate
Water in California")

California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento CA 95812-2000
Tel: (916) 341-5300 Fax (916) 341-5400
www.waterrights.ca.gov

APPLICATION NO. A031719

RECEIVED
DIVISION OF WATER RIGHTS
JUL 28 11 3 AM '03

APPLICATION TO APPROPRIATE WATER

SECTION A: NOTICE INFORMATION

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	Gail Ann Dutton, Trustee	Lee Erickson
	Dutton Ranch Family Ltd Ptp	Erickson Engineering Inc.
Mailing Address	P.O. Box 48	P.O. Box 446
City, State & Zip	Graton CA 95444	Valley Ford CA 94972
Telephone	(707) 823-0448	(707) 795-2498
Fax		
Email	sutton@sonic.net	erickson@ap.net

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner Limited Liability Company (LLC) General Partnership*
 Limited Partnership* Business Trust Husband/Wife Co-Ownership
 Corporation Joint Venture Other _____

* Please provide a copy of your partnership agreement.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)

This 50.74 acre property consists of two adjoining parcels containing a +-38-acre commercial vineyard with existing multi-purpose reservoir. The impoundment forms the centerpiece of a water sports and recreational complex with landscaped group use area, mature riparian vegetation, picnic area, dock and beach. The reservoir was constructed after 1952, most likely about 40 years ago in the mid 1960s. Therefore no new construction activity, grading or excavation is planned. The reservoir capacity has been determined using surface survey and intermittent sonar-based soundings with depths of 0 - 24', a surface area of about 5 acres, and a design capacity of about 45 acre feet.

The reservoir is believed jurisdictional only on the basis that a swale containing a small erosion gully having bed and banks was eliminated during initial site development. Source of fill water subsequent to construction is not believed jurisdictional, as it is restricted to diffuse sheet flow from adjoining vineyards, direct rainfall, and pumped well water. There are no channels with bed and bank tributary to the impoundment, nor evidence of concentrated runoff flows in the low slope swales both above and below the reservoir. Laughlin Road is about 350' upstream and contains roadside ditches that divert a significant portion of the historic natural upland sheet flow tributary area away from reservoir.

Existing and proposed water use is for recreation, fish and wildlife enhancement, fishing, boating, water sports, fire protection, incidental landscape irrigation, and vineyard irrigation.

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

PURPOSE OF USE (Irrigation, Domestic, etc.)	Direct Diversion Quantity	Direct Diversion Quantity	Direct Diversion Season	Direct Diversion Season	Storage Amount	Storage Collection Season	Storage Collection Season
	RATE (CFS or gal/day)*	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre -Feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
a. Irrigation					13	Dec 15	Mar 31
b. Domestic					1	Dec 15	Mar 31
d. Recreation					30	Dec 15	Mar 31
k. Fish, Wildlife					1	Dec 15	Mar 31
l. Fire Protect							
	Total afa=			Total afa=	45		

* If rate is less than 0.025 cfs, use gallons per day (gpd).

- b. Total combined amount taken by direct diversion and storage during any one year will be 45 acre feet.
- c. Reservoir storage is onstream offstream underground (If underground storage, attach Form APP-UGSTOR.)
- d. County in which diversion is located: Sonoma County in which water will be used: Sonoma

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

- a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

POD #1 / PORD: Unnamed seasonal diffuse sheet flow swale, tributary to Mark West Creek, thence Russian River.

- b. State Planar and Public Land Survey Coordinate Description:

POD/PORD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN 40-acre subdiv	SECTION	TOWN-SHIP	RANGE	BASE AND MERIDIAN
1	1764750E 303080N	2	NW ¼ SE ¼	35	<u>8N</u> <u>2W</u>	<u>9W</u> <u>2W</u>	MDM

5L 8/108

- c. Name of the post office most often used by those living near the proposed point(s) of diversion: Windsor

6. WATER AVAILABILITY

- a. Have you attached a water availability analysis for this project? Yes No
 If No, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: The reservoir has been in place since the 1960s, about 40 years. It now successfully provides for fish and wildlife, recreational, vineyard irrigation, incidental landscape irrigation, and fire suppression needs. It is topped off on an annual basis by capture of diffuse upland sheet flow from nearby vineyards. Planned future operation and use will be equivalent to historic use patterns.
- b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion? Yes No
- c. In an average year does the stream dry up at any point downstream from your project? Yes No
 If yes, during which months? Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Note: There is no stream channel below the project - only an existing low-slope vineyard swale.
- d. What alternate sources are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g. percolating groundwater, purchased water, etc.) None are available.

7. PLACE OF USE

a.

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Cultivated? (Y/N)
SW 1/4 of NE 1/4	35	8N 7N	8W 9W	MDM	30.6	Y
SW 1/4 of NE 1/4	35	7N	8W	MDM	7.9	N
SE 1/4 of NE 1/4	35	7N	8W	MDM	3.4	Y
NW 1/4 of SE 1/4	35	7N	8W	MDM	3.7	Y
NW 1/4 of SE 1/4	35	7N	8W	MDM	2.4	N
				Total:	48	

* Please indicate if section is projected with a "(P)" following the section number

SL 8/1/08

b. Please provide the Assessor's Parcel Number(s) for the Place of Use: Sonoma County APNs ~~057-077-043-044~~

057-070-043,044

8. PROJECT SCHEDULE

a. Project is

Proposed.

Year construction will begin: _____

Partially complete.

Extent of completion: _____

Complete.

Year completed: _____

b. Year of first use: +1965

Year water will be used to the full extent intended: +1970

SL 7/31/08

SECTION B: MISCELLANEOUS DIVERSION INFORMATION

1. JUSTIFICATION OF AMOUNT REQUESTED

a. IRRIGATION: Maximum area to be irrigated in any one year is 38 acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr)	NORMAL SEASON Beginning Date	NORMAL SEASON Ending Date
Vineyard	38	Drip	13	May 1	Oct 31

b. DOMESTIC: Number of residences to be served is 0. Separately owned? Yes No
 Total number of people to be served is 0. Estimated daily use per person is _____ gpd.
 Total area of domestic lawns and gardens is 20,000 sq ft.
 Incidental domestic uses are 1 acre-foot for incidental irrigation.

c. STOCKWATERING: Kind of stock: _____ Maximum number: _____
 Describe type of operation: _____

d. RECREATIONAL: Type of recreation: Fishing Swimming Boating Other _____
Reservoir must maintain at least 2/3 capacity (30 ac-ft) in order to provide suitable conditions for recreational use and for items K and L below.

e. MUNICIPAL: (Estimated projected use)

POPULATION		MAXIMUM MONTH		ANNUAL USE		
PERIOD	5-year periods until use is completed	Average daily use (gal per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-Foot (per capita)	Total Acre-Feet
Present						

Month of maximum use during year is _____. Month of minimum use during year is _____.

d. Storage Reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
Gail Ann's (POD #1)	22.5	earth	330	2	5	45 (measured)	24

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	Diameter of outlet pipe (inches)	Length of outlet pipe (feet)	FALL	HEAD	Dead Storage below outlet pipe entrance (acre-feet)
			Vertical distance between entrance and exit of outlet pipe in feet.	Vertical distance from spillway to outlet pipe in reservoir in feet	
Gail Ann's (POD #1)	none	na	na	na	na

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be ___ cfs. Diversion to offstream storage will be made by: Pumping ___ Gravity ___

3. CONSERVATION AND MONITORING

- What methods will you use to conserve water? Explain. Drip irrigation is used in the vineyard. Water is used at agronomic rates using irrigation scheduling and management systems. Recreational, fish, and wildlife needs are passive and require but do not consume water.
- How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ___ Weir ___ Meter ___ Periodic sampling x Other Storage capacity matches requested water right

4. RIGHT OF ACCESS

- Does applicant own the land where water will be diverted, transported, and used? x Yes ___ No.
If No, I ___ Do ___ Do Not have a recorded easement or written authorization allowing me access.
- List the names and mailing address of all affected landowners and state what steps are being taken to obtain access: _____

5. EXISTING WATER RIGHTS AND RELATED FILINGS

- Do you claim an existing right for the use of all or part of the water sought by this application? ___ Yes x No
If Yes, please specify: ___ Riparian ___ Pre-1914 ___ Registration ___ Permit ___ License
___ Percolating groundwater ___ Adjudicated ___ Other _____
- For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter quarter section). Include number of registration, permit, license, or statement of water diversion and use if applicable. _____
- List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion. _____

6. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ___ Yes x No. If yes, please explain: _____

7. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a USGS quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than 3 cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the

Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of 10 acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.

SECTION C: ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (SWRCB) must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

1. COUNTY PERMITS

a. Contact your County planning or public works department and provide the following information:

Person contacted: County website Date of contact: July 14, 2008
 Department: Planning Telephone: (707) 565-1900
 County Zoning Designation: LIA (Land Intensive Agriculture) B6 (lot size, setback specs) 40 Z (2nd unit exclusion) with SR (Scenic Resources) VOH (Valley Oak Habitat) combining districts.
 Are any county permits required for your project? YES NO. If YES, check appropriate box below:
 Grading permit Use permit Watercourse Obstruction permit
 Change of zoning General plan change Other: _____

b. Have you obtained any of the required permits described above? YES NO
 If YES, provide a complete copy of each permit obtained. _____

2. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

Federal Energy Reg Com U.S. Forest Service U.S. Bureau of Land Management
 U.S. Corps of Engineers U.S. Natural Resource Cons Svc Calif. Dept of Fish and Game
 State Lands Commission Calif. Dept. of Water Resources (Div. of Safety of Dams)
 Calif. Coastal Commission State Reclamation Board Other: US Fish/Wildlife

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? YES NO
 If YES, explain: _____

d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
 If YES, name and telephone number of contact: _____

3. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? YES NO
 b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____
 c. If NO, check the appropriate box and explain below, if necessary:
 The applicant is a California public agency and will be preparing the environmental document.*

- I expect that the SWRCB will be preparing the environmental document.**
 I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

- * **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.
** **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

4. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
 YES NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
- b. Will a waste discharge permit be required for your project? YES NO
Person contacted: _____ Date of contact: _____
- c. What method of treatment and disposal will be used? _____

5. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
b. Will you be preparing an archeological report to satisfy another public agency? YES NO
c. Do you know of any archeological or historic sites located within the general project area? YES NO
If YES, explain: _____

6. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
 Along the stream channel immediately upstream from the proposed point(s) of diversion.
 At the place(s) where the water is to be used.

SECTION D: SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code S 10005(a)], payable to the "California Department of Fish and Game", must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

SECTION E: DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

Gail Ann Dutton

Signature of Applicant

Gail Ann Dutton

Dutton Ranch Family Limited Partnership

Trustee
Title or Relationship

7-25-08
Date

Signature of Co-Applicant (if any)

Title or Relationship

Date

APPLICATION TO APPROPRIATE WATER – CHECKLIST

Before you submit your application, be sure to:

- Answer each question completely in Sections A, B, and C.
- Number and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet (Item B7).
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- Include three complete sets of color photographs of the project site (Item C6).
- Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- Enclose a \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game, as specified in Section D.
- Sign and date the application in Section E.

Send the original and one copy of the entire application to:

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