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State Water Resources Control Board



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Division of Water Rights

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NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31253
APPLICATION: 31282

DATE FILED: December 10, 2001
DATE FILED: January 23, 2002

Notice is hereby given that Joe and Julie Golden have filed applications for water right permits for diversion of water from an unnamed stream tributary to Russian River and a well pumping the underflow of the Russian 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:

Joe and Julie Golden
c/o Golden Vineyards
653 Mountain View Avenue
Mountain View, CA 94041

DESCRIPTION OF THE PROJECT

The applicants seek water rights for an existing well located adjacent to the Russian River and an existing 13.7 acre-foot onstream reservoir. The reservoir is formed by a 15-foot high earth dam built across an unnamed stream with a maximum depth of 16.9 feet and covers a surface area of about one acre.

The project under Application 31253 will divert 2.57 cubic feet per second (cfs) of water from the well across Eastside Road to the applicants' reservoir and thence from the reservoir site divert water as required for frost protection of 26.5 acres of grapes. The applicants also seek under Application 31282 to pump water to offstream storage from the well at a maximum rate of 0.36 cfs via 5-inch diameter pipeline and collect the surface flows of the unnamed stream. The maximum quantity stored during the collection season will not exceed 30 acre-feet (af). Replenishment of the reservoir is planned during the season of collection. Water stored is for sprinkler irrigation and frost protection of 26.5 acres of grapevines.

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

"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>."

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

APPLICATIONS 31253 & 31282

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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 applicants propose to divert water from:

- POD #1 - Unnamed stream tributary to Russian River thence Pacific Ocean.
- POD #2 - Russian River Underflow tributary to Pacific Ocean.

The Points of Diversion are located as follow:

- POD #1 within the NE¹/₄ of NE¹/₄ of projected section 30, T13N, R11W, MDB&M.
- POD #2 within the SE¹/₄ of SW¹/₄ of projected section 20, T13N, R11W, MDB&M.

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

Application 31253

Amount of water applied for: Direct diversion of 2.57 cfs with an annual amount of 21.5 af.

Water will be used for: Frost Protection.

The applicants have requested to divert water from: March 1 to May 31.

Application 31282

Amount of water applied for: 30 af per year (Storage) and a maximum rate of diversion to offstream storage of 0.36 cfs.

Water will be used for: Irrigation and Frost Protection.

The applicant has requested to divert water from: November 1 to May 31.

Applications 31253 and 31282

Place of Use of 26.5 acres is described as follows:

Use Within	Section (Projected)	Township	Range	B & M	Acres	Cultivated
SW ¹ / ₄ of SW ¹ / ₄	20	13N	11W	MD	3.2	yes
SE ¹ / ₄ of SW ¹ / ₄	20	13N	11W	MD	0.3	yes
NW ¹ / ₄ of NW ¹ / ₄	29	13N	11W	MD	9.5	yes

NW¼ of NW¼	29	13N	11W	MD	5.0	no
NE¼ of NW¼	29	13N	11W	MD	8.5	yes

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: July 19, 2002