



Alan C. Lloyd, Ph.D
Agency Secretary

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

NOTICE OF APPLICATIONS TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31425

DATE FILED: May 15, 2003

APPLICATION: 31497

DATE FILED: April 2, 2004

COUNTY: Madera

STREAM SYSTEM: Miami Creek

Notice is hereby given that Stonecraft Homes, Inc.; Sierra Meadows Homes, LP; Sierra Meadow Golf, Inc.; Bard Investment Company, LP; and Sierra Meadows Golf Club, LP have filed two applications for a water right permit. The State Water Resources Control Board (State Water Board) will determine whether water right permits should be issued for the applications and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the applications. This notice and copies of the applications may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicants should be mailed to:

Stonecraft Homes, Inc. et al
c/o Wagner & Bonsignore
445 North Third Street, Suite 325
Sacramento, CA 95814
Telephone (916) 441-6850

Description of Project

Applications 31425 and 31497 were filed to supplement the project water supplies currently diverted and collected for storage under Permit 21028 (Application 29787) and from other sources under pre-1914 appropriative claims (Statement of Water Diversion and Use [Statement] #15763 filed with the Division on May 23, 2002). Under Permit 21208, water is diverted from Miami Creek, tributary to Fresno River thence San Joaquin River, to onstream Reservoirs #1, #2, #3, #4, and #5 with the capacities of 12, 15.4, 11, 13.1, and 10.3 acre-feet (af), respectively, for a total annual storage of 61.8 af. Water appropriated under Permit 21028 is used for recreational and irrigation purposes on 342.4 acres. Non-jurisdictional water (claimed under Statement 15763), Permit 21208, and water appropriated under Applications 31425 and 31497 (for municipal and recreational purposes) will be used for the Sierra Meadows Estates Subdivision and other existing and proposed demands within the Madera County Maintenance District Boundary 46. Under the new applications and the permit, total annual storage in Reservoirs #1 through #5, and proposed onstream Reservoir B will be increased to 482 AF. The project is about 2.5 miles northwest of the community of Oakhurst, Madera County.

Under Application 31425, the applicants seek water rights to collect 173 af within five permitted reservoirs (#1 through #5). The capacities of Reservoirs #1 through #5 will increase to 32, 36, 31, 49, and 25 af, respectively. The applicants propose an operational limit for Application 31425 and Permit 21028 at 173 acre feet per annum (afa) storage in Reservoir #1 through #5.

The applicants propose that Reservoirs #2 and #3 (a.k.a. Willy's Reservoir) shall be also be points of re-diversion to offstream storage at Reservoir #1. Applicants propose that water be moved, outside the authorized season of collection, between Reservoirs #1, #2, and #3 to optimize supply for municipal and recreational demands. The maximum rates of diversion to between storage facilities, via pipelines are:

Reservoir #1 to Reservoir #2 - 1.0 cubic foot per second (cfs)
Reservoir #2 to Reservoir #3 - 0.5 cfs

No diversion rate was given for Reservoirs #4 (a.k.a. Signature Reservoir) and #5 (a.k.a. Clubhouse Reservoir). Applicants indicate there will be a gravity release of water down the natural stream channel from these reservoirs.

Under Application 31497, the applicants propose to directly divert 1.33 cfs from Point of Diversion (POD) "A" on Miami Creek and to collect water within Reservoirs #1, #2, #3, and B. Proposed onstream Reservoir B will be formed by a 43-foot high by 1,140-foot long earthen dam, using two PODs (B1 and B2), which will collect 210 af to storage and inundates about 9.7 acres. The applicants also propose an operational limit for Application 31497 and Permit 21028 at 99 afa storage in Reservoir #1 through #3.

Applicants propose that water from Reservoirs #2, #3, and B shall be rediverted to offstream storage at Reservoir #1. The applicants propose that water be moved, outside the authorized season of collection, between Reservoirs #1, #2, #3, and B to optimize supply for municipal and recreational demands.

The maximum rate of diversion and re-diversion to offstream storage under Applications 31425 and 31497 are:

POD A to Reservoirs #1, #2, #3, and B - 1.33 cfs;
Reservoir #2 to Reservoir #1 - 1.0 cfs;
Reservoir #3 to Reservoir #1 (via Reservoir #2) - 0.5 cfs;
Reservoir B to Reservoir #1 - 1.33 cfs for offstream storage

Summary of Application 31425

County: Madera.
Source: #1, #2, #3, and #5 - Unnamed streams tributary to Miami Creek thence the Fresno River thence the San Joaquin River.
#4 - Unnamed stream tributary to Carter Creek thence Miami Creek thence the

Fresno River thence the San Joaquin River.

POD: #1 – within the SW¹/₄ of SW¹/₄ of section 33, T6S, R21E, MDB&M.
 #2 – within the SE¹/₄ of SE¹/₄ of section 32, T6S, R21E, MDB&M.
 #3 – within the SE¹/₄ of NE¹/₄ of section 32, T6S, R21E, MDB&M.
 #4 – within the SE¹/₄ of NW¹/₄ of section 32, T6S, R21E, MDB&M.
 #5 – within the NE¹/₄ of SW¹/₄ of section 32, T6S, R21E, MDB&M.

Amount: 173 afa by storage.

Season: December 1 to April 30.

Purposes: Municipal, recreation.

Place of Use: The boundary of Madera County Maintenance District 46, within sections 29, 31, 32, 33, and 34 in T6S, R21E, MDB&M; and sections 4 and 5, T7S, R21E, MDB&M, as shown on maps on file with State Water Board.

Summary of Application 31497

County: Madera.

Source: A – Miami Creek tributary to the Fresno River thence the San Joaquin River.
 B1, and B2 - Unnamed streams tributary to Miami Creek thence the Fresno River thence the San Joaquin River.
 #1, #2, and #3 - Unnamed streams tributary to Miami Creek thence the Fresno River thence the San Joaquin River.

POD: A – within the SE¹/₄ of NE¹/₄ of section 33, T6S, R21E, MDB&M.
 B1 – within the SE¹/₄ of SW¹/₄ of section 33, T6S, R21E, MDB&M.
 B2 – within the NW¹/₄ of SW¹/₄ of section 33, T6S, R21E, MDB&M.
 #1 – within the SW¹/₄ of SW¹/₄ of section 33, T6S, R21E, MDB&M.
 #2 – within the SE¹/₄ of SE¹/₄ of section 32, T6S, R21E, MDB&M.
 #3 – within the SE¹/₄ of NE¹/₄ of section 32, T6S, R21E, MDB&M.

Amount: Direct diversion rate is 1.33 cfs (annual amount of 282 af) and an annual storage amount of 309 af. The total amount water diverted and stored under Application 31497 shall not exceed 591 af per year.

Season: December 1 to April 30.

Purposes: Municipal, recreation.

Place of Use: (Same as Application 31425).

Environmental Information

The State Water Board has been informed that Madera County is the lead agency, pursuant to the California Environmental Quality Act (CEQA), and has prepared a draft Environmental Impact Report. If you are not filing a protest, but wish to submit information not covered in the lead agency's environmental document that indicates that the project may cause a significant effect on the environment, please send this information immediately to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the applications and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the applications were approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior 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 State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on **May 2, 2006** (60th day after the date of this notice and the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2nd Floor (Fileroom), Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is greater than 3 cfs by direct diversion or greater than 200 af per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the State Water Board following an evidentiary hearing

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or APP-NOT (1-05)

general information pamphlets, please contact Whalen Toy by phone at (916) 341-5408 or by electronic mail at wtoy@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **MARCH 3, 2006**

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