



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights
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Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
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Arnold Schwarzenegger
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31386

DATE FILED: January 22, 2003

COUNTY: Mendocino

STREAM SYSTEM: Russian River

Notice is hereby given that Fetzer Vineyards (Butler Ranch) has filed an application for a water right permit to divert water. The State Water Resources Control Board (State Water Board) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permit 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 application. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Fetzer Vineyards (Butler Ranch)
c/o Susanne Zechiel
P.O. Box 611
Hopland, CA 95448

Description of Project

The applicant seeks a right to store water behind three existing reservoirs (Reservoirs Nos. 1, 2, and 3 constructed in 2001, 2000 and 1958 respectively). Reservoir No. 1 (Lower Reservoir) has a 24 foot high dam forming a 11 acre-foot capacity with a surface area of about one acre; Reservoir No. 2 (Middle Reservoir) has a 16 foot high dam forming a 7 acre-foot capacity with a surface area of about one acre; and Reservoir No. 3 (Upper Reservoir) has a 24 foot high dam forming a 28 acre-foot capacity reservoir with a surface area of two acres. Water will be diverted by gravity means via a six-inch PVC pipeline. The applicant re-diverts water from Reservoir No. 1 to Reservoir No. 2 and also from Reservoir No. 2 to Reservoir No. 3 via a six-inch pipeline. The total quantity of water to be stored shall not exceed 46 acre-feet (af) per year. Water collected to storage is primarily used for irrigation of 105 acres of vineyard. Incidental uses include fire protection, recreational, and dust control.

California Environmental Protection Agency

Recycled Paper

Summary of Application

County: Mendocino
 Source: (1) and (2) Unnamed Streams tributary to Unnamed Streams thence the Russian River and (3) Unnamed Stream tributary to an Unnamed Stream tributary to Robinson Creek thence the Russian River
 Points of
 Diversion: (1) and (2) Located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T14N, R12W, MDB&M and (3) located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, T14N, R12W, MDB&M
 Amount: 46 af per year of storage.
 Season: November 1 through May 31 of the succeeding year.
 Purposes: Irrigation, Fire Protection, Incidental Recreational, and Dust Control
 Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	17	14N	12W	MD	6	Yes
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	14N	12W	MD	7	Yes
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	14N	12W	MD	4	Yes
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	14N	12W	MD	18	Yes
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	20	14N	12W	MD	2	Yes
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	20	14N	12W	MD	24	Yes
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	20	14N	12W	MD	3	Yes
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	20	14N	12W	MD	10	Yes
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	20	14N	12W	MD	6	Yes
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	20	14N	12W	MD	2	Yes
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	21	14N	12W	MD	9	Yes
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	21	14N	12W	MD	6	Yes
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	21	14N	12W	MD	5	Yes
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	21	14N	12W	MD	3	Yes
TOTAL					105	

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 that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Resources Control 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 SWRCB.

All protests must clearly describe the objections to approval of the application 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 application is 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 **August 21, 2007**, the 40th day after the date of this notice (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, 14th Floor, 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 it is 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 "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less 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 Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: July 12, 2007