



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

NOTICE OF APPLICATIONS 31749, 31750, 31751, AND 31752 AND PETITIONS FOR CHANGE IN PURPOSE OF USE TO DEDICATE WATER TO ENHANCE INSTREAM FISH HABITAT (WATER CODE SECTION 1707)

COUNTY: Marin

STREAM SYSTEM: Pine Gulch Creek

Star Route Farms North Parcel, Star Route Farms South Parcel, New Land Fund, and Fresh Run Farm (collectively known as Pine Gulch Creek Watershed Enhancement Project) filed applications to appropriate water by permit. This enhancement project is a voluntary and cooperative effort of the participating farms. The proposed project is intended to enhance summer flows in Pine Gulch Creek by utilizing wet season appropriate diversions in lieu of dry season riparian diversion. Limited riparian diversion in the spring (April through June), and appropriate storage of winter diversions would accommodate the continuing agricultural water needs of the farms. The commercial riparian diversion between July 1 and December 15 is proposed to be dedicated to instream flow for the benefit of coho salmon and steelhead trout pursuant to California Water Code section 1707. Existing riparian rights for domestic purposes would not be modified as part of this project. This enhancement project has been developed in consultation with the Department of Fish and Game, National Marine Fisheries Service, and the State Water Resources Control Board. Any correspondence directed to the Applicants should be addressed to Fitzgerald, Abbott & Beardsley, LLP, c/o Barry H. Epstein, 1221 Broadway, 21st Floor, Oakland, CA 94612.

Summary of Application 31749

Applicant:	Star Route Farms North Parcel
Source:	Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
Point of Diversion (POD):	POD 2 to offstream storage within SE ¹ / ₄ of NW ¹ / ₄ ; point of rediversion (PORD) 3B – North Pond within NE ¹ / ₄ of NW ¹ / ₄ , both within projected Section 24, T1N, R8W, MDB&M
Amount:	9.4 acre-feet per annum (afa) to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	13 acres with the N ¹ / ₂ of NW ¹ / ₄ , and 5.4 acres within S ¹ / ₂ of NW ¹ / ₄ , all within projected Section 24, T1N, R8W, MDB&M, for a total of 18.4 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 8209 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Summary of Application 31750

Applicant	Star Route Farms South Parcel
Source:	Unnamed Stream tributary to Pine Gulch Creek and Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 1 to offstream storage and POD/PORD 3A – South Pond, both within SE ¹ / ₄ of NW ¹ / ₄ of projected Section 24, T1N, R8W, MDB&M
Amount:	26 afa to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	17.8 acres within SE ¹ / ₄ and SW ¹ / ₄ of NW ¹ / ₄ and 4.8 acres within SW ¹ / ₄ of NE ¹ / ₄ , all within projected Section 24, T1N, R8W, MDB&M, for a total of 22.6 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 8209 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Summary of Application 31751

Applicant	New Land Fund
Source:	Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 3 to offstream storage within SE ¹ / ₄ of SE ¹ / ₄ of projected Section 14; PORD 2 – Hillside Pond within SW ¹ / ₄ of SW ¹ / ₄ of projected Section 13, both within T1N, R8W, MDB&M
Amount:	5.5 afa to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	5.8 acres within SW ¹ / ₄ of SW ¹ / ₄ of projected Section 13 and 2.9 acres within NW ¹ / ₄ of NW ¹ / ₄ of projected Section 24, all within T1N, R8W, MDB&M, for a total of 8.7 acres.
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 14981 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Summary of Application 31752

Applicant	Fresh Run Farm
Source:	Unnamed Stream tributary to Pine Gulch Creek and Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 4 to offstream storage within NE ¹ / ₄ of SE ¹ / ₄ ; POD 5 to offstream storage within SW ¹ / ₄ of NE ¹ / ₄ ; POD E – Green Pond and POD/PORD 1B – New Green Pond within NE ¹ / ₄ of NE ¹ / ₄ ; and PORD 1A within NW ¹ / ₄ of NE ¹ / ₄ , all within projected Section 14, T1N, R8W, MDB&M
Amount:	23.5 afa to storage
Season:	PODs 4, 5, and 1B: December 15 of each year to March 31 of the succeeding year POD E- Green Pond: November 1 of each year to May 15 of the succeeding year.
Purpose of Use:	Irrigation, recreation, fire protection
Place of Use:	16.4 acres within the NE ¹ / ₄ ; 6.5 acres within NE ¹ / ₄ of SE ¹ / ₄ ; all within projected Section 14, R8W, MDB&M for a total of 22.9 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statements 14759, 14760, and 14764 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Project information, procedures for protesting and protest forms are available at: www.waterrights.ca.gov. The contact person for this matter is Angela Nguyen-Tan at (916) 341-5318 or by e-mail at anguyant@waterboards.ca.gov.

Protests must be received by the Division of Water Rights by **4:30 p.m. on May 4, 2009**

Date of Notice: March 24, 2009