

# Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

James C. Hanson  
Consulting Civil Engineer  
A Corporation

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen  
Henry S. Matsunaga

David H. Peterson, CEG, CHG  
David Houston, P.E.  
David P. Lounsbury, P.E.  
Vincent Maples, P.E.  
Emily MacDonald  
Ryan E. Stolfus

October 24, 2014

Mr. Brian Stedman  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, California 95812-2000

**Re: Gallo Glass Company – Twin Valley Ranch – Amendment Water Right Application 31743 and Petitions for Change for License 3697 (Application 10795), License 4216 (Application 14178), License 4729A (Application 13684A) and License 5559 (Application 13384) for benefit to Fish and Wildlife – Sonoma County**

Dear Mr. Stedman:

This is to supersede the October 2, 2014 letter to amendment Water Right Application 31743 and to combine the amendment to Application 31743 and the amendments to the Petitions for Change filed on the above referenced licenses into a single letter.

On behalf of Gallo Glass Company, we are requesting amendments to Water Right Application 31743 and Petitions for Change filed for License 3697 (Application 10795), License 4216 (Application 14178), License 4729A (Application 13684A) and License 5559 (Application 13384) filed on January 23, 2009. The purpose of this amendment is to add Fish and Wildlife Enhancement as a purpose of use under the application and licenses and to include a section of Porter Creek to the authorized place of use. No other changes from the original filings are requested. A map showing the requested changes to the place of use is attached.

This amendment is requested due to a joint program with Gallo Glass Company, California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Agency (NMFS) to provide for the release of water stored in an offstream pond into Porter Creek for the benefit of native Coho Salmon and broodstock Steelhead from the Warm Spring Dam Fish Hatchery.

The applicant has already agreed to a number of terms and conditions in coordination with CDFW and NMFA for this project, including;

- minimum bypass of 250 cfs at the Healdsburg USGS Gage prior to any diversions (under Application 31743)
- summer and fall enhancement plan for the release of water into Porter Creek
- bullfrog management plan
- maintenance of a daily monitoring log of all water diverted from the Russian River and all water diverted from the offstream pond for agricultural use.
- The total use under Application 31743 and under License 3697 (Application 10795), License 4216 (Application 14178), License 4729A (Application 13684A), License 5559 (Application 13384) shall not exceed 750-acre feet per annum.

Application 31743 consists of storage of water in an existing offstream pond, having a capacity of 253 acre-feet located on the Applicant's property. Water is used for irrigation, frost protection and heat control of 428 acres of existing vineyard (see amendment map). The vineyard on the requested place of use is partially covered by Water Right License 3697 (Application 10795), License 4216 (Application 14178), License 4729A (Application 13684A) and License 5559 (Application 13384). Approximately 216 acres of the requested 428 acres of existing vineyard planted within the authorized place of use of one or more of the referenced licenses. The Petition for Change on the referenced Licenses requests that the place of use be changed to the same 428 acres and to add frost protection and heat control as purposes of use.

The amount of water authorized under the four referenced licenses is 750 acre-feet, during the summer months. The total amount requested under Application 31743 is 253 acre-feet. The total amount requested under Application 31743 along with the amount authorized under Licenses 3697, 4216, 4729A and 5559 (Applications A010795, A014178, A13684A and A013384 respectively) shall not exceed 750 acre-feet per annum. There is no net annual increase in the amount of water requested in Application 31743 above what is already authorized under the referenced licenses. The applicant wishes to divert water to offstream storage in the winter months when flows are high and attempt to reduce summer direct diversions from the mainstem Russian River.

The offstream pond was built in 1996 and stores water that is diverted through an existing 12" diameter pipe from an existing offset well at Point of Diversion #1 (same point of diversion named in the referenced licenses) located adjacent to the Russian River. The applicant purchased the property in 1995 and vineyard development was completed in 2004. No further development is requested pursuant to this Application.

The entire project, including the requested place of use, diversion facility, offstream storage facility, water distribution system and pipelines to deliver water to Porter Creek are existing and fully developed and no further development is requested pursuant to this Amendment. The proposed project involves no changes relative to historical conditions. Accordingly, this Application qualifies for a Categorical Exemption under Title 14, California Code of Regulations, Section 15301, Existing Facilities, which states the following:

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*“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.”*

Based on the foregoing, we are requesting that the State Water Board grant a Categorical Exemption to this applications and proceed with further processing as necessary for issuance of a Permit.

Please contact me if you have any questions.

Very truly yours,

WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS



Ryan Stolfus

Encl. ✓  
cc: John Nagle (via email)