

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2007-0030-DWR

In the Matter of Application 30695
Hanna Bismark Vineyard

ORDER APPROVING ISSUANCE OF PERMIT

SOURCE: Unnamed Stream tributary to Agua Caliente Creek, thence Sonoma Creek, thence San Pablo Bay

COUNTY: Sonoma

WHEREAS:

1. Application 30695 of Hanna Bismark Vineyard (Applicant) was filed with the State Water Resources Control Board (State Water Board) on April 10, 1998.
2. The protest to approval of the application has been resolved by dismissal pursuant to Water Code section 1335, subdivision (d).
3. The State Water Board has determined that there is unappropriated water available to serve Application 30695. Application 30695 seeks authorization to divert 15 acre feet per annum (afa) of water to storage in a proposed onstream reservoir. Summit Engineering prepared a water availability analysis on March 2, 2004 (revised on May 24, 2004 and February 16, 2006) documenting the availability of water.
4. The water will be diverted and used without injury to any lawful user of water. The Division issued a public notice of Application 30695 on March 17, 2000. There were no protests to approval of the application on the basis of injury to prior rights. Based on the water availability analysis, water is available to serve this application without injury to prior rights.
5. The water will be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In 2002, National Marine Fisheries Service (NMFS) and California Department of Fish and Game (DFG) developed Draft Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams (Draft Guidelines), dated June 17, 2002. The Draft Guidelines were recommended for use by permitting agencies (including the State Water Board), planning agencies, and water resources development interests when evaluating proposals to divert and use water from northern California coastal streams. The Draft Guidelines apply to projects located in the geographic area of Sonoma, Napa, Mendocino, and Marin Counties, and portions of Humboldt County. The Draft Guidelines recommend that terms and conditions be included in new water right permits for small diversions to protect fishery resources in the absence of site-specific biologic and hydrologic assessments. Summit Engineering, Inc., Golden Bear Biostudies, and

Nancy Dakin performed site-specific evaluations and recommended project modifications. Permit conditions were included in the permit to conform the project to the Draft Guidelines.

6. The proposed water use is beneficial. The applicant requested to divert 15 afa to storage for irrigation and frost protection of 84 acres of existing vineyard.
7. Pursuant to Resolution No. 2002-0106, the State Water Board has delegated authority to the Chief of the Division to administer the duties required under the California Environmental Quality Act (CEQA). (Attachment to Resolution No. 2002-0106, section 2.9.) The Division Chief has redelegated this authority to the Assistant Division Chief, the Chief of the Permitting Section, and the Chief of the Hearings and Special Projects Section. (Redelegations memo from Edward Anton (June 19, 2003).)
8. Pursuant to the provisions of the California Environmental Quality Act, the State Water Board adopted a Mitigated Negative Declaration (MND) pursuant to the California Code of Regulations, Title 14, section 15074. The MND determined that the above-proposed project will have a less than significant effect on the environment and will not result in significant cumulative impacts based on the reasons specified in the Initial Study. The potential adverse impacts of the project were found to be less than significant and mitigated for with the inclusion of specific permit terms. A Notice of Determination was filed by the State Water Board with the State Clearinghouse.

NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 30695, subject to the conditions of the attached permit.

STATE WATER RESOURCES CONTROL BOARD

James W. Kussel
for *Victoria A. Whitney, Chief*
Division of Water Rights

Dated: **AUG 23 2007**

Attachment