

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

DIVISION OF WATER RIGHTS

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In the Matter of Riparian Diversion Statements 15199, 15200, 15201, and 15202

**Beckstoffer Vineyards XIV**

**ORDER APPROVING INSTREAM FLOW DEDICATION**

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SOURCE: Russian River and Russian River Underflow thence Pacific Ocean

COUNTY: Mendocino

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**WHEREAS:**

1. Beckstoffer Vineyards XIV (Petitioner) filed a petition pursuant to Water Code section 1707 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on January 18, 2011. The petition was filed for the riparian right described in Statements of Water Diversion and Use (Statements) 15199, 15200, 15201, and 15202.
2. The Petitioner has requested that:
  - a. Downstream portions of the Russian River flow from the point of diversion (POD) #5 identified under Statement 15202 (see petition map, dated January 18, 2011, on file with the State Water Board) to the mouth of the Russian River be added to the description of the place of use;
  - b. Recreation, and preservation and enhancement of fish and wildlife resources be added as purposes of use; and
  - c. The pumping capacity be modified at PODs #2, #3, #4, and #5 such that the rate of diversion will be reduced to a maximum of 9.875 cubic feet per second (cfs). Approximately 20.125 cfs of the combined instantaneous rate of diversion between POD #2 and POD #5 will be dedicated to instream use.
3. The action requested in the petition is part of a larger project that is categorically exempt from the requirement for the preparation of environmental documents under California Environmental Quality Act (CEQA) in accordance with the criteria for Class 1 (Existing Facilities), Class 4 (Minor Alterations to Land), Class 7, and Class 8 (Action by Regulatory agencies for Protection of Natural Resources and the Environment) exemptions identified in Title 14, California Code of Regulations, sections 15301, 15304, 15307, and 15308, respectively.
4. The State Water Board finds that the petition will neither increase the amount of water that the Petitioner is entitled to use nor unreasonably affect any legal user of water, and otherwise meets the requirements of Division 2 of the Water Code. (Wat. Code, § 1707.) These findings are based on the "Memo to File", dated April 21, 2014, prepared by Division staff. An accounting of the volume or rate of flow of the riparian right dedicated to instream use may be relied upon for purposes of curtailment or other limitation on the diversion of water only if prior notice of the

accounting was provided to the legal users of water subject to such limitation. Accordingly, the petition is approved subject to the conditions imposed herein.

5. The amount of water dedicated to instream use under this Order is limited to a correlative share of the natural flow of the Russian River. This Order does not adjudicate the riparian right described in Statements 15199, 15200, 15201, and 15202.
6. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights, and authorized redelegation, to act on change petitions and take related actions to comply with CEQA. This authority has been so redelegated.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the place of use is modified to include the portion of the Russian River flow from POD #5 to the mouth of the Russian River for that portion of the riparian right dedicated to instream use.
2. The purposes of use are modified to include recreation, preservation, and enhancement of fish and wildlife resources.
3. From the period of March 15 to May 15 of each year, the Petitioner shall dedicate up to 20.125 cfs to instream use. The combined instantaneous rate of diversion for beneficial use at the place of use shall not exceed 9.875 cfs at the following PODs:
  - a. POD #2 – operated under Statement 15200 located at North 2,123,075 feet and East 6,247,075 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of NE¼ of projected Section 18, T13N, R11W, MDB&M;
  - b. POD #3 – operated under Statement 15199 and License 9434 located at North 2,121,260 feet and East 6,247,035 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of SE¼ of projected Section 18, T13N, R11W, MDB&M;
  - c. POD #4 – operated under Statement 15201 located at North 2,119,105 feet and East 6,246,620 feet by California Coordinate System of 1983, Zone 2, being within NW¼ of NE¼ of projected Section 19, T13N, R11W, MDB&M; and
  - d. POD #5 – operated under Statement 15202 and License 8627 located at North 2,118,360 feet and East 6,246,280 feet by California Coordinate System of 1983, Zone 2, being within SW¼ of NE¼ of projected Section 19, T13N, R11W, MDB&M.
4. The Petitioner shall continue to submit the Supplemental Statements of Water Diversion and Use in accordance with Water Code section 5104 and shall include the following: (a) the total quantity diverted under Statements 15199, 15200, 15201, and 15202; (b) the quantity consumptively used; and (c) the quantity dedicated to instream flow resources pursuant to this order. No credit shall be given for instream flow dedication pursuant to Water Code section 1707 unless the required documentation is timely submitted and whenever requested by the Division of Water Rights.
5. If the Petitioner submits Supplemental Statements of Water Diversions and Use that includes the quantity dedicated to instream flow resources pursuant to this order, then the Petitioner shall include documentation with supplemental statements to show that natural flow was available at the PODs at the time of dedication and water would have been used under the riparian claim

absent the project modifications. This documentation may include but is not limited to, gage readings from USGS Gage 11461000 (Russian River near Ukiah), Lake Mendocino release data, temperature, and estimated frost demand information.

6. The State Water Board may supervise diversion and use of water under this order for the protection of lawful users of water and instream beneficial uses and for compliance with the conditions. The Petitioner shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this order.
7. The conditions of this order apply to the riparian right described in Statements 15199, 15200, 15201, and 15202, and shall apply to and bind all successors and assigns of that right. This order shall be recorded by the Petitioner in the County of Mendocino within 30 days of the date of this order.

#### STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
JOHN O' HAGAN (FOR)

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: MAR 14 2016