

**NOTICE OF PETITION
BY THE CITY OF CALISTOGA
REQUESTING APPROVAL OF A TEMPORARY URGENCY CHANGE
IN THE PLACE OF USE AND PURPOSE OF USE
UNDER WATER RIGHT LICENSE 9615 (APPLICATION 9376)**

August 10, 2004

On July 29, 2004, the City of Calistoga (City) filed a petition requesting a Temporary Urgency Change to Water Right License 9615 (Application 9376). The petition requests that the City be allowed to add 65 acres to the current place of use and to include irrigation as a purpose of use under License 9615.

BACKGROUND

The City has been providing water for irrigation of vineyard owned by Rancho Alto Vineyards, Inc. The State Water Resources Control Board (SWRCB) staff inspected this project in 2001 and concluded that the vineyard lands are not included in the License 9615 place of use, and irrigation is not a listed purpose of use for License 9615. The City's temporary urgency petition requests approval to provide 20 acre-feet (af) of water for irrigation of 65 acres of existing vineyard and purchased rootstock owned by Rancho Alto Vineyards. The City filed a long-term change petition in 2002 to serve this area. The SWRCB has not yet acted on the long-term change petition.

Rancho Alto Vineyards has a groundwater well that does not provide adequate water to irrigate the vineyard. The vineyard has an existing subsurface drainage system that will be used to fill a proposed, new offstream reservoir, as an additional water supply. The petition states that the City's water supply under License 9615 is the only adequate water source currently available. The petitioner asserts that the petition action qualifies as a temporary urgency, because the vineyard and rootstock require water to survive this year. All facilities are in place to provide water to the vineyard.

License 9615:

License 9615 was issued to the City on March 8, 1971, pursuant to Permit 5502 (Application 9376). License 9615 authorizes direct diversion of 0.74 cubic feet per second of water from September 15 of each year through July 1 of the succeeding year, and collection to storage of 315 af from November 1 of each year through May 1 of the succeeding year. The water source is Kimball Creek tributary to the Napa River in Napa County. The authorized purpose of use is municipal use within the City.

CEQA COMPLIANCE

The City is the lead agency under the California Environmental Quality Act (CEQA). The City plans to issue a Notice of Exemption for this project. As a responsible agency under CEQA, the SWRCB will take into consideration any exemption (or other CEQA document) prepared by the City.

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SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code section 1435, the SWRCB is authorized to issue temporary urgency change orders, that allows the change of a point of diversion, the place of use, purpose of use of the water, or change in the conditions of the permit. The SWRCB may issue a conditional order after completing an evaluation sufficient to determine that the proposed temporary urgency change complies with the following:

1. The permittee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife or other instream beneficial uses; and
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Pursuant to the requirements of section 1435 above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary urgency change. Any person may file comments or objections concerning the City's petition to change the place and purpose of use. The materials must address the issues that the SWRCB will evaluate, as set forth above. If the SWRCB cannot satisfy, in a timely manner, the provisions of section 1435 et seq., then the SWRCB may schedule and notice a hearing regarding the temporary urgency change.

Materials filed in response to this notice **shall be mailed to the parties at the addresses listed below**. The response must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on the 15th day after the date of this notice**.

Interested parties are encouraged to file comments, etc., by FAX and to notify the following contact persons by telephone of any materials that will be submitted.

However, an original copy of all materials **must** be received for the SWRCB to consider your concerns.

Bill Rigby
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Phone No. (916) 341-5376
Fax No. (916) 341-5400

City of Calistoga
c/o Paula Whealen
Wagner & Bonsignore
444 North Third Street, Suite 325,
Sacramento, CA 95814-0228
Phone No. (916) 441-6850

*ORIGINAL SIGNED BY
STEVEN HERRERA FOR*

Victoria A. Whitney, Chief
Division of Water Rights