



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# State Water Resources Control Board

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## Division of Water Rights

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**Arnold Schwarzenegger**  
*Governor*

### NOTICE OF PROPOSED MITIGATED NEGATIVE DECLARATION Pursuant to Section 21092– Public Resources Code

The staff of the State Water Resources Control Board (State Water Board) has prepared a Mitigated Negative Declaration setting forth the findings that the following proposed action will have a less than significant effect on the environment.

**PROJECT TITLE:** Estate of Frank Teixeira Application 30978 to Appropriate Water.

**APPLICANT/PETITIONER:** Estate of Frank Teixeira  
c/o Paula Whealen  
Wagner & Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95811-0238

#### **PROJECT LOCATION:**

The project is located approximately six miles east of Petaluma in Sonoma County, California.

#### **PROJECT DESCRIPTION:**

Application 30978 seeks to appropriate a total of 164 af of water per year under Application 30978 and existing Licenses 7228 (A018476) and 8283 (A021284) for storage in Pinheiro Reservoir. Water collected to storage would be used for stockwatering up to 1,000 head of dairy cattle and, depending on economic conditions, for irrigation and frost protection of up to 300 acres of proposed vineyard. The vineyard has not been developed. Point of Diversion (POD) 1 is located at the dam of the existing Pinheiro Reservoir, which is located on an Unnamed Stream (locally known as Ellis Creek) tributary to the Petaluma River thence San Pablo Bay. Under any water right permit or license issued pursuant to Application 30978, water would be diverted to storage from December 15 to March 31 of the following year and the February median flow, 0.33 cubic feet per second (cfs), would be bypassed.

The Applicant proposes to increase the storage capacity of Pinheiro Reservoir from its current capacity of 84 af to 164 af by modifying the spillway with a four-foot flashboard dam. The development of the proposed 300-acre vineyard would involve the clearing of grassland and limited grading for the installation of a drip irrigation system.

**DETERMINATION:**

The State Water Resources Control Board has determined that the above-described project will have a less than significant effect on the environment for the reasons specified in the attached Initial Study.

The Proposed Mitigated Negative Declaration and the Initial Study in support of the proposed Mitigated Negative Declaration are available on the Division of Water Rights website at <http://www.waterrights.ca.gov/ceqadocs.html>. A hard copy of these documents or additional information concerning the proposed action may be obtained by writing to Eric Oppenheimer, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000, by email at [EOppenheimer@waterboards.ca.gov](mailto:EOppenheimer@waterboards.ca.gov) or by calling Eric Oppenheimer at (916) 341-5384.

Persons who disagree with the conclusions set forth in the Mitigated Negative Declaration or who disagree with the information contained therein are invited to furnish written comments to Eric Oppenheimer at the above address. The comments should summarize the specific substantive and factual basis for disagreement. The final date for submitting such comments is 30 days from the date of this notice.

Victoria A. Whitney, Chief  
Division of Water Rights

Dated: March 21, 2008