

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A030800

**Klein Foods, Inc.**

**ORDER APPROVING MINOR CHANGE TO APPLICATION**

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**SOURCES:** (1) Unnamed Stream tributary to Windsor Creek thence Mark West Creek thence the Russian River

(2) Windsor Creek tributary to Mark West Creek thence the Russian River

**COUNTY:** Sonoma County

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**WHEREAS:**

1. On October 15, 1998, Klein Foods, Inc. (applicant) filed water right application A030800 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Mark West Creek stream system in Sonoma County.
2. The application was publicly noticed on December 17, 1999. Protests were received from Trout Unlimited and California Sportfishing Protection Alliance.
3. On September 18, 2024, the applicant initiated a minor change to modify Application A030800 as follows:
  - a. Revise point of diversion (POD) 2 to be located at North 1,968,113 feet and East 6,331,247 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Southwest quarter of the Southeast quarter of Section 1, Township 8 North, Range 9 West, Mount Diablo Base and Meridian.
  - b. Change the description of the diversion works associated with POD 2.
  - c. Correct the place of use for irrigation, frost protection, and heat control based on the results of updated mapping technology.

4. On December 3, 2025, the State Water Board provided notice and an opportunity to provide comments regarding the minor change to the applicant, the protestants, and other interested parties. One comment was received from Sonoma Water. The comment raises concerns regarding water availability, injury to Sonoma Water's water rights and water supplies, and monitoring and reporting. In light of these concerns, the comment requests that the general measurement term and standard terms 80 and 90A be included in any permit issued on the subject application. The comment raises concerns related to application A030800, rather than the requested minor change, and therefore no modifications to the minor change will be made as a result of the comment.
5. The State Water Board may make a minor change to an application without requiring the filing of a petition for change if the Board finds all of the following:
  - a. The change does not enlarge or increase the authorized rate, amount, or season of diversion.
  - b. The change does not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed.
  - c. The change is not substantial or constitutes a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application.
  - d. The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

(Wat. Code, § 1700.4.)

6. The proposed changes will not enlarge or increase the authorized rate, amount, or season of diversion. The rate of diversion, amount of water, and season of diversion will not change.
7. The proposed changes will not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed. There are no proposed changes to modify the existing onstream reservoir located at POD 1. Revising the location of POD 2 and the diversion works from an offset well to a portable electric pump will result in a reduction or no change in the area where POD 2 will be constructed. Associated pipeline construction between POD 1 and POD 2 will occur within the footprint of the existing project, primarily adjacent to the existing vineyard. The correction of the place of use acreage reflects changes in mapping technology and will not result in a physical change in location.
8. The proposed changes are not substantial or constitute a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. POD 2 will be relocated to a previously disturbed area on Windsor

Creek where there is an existing weir structure.<sup>1</sup> This change is associated with an affected area either substantially the same or less than the originally proposed location. Associated pipeline construction between POD 1 and POD 2 will occur within the footprint of the existing project, primarily adjacent to the existing vineyard. The correction of the place of use acreage reflects changes in mapping technology and will not result in a physical change in location.

9. The proposed changes do not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The rate of diversion, amount of water, and season of diversion will not change. The revised location of POD 2 is approximately 1,400 feet downstream of the original proposed location and is within the project boundary. There are no diverters of record located between the former location of POD 2 and the revised location.
10. Pursuant to Resolution 2012-0061, the State Water Board has delegated the authority to conduct and supervise the activities of the State Water Board to the Executive Director. By memorandum dated April 28, 2022, the Executive Director has redelegated the authority to act on minor changes to the Deputy Director for Water Rights. The Deputy Director for Water Rights has further redelegated this authority pursuant to a memorandum dated April 20, 2023.

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

1. The minor change to the application is approved.
2. The location of POD 2 is changed as follows:

POD 2 located at North 1,968,113 feet and East 6,331,247 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Southwest quarter of the Southeast quarter of Section 1, Township 8 North, Range 9 West, Mount Diablo Base and Meridian.
3. The description of the diversion works associated with POD 2 is changed as follows:
  - a. Diversion at POD 2 will be by pumping from a portable electric pump.
  - b. Conduit from POD 2 to storage reservoir at POD 1 is 1,600 feet in length with a total lift of 50 feet.

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<sup>1</sup> Section B.3 of the September 18, 2024, minor change request for A030800 describes: "The California Department of Fish and Game suggested moving Point of Diversion #2 downstream to a location having an existing concrete weir, so as to lessen impacts to Windsor Creek".

4. The place of use for irrigation, frost protection, and heat control is changed to 48.08 acres of vineyard to reflect updated mapping accuracy:
  - a. 5.3 acres within the Northeast quarter of the Southwest quarter of Section 1;
  - b. 11.5 acres within the Southeast quarter of the Southwest quarter of Section 1;
  - c. 19.23 acres within the Northwest quarter of the Southeast quarter of Section 1;
  - d. 12.05 acres within the Southwest quarter of the Southeast quarter of Section 1;
  - e. All within Township 8 North, Range 9 West, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

*ORIGINAL SIGNED BY*  
*KATY LEE, FOR*

*Juliet Christian-Smith*  
*Deputy Director*  
*Division of Water Rights*

Dated: January 14, 2026