

California Environmental Protection Agency

State Water Resources Control Board

Water Rights Online Form (WROF) System

NOTICE OF SUBMITTAL

APPLICATION TO APPROPRIATE WATER BY PERMIT

Form Number: 440720

Applicant Name: Husch Vineyards Inc

Mailing Address: PO Box 189, Talmage, CA 95481

Email Address: zac@huschvineyards.com

Phone Number: 707-462-5370

SWRCB - DWR
'23 DEC 18 AM11:55

Your Application to Appropriate Water by Permit has been submitted to the State Water Resources Control Board (State Water Board). The purpose of this notice is to inform you that your application will not be accepted for initial review unless the following three items are received by the State Water Board's Division of Water Rights by 12/20/2023:

1. **Completed Notice of Submittal:** Applications to appropriate water must be signed by the applicant or the applicant's authorized agent (Cal. Code Regs., tit. 23, §710.)
2. **Application Filing Fee or Proof of Payment:** Applications to appropriate water by permit must be accompanied by a filing fee determined by regulation (Cal. Code Regs., tit 23, §1062.) Based on your review of the current fee schedule, the State Water Board filing fee for this application is \$ 1030. For information on available payment methods, please visit https://www.waterboards.ca.gov/make_a_payment.
3. **Streamflow Protection Standards Fee:** With limited exceptions, a filing fee of \$850.00 made payable to the California Department of Fish and Wildlife is due upon application for any permit, transfer, extension, or change of point of diversion, place of use, or purpose of use. The fee is required to defray the costs of identifying streams and providing studies to support the development of Streamflow Protection Standards (Pub. Resources Code, § 10005.) Under certain circumstances, payment of this fee may be waived by the State Water Board or the California Department of Fish and Wildlife.

You may submit the required items **by mail** (State Water Resources Control Board, Division of Water Rights, Attn: Applications, PO Box 2000, Sacramento, CA 95812-2000); or **by hand delivery** (Division of Water Rights Records Room located in the Joe Serna Jr. CalEPA Headquarters Building at 1001 I Street in Sacramento).

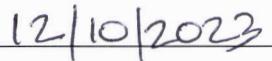
If the three items listed above are received by 12/20/2023, your application will be accepted for initial review and the Division of Water Rights will determine whether the application conforms to the rules and regulations of the State Water Board and to the law within 30 days of receipt. If the three items listed above are not received within the specified timeframe, **your application will expire and you will need to submit a new application.** If you cannot submit these items before the highlighted date, contact dwr-applications@waterboards.ca.gov with supplementary information requesting more time.

If you have any questions, please call the Division of Water Rights at (916) 341-5300 or email dwr-applications@waterboards.ca.gov. For additional information on water rights and the application process, please refer to the Division of Water Rights Permitting web page: https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

By signing below, I certify under penalty of perjury under the laws of the State of California that the information provided in Application Form ID 440720 is true and correct to the best of my knowledge and belief.



Signature



Date

ZACHARI ROBINSON

Print Name

HUSCH VINEYARDS

Company/Organization (if applicable)

I am the Applicant Authorized Agent for this application.

THIS SECTION FOR USE BY DIVISION OF WATER RIGHTS STAFF ONLY

Review of Filing Fees

Fees	Payment Amount	Payment Method	Payment Date	Staff Initials/Date
Application Filing Fee	\$1,030.00	Check	12/18/23	MJ
Streamflow Protection Standards Fee	\$850.00	Check	12/18/23	

eWRIMS Record Creation

Staff Assigned	Record ID	Staff Initials/Date
Mark Matranga	A033408	MJM 12/18/2023

Survey Permit Application

You completed survey 440720 on 11/20/2023 14:53:46

Before You Begin

Welcome to the Application to Appropriate Water by Permit Portal. Since December 19, 1914, the appropriation of surface water and water flowing in subterranean streams through known and definite channels has been governed by the California Water Commission Act (Statutes 1913, Ch. 586), which is contained in the provisions of the California Water Code. The State Water Resources Control Board, Division of Water Rights administers California's water right permitting program.

The Application to Appropriate Water by Permit Portal allows parties to apply for either a permanent or a temporary water right permit. Applications (whether permanent or temporary) will only be accepted for initial review if they are accompanied by the water rights filing fee (https://www.waterboards.ca.gov/resources/fees/water_rights/) and an \$850 streamflow protection standards fee payable to the California Department of Fish and Wildlife. You should not submit your application until you are prepared to pay both of these fees.

FORM INACTIVITY NOTICE: Please note that your form will lock after five months of inactivity. At the five-month mark, Division of Water Rights staff will contact you informing you that your form has been locked. **If you do not respond within one month of receipt of that email, your online application will be deleted. If you do not enter an email address into Section 1 of the form, your form will be deleted without the five-month warning.**

Before you continue, please read and acknowledge the following.

Information to Obtain in Advance:

Filing a complete and accurate application form is the first step towards obtaining your water right permit. This application will require you to assemble a considerable amount of information in advance. Although you may save your application and return to it at any time, having the following information available will assist in the completion of the application. Some of the information listed below is not required for application submittal and acceptance but may speed the processing of your application. Information denoted by an asterisk below are required to be included in your application to satisfy the provisions of Water Code Section 1260.

(1) Project Information

- Applicant name and post office address
- Source of Water Supply*
- Proposed Points of Diversion*
- Number and type of diversions*
- Nature and Amount of Proposed Use*
- The place where it is intended to use the water*
- The location and description of the proposed headworks, ditch canal, and other works*
- Dates to begin and complete construction*
- Time for the complete application of the water to the proposed use*
- Water use information to justify your requested appropriation amount
- Photos of your project features 
- Engineering map (only required under certain circumstances) or general project map 

(2) Effects of appropriation on fish and wildlife (see below)*

(3) Water Supply Report or other hydrologic analysis (see below)*

(4) Copies of any related water right records (e.g. permits, license, statement)

(5) Records of any contacts with local, State, or federal agencies regarding your project

(6) Information regarding any easements or related agreements regarding the project features

(7) Any other reports or information that has been prepared that may assist with understanding the project or completing a review of the potential impacts or effects of the project on the environment or other water right holders. This may include stream classification reports, stream surveys, reservoir surveys, historical records of the diversion and use of water, historical cropping records, etc.

Policy for Maintaining Instream Flows in Northern California Coastal Streams

If your project is located within the counties of Marin, Sonoma, portions of Napa, Mendocino, and Humboldt your application may be subject to the provisions of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/). The Policy for Maintaining Instream Flows in Northern California Coastal Streams outlines principles and guidelines for maintaining instream flows in Northern California coastal streams and may preclude the State Water Resources Control Board from accepting applications for onstream reservoirs located on streams that support aquatic life. However, the Policy for Maintaining Instream Flows in Northern California Coastal Streams allows for a party to apply for an exception to this provision. The online form will screen your application to determine whether it is located within the geographic area of the Instream Policy for Maintaining Instream Flows in Northern California Coastal Streams.

Effects of Appropriation on Fish and Wildlife

As part of your application you will be required to provide the following:

- Information concerning the extent, if any, to which fish and wildlife would be affected by the appropriation; and
- A statement of any measure proposed to be taken for the protection of fish and wildlife in connection with the appropriation.

You will need to conduct a review of all data and information reasonably available to you. This includes, but is not limited to, the information obtained by consulting with the California Department of Fish and Wildlife, which divides California into seven management regions whose boundaries mostly correspond to county borders (with the exception of Sacramento, Yolo, and San Joaquin counties). To determine which California Department of Fish and Wildlife region is responsible for your project, please refer to the California Department of Fish and Wildlife Regions map (<https://www.wildlife.ca.gov/regions>). Each region has a designated water rights coordinator (<https://nrmsecure.dfg.ca.gov/FileHandler.ashx?DocumentID=42132&inline>). We recommend that you contact your California Department of Fish and Wildlife regional water rights coordinator at least one month prior to the date you intend to submit your application to the Division of Water Rights.

Reasonable Likelihood of Water Availability

You will be required to provide sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for your project. Unappropriated water does not include water being used pursuant to an existing right, whether the right is owned by the applicant, or by another person. This analysis requires that you analyze the supply and demand of water in your area that accounts for prior rights both upstream and downstream of your project, and instream needs downstream of your project in order to determine whether there is a reasonable likelihood that water is available for your project. Water supply information may be gathered from the United States Geological Survey (<https://waterdata.usgs.gov/nwis>) or the California Data Exchange Center (<http://cdec.water.ca.gov/>). Information regarding prior rights (i.e. demand) may be found on the Division of Water Right's eWRIMS database (<http://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWPUBLICTERMS.jsp>). Information regarding instream needs may be found in a variety of sources including independent studies, studies, studies by fishery agencies, eWRIMS, Water Rights Orders and Decisions, and the Policy for Maintaining Instream Flows in Northern California Coastal Streams.

Alternatively, if your project is located within the geographic area of the Policy for Maintaining Instream Flows in Northern California Coastal Streams, you may elect to submit a Water Supply Report in accordance with Appendix B of the Policy for Maintaining Instream Flows in Northern California Coastal Streams to satisfy this requirement. The Water Supply Report provides a general format for this type of analysis. Projects located outside the geographic area are not prohibited from submitting a Water Supply Report. This analysis should be accompanied by information demonstrating water availability for the project with consideration of instream needs in the immediate watershed of the project and along the downstream flow path.

Fully Appropriated Streams and Wild and Scenic Rivers

Your application may be subject to rejection if you are requesting to divert water from a stream system that has been declared to be fully appropriated during your requested season of diversion or a stream segment that has been designated as a component of the State or federal Wild and Scenic River System (<https://www.rivers.gov/california.php>). For more information, please refer to State Water Resources Control Board's Declaration of Fully Appropriated Streams (https://www.waterboards.ca.gov/waterrights/water_issues/programs/fully_appropriated_streams/docs/fas_list.pdf). The online form will screen your application to determine whether it may be located on a fully appropriated stream or Wild and Scenic River.

Additional Information

Water right applications commonly involve technical and legal issues that may require the assistance of an engineer, environmental science professional, and/or an attorney. The Division of Water Rights does not provide these services. If you need the assistance of an experienced water rights professional in processing your application, you may select a party of your choice or refer to our Water Rights Consultants List (https://www.waterboards.ca.gov/waterrights/board_info/consultants_list.html) or Attorneys List (https://www.waterboards.ca.gov/waterrights/board_info/consulting-attorneys.html).

Depending on the nature of your project, separate applications may be required. The requirements for separate applications and joint applications can be found in the California Code of Regulations sections 686 through 691 ([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I907DEB10D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I907DEB10D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))).

If you need to modify an existing pending water right application, please consult with your assigned Division of Water Rights staff lead. If you are unsure who your Division of Water Rights staff lead is, please contact the permitting supervisor (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/#contacts) responsible for your area. You may need to complete a petition for change form to modify your pending application.

The application itself consists of 19 sections. Upon submittal, the application will be reviewed for compliance with the requirements of California Water Code sections 1260 a-k (<https://codes.findlaw.com/ca/water-code/wat-sect-1260.html>). Any application failing to provide the information required will be subject to rejection.

Applications to appropriate water by permit are processed by the Division of Water Right's Permitting Section. You may contact staff from the Permitting Section (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/#contacts) to assist with questions as you prepare your application.

Please note that it is highly recommended that each section of the form be complete sequentially. Completing sections out of sequence may inhibit data transfer within the application form. You may use the navigation bar to move within sections of the form to add or remove information from previous sections.

For more information on water rights in California, please refer to Division of Water Rights Permitting web page (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/). If you need assistance determining if your diversion falls within the water rights permitting authority of the State Water Board, you may wish to seek an experienced water rights professional.

I acknowledge that I have read and understand the above information and that I will not be able to complete my application unless I have compiled all the required information.

PUBLIC RECORDS ACT

Notice Pursuant to Information Practices Act of 1977 (Civ. Code, § 1798.17)

The State Water Resources Control Board, Division of Water Rights, is requesting personal information on this form, Application to Appropriate Water by Permit. This form shall become a public record upon receipt by the State Water Resources Control Board. The submission of personal information designated with an asterisk (*) is mandatory. Please note that a post office box may be used as a mailing address in place of a physical address. Failure to provide mandatory personal information can result in rejection of the form. Submission of all other personal information is voluntary, but omission of the requested voluntary personal information may delay the State Water Resources Control Board's processing of the form.

The State Water Resources Control Board is authorized to collect and maintain this personal information by Water Code section 1260. The personal information is collected to comply with statutory requirements under Water Code sections 1250 et seq. and 1425 et seq., and to facilitate processing of this application. The State Water Resources Control Board is required by Water Code sections 1300 et seq. and 1428 to provide a notice of the application that contains the designated mandatory information on this form. The State Water Resources Control Board may post the application to its internet website and will mail the application upon the request of any person.

The State Water Resources Control Board official responsible for this system of records is Matthew Jay, Associate Governmental Program Analyst, whose business address is 1001 I Street, 2nd Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-5300. Upon request, the State Water Resources Control Board official shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records. Any member of the public may inspect the information collected in this form by contacting the State Water Resources Control Board, Division of Water Rights by mail at P.O. Box 2000, Sacramento, CA 95812-2000, by fax at (916) 341-5400, by telephone at (916) 341-5300 or by e-mail at dwr@waterboards.ca.gov, or by appearing in person at the State Water Resources Control Board, Division of Water Rights records room located at 1001 I Street, 2nd Floor, Sacramento, CA 95814 during normal business hours.

I acknowledge that I have read and understand the above information.

I consent to the disclosure by the State Water Resources Control Board of the information provided on this form by posting to the State Water Resources Control Board's website, by direct or electronic mailing as required by Water Code section 1300 et seq., or as otherwise required for the Board to act upon the requested application. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b). This consent remains valid while the requested application is pending before the State Water Resources Control Board and an additional five years following completion of the application.

Section Index

The following is a list of the sections contained in this application. As you proceed through your application, a section navigation bar at the top of each page is available if you need to review previous sections or if you need to edit your work. You may also use the "Previous" and "Next" buttons at the bottom of each page.

- Section 1: Owner Information
- Section 2: Agent and Consultant Information
- Section 3: Type of Permit
- Section 4: Type of Project Map Requirements
- Section 5: Project Description
- Section 6: Purpose of Use
- Section 7: Place of Use
- Section 8: Point Locations
- Section 9: Screening for Fully Appropriated Streams, Wild and Scenic Rivers Act, and the Policy for Maintaining Instream Flows in Northern California Coastal Streams
- Section 10: Point and Facility Information
- Section 11: Additional Facilities
- Section 12: Total Amount of Water Requested
- Section 13: Policy for Maintaining Instream Flows in Northern California Coastal Streams Exceptions and Expedited Processing
- Section 14: Underground Storage
- Section 15: Effects of Proposed Appropriation on Fish and Wildlife
- Section 16: Demonstration of Water Availability
- Section 17: California Environmental Quality Act
- Section 18: Filing Fees
- Section 19: Declaration and Signature

Form Description

The purpose of this page is to enable you to differentiate this filing from other water right filings you may have previously generated within the online portal. Parties submitting more than one Application, Registration, Statement or Petition may want to designate a specific name and/or description for each filing .

Husch Vineyards winter license

SECTION 1: OWNER INFORMATION

In this section you will provide contact information for the applicants and the landowners for the property on which the project is located. The application must designate a primary applicant, who will act on the behalf of all of the applicants. Only one primary applicant may be designated for your application. The primary applicant serves as the primary contact for matters related to the application, unless an Agent is designated in the next section. Additional co-applicants of the application may be designated as non-primary applicants. Regarding question (3), pursuant to California Code of Regulations, title 23, section 775 et seq.

([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IC3CA7BC05B6E11EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IC3CA7BC05B6E11EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1)), the application should describe the applicant's ability to obtain access to land needed for project operation. Failure to resolve right of access issues could result in delays, cancellation, or denial of an application.

(1) Provide information for the primary applicant below.

Primary Applicant

First Name	Middle Name		
<input checked="" type="checkbox"/> Last Name or Company Name	Husch Vineyards Inc		
Contact Person for Company	Zachary Robinson		
Mailing Address	PO Box 189		
City	Talmage	State	California
Phone Number	95481		
Email Address	707-462-5370		
Provide the applicant's legal entity type.	<u>Corporation</u>		

(2) Are there additional applicants (non-primary applicants)? Yes No

(3) Are there any lands where the proposed diversion and/or storage facilities are located that are not accessible to the applicants, which could require right of access?

(4) Are there any lands where the proposed place of use would occur that are not owned by any of the applicants?

Please upload all requested documents here:

No file selected

(Uploaded files:) - - - - - No files uploaded - - - - -

0%

SECTION 2: AGENT AND CONSULTANT INFORMATION

Section 1: Owner Information

You may designate an Agent and/or Consultant that will be associated with your application. An Agent may be designated to act on behalf of the owner(s) of the application. Consultants may be designated to assist with certain aspects of processing of the application. While designation of an Agent and/or Consultants is optional when submitting your application, please note that the Division of Water Rights may require you to provide information during the processing of your application that can only be developed by certain qualified professionals.

- (1) Have you designated an agent to act on your behalf in matters pertaining to the water right application?
- Yes No

Agent

First Name

Middle Name

Last Name or Company Name

The Nature Conservancy

Contact Person for Company

Jennifer Carah

Mailing Address

830 S Street

City

Sacramento

State

California

Zip

95811

Phone Number

415-517-9659

Email Address

jcarah@tnc.org

Provide the agent's legal entity type.

Water right applications commonly involve technical and legal issues that may require the assistance of an engineer, environmental science professional, and/or an attorney. While the Division of Water Rights does not recommend or endorse any particular firm or consultant, the Division of Water Rights maintains a list of firms (https://www.waterboards.ca.gov/waterrights/board_info/contacts.html) that have indicated they perform services in the area of California water law or water rights consulting. Once your application is submitted you may have a limited amount of time to identify the qualified engineering and environmental consultants that you have elected to work with if your application is accepted.

- (2) Have you selected an attorney and/or consultant to prepare the technical activities associated with processing your application?
- Yes No

Engineering Consultant

First Name

Middle Name

Last Name or Company Name

Contact Person for Company

Mailing Address

City

State

Zip

Phone Number

Email Address

Provide the
engineering
consultant's legal
entity type.

Environmental Consultant

First Name

Middle Name

Last Name or
Company Name

The Nature Conservancy and Trout Unlimited

Contact Person
for Company

Jennifer Carah TNC Mia Van Docto TU

Mailing Address

830 S Street

City

Sacramento

State

California

Zip

95811

Phone Number

415-517-9659

Email Address

jcarah@tnc.org; mia.vandocto@tu.org

Provide the
environmental
consultant's legal
entity type.

Attorney

First Name

Middle Name

Last Name or
Company Name

Trout Unlimited

Contact Person
for Company

Matt Clifford

Mailing Address

5950 Doyle Street Suite 2

City

Emeryville

State

California

Zip

94608

Phone Number

Email Address

matt.clifford@tu.org

Provide the
attorney's legal
entity type.

Click here (../Content/Sec 2_Consultant_Attorney Information.xlsx) to identify additional consultants and/or attorneys.
Once complete upload the document below.



Choose File

No file selected

Upload

(Uploaded files:)

----- No files uploaded -----

0%

SECTION 3: PERMIT TYPE

Section 1: Owner
Information

Section 2: Agent and
Consultant

This application form may be used to either apply for a standard or temporary water right permit. For more information regarding the various types of water right permits, please review the Division of Water Rights Permitting web page (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/).

What type of water right permit are you applying for?

- Standard Permit
- Standard Permit (Streamlined processing for Groundwater Recharge)
- Standard Small Hydroelectric Permit
- Temporary Permit for Small Hydroelectric
- 180 day Temporary Permit
- 5-Year Temporary Permit for Diversion to Underground Storage

Please upload all requested documents here:



Choose File

No file selected

Upload

(Uploaded files:)

----- No files uploaded -----

0%

SECTION 4: MAP REQUIREMENTS

Section 1: Owner
Information

Section 2: Agent and
Consultant

Section 3: Permit Type

In this section, you will determine if an engineering map or a general project map is required for your project. Please answer the following questions to determine the type of map required for your project.

Does your project involve the diversion of water at a rate exceeding 3.0 cubic feet per second?

Yes | No

Does your project propose a reservoir with a surface area greater than 10 acres?

Yes | No

Does your project involve the diversion of more than 1,000 acre-feet per year by underground storage?

Yes | No

Does your project involve the storage of water in a reservoir with a dam height greater than 6 feet and a capacity of 50 acre-feet or more? Note: if this is the case your project may be subject to the Division of Safety of Dams (<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams>).

Yes | No

Does your project involve the storage of water in a reservoir with a dam height of 25 feet or higher and a capacity greater than 15 acre-feet? Note: if this is the case your project may be subject to the Division of Safety of Dams (<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams>).

Yes | No

SECTION 4.2: GENERAL PROJECT MAP

Section 1: Owner Information

Section 2: Agent and Consultant

Section 3: Permit Type

Based on your specific project parameters, California Code of Regulations section 715 ([https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) requires the submission of a general project map. Additional instructions, definitions, and examples are provided here ([./Content/Map_General_Section_4.2_Draft.pdf](#)).

Upload your general project map, prepared in accordance with California Code of Regulations section 715 below.

The map must also comply with any applicable requirements of California Code of Regulations, title 23, section 715 et seq ([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IC2D4AA105B6E11EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IC2D4AA105B6E11EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))). You should review sections 715 through 723 to understand any other requirements for your map.

Upload General Project Map:

No file selected

(Uploaded files:)

Delete nav_husch_pod3.pdf (/MT/TakeSurvey/Download?fileName=1072_440720_67535_AppropriativeWa__GenProjMapUpload_1.pdf)

0%

SECTION 5: PROJECT DESCRIPTION

Section 1: Owner Information

Section 2: Agent and Consultant

Section 3: Permit Type

Section 4: Map Requirements

In this section you will describe, in detail, the operations and features of your project. You will also be asked to identify other water rights you hold and other sources of water you have access to.

(1) Provide a detailed description of the project, project objectives, and operations. The information should describe the point where water is diverted from the natural watercourse until it is put to its final use (i.e. how water is transferred from a diversion point to a place of use), including diversion works, delivery and return pipelines, reservoirs, etc., and whether facilities are existing. Include in your description anticipated construction activity and area to be graded or excavated, construction dates of each project feature, storage facility, etc. If your project involves diversion to underground storage you will be requested to provide a detailed description under Section 14. For projects that involve diversion to underground storage, please type 'refer to Section 14' below.

This is a streamflow enhancement project undertaken by Husch Vineyards, a small winery in the Anderson Valley near Philo, California, in cooperation with The Nature Conservancy, Trout Unlimited, and the Mendocino County Resource Conservation District. Husch currently diverts water from the Navarro River for irrigation and frost protection between March 15 and September 1 using water license A023120, routing diversion to two existing storage ponds. Sometimes water is also diverted from the Navarro River for supplementary irrigation using

riparian statement S016614 for an associated 14-acre parcel. For this project, Husch proposes to apply for a new appropriative right allowing the ponds to be filled in the winter season (proposed season of diversion Dec. 15 - March 14), enter a long-term agreement with The Nature Conservancy agreeing to forbear diversion from June 15 – October 15 annually on existing water rights, and change existing water right A023120 pursuant to WC § 1707 to add instream use in the Navarro River by fish and wildlife as a permissible place and purpose of use. The effect of the above measures would benefit fisheries resources by shifting the timing of diversion away from the critical low-flow season and into the winter months when stream flows are naturally higher. This will also increase the reliability of Husch's water supply by increasing the capacity of available storage and allowing it to be filled in times of greater streamflow. Under this proposal, up to 12 AF of water could be diverted from an existing point of diversion on the Navarro River between December 15 - March 14, using existing diversion works at a maximum diversion rate of 115 gpm, and conveyed through an existing conveyance system to two existing offstream storage ponds with a combined storage capacity of approximately 7.5 AF (see attached map for location of POD, storage ponds, and conveyance infrastructure). The purpose of use would be frost protection, irrigation and heat protection over a 40-acre place of use (see attached map). Husch's frost season has typically been from mid-March through late May depending on the year and the weather, though in recent years it has started as early as February 20th. The quantity used for frost protection varies from 0 AF (in warm years) to as much as 17.7 AF (in 2008). Water for frost protection would be transferred from the ponds to an existing system of rainbird impact sprinklers which apply water at a rate of 55 gallons per minute per acre. Irrigation takes place primarily from June through late October, through an existing drip system, with application ranging from 5.1 to 8.6 AF in recent years. Husch's goal is to collect the bulk of water needed for frost and irrigation in the period of Dec. 15 - March 31 annually, and to top off the ponds by the end of the frost season in late May or sooner if needed, so that the irrigation season begins with full ponds to provide stored water throughout the dry season months of June through October. No construction is required under this proposal, as the diversion works, conveyance system, and ponds are existing. For the project to be viable, the new winter water right will require an exception to the North Coast Instream Flow Policy's regional criterion for bypass flow under Policy section 3.3.2.5. This is because the formula for the regional criterion results in a bypass flow of 256 cfs, which would fail to allow sufficient diversion to reliably fill the storage ponds in drier winters, and thereby would not provide Husch with sufficient water security to justify giving up summer diversion rights. The project would not need exceptions to the Policy's regional criteria for season of diversion or maximum cumulative diversion. To ensure the ponds can reliably be filled under the new winter right, the bypass flow needs to be set at a level that provides an adequate number of days on which diversion is permissible between December 15 and March 14. At the proposed rate of 115 gpm, which is the capacity of Husch's existing diversion pump, the ponds could theoretically be filled in 15 days of continuous pumping. In practice, however, the allowable diversion window would need to be longer, to allow for equipment failures and unfavorable pumping conditions such as high turbidity or very high flow conditions when it is not safe to pump using existing infrastructure. The bypass flow derived under the Policy's standard regional criterion – 256 cfs – would preclude the pond from being filled in some dry years. For example, in 2013, pumping would have been restricted to only a few days in February and March, assuming favorable pumping conditions. To ensure adequate wintertime filling of the ponds in all years, Husch proposes applying a bypass flow (at the POD) of 51.2 cfs for the period December 15–February 14, and 25.6 cfs for the period February 15–March 14, which would ensure that the Husch diversion never takes more than 1% of the ambient streamflow, which is a level too small to be reliably measured. [Please note that for bypass compliance gauging purposes, Husch would like to use the Navarro USGS gauge. Using the scaling formula specified in the North Coast Instream Flow Policy and Mann (2004), the Water Supply Report determined a scaling ratio of 0.6949 from USGS gauge to Husch POD. Using that scaling ratio, the compliance minimum bypass at the USGS gauge would be 73.7 cfs for Dec. 15–Feb. 14, and 36.8 cfs for Feb. 15–March 14.] Section 3.3.2.5 of the Policy allows the Deputy Director to make exceptions to the regional criteria if: (1) the applicant's existing diversions under another valid basis of right will be reduced if the application is approved, and (2) the benefit to fishery resources of the reduction outweighs the potential impacts to fishery resources if the application is approved. This project would satisfy both these criteria. The project would reduce diversions under Husch's existing right in two ways. First, in exchange for the new winter right, Husch would agree to discontinue dry season diversion between June 15 and October 15. Second, the new right would allow the ponds to be filled earlier in the winter season, replacing the bulk of the springtime diversions that occur when the ponds are filled after March 15 under the existing license. In addition, the fisheries benefit of the reduced spring and summer diversions would outweigh the potential impacts of the new winter right. Since flows are highest in the winter season, any shift in the timing of diversion from spring and summer to winter will reduce proportional impacts to streamflow. For example, at the 8 cfs summer bypass flow in A023120, the existing 115 gpm diversion constitutes 3.2% of ambient streamflow. At the proposed 51.2 cfs winter bypass, the new diversion would take a maximum of 0.5% of flow, or less than 1/6th of the summertime proportion. At the later 25.6 cfs bypass, the new diversion would take a maximum of 1% of flow, or less than 1/3rd of the summertime proportion. Moreover, this proportional comparison likely understates the actual benefit to fisheries, because information from the fisheries agencies (CDFW and NMFS) shows that low summer stream flows are more limiting for anadromous fish than winter flows in the Navarro River watershed (NMFS 2012, 2016).

(2) Please select the option that most accurately describes your project below.

- I have not initiated construction of my project features.
- I have initiated construction for some of my project features and some future construction is proposed.
- I have completed construction of all my project features and no future construction is proposed.

Provide the following: (1) construction dates for completed project features; (2) verification that supports your claim that all project features have already been constructed (ex. water diversion records, reservoir surveys, grading permits, historical aerial photographs, etc.).

The southern pond was constructed in 1965. The northern pond was constructed in 2011, and lined in 2012.

The southern pond was lined in 2019. The diversion works were installed in 1968. The conveyance from the point of diversion to the southern pond was constructed in 1968 and connected to the northern pond in 2011.

Are you uploading a document to supplement your answer? If so, please upload at the bottom of the page.

Yes | No

(3) A water right permit application must include the time required for the complete application of the water to the proposed use (Wat. Code, § 1260, subd. (i).).

Application of water means the actual use of the water (e.g. applying water to crops for irrigation) in accordance with the conditions of the permit. This information is required because water right permits must always include a time period for when application of water to the proposed use must be completed (Wat. Code, § 1395 et seq.). A water right license, which is the final confirmation of a water right first established by issuance of a permit, can only be issued for the amount of water that has been applied to beneficial use in accordance with the Water Code, the rules and regulations of the State Water Resources Control Board, and the terms of the permit including the time period specified in the permit. If a permittee is unable to complete application of the water to the proposed use before the end of the time period specified, they may petition the State Water Resources Control Board to request more time.

To satisfy this requirement, you must estimate the time required for when you will complete the application of water to beneficial use to the full extent proposed in the application. This is the time period, after a water right permit is issued, that you will have to beneficially use the water. For a project that is fully constructed at the time of filing a water right permit application, water diverted or used before the permit is issued cannot be considered for beneficial use in accordance with the requested permit. Generally, the Division of Water Rights recommends that applicants consider a beneficial use period of at least 15 years because of the variability of water availability each year. Larger or more complex projects may require a longer beneficial use period and must be supported by sufficient rationale.

Note: An application for a temporary permit (see Section 3) typically involves near term use of diverted water (fractions may be used to express amount of time if less than one year).

Provide an estimate for the time required, in years, for the complete application of water to the proposed use:

Number of Years	15
-----------------	----

Describe the reason you are requesting the amount of time indicated above.

Water will be put to beneficial use immediately using existing infrastructure, subject to legal requirements (e.g. season of diversion, bypass requirements). Fifteen years are requested to complete the application of water to beneficial use to allow for variability in water availability and water need each year.

(4) If you claim an existing right or have you been granted an appropriative water right to meet the beneficial use requirements of the project described in this application, provide the number of the registration, permit, license, court decree or statement of water diversion and use, if applicable. If other applies, please describe.

Husch holds license A023120 and riparian statement S016614 in the Navarro watershed.

(5) If your project involves the use of purchased water, contract water, groundwater, wastewater, etc., describe the use below (i.e. where is water purchased from, how many wells onsite, etc.).

N/A

(6) Is your project contingent on funding from any of the sources below?

- Federal Funding
 State Funding
 Philanthropic Funding

(7) Provide a complete set of color photographs of the proposed project site, with dates and labels on the photographs showing the following:

1. all point types (i.e. points of diversion, points of redirection, offstream reservoirs, etc.)
2. vegetation along the stream channel immediately upstream and downstream of each point type (if located on a stream)
3. the place of use.

Upload all documents at the bottom of the page.

(8) If desired, you may upload a video presentation of your project. Upload at the bottom of the page.

Please upload all requested documents here:

 Choose File No file selected



(Uploaded files:)

Delete Husch ponds_historical photos.pdf (/MT/TakeSurvey/Download?fileName=1072_440720_84618_AppropriativeWa__Section5Upload_1.pdf)
Delete Husch application photo files.pdf (/MT/TakeSurvey/Download?fileName=1072_440720_84618_AppropriativeWa__Section5Upload_2.pdf)

0%

SECTION 6: PURPOSE OF USE

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description			

Water diverted must be for some useful or beneficial purpose. In this section, you will identify all applicable beneficial purposes (purposes of use) for your project. For each purpose of use you identify, you will be asked to provide an estimate of the amount of water you are requesting to divert. Please refer to California Code of Regulations, title 23, section 697 ([https://govt.westlaw.com/calregs/Document/I94963270D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I94963270D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) for assistance in calculating the reasonable amount of water for certain uses. Items may be entered into the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon.

You will also be asked to identify incidental uses for your project. An incidental use of water is generally considered to be a use that occurs only as a consequence of the diversion of water for a primary use and consumes a minimal quantity of water. As a reminder, if your project involves both consumptive and nonconsumptive  primary uses, you may need to file a separate application (California Code of Regulations, title 23, section 686 ([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I907DEB10D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I907DEB10D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)))).

While you continue through this application, please keep in mind that the amount of water, season of diversion, and the maximum rate of water requested under this application cannot be increased once submitted pursuant to (California Code of Regulations, title 23, section 699 ([https://govt.westlaw.com/calregs/Document/I95A817A0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I95A817A0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1))). Additionally, pursuant to California Code of Regulations, title 23, section 698 (<https://govt.westlaw.com/calregs/Document/IC291FBC45B6E11EC9451000D3A7C4BC3>).

viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)), an application may not be approved if the amount of water requested is in excess of the capacity of the proposed diversion works or in excess of an amount reasonably necessary for the proposed use.

(1) Identify your primary use(s) below. Once a use is selected, additional information will appear requesting that you provide justification for the estimated amount of water needed for each use.

Aquaculture [?](#)

Domestic [?](#)

Fish and Wildlife Preservation and Enhancement [?](#)

Frost Protection [?](#)

Crop Type	Acres	Rate at Which Water is Applied (gallons per minute per acre)	Method of Application*	Other*	Season of Water Use:	Season of Water Use:	Season of Water Use: End Date	Season of Water Use: End Date	Estimated Annual Amount (acre-feet per year)
					Beginning Date (MM)	Beginning Date (DD)	(MM)	(DD)	
<p>*If multiple methods are used on the same plot of land, add secondary methods to the "Other" column. If "Other" is selected as the primary method, please describe in the "Other" column as well.</p> <p>Describe method of use and provide the basis for your determination of the amount of water needed for Frost Protection use.</p> <p><u>The quantity of water used for frost protection at Husch has varied from 0 AF (in warm years) to as much as 17.7 AF (in 2008), and has been around 3 AF in recent years. Water for frost protection is transferred from the ponds to an existing system of rainbird impact sprinklers which apply water at a rate of 55 gallons per minute per acre to affected blocks. In years when more than 3 AF are needed for frost protection, Husch will use existing water right A023120 to replenish the ponds between March 15-June 14 as needed.</u></p>									

Heat Control [?](#)

Industrial [?](#)

Irrigation [?](#)

Crop Type	Acres	Method of Irrigation*	Water Use (acre-feet per year)	Season of Water Use: Beginning Date (MM)	Season of Water Use: Beginning Date (DD)	Season of Water Use: End Date (MM)	Season of Water Use: End Date (DD)
				Beginning Date (MM)	Beginning Date (DD)	End Date (MM)	End Date (DD)
<p>*If multiple irrigation methods are used on the same plot of land, add secondary methods of irrigation to the "Other" column. If "Other" is selected as the primary method of irrigation, please describe in the "Other" column as well.</p> <p>Explain how you estimated the amount of water needed for Irrigation use and upload supporting calculations at the bottom of the page.</p> <p><u>Over the past 10 years, water needed for irrigation has ranged from 5.1 to 8.6 AF. We selected the upper end of this range, 9 AF, to be on the safe side.</u></p>							

Mining [?](#)

Municipal [?](#)

Power [?](#)

Recreational [?](#)

Stockwatering

Water Quality

Other Uses

Other (Special Uses for Underground Storage Projects)

(2) Identify all incidental purposes of use below. 

Domestic Municipal Aquaculture Heat Control

Irrigation Mining Recreation Other

Power Industrial Water Quality

Frost Protection Stockwatering Fish and Wildlife Preservation and Enhancement

For each incidental use checked, provide a short justification as to why the use should be considered incidental to the primary use(s).

During extreme heat events, additional drip irrigation (incidental to primary irrigation) is applied occasionally to protect stressed vines. This happens rarely and uses little water.

Please upload all requested documents here:

Choose File No file selected

(Uploaded files:) - - - - - **No files uploaded** - - - - -

0%

SECTION 7: PLACE OF USE

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use		

In this section, check the applicable boxes below and complete the tables to identify the locations where the water for your project will be used. Depending on the purpose of use, the water may be used on land, at a reservoir, or in a stream channel. Items may be entered into the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon. The location information for non-consumptive uses that occur at one or more reservoirs will be requested in a subsequent question.

Water will be used on land for the intended purposes of use.

Describe where water will be used in each 40-acre portion (1/16 section) of the Public Land Survey by completing the table below. The area described below should be consistent with the area of the place of use as delineated on your map. Where irrigation of very large areas is proposed, it may be sufficient to omit reference to the 40-acre subdivisions and/or sections, as practical, in your description of the general area to be irrigated in the table below (Title 23, CCR section 719 ([https://govt.westlaw.com/calregs/Document/I9B368440D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9B368440D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))).

40-Acre Subdivision	Section Number	Projected (Y/N)	Township Number	Township Direction	Range Number	Range Direction	Base and Meridian	Number of Acres	Presently Cultivated
---------------------	----------------	-----------------	-----------------	--------------------	--------------	-----------------	-------------------	-----------------	----------------------

Total Acres:

40

Calculate Total
Acres

Provide a narrative description of your place of use.

The place of use is 40 acres of vineyard property in the NW ¼ of the SE ¼, SW ¼ of the NE ¼, and NW ¼ of the NE ¼ of section 3 of Township 14N and Range 15W of the Mount Diablo Base and Meridian.

If your project involves multiple diversion points serving different portions of your place of use, please upload a place of use map to establish a naming convention for the different place of use portions. This naming convention will be used in later section of this application. 



Choose File | No file selected

Upload

(Uploaded files:)

----- No files uploaded -----

0%

Water will be placed in a stream channel for the intended purposes of use.

SECTION 8: POINT OF DIVERSION LOCATIONS

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	

In this section, you will provide information regarding the points where you intend to either (1) exercise initial control of water by diversion or (2) redivert water that was previously diverted. A point of diversion or a Point of Re-diversion **must** be located on a surface stream or a point where water is drawn from a subterranean stream flowing through known and definite channels. Points where water is stored after initial diversion (e.g. offstream storage reservoirs, tanks, etc.) or facilities for distribution and use of water (e.g. pumphouses, agricultural blocks, etc.) **should not** be designated as points of diversion in this section of the form. Those facilities should be described in Section 5, Section 11, and/or shown on the project map (see Section 4). You must provide the correct latitude and longitude coordinates for your points of diversion or points of rediversion before proceeding to the next section. Use of other coordinate systems (such as California Coordinate System) will not be accepted. Enter the points in the order that you would like them to be arranged in your application, with the primary point (if one exists) being identified first and any offstream storage facilities last. Items may be entered into the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon. An optional point name may also be entered for each point designated to allow accurate identification of your points in the coming sections. Click the "Next" button after you have entered the locations of all points.

Your point locations will be screened based on geographic location with respect to Fully Appropriated Streams, Wild and Scenic Rivers, and the Policy for Maintaining Instream Flows in Northern California Coastal Streams.

A descriptive point name can be provided for each point location. Please ensure that the point name is consistent with the naming convention used in your project map. Examples include frog reservoir, offset well 3, instream pump, etc.

Please enter the latitude and longitude of your point location in the table below:

Latitude (Decimal)	Longitude (Decimal)	Point Name (optional)
39.1000	-123.5023	Point of diversion to offstream storage
39.1031	-123.5018	Point of offstream storage
39.1039	-123.5018	Point of offstream storage

SECTION 8.1: POINT OF DIVERSION LOCATION MAPPING

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	

Click the Point Location Mapping button below to view and confirm the locations you provided above. If any errors are found, please return to the previous page and make the appropriate corrections. If the information is correct, please click Next.

SECTION 9.1: FULLY APPROPRIATED STREAMS SCREENING RESULTS

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations

On November 19, 1998, the State Water Resources Control Board, acting pursuant to Water Code section 1205 et seq., adopted the current Declaration of Fully Appropriated Streams (Declaration) with State Water Board Order 98-08. Water Code section 1206, subdivision (a), provides that, following the adoption of a Declaration, the State Water Resources Control Board shall not accept for filing any application for a permit to appropriate water from that system. Stream sources associated with the locations identified in Section 8 have been automatically screened and identified as located within a stream system that is fully appropriated for either a portion of the year or the entire year using GIS mapping resources. While there may be multiple decisions identified for each point below, the most restrictive components of those decisions will be provided in the FAS season columns. This screening is not definitive and is provided for informational purposes only. Division staff will conduct a manual review of each point as part of the application review process. Sources and the associated season that is not prohibited by the declaration of fully appropriated streams are identified in the table below:

Point Name	This point location is located within a FAS area	FAS Decision(s)	FAS Season	
			Season Start	Season End
Point of diversion to offstream storage	True	Mendocino 1281	8/1	9/30
Point of offstream storage	True	Mendocino 1281	8/1	9/30
Point of offstream storage	True	Mendocino 1281	8/1	9/30

While an application that is filed for a project located on the stream system identified above may not be accepted, there are several exceptions. The State Water Resources Control Board, upon its own motion, may adopt an order revoking the fully appropriated streams status or revise any condition specified in a declaration upon which applications to appropriate water will be accepted for filing will be accepted. Any decision to adopt an order will be based on a change in circumstances from those considered in a previous water right decision determining that no water remains available, or upon reasonable cause derived from hydrologic data, water usage data, or other relevant information acquired. In addition, any person may petition the State Water Resources Control Board to revoke or revise the fully appropriated streams status. The petition shall include the appropriate fees (https://www.waterboards.ca.gov/resources/fees/water_rights/#cur_info) and hydrologic data, water usage data, or other relevant information that reasonable cause exists to conduct a hearing on the question whether the fully appropriated status of the stream system should be revoked or revised.

If you would like additional information, you may contact the appropriate staff from the Permitting Section (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/#contacts).

I affirm that if I select a season of diversion that is within the season identified above my application may not be accepted for filing.

I understand that because my project may be located in a fully appropriated streams system, my application will be subject to additional review.

SECTION 9.3: INSTREAM FLOW POLICY ONSTREAM DAM SCREENING

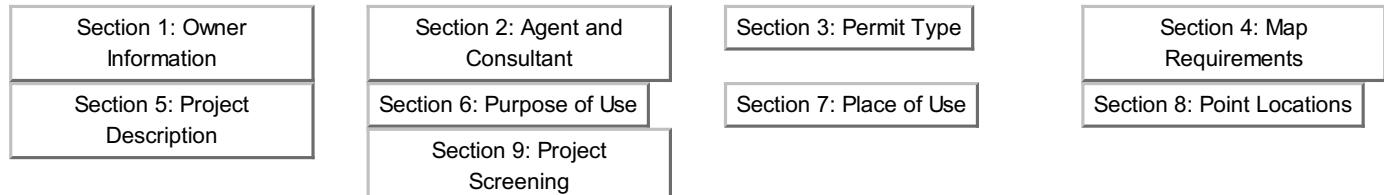
Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations

The location of your project as identified in Section 8 Project Locations falls within the geographic area of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy). The Policy (https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/docs/ab2121_0210/adopted050410instreamflowpolicy.pdf) outlines principles and guidelines for maintaining instream flows in northern California coastal streams for the purposes of water right administration. The Policy applies to applications to appropriate water located in Marin, Sonoma, portions of Napa, Mendocino, and Humboldt counties. This screening is not definitive and is provided for informational purposes only. Division staff will conduct a manual review of each point as part of the application review process.

Does your project propose an appropriation of water in connection with a dam/reservoir located on a stream?

Yes No

SECTION 10: POINT OF DIVERSION AND FACILITIES INFORMATION



In this section, you will provide the basic information related to the point locations you identified in Section 8. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the "Next Point" button near the bottom of this section. The navigation tools will allow you to move readily between points. Once all the information requested below has been provided for each point, please click "Submit" and you will move to Section 11. If you would like to review your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations".

Point of Diversion 1 of 3.

Point of Diversion Name:
Point of diversion to offstream storage

Point Location Details

Based on the latitude and longitude provided in Section 8 for this point, we have identified the following attributes related to the location of this point. Please answer the remaining items in the table.

POINT LOCATION			
ATTRIBUTE	VALUE	ATTRIBUTE	VALUE
Latitude	39.1000	Longitude	-123.5023
Parcel No.	02651012	1/4 of 1/4 Section	NW
County	Mendocino	1/4 Section	SE
California Coordinates Zone (NAD '83)	2	Section	03
California Coordinates North (NAD '83)	2165946	Township and Direction	14 N
California Coordinates East (NAD '83)	6135360	Range and Direction	15 W
Base and Meridian	M	Name of Water Source at Point	Navarro River
Water Source is Tributary to	Pacific Ocean	Thence:	
Thence:		Thence:	

What is the purpose of use for the diversion from this point? On what type of place of use will the diverted water for this purpose be used?

PLACE AND PURPOSE OF USE DETAILS	
Purpose of Use	Place of use (Ex. Crop Blocks, Reservoir, Channel)
Storage	Ponds

Type of Diversion and Amount Diverted at this Point

The series of questions below is designed to determine the type of diversion occurring at this point. Please review and answer all questions. If your answer is "yes" to the first question, you can skip the remaining questions.

Within this section you will also be asked to identify the total amount of water diverted and season of diversion/collection at this point.

(1) Are you proposing that this point be designated as a location of an offstream storage facility? Yes No

(2) Answer the following general questions about this point:

(2a) Are you proposing to divert water by means of an onstream dam at this point? Yes No

(2b) Are you proposing to redivert water that has previously been diverted at another point identified in this application?

Yes No

(3) Are you proposing to divert water by direct diversion from this point? Yes No

(4) Are you proposing to collect water in an aboveground storage facility that is located at this point? Yes No

(5) Are you proposing to divert water from this point to an aboveground storage facility that is not located at this point? Yes

No

Point Type: Diversion to Offstream Storage

Provide the total amount of water to be diverted to storage at another facility at this point and the season of diversion:

POINT OF DIVERSION TO OFFSTREAM STORAGE: RATE, AMOUNT AND SEASON				
ATTRIBUTE		VALUE	ATTRIBUTE	VALUE
Maximum Rate of Diversion (cubic feet per second)	<input checked="" type="checkbox"/>	0.256	Maximum Annual Amount of Water (acre-feet)	<input checked="" type="checkbox"/> 12
Season of Diversion Beginning Date	<input checked="" type="checkbox"/>	12 15	Season of Diversion Ending Date	3 14

Provide the following details for the reservoir.

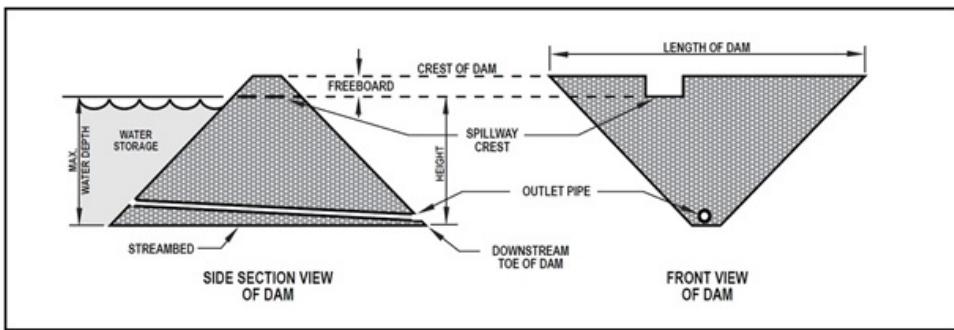
RESERVOIR DETAILS						
Status	Capacity (acre-feet)	Maximum Water Depth (feet)	Surface Area when Full (acres)	Reservoir Enlargement Proposed?	Is Reservoir within Division of Safety of Dams Jurisdiction?	Division of Safety of Dams Number
Existing	2.7	15	1	No	No	

If the status of a reservoir listed above is "partially existing", please provide a description of the existing dam components relative to what is being requested in the application:

If the water will be used at the reservoir for the intended purpose of use , please identify the location of the reservoir in each 40-acre portion (1/16 section) of the Public Land Survey by completing the table below. The location of the maximum reservoir surface area (at spillway level) therefore should be identified in relation to 1/4 - 1/4 sections.

PLACE OF USE AT RESERVOIR							
40-Acre Subdivision	Section Number	Projected (Y/N)	Township Number	Township Direction	Range Number	Range Direction	Base and Meridian

Provide the dam information at this point's aboveground storage. A diagram for reference is provided below for your reference.



DAM INFORMATION

Point Number	Point Name	Status	Construction Material	Length (feet)	Freeboard (feet)	Height (feet)
2	Southern pond	Existing	Earth	150	1.5	20

*Other, Construction

Material:

If the status of a dam listed above is "partially existing", please provide a description of the existing dam components relative to what is being requested in the application:

Provide information regarding any outlet pipes for the reservoir.

OUTLET PIPE DETAILS

Existing or Proposed	Outlet Pipe Material	Diameter (inches)	Length (feet)	Fall (feet) ?	Head (feet) ?	Dead Storage (acre-feet) ?

*Other Outlet Pipe Material, describe:

(6) Are you proposing to divert water from this point to an underground storage facility? Yes No

The navigation buttons below can be used to navigate between your points. Once you have entered in all the information requested above for each of your points, please click the "next" button to proceed to the next section. If you would like to view your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations" at the top of the page to navigate back to the point location list.

SECTION 10: POINT OF DIVERSION AND FACILITIES INFORMATION

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 9: Project Screening			

In this section, you will provide the basic information related to the point locations you identified in Section 8. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the "Next Point" button near the bottom of this section. The navigation tools will allow you to move readily between points. Once all the information requested below has been provided for each point, please click "Submit" and you will move to Section 11. If you would like to review your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations".

Point of Diversion 2 of 3.

**Point of Diversion Name:
Point of offstream storage**

Point Location Details

Based on the latitude and longitude provided in Section 8 for this point, we have identified the following attributes related to the location of this point. Please answer the remaining items in the table.

POINT LOCATION			
ATTRIBUTE	VALUE	ATTRIBUTE	VALUE
Latitude	39.1031	Longitude	-123.5018
Parcel No.	02633040	1/4 of 1/4 Section	SW
County	Mendocino	1/4 Section	NE
California Coordinates Zone (NAD '83)	2	Section	03
California Coordinates North (NAD '83)	2167073	Township and Direction	14 N
California Coordinates East (NAD '83)	6135521	Range and Direction	15 W
Base and Meridian	M	Name of Water Source at Point	Navarro River
Water Source is Tributary to	Pacific Ocean	Thence:	
Thence:		Thence:	

What is the purpose of use for the diversion from this point? On what type of place of use will the diverted water for this purpose be used?

PLACE AND PURPOSE OF USE DETAILS	
Purpose of Use <input checked="" type="checkbox"/>	Place of use (Ex. Crop Blocks, Reservoir, Channel)
Frost Protection, Irrigation	Vineyard blocks

Type of Diversion and Amount Diverted at this Point

The series of questions below is designed to determine the type of diversion occurring at this point. Please review and answer all questions. If your answer is "yes" to the first question, you can skip the remaining questions.

Within this section you will also be asked to identify the total amount of water diverted and season of diversion/collection at this point.

(1) Are you proposing that this point be designated as a location of an offstream storage facility? Yes No

Point Type: Offstream Storage

By designating this point as an offstream storage facility, you are declaring that the point is not located on a stream channel. Offstream storage facility points are not points of diversion, therefore you should not answer the remaining questions for this point. Please skip to the bottom of this page and select "Next" to move to the next page of the form.

(2) Answer the following general questions about this point:

(2a) Are you proposing to divert water by means of an onstream dam at this point? Yes No

(2b) Are you proposing to redivert water that has previously been diverted at another point identified in this application?

Yes No

(3) Are you proposing to divert water by direct diversion from this point? Yes No

(4) Are you proposing to collect water in an aboveground storage facility that is located at this point? Yes No

(5) Are you proposing to divert water from this point to an aboveground storage facility that is not located at this point? Yes

No

(6) Are you proposing to divert water from this point to an underground storage facility? Yes No

The navigation buttons below can be used to navigate between your points. Once you have entered in all the information requested above for each of your points, please click the "next" button to proceed to the next section. If you would like to view your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations" at the top of the page to navigate back to the point location list.

SECTION 10: POINT OF DIVERSION AND FACILITIES INFORMATION

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 9: Project Screening			

In this section, you will provide the basic information related to the point locations you identified in Section 8. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the "Next Point" button near the bottom of this section. The navigation tools will allow you to move readily between points. Once all the information requested below has been provided for each point, please click "Submit" and you will move to Section 11. If you would like to review your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations".

Point of Diversion 3 of 3.

**Point of Diversion Name:
Point of offstream storage**

Point Location Details

Based on the latitude and longitude provided in Section 8 for this point, we have identified the following attributes related to the location of this point. Please answer the remaining items in the table.

POINT LOCATION			
ATTRIBUTE	VALUE	ATTRIBUTE	VALUE
Latitude	39.1039	Longitude	-123.5018
Parcel No.	02633040	1/4 of 1/4 Section	SW
County	Mendocino	1/4 Section	NE
California Coordinates Zone (NAD '83)	2	Section	03
California Coordinates North (NAD '83)	2167364	Township and Direction	14 N
California Coordinates East (NAD '83)	6135526	Range and Direction	15 W
Base and Meridian	M	Name of Water Source at Point	Navarro River
Water Source is Tributary to	Pacific Ocean	Thence:	
Thence:		Thence:	

What is the purpose of use for the diversion from this point? On what type of place of use will the diverted water for this purpose be used?

PLACE AND PURPOSE OF USE DETAILS	
Purpose of Use <input checked="" type="checkbox"/>	Place of use (Ex. Crop Blocks, Reservoir, Channel)

Frost Protection, Irrigation	Vineyard blocks
---------------------------------	-----------------

Type of Diversion and Amount Diverted at this Point

The series of questions below is designed to determine the type of diversion occurring at this point. Please review and answer all questions. If your answer is "yes" to the first question, you can skip the remaining questions.

Within this section you will also be asked to identify the total amount of water diverted and season of diversion/collection at this point.

- (1) Are you proposing that this point be designated as a location of an offstream storage facility? Yes No

Point Type: Offstream Storage

By designating this point as an offstream storage facility, you are declaring that the point is not located on a stream channel. Offstream storage facility points are not points of diversion, therefore you should not answer the remaining questions for this point. Please skip to the bottom of this page and select "Next" to move to the next page of the form.

- (2) Answer the following general questions about this point:

- (2a) Are you proposing to divert water by means of an onstream dam at this point? Yes No

- (2b) Are you proposing to redivert water that has previously been diverted at another point identified in this application?

Yes No

- (3) Are you proposing to divert water by direct diversion from this point? Yes No

- (4) Are you proposing to collect water in an aboveground storage facility that is located at this point? Yes No

- (5) Are you proposing to divert water from this point to an aboveground storage facility that is not located at this point? Yes

No

- (6) Are you proposing to divert water from this point to an underground storage facility? Yes No

The navigation buttons below can be used to navigate between your points. Once you have entered in all the information requested above for each of your points, please click the "next" button to proceed to the next section. If you would like to view your point location map, click on "Previous" at the bottom of the page. If you would like to add, delete, or make edits to your point location, click on "Section 8: Point Locations" at the top of the page to navigate back to the point location list.

SECTION 11: ADDITIONAL FACILITIES

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use Section 9: Project Screening	Section 7: Place of Use Section 10: Point Details	Section 8: Point Locations

In this section, you will provide the detailed information regarding conveyance, distribution, and reservoir.

- (1) Provide the following information to describe the conveyance conduits involved for your project. In the table , please define a start location and a specified end location for each conduit (for example: offstream reservoir, intended place of use). Items may be entered into the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon. The table information (start locations, end locations, and conduit names) should be reflected in your project map in Section 4 and be of sufficient detail to provide an understanding of how water is moved from the source to the intended beneficial use. You can view example maps and narrative descriptions on the mapping instructions on the Division of Water Right's website.

Type of Conduit	Name of Conduit	Start Location	End Location	Type	Material	Cross-Section (inches)	Length (feet)	Total Lift or Fall Height (feet and + or -)	Capacity (cubic feet per second, gallons per day or gallons per minute)

*Other conduit type or conduit material, specify name of conduit and describe:

The very end of the northern conduit to vineyard blocks is 4" steel pipe.

Please provide a description of your conveyance system below. If you are anticipating significant conveyance losses include in this description and provide supporting calculations.

Water moves from the POD to the 1st (southern) and 2nd (northern) ponds through a 4" PVC pipeline. From the 1st pond, water goes out to the vineyard blocks through the northern and southern conduits, each 4" PVC pipes. The very end of the northern conduit to vineyard blocks is 4" steel pipe. There are not significant conveyance losses in the system.

You have the option to upload a schematic diagram of the conveyance conduits involved in your project in support of the description and values provided above. This optional schematic does not replace or remove the requirements to include main conduits in your project map (see mapping instructions on the Division of Water Right's webpage for more details on project map requirements). Schematics may be computer generated or hand drawn. You may upload an existing schematic that shows your project operations. Example schematics are available here (./Content/Conduit Conveyance Examples.docx).

Please upload the schematic diagram at the bottom of the page (optional).

(2) Tank and Bladder Information

Facility Name	Type	Capacity (gallons)	Material

*Please describe each Tank, Bladder or Regulating Reservoir, including use of materials not described in Table above

(3) If applicable: please upload any reservoir surveys and/or associated calculations with your reservoir(s) at the bottom of the page.

Please upload all requested documents here:

[File icon] Choose File No file selected

Upload

(Uploaded files:) ----- No files uploaded -----

0%

SECTION 12: TOTAL AMOUNT OF WATER REQUESTED

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations

Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities
------------------------------	---------------------------	-----------------------------------

In this section, you will provide the total amounts of water requested under this application (face value). As noted before, amount of water, season of diversion, and the maximum rate of water requested under this application cannot be increased once submitted (California Code of Regulations, title 23, section 699 ([https://govt.westlaw.com/calregs/Document/I95A817A0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I95A817A0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1))). Additionally, the amount requested may not be approved if it is in excess of an amount reasonably necessary for the proposed use (California Code of Regulations, title 23, section 698 ([https://govt.westlaw.com/calregs/Document/IC291FBC45B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/IC291FBC45B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1))).

(1) Enter the maximum combined amount of direct diversion for all diversion points (AFA):

0

(2) Enter the maximum combined amount of storage for all diversion points (AFA):

12

3) Enter the maximum combined amount of direct diversion and storage for all diversion points (AFA):

12

(4) Are you proposing a maximum combined rate and/or amount cap for multiple applications and/or existing water rights?

Yes No

SECTION 13.0: POLICY EXCEPTIONS AND EXPEDITED PROCESSING

Section 1: Owner Information

Section 5: Project Description

Section 2: Agent and Consultant

Section 6: Purpose of Use

Section 9: Project Screening

Section 3: Permit Type

Section 7: Place of Use

Section 10: Point Details

Section 4: Map Requirements

Section 8: Point Locations

Section 11: Additional Facilities

Section 12: Total Amount Requested

The Policy for Maintaining Instream Flows in Northern California Coastal Streams

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/docs/adopted_policy.pdf) section 3.3.2.5 allows: (1) exceptions to one or more of the diversion criteria for all or part of an application in cases where (a) the applicant's existing diversions under another valid basis of right will be reduced if the application is approved and (b) the benefit to fishery resources of the reduction outweighs the potential impacts to fishery resources if the application is approved; and (2) where feasible, expedited processing of petitions that will result in enhanced conditions for fish and wildlife and any water right applications or petitions that accompany them. [T](#)

Is your project located within the geographic area of the Policy for Maintaining Instream Flows in Northern California Coastal Streams [T](#) AND are you requesting one of the following:

(1) An exception to one or more of the diversion criteria for all or part of your application; or

(2) An expedited processing of a petition (accompanying this application) that will result in enhanced conditions for fish and wildlife?

Yes No

SECTION 13.1: POLICY EXCEPTIONS AND EXPEDITED PROCESSING

Section 1: Owner Information

Section 5: Project Description

Section 2: Agent and Consultant

Section 6: Purpose of Use

Section 9: Project Screening

Section 3: Permit Type

Section 7: Place of Use

Section 10: Point Details

Section 4: Map Requirements

Section 8: Point Locations

Section 11: Additional Facilities

Section 12: Total Amount Requested

The Policy for Maintaining Instream Flows in Northern California Coastal Streams

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/docs/adopted_policy.pdf) section 3.3.2.5 allows: (1) exceptions to one or more of the diversion criteria for all or part of an application in cases where (a) the applicant's existing diversions under another valid basis of right will be reduced if the application is approved and (b) the benefit to fishery resources of the reduction outweighs the potential impacts to fishery resources if the application is approved; and (2) where feasible, expedited processing of petitions that will result in enhanced conditions for fish and wildlife and any water right applications or petitions that accompany them. [T](#)

Please answer the following questions to identify whether you are requesting an exception to diversion criteria or expedited processing pursuant to section 3.3.2.5 of the Policy for Maintaining Instream Flows in Northern California Coastal Streams.

(1) Are you seeking exception to one or more of the diversion criteria for all or part of your application?

Yes No

(1a) Which diversion criteria are you seeking an exception from (e.g. minimum bypass flow, maximum cumulative diversion, season of diversion, etc.)?

We are seeking an exception to the Policy's minimum bypass flow diversion criteria. This is because the formula for the regional criterion results in a bypass flow of 256 cfs at the POD, which would fail to allow sufficient diversion to reliably fill the storage ponds in drier winters, and thereby would not provide Husch with sufficient water security to justify giving up its summer diversion rights. The project would not need exceptions to the Policy's regional criteria for season of diversion or maximum cumulative diversion criteria. To ensure the ponds can reliably be filled under the new winter right, the bypass flow needs to be set at a level that provides an adequate number of days on which diversion is permissible between December 15 and March 14. At the proposed rate of 115 gpm, which is the capacity of Husch's existing diversion pump, the ponds could theoretically be filled in 15 days of continuous pumping. In practice, however, the allowable diversion window would need to be longer, to allow for equipment failures and unfavorable pumping conditions such as high turbidity. The bypass flow derived under the Policy's standard regional criterion – 256 cfs – would preclude the pond from being filled in some dry years. For example, in 2013, pumping would have been restricted to only a few days in February and March, assuming favorable pumping conditions.

(1b) Provide documentation showing that your existing diversions under another valid basis of right will be reduced if this application is approved. Examples of documentation can be found on the Division of Water Right's Policy for Maintaining Instream Flows in Northern California Coastal Streams implementation (https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/implementation/) page. Upload all documents at the bottom of the page.

(1c) Provide documentation demonstrating that the benefit to fishery resources of the reduction outweighs the potential impacts to fishery resources if this application is approved. Upload all documents at the bottom of the page.

(2) Are you seeking expedited processing of a petition (accompanying this application) that will result in enhanced conditions for fish and wildlife? Yes No

Pursuant to the Policy for Maintaining Instream Flows in Northern California Coastal Streams section 3.3.2.5, expedited processing of your petition (and accompanying application) may occur if the following conditions are met.

(2a) Provide documentation showing the petition for change will enhance conditions for fish and wildlife. This documentation should include proof of past water use under the water right or claim (e.g. a riparian claim, pre-1914 appropriative claim, permit, license, etc.), and the amount of water that will be forgone (if relevant). Upload all documents at the bottom of the page.

(2b) Provide documentation that consultation has occurred with other agencies, including the California Department of Fish and Wildlife, the National Marine Fisheries Service, the Regional Water Quality Control Board, and other agencies with jurisdictional authority, and the written approval or support for the proposed change from those agencies. Upload all documents at the bottom of the page.

(2c) Provide documentation that shows the proposed change is consistent with the principles of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (section 2.1). Upload all documents at the bottom of the page.

(2d) A water availability analysis pursuant to Water Code section 1375(d) for water requested under this application that takes into account the face value demand of all known senior diversions, including senior pending water rights will need to be submitted. This may consist of a Water Supply Report in accordance with Appendix B of the Policy for Maintaining Instream Flows in Northern California Coastal Streams. You will be requested to upload this analysis under Section 16 of this application form.

(2e) Conditions of approval that will ensure that the water that is the subject of the section 1707 petition will remain instream for purposes of protecting wetlands habitat, fish and wildlife resources, or recreation in or on the water will need to be agreed to. These conditions will be developed during the application review process. By checking this box you are confirming an understanding that these types of conditions will be added to any water rights or orders issued pursuant to your section 1707 petition.

I acknowledge that expedited processing requires agreement with the above conditions.

Please upload all requested documents here:

No file selected

(Uploaded files:)

Delete NCRWQCB_Letter_of_Support_TNC_Husch.pdf (/MT/TakeSurvey/Download?fileName=1072_440720_84624_PermitApplicati__Section131Upload_1.pdf)
Delete 2023-06-23 NMFS Support Letter re Husch Forebearance Navarro River (1).pdf (/MT/TakeSurvey/Download?fileName=1072_440720_84624_PermitApplicati__Section131Upload_2.pdf)
Delete WATER-2023-0009-R1_Husch_LetterofSupport_FINAL.docx.pdf (/MT/TakeSurvey/Download?fileName=1072_440720_84624_PermitApplicati__Section131Upload_3.pdf)
Delete 3.3.2.5 rationale attachment_8_11_2023.docx (/MT/TakeSurvey/Download?fileName=1072_440720_84624_PermitApplicati__Section131Upload_4.docx)

0%

SECTION 14.1: GROUNDWATER

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 12: Total Amount Requested	Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities
	Section 13: Policy Exceptions		

Are you planning to divert water into a groundwater basin? Yes | No

SECTION 15: EFFECTS OF PROPOSED APPROPRIATION ON FISH AND WILDLIFE

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 12: Total Amount Requested	Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities
	Section 13: Policy Exceptions	Section 14: Groundwater	

Water diversion projects may result in direct and indirect effects on fish and wildlife. Project construction, physical components of the project, and operations of the project may all contribute to such effects. For example, project construction may result in release of pollutants and subsequent water quality issues that in turn affect local fish and wildlife. In addition, project operations may result in loss of stream flows. Loss of flows may effect fish and wildlife in various ways including but not limited to: reduction or elimination of riparian plants, loss of fish habitat, and invasion of non-native species. When determining the extent of the fishery protection needed at water diversion projects, the presence or absence of fish or non-fish aquatic species in a stream is an important consideration. Streams that contain fish require a higher level of protection than streams that do not contain fish, in large part because fish are mobile and require more physical aquatic habitat (living space) than non-fish species. In this section you will provide all data and information available regarding the extent, if any, to which fish and wildlife could be affected by your project.

(1) You are required to review all data and information reasonably available concerning the extent, if any, to which fish and wildlife would be affected by your project. Describe your review below and either provide links to the websites reviewed or attach documents you reviewed.

It is well established that federally endangered coho salmon and federally threatened steelhead trout are present in the Navarro River watershed, and in the Navarro River itself (NMFS 2012, 2016) (also see attached BIOS distribution maps in the project area). A list of other

rare plants and animals or species of concern present in the Philo Quad were pulled from CNDDDB and are attached. National Marine Fisheries Service (NMFS). 2012. Final Recovery Plan for Central California Coast Coho Salmon Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California. National Marine Fisheries Service. 2016. Final Coastal Multispecies Recovery Plan. National Marine Fisheries Service, West Coast Region, Santa Rosa, California.

Are you uploading a document to supplement your answer? If so, please upload at the bottom of the page.

Yes | No

(2) If you are not proposing any measures to be taken for the protection of fish and wildlife in connection with your project, please explain why below.

Standard protection measures for streamflow diversion projects, that are included in typical CDFW Lake and Streambed Alteration Agreements (LSAA), will be used in this project and incorporated in the LSAA for the new water right for this project. Husch have an LSAA for their existing water right. No construction is proposed in this project, therefore no construction protection measures are included for the project.

(3) If you are proposing any measures to be taken for the protection of fish and wildlife in connection with your project, please provide a statement of the proposed measures below and include a description of how each measure will protect fish and wildlife.

To avoid the following potential impacts (loss or decline of riparian or instream habitat, impacts to aquatic organisms, impediment of upstream or downstream movement, or water quality degradation), standard measures in the LSAA will include: -bypass requirements and minimum diversion season to protect flows for fish and wildlife -prohibitions against impeding migration, or contamination with hazardous materials or invasive species -prohibition of take of listed species -minimum vegetation removal and maintenance -requirements to maintain approved fish screening and all diversion equipment -prohibition of stocking of reservoirs -invasive species management in reservoirs Husch already has a LSAA for their existing water right which incorporates these measures. A new LSAA will be solicited (with the new season of diversion and bypass requirements) for the new winter water right. We have contacted Monty Larson from CDFW on these points and he has agreed to the bypass requirements proposed in this application.

 (4) You are required to contact the California Department of Fish and Wildlife to obtain any relevant data or information they may have, any measures they recommend for protection of fish and wildlife in connection with your project, and to inquire about the Lake or Streambed Alteration Agreement program. In addition to the requirement to contact the California Department of Fish and Wildlife in Water Code Section 1260(j), the purpose of the contact is to obtain input on possible project conditioning protective of possible impacts to fish and wildlife that can be built into the project as proposed. Designing a project with protective conditions built into the project design may reduce the likelihood of California Department of Fish and Wildlife opposition (protest) of your project and thus may reduce the time to process your application. Provide the name of the California Department of Fish and Wildlife Regional Staff you contacted and the date of contact below.

CDFW Regional Staff Contact	Monty Larson
Date of Initial Contact	01/26/2023

Upload documentation of your initial contact with California Department of Fish and Wildlife at the bottom of the page.

(4a) If California Department of Fish and Wildlife provided data and information concerning any measures they recommended for protection of fish and wildlife, please upload the documentation of the information and measures at the bottom of the page.

(4b) Did you incorporate all the measures suggested by California Department of Fish and Wildlife?

Yes | No

N/A

Explain why measures suggested by the California Department of Fish and Wildlife were not incorporated.

 (4c) Did the California Department of Fish and Wildlife indicate that a Lake or Streambed Alteration Agreement would be required for your project?

Yes | No

If you have already obtained a Lake or Streambed Alteration Agreement, please upload it at the bottom of the page.

(5) In order to effectively apply protective measures for projects located within the geographic area on the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy), a stream classification and an upper limit of anadromy determination will be made by the Division of Water Rights pursuant to the methods described in Policy section A.1.6 and A.1.4

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/) respectively. As part of this process, the Division of Water Rights may consider information collected by the project consultant. The information provided by the consultant should discuss findings related to the habitat indicators discussed under Policy section A.1.6.1 (Note: this is not the survey discussed under Policy section A.1.6.2 Determination of Stream Class by Stream Survey).

If your project consultant has collected information to support Division determination of stream classification and the location of the upper limit of anadromy in accordance with Policy sections A.1.6 and A.1.4, upload it at the bottom of the page.

Please upload all requested documents here:

 Choose File No file selected

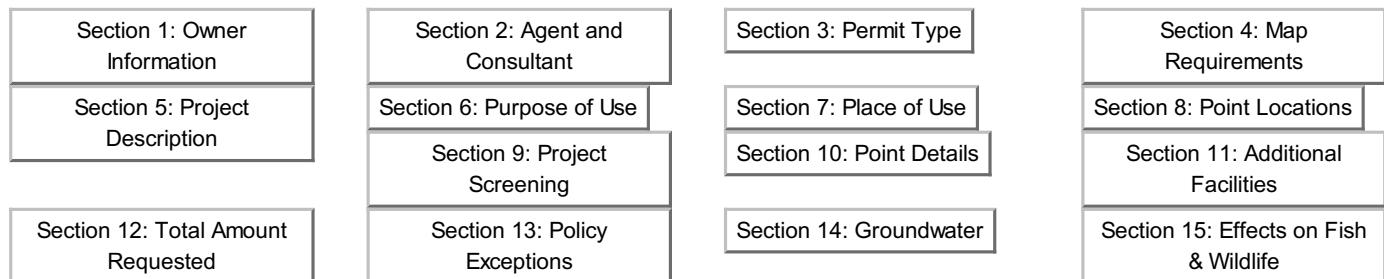
 Upload

(Uploaded files:)

Delete fish distribution_BIOS.docx (/MT/TakeSurvey/Download?
fileName=1072_440720_84626_AppropriativeWa__Section15Upload_1.docx)
Delete CNDBB list.xlsx (/MT/TakeSurvey/Download?
fileName=1072_440720_84626_AppropriativeWa__Section15Upload_2.xlsx)
Delete WATER-2023-0009-R1_Husch_LetterofSupport_FINAL.docx.pdf
(/MT/TakeSurvey/Download?
fileName=1072_440720_84626_PermitApplicati__Section15Upload_1.pdf)

0%

SECTION 16: DEMONSTRATION OF REASONABLE LIKELIHOOD OF WATER AVAILABILITY



(1) California Water Code section 1260(k) requires that every application for a water right permit set forth sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. As part of this process, you will need to upload a preliminary analysis demonstrating that there is a reasonable likelihood that unappropriated water is available for your proposed appropriation. This analysis generally addresses the availability of unappropriated water in the source stream(s) based on information that speaks to water supply, existing demand, and instream needs. This may include historic stream flow and/or precipitation data during the season of diversion requested in the application, the size of the watershed draining to the proposed point of diversion, and existing demand from other users drawing from the same source stream(s), and data related to instream needs.

Water supply information is available from the United States Geological Survey (USGS) (<https://waterdata.usgs.gov/nwis>) or the California Data Exchange Center (<http://cdec.water.ca.gov/>). Water right demand upstream and downstream of your project may be obtained by using the Division of Water Rights electronic Water Rights Information System

(https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/). Information regarding instream needs downstream of your project may be found in a variety of sources including independent studies, studies by fishery agencies, eWRIMS, Water Rights Orders and Decisions, and the Policy for Maintaining Instream Flows in Northern California Coastal Streams. Examples of applications that have successfully met this requirement and been accepted for processing are available upon request from the contacts listed on the Permitting Section webpage (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/#contacts).

Projects identified to be within the geographic area of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/) (Policy) may prepare a Water Supply Report in accordance with Appendices A and B of the Policy in lieu of the water availability described above. In addition, projects located outside of the geographic area of the Policy are not prohibited from completing a Water Supply Report to fulfill the 1260(k) requirement. An example of a Water Supply Report is available upon request. This analysis should be accompanied by information demonstrating water availability for the project with consideration of instream needs in the immediate watershed of the project and along the downstream flow path.

Upload preliminary water availability analysis:



Choose File No file selected

Upload

(Uploaded files:)

Delete Husch Water Supply Report_2023-01-19.pdf (/MT/TakeSurvey/Download?
fileName=1072_440720_67879_PermitApplicati_Analysis_1.pdf)
Delete HuschWSRTables_2023-01-19.xlsx (/MT/TakeSurvey/Download?
fileName=1072_440720_67879_PermitApplicati_Analysis_2.xlsx)

0%

(2) Complete the following table if the stream(s) on which your diversion is located dries up at any point downstream of your project. Click on the "+" sign to add a row to the table.

Source Name	Dry Downstream (Yes/No)	Begin Typical Dry Date (MM)	Begin Typical Dry Date (DD)	End Typical Dry Date (MM)	End Typical Dry Date (DD)
-------------	----------------------------	-----------------------------	-----------------------------	---------------------------	---------------------------

SECTION 17: CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 12: Total Amount Requested	Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities
Section 16: Water Availability	Section 13: Policy Exceptions	Section 14: Groundwater	Section 15: Effects on Fish & Wildlife

The California Environmental Quality Act is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. Before a water right permit may be issued for your project, the State Water Resources Control Board must be in compliance with the California Environmental Quality Act. If a California Environmental Quality Act document is required for your project, a determination must be made of who is responsible for its preparation (i.e. lead agency). If the State Water Resources Control Board is determined to be the lead agency, you may be required to pay the costs associated with the environmental evaluation and preparation of the required documents, including environmental document review fees collected by the California Department of Fish and Wildlife.

Has an environmental document or notice of exemption been prepared for your project?

Yes No

If an environmental document or notice of exemption has not been prepared for your project, and you are aware of a public agency other than the State Water Resources Control Board assuming the role of lead agency for this project, please provide relevant contact information below.

Lead Agency
Contact Person for Lead Agency
Phone Number
Email Address

SECTION 18: FILING FEES

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities	

Section 12: Total Amount Requested	Section 13: Policy Exceptions	Section 14: Groundwater	Section 15: Effects on Fish & Wildlife
Section 16: Water Availability	Section 17: CEQA		

State Water Resources Control Board Filing Fee

To be accepted for initial review, you must submit the appropriate filing fees. Complete the table below by providing the maximum annual amount of water you are requesting to divert and the appropriate filing fee. Refer to Section 12 of this application form to determine the maximum annual amount of water you are requesting to divert. The filing fee is based on the maximum annual amount of water. **To determine your filing fee**, consult the State Water Resources Control Board's water rights fee schedule (https://www.waterboards.ca.gov/resources/fees/water_rights/). Please enter the Application Filing Fee you have calculated as response to "Application Filing Fee (dollars)". Underpayment of the required fees will result in REJECTION of your application.

We strongly encourage applicants to confirm their calculated fees are correct ahead of filing. To do so, send a copy of your calculations to DWR-Applications@Waterboards.ca.gov and request staff confirmation.

Maximum Annual Amount of Water (acre-feet per year)	12
Application Filing Fee (dollars)	1030

California Department of Fish and Wildlife Streamflow Protection Standards Fee

The State Water Resources Control Board also collects a fee of \$850 payable to the California Department of Fish and Wildlife (CDFW). An application for a 5-year Temporary Permit should include an additional CDFW fee, to be provided by check made payable to CDFW. Please consult fee schedule linked above to determine payment amount. With limited exceptions, you must submit the applicable CDFW fees or your application may be subject to rejection.

What forms of payment are acceptable?

Payment is accepted by the methods listed on https://www.waterboards.ca.gov/make_a_payment/ (https://www.waterboards.ca.gov/make_a_payment/) or via manual payments (check, money order, or cashier check). An additional \$850 fee made payable to the California Department of Fish and Wildlife is required pursuant to Public Resources Code section 10005. Please note that at this time the CDFW fee payment must be transmitted to the Division and the Division forwards the payment to CDFW.

SECTION 19: DECLARATION AND SIGNATURE

Section 1: Owner Information	Section 2: Agent and Consultant	Section 3: Permit Type	Section 4: Map Requirements
Section 5: Project Description	Section 6: Purpose of Use	Section 7: Place of Use	Section 8: Point Locations
Section 12: Total Amount Requested	Section 9: Project Screening	Section 10: Point Details	Section 11: Additional Facilities
Section 16: Water Availability	Section 13: Policy Exceptions	Section 14: Groundwater	Section 15: Effects on Fish & Wildlife
	Section 17: CEQA	Section 18: Filing Fees	

Please initial each of the following statements.

- JC I acknowledge that, if I have designated an agent for this application, the agent is authorized to make any decisions on behalf of the applicant(s).
- JC I acknowledge that the amount of water, maximum rate of diversion, and/or season of diversion identified in this application cannot be increased once this application is submitted.
- JC I acknowledge that submittal of this application does not guarantee that I will receive a water right permit.
- JC I acknowledge that the State Water Resources Control Board encourages all applicants to wait for a water right permit to be issued before commencing construction of any facilities identified in an application. If I choose to begin construction of any facilities identified in this application prior to water right permit issuance, I assume all risks associated with such premature activity, including the risk of enforcement action and substantial expense associated with modification of such constructed facilities.

JC

I acknowledge that diversion and use of water prior to permit issuance may result in enforcement action.

By entering your name on the signature line, you are certifying that the information contained in your application is true under penalty of perjury.

I am
the

Applicant Agent

Name	Jennifer Carah
Date	11/20/2023

You can view your application by clicking here (<http://wb-sb-surveywiz/MTStaging/TakeSurvey/Summary?surveysTakenId=440720&showControls=True&asPDF=True>). The application will open in a new tab. To return to this screen, simply close the tab with the application. If you need to make changes, you may use the navigation buttons at the top of this page, or the "Previous" button below to navigate to previous pages. You will not be able to edit your application after you click "Submit Application."

The next step for completing your application is to pay the State Water Resources Control Board's filing and the California Department of Fish and Wildlife's Streamflow Protection Standards Fee. A Notice of Submittal will be emailed to you upon your application submission. The submittal will include instructions on how and where to pay the fees. Please do not submit your application until you have payment ready and are prepared to sign the Notice of Submittal.

© 2023 - State Water Resources Control Board

Rationale for 3.3.2.5 exception attachment

(1b) Provide documentation showing that your existing diversions under another valid basis of right will be reduced if this application is approved.

The project would reduce diversions under Husch's existing right, A023120, in two ways. First, in exchange for the new winter right, Husch would agree to discontinue dry season diversion between June 15 and October 15, and will sign a forbearance agreement with The Nature Conservancy to that effect. Second, the new right would allow the ponds to be filled earlier in the winter season, replacing the bulk of the springtime diversions that occur when the ponds are filled between March 15 and June 14 under the existing license A023120.

Since 2004, Husch has diverted up to 13.95 AF in the period June 15 to October 15 (Table 1). Diversion would no longer take place moving forward during this period if this project is approved. The amount Husch has diverted in the June 15 – October 15 period has been variable from year to year depending on a number of factors including precipitation patterns, bypass exceedance timing, budbreak timing, severity of frost season, and irrigation needs for any individual year. Therefore, the patterns in diversion vary from year to year, but there is a long-standing practice of diversion during the period of June 15 – October 15 using this water right (Table 1). Husch also hold a riparian statement S016614, which is occasionally used on the relevant parcel, though has only been used once in June 15–October 15 in the 2009-2021 period (in 2012). In any case, there is a long standing practice of dry season diversion at this property, and this project would prevent future diversion during the June 15 – October 15 period.

Further, the new winter water right would allow the ponds to be filled earlier in the winter season, replacing the bulk of the springtime diversions that occur when the ponds are filled after March 15 under the existing license A023120. This will allow reduction in the amount of water diverted using right A023120 in the period March 15 - June 14. Rather than filling ponds during the March 15 – June 14 period, as Husch has historically done, Husch would only be diverting in the March 15 – June 14 period as needed to top up ponds going into the irrigation season. Such topping up would need to happen in big frost years but topping up will be reduced or may not happen at all in years without much frost. In years with little or no frost, springtime diversion under right A023120 may be reduced by as much as 12 AF.

Table 1 – Diversion history for A023120 by month, 2004-2022, in acre feet (AF) (2009-2022 from eWRIMS, 2004-2008 from Husch records)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan																			
Feb																			
Mar	1.62	2.03	1.62	2.13	6.89	1.39	0.98		3.08	2.93	8.1	5.3			5.65		7.75	6.4	2.7
Apr	0.43	1.62		1.32	9.52	5.73	0.03	3.15	1.75	1.9		2.8					1.75	0.9	2.8
May	0.52		0.4	0.7	1.62	0.41	1.94	0.44	0.05	1.28		0.5	3.7		1.94		0.82		0.02
Jun	1.5		1.07	1.68	1.22	0.64	0.65		1.41	1.05	2.7	2	1.7	1.9					1.5
Jul	3.91	3.67	2.54	2.02	2.32	3.92	1.56	0.8	3.51	3.58					1.4				
Aug	5.01	5.14	3.03	1.41	2.57	1.03	3.82	3.2	0.14						1.4				
Sep	4.28	1.83	3.76	2.29	2.63		4.19	2.51											
Oct	0.15	0.12		0.37															
Nov				0.12															
Dec																			
June 15-Oct 15 diversions (1/2 of June + all of Jul-Sept)	13.95	10.64	9.87	6.56	8.13	5.27	9.90	6.51	4.36	4.11	1.35	1.00	0.85	3.75	0.00	0.00	0.00	0.00	0.75
March 15 June 15 diversion (all of Mar-May and 1/2 of June)	3.32	3.65	2.56	4.99	18.64	7.85	3.28	3.59	5.59	6.64	9.45	9.60	4.55	0.95	7.59	0.00	10.32	7.30	6.27

(1c) Provide documentation demonstrating that the benefit to fishery resources of the reduction outweighs the potential impacts to fishery resources if this application is approved.

Diversion will be eliminated during the dry season when low flows are most critical to fish (June-October) and impacts to flows in the new winter diversion season will be minimal. In the National Marine Fisheries Service's Final Recovery Plan for Central California Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (NMFS 2012), two of the top five recovery actions target eliminating dry season diversions in the Navarro watershed: "Eliminate depletion of summer flows... [and]... Develop BMP's (such as off-channel storage) for landowners conducting water diversion actions." In further detail, the plan states "4.1.1.2. Action Step: Promote off-channel storage to reduce impacts of water diversion (e.g. storage tanks for rural residential users)," and "4.1.1.5. Action Step: Work with SWRCB and landowners to purchase water rights that would improve and protect over summer survival of juveniles by re-establishing summer baseflows (from July 1 to October 1) in rearing reaches that are currently or have potential to be impacted by water use," and "4.1.1.6. Action Step: Provide incentives to water rights holders willing to convert some or all of their water rights to instream use via petition change of use and §1707 (CDFG 2004)." As climate change increases the frequency and severity of annual drought and increases the length of the dry season (Swain et al. 2018), reducing/eliminating dry season diversions will be even more critical for salmonid survival moving forward. In this project, Husch will sign a forbearance agreement with TNC that will prohibit diversion on their existing rights June 15-October 15. This forbearance will automatically renew. Conversely, the new potential diversion would occur during periods of higher flow conditions when the proportional impact is much smaller and would be a small proportion of streamflow.

Husch proposes applying a bypass flow at the POD of 51.2 cfs between Dec. 15 and Feb. 14, and 25.6 cfs between Feb. 15 and March 14, which would ensure that the Husch diversion never takes more than 0.5% of ambient streamflow in the period of Dec. 15-Feb. 14, and no more than 1% in the Feb. 15-March 14 period, which are levels too small to be reliably measured.¹ The fisheries benefit of the reduced spring and summer diversions would outweigh the potential impacts of the new winter right. Since flows are naturally highest in the winter season, any shift in the timing of diversion from spring and summer to winter will reduce proportional impacts to streamflow. For example, at the 8 cfs summer bypass flow in right A023120, the existing 115 gpm diversion constitutes 3.2% of ambient streamflow. At the proposed 51.2 cfs winter bypass, the new diversion would take a maximum of 0.5% of ambient flow, or less than 1/6th of the summertime proportion. And the later 25.6 cfs bypass (max. of 1% of ambient streamflow) would be less than 1/3rd of the summertime proportion. Moreover, this proportional comparison likely understates the actual benefit to fisheries, because as mentioned above - the fisheries agencies (CDFW and NMFS) have determined that low summer stream flows are more limiting for anadromous fish than winter flows in the Navarro River watershed (NMFS 2012, 2016).

We believe this project is beneficial because diversion will be eliminated for this property in the critical dry season (made even more critical in a changing climate), and the new proposed diversion would change ambient flows minimally in the winter and spring:

1. Dry season diversion will be eliminated for this property. A winter diversion schedule will allow Husch to refrain from diverting during the critical low flow summer season, which is the

¹ Please note that for bypass compliance gauging purposes, Husch would like to use the Navarro USGS gauge. Using the scaling formula specified in the Policy, the Water Supply Report determined a scaling ratio of 0.6949 from USGS to Husch POD. Using that scaling ratio, the compliance minimum bypass at the USGS gauge would be 73.7 cfs for Dec. 15-Feb. 14, and 36.8 cfs for Feb. 15-March 14.

current diversion period for its existing right (A023120). Dry season diversion at this POD could be over 3% of ambient flow under existing conditions, at a time of year when many other diverters are diverting upstream and flows are low. As previously noted, in recovery plans for coho and steelhead, NMFS has specifically identified summer water diversion as a key factor limiting recovery of salmonids in the watershed. This project will help meet Federal Recovery Planning goals by switching a water diverter from summer water diversion to winter water diversion in the Navarro basin.

2. The new proposed diversion schedule would change ambient flows minimally in the winter and spring.

- a. Based on the results of the Water Supply Report analysis of senior water rights, before the Husch proposed new water right 98 percent of unappropriated water remains in stream during the Dec. 15-March 14 diversion period. The addition of the proposed Husch water right would change the percentage of remaining flow at each POA downstream of the proposed POD by less than 0.01%.
- b. The diversion rates for the new water right represent <1% of instantaneous streamflow, and in typical winter conditions a small fraction of 1%. As previously noted, in the dry season using the existing water right diversion rate could be >3% of ambient flow, at a critical time of year for salmon and trout.

(2a) Provide documentation showing the petition for change will enhance conditions for fish and wildlife. This documentation should include proof of past water use under the water right or claim (e.g. a riparian claim, pre-1914 appropriative claim, permit, license, etc.), and the amount of water that will be forgone (if relevant).

A Water Code 1707 petition is included as part of this permitting package, to add a beneficial use of preserving and enhancing fish and wildlife resources to Husch's existing water right A023120. While Husch may still use water right A023120 to refill their ponds for frost and irrigation purposes during the period March 15-June 14, they will sign a forbearance agreement with TNC prohibiting diversion during the period June 15-October 15, and water previously used during this period will instead be dedicated instream for fish and wildlife benefits. Water will be dedicated to the next downstream point of diversion on the Navarro River (S016035). As noted above in section 1b (Table 1), Husch has a recent history of diverting up to 13.95 AF during the period June 15-October 15, and that water will now remain in the Navarro River for fish and wildlife. As noted above in section 1c, the fisheries agencies (CDFW and NMFS) have determined that low summer stream flows are limiting for anadromous fish in the Navarro River watershed, and two of the top five recovery actions for coho salmon target eliminating dry season diversions in the Navarro watershed (NMFS 2012, 2016). And this project specifically addresses NMFS Recovery Action Step 4.1.1.6. (which was also a recommendation in the CDFW/CDFG coho recovery plan): "Provide incentives to water rights holders willing to convert some or all of their water rights to instream use via petition change of use and §1707 (CDFG 2004)."

(2b) Provide documentation that consultation has occurred with other agencies, including the California Department of Fish and Wildlife, the National Marine Fisheries Service, the Regional Water Quality Control Board, and other agencies with jurisdictional authority, and the written approval or support for the proposed change from those agencies.

Letters from CDFW, NMFS, and the NCRWQCB are attached.

(2c) Provide documentation that shows the proposed change is consistent with the principles of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (section 2.1).

The Policy principles include: "1. Water diversions shall be seasonally limited to periods in which instream flows are naturally high to prevent adverse effects to fish and fish habitat; 2. Water shall be diverted only when streamflows are higher than the minimum instream flows needed for fish spawning, rearing, and passage; 3. The maximum rate at which water is diverted in a watershed shall not adversely affect the natural flow variability needed for maintaining adequate channel structure and habitat for fish; 4. The cumulative effects of water diversions on instream flows needed for the protection of fish and their habitat shall be considered and minimized; and 5. Construction or permitting of new onstream dams shall be restricted. When allowed, onstream dams shall be constructed and permitted in a manner that does not adversely affect fish and their habitat."

This project is consistent with the Policy principles. Principle 1 - Water diversion for the new water right will be limited to Dec. 15-March 14, and water diversion on the old water right will be reduced, particularly in the dry season. If the project goes through, no diversion will happen between June 15-October 15, as specified in the forbearance agreement.

Principle 2 – Diversion will only take place when streamflows are above minimum bypass flows specified in licenses and Lake and Streambed Alteration Agreements.

Principle 3 – The maximum rate of diversion proposed in this project (115 gpm) is at most 1% of ambient flow conditions (given the later proposed 25.6 cfs bypass requirement) and less than 0.5% for most of the diversion period (given the earlier proposed 51.2 cfs bypass requirement), which are levels too small to be reliably measured. And under most winter streamflow conditions, the diversion rate would be much less than 0.5% of ambient streamflow.

Principle 4 – In the Water Supply Report analysis of senior water rights, we found that before the Husch new proposed water right 98 percent of unappropriated water remains in stream during the Dec. 15-March 14 diversion period. The addition of the proposed Husch water right would change the percentage of remaining flow at each POA downstream of the proposed POD by less than 0.01%. A Cumulative Diversion Analysis will be completed with input from the Water Board, after the Water Supply Report has been submitted for review with this application.

Principle 5 – No onstream dams will be constructed or permitted as part of this project.

(2d) A water availability analysis pursuant to Water Code section 1375(d) for water requested under this application that takes into account the face value demand of all known senior diversions, including senior pending water rights will need to be submitted. This may consist of a Water Supply Report in accordance with Appendix B of the Policy for Maintaining Instream Flows in Northern California Coastal Streams. You will be requested to upload this analysis under Section 16 of this application form.

A Water Supply Report is uploaded in Section 16.



North Coast Regional Water Quality Control Board

July 24, 2023

Mr. Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Ekdahl:

The North Coast Regional Water Quality Control Board wishes to submit this letter of support for the Husch storage and forbearance project on the Navarro River, and the new winter water right needed to support the project.

We support the use of Section 3.3.2.5 of the State Water Resources Control Board's (SWRCB) Policy for Maintaining Instream Flows in Northern California Coastal Streams (the Instream Flow Policy) for the permitting of the new Husch winter water right. This section of the Instream Flow Policy states that the SWRCB will expedite the processing of water right applications that will enhance conditions for fish and wildlife, if agencies with jurisdictional authority, such as NCRWQCB, provide written approval or support for the proposed action. Accordingly, we would like to express our support for the water permit application that Husch Vineyards and The Nature Conservancy have submitted as part of an effort to enhance fish and wildlife habitat by (1) forbearing Husch's existing summer diversion on the Navarro River, (2) dedicating that water to instream uses through a §1707 designation, and (3) securing a new winter diversion and storage permit under the guidelines of the Instream Flow Policy.

The project is consistent with actions identified in the Action Plan to Address Temperature Impairments in the Navarro River Watershed (Action Plan) contained in the Water Quality Control Plan for the North Coast Region, which encourages water users to implement water conservation practices to minimize water diversion during low flow periods. Additionally, the project is consistent with state and federal recovery plans for coho salmon and steelhead trout, which have identified the availability of summer rearing habitat for juvenile fish as a limiting factor for coho salmon and steelhead trout in the watershed. Water users in the Navarro watershed are currently diverting water in the summertime and those diversions are reducing the availability and quality of salmonid habitat during a critical part of the salmon lifecycle. Accordingly, switching diverters from summer water diversion to winter water diversion and storage for later use has the potential to improve stream flow, water quality, and summer habitat

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

availability in the Navarro watershed. This project directly addresses this issue by dedicating Husch's summer water diversion to instream use for fish and wildlife and securing a permit that allows Husch to divert and store water during the winter for use during the summer.

NCRWQCB believes this project warrants expedited treatment by the SWRCB because it is aligned with the principles and goals of the Instream Flow Policy, the Action Plan, and relevant recovery plans for coho salmon and steelhead trout.

Sincerely,



Valerie Q

Digitally signed by
Valerie Quinto
Date: 2023.07.24
13:17:06 -07'00'

Water Boards

Valerie Quinto
Executive Officer
North Coast Regional Water Quality Control Board

cc: (via email)

Bryan McFadin, NCRWQCB, bryan.mcfadin@waterboards.ca.gov

Jennifer Carah, The Nature Conservancy, jcarah@TNC.org

**State of California
Department of Fish and Wildlife**

M e m o r a n d u m

Date: October 25, 2023

To: Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
erik.ekdahl@waterboards.ca.gov

From: Tina Bartlett, Regional Manager
Northern Region
California Department of Fish and Wildlife

DS
TB

Subject: Support for the Husch Vineyards storage and forbearance project on the Navarro River, and the new winter water right needed to support the project.

The California Department of Fish and Wildlife (Department) is sending you this letter of support for the Husch Vineyards (Applicant) storage and forbearance project (Project). The Department believes this Project secures instream flows to protect Coho Salmon (*Oncorhynchus kisutch*) and steelhead (*Oncorhynchus mykiss*) during the critical summer low flow period consistent with recovery plans for these species. The Project will establish a new water right to divert up to 12 acre-feet of surface water from the Navarro River to storage between December 15 and March 14 in exchange for an agreement to forego diversion for a portion of the season under the existing water right (A023120, License 10324). Husch Vineyards will enter into a long-term forbearance agreement with the Nature Conservancy that will prohibit diversion from June 15 to October 15. In addition, Husch Vineyards existing water right will be changed pursuant to Water Code section 1707 (WC 1707) to add preservation and enhancement of Fish and Wildlife as a beneficial use.

The Department and Applicant have developed conditions of diversion for the new water right that will limit diversion to a maximum rate of 115 gallons per minute. Minimum bypass flow at the Point of Diversion between December 15 and February 14 will be 51.2 cubic feet per second (CFS) or 0.5% of streamflow. Minimum bypass flow between February 15 to March 14 will be 25.6 CFS or 1% of streamflow. The project will not result in vineyard expansion and no construction will be necessary as all facilities are existing. Husch Vineyards has been operating the diversion under water right A023120 in compliance with an existing Lake or Streambed Alteration Agreement (1600-2015-0338-R1). The Department has determined that additional protection measures for fish and wildlife are not necessary, at this time.

The Department supports the use of Section 3.3.2.5 of the State Water Resources Control Board's (SWRCB) Policy for Maintaining Instream Flows in Northern California Coastal Streams for the permitting of the new Husch Vineyards winter water right. This section of the Instream Flow Policy states that the SWRCB will expedite the processing of water right applications that will enhance conditions for fish and wildlife, if agencies with jurisdictional authority, such as the Department, provide written approval or

Erik Ekdahl
State Water Resources Control Board
October 25, 2023
Page 2 of 2

support for the proposed action. The Department supports the Husch Vineyards storage and forbearance project including acquisition of a new winter period water right, forbearance from diversion from June 15 to October 15 under A023120, and the addition of enhancement and preservation of fish and wildlife as a beneficial use to A023120 per WC 1707.

If you have questions regarding this letter, please contact Senior Environmental Scientist, Specialist Monty Larson at 707-496-2292 or via email at r1lsaeureka@wildlife.ca.gov.

cc: The Nature Conservancy
Jennifer Carah, Monty Schmitt
jcarah@tnc.org, monty.schmitt@tnc.org

ec: Department of Fish and Wildlife
Rebecca Garwood, Cheri Sanville, Monty Larson

National Marine Fisheries Service
Rick Rogers
Rick.rogers@noaa.gov



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

June 23, 2023

Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Dear Mr. Ekdahl:

NOAA's National Marine Fisheries Service wishes to submit this letter of support for the Husch storage and forbearance project on the Navarro River, and the new winter water right needed to support the project.

We support the use of Section 3.3.2.5 of the State Water Resources Control Board's (SWRCB) *Policy for Maintaining Instream Flows in Northern California Coastal Streams* (the Instream Flow Policy) for the permitting of the new Husch winter water right. This section of the Instream Flow Policy states that the SWRCB will expedite the processing of water right applications that will enhance conditions for fish and wildlife, if agencies with jurisdictional authority, such as NMFS, provide written approval or support for the proposed action. Accordingly, we would like to express our support for the water permit application that Husch Vineyards and The Nature Conservancy have submitted as part of an effort to enhance fish and wildlife habitat by (1) forbearing Husch's existing summer diversion on the Navarro River, (2) dedicating that water to instream uses through a §1707 designation, and (3) securing a new winter diversion and storage permit under the guidelines of the Instream Flow Policy.

The project supports our agency's efforts to restore coho salmon and steelhead trout habitat in the Navarro River watershed. Recovery plans have identified the availability of summer rearing habitat for juvenile fish as a limiting factor for coho salmon and steelhead trout in the watershed. Water users in the Navarro watershed are currently diverting water in the summertime, and those diversions are reducing the availability and quality of salmonid habitat during a critical part of the salmon lifecycle. Accordingly, switching diverters from summer water diversion to winter water diversion and storage for later use has the potential to improve stream flow and summer habitat availability in the Navarro watershed. This project directly addresses this issue by dedicating Husch's summer water diversion to instream use for fish and wildlife and securing a permit that allows Husch to divert and store water during the winter for use during the summer.

NMFS believes this project warrants expedited treatment by SWRCB because it is aligned with the principles and goals of both the Instream Flow Policy and relevant recovery plans for coho salmon and steelhead trout. Please feel free to contact Rick Rogers at 707-578-8552 or rick.rogers@noaa.gov if you have any questions regarding this letter.

Sincerely,

Dan Wilson
Operations and Policy Branch Chief
California Coastal Office



Element_Type-esriFieldTypeString	Scientific_Name-esriFieldTypeString	Common_Name-esriFieldTypeString	Element_C	Federal_Status	State_Status	CDFW_Status	CA_Rare_P	Quad_Code	Quad_Narr	Data_Status	Taxonomic_Sort-esriFieldTypeString
Animals - Amphibians	Rana boylii pop. 1	foothill yellow-legged frog - north coast DPS	AAABH010	None	None	SSC	-	3912314	PHILO	Mapped	Animals - Amphibians - Ranidae - <i>Rana boylii</i> pop. 1
Animals - Amphibians	Taricha rivularis	red-bellied newt	AAAFA020	None	None	SSC	-	3912314	PHILO	Mapped	Animals - Amphibians - Salamandridae - <i>Taricha rivularis</i>
Animals - Birds	Asio flammeus	short-eared owl	ABNSB130	None	None	SSC	-	3912314	PHILO	Unprocessed	Animals - Birds - Strigidae - <i>Asio flammeus</i>
Animals - Birds	Strix occidentalis caurina	Northern Spotted Owl	ABNSB120	Threatened	Threatened	-	-	3912314	PHILO	Mapped	Animals - Birds - Strigidae - <i>Strix occidentalis caurina</i>
Animals - Fish	Hesperoleucus venustus navarroensis	northern coastal roach	AFCJB1903	None	None	SSC	-	3912314	PHILO	Unprocessed	Animals - Fish - Cyprinidae - <i>Hesperoleucus venustus navarroensis</i>
Animals - Fish	Entosphenus tridentatus	Pacific lamprey	AFBAA021C	None	None	SSC	-	3912314	PHILO	Unprocessed	Animals - Fish - Petromyzontidae - <i>Entosphenus tridentatus</i>
Animals - Fish	Oncorhynchus kisutch pop. 4	coho salmon - central California coast ESU	AFCHA020	Endangered	Endangered	-	-	3912314	PHILO	Unprocessed	Animals - Fish - Salmonidae - <i>Oncorhynchus kisutch</i> pop. 4
Animals - Fish	Oncorhynchus mykiss irideus pop. 49	steelhead - northern California DPS winter-run	AFCHA021	Threatened	None	-	-	3912314	PHILO	Unprocessed	Animals - Fish - Salmonidae - <i>Oncorhynchus mykiss irideus</i> pop. 49
Animals - Mammals	Arborimus pomorum	Sonoma tree vole	AMAFF230	None	None	SSC	-	3912314	PHILO	Mapped	Animals - Mammals - Cricetidae - <i>Arborimus pomorum</i>
Animals - Reptiles	Emys marmorata	western pond turtle	ARAAD020	None	None	SSC	-	3912314	PHILO	Unprocessed	Animals - Reptiles - Emydidae - <i>Emys marmorata</i>
Plants - Lichens	Usnea longissima	Methuselah's beard lichen	NLLEC5P42	None	None	-	4.2	3912314	PHILO	Unprocessed	Plants - Lichens - Parmeliaceae - <i>Usnea longissima</i>
Plants - Vascular	Erigeron biolettii	streamside daisy	PDAST3M5	None	None	-	3	3912314	PHILO	Unprocessed	Plants - Vascular - Asteraceae - <i>Erigeron biolettii</i>
Plants - Vascular	Hemizonia congesta ssp. tracyi	Tracy's tarplant	PDAST4R0C	None	None	-	4.3	3912314	PHILO	Unprocessed	Plants - Vascular - Asteraceae - <i>Hemizonia congesta</i> ssp. <i>tracyi</i>
Plants - Vascular	Trifolium buckwestiorum	Santa Cruz clover	PDFAB402V	None	None	-	1B.1	3912314	PHILO	Mapped	Plants - Vascular - Fabaceae - <i>Trifolium buckwestiorum</i>
Plants - Vascular	Erythronium revolutum	coast fawn lily	PMLIL0U0F	None	None	-	2B.2	3912314	PHILO	Mapped	Plants - Vascular - Liliaceae - <i>Erythronium revolutum</i>
Plants - Vascular	Fritillaria roderickii	Roderick's fritillary	PMLIL0V0N	None	Endangered	-	1B.1	3912314	PHILO	Mapped	Plants - Vascular - Liliaceae - <i>Fritillaria roderickii</i>
Plants - Vascular	Lilium rubescens	redwood lily	PMLIL1A0N	None	None	-	4.2	3912314	PHILO	Unprocessed	Plants - Vascular - Liliaceae - <i>Lilium rubescens</i>
Plants - Vascular	Piperia candida	white-flowered rein orchid	PMORC1XC	None	None	-	1B.2	3912314	PHILO	Mapped	Plants - Vascular - Orchidaceae - <i>Piperia candida</i>
Plants - Vascular	Pleuropogon hooverianus	North Coast semaphore grass	PMPOA4YC	None	Threatened	-	1B.1	3912314	PHILO	Mapped	Plants - Vascular - Poaceae - <i>Pleuropogon hooverianus</i>
Plants - Vascular	Leptosiphon acicularis	bristly leptosiphon	PDPLM090	None	None	-	4.2	3912314	PHILO	Unprocessed	Plants - Vascular - Polemoniaceae - <i>Leptosiphon acicularis</i>
Plants - Vascular	Ceanothus gloriosus var. exaltatus	glory brush	PDRHA040	None	None	-	4.3	3912314	PHILO	Unprocessed	Plants - Vascular - Rhamnaceae - <i>Ceanothus gloriosus</i> var. <i>exaltatus</i>

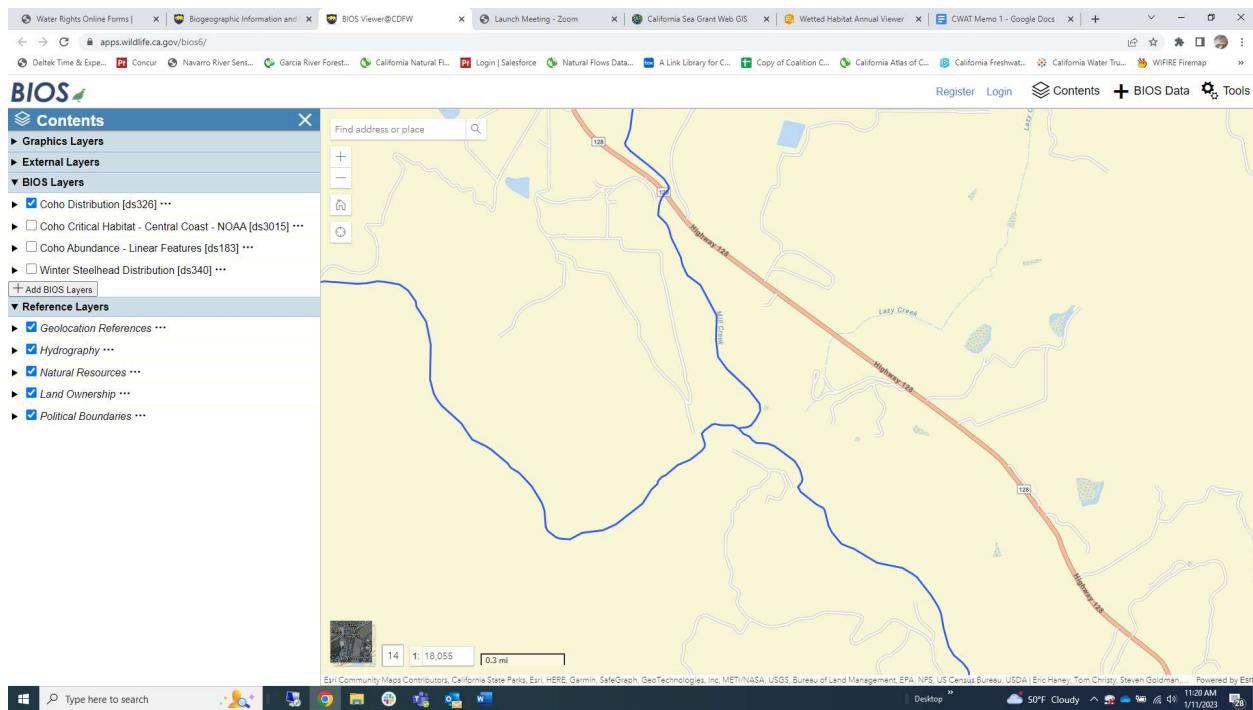


Figure 1. Coho distribution (dark blue lines) in project area. Coho are present in the Navarro mainstem and in Mill Creek.

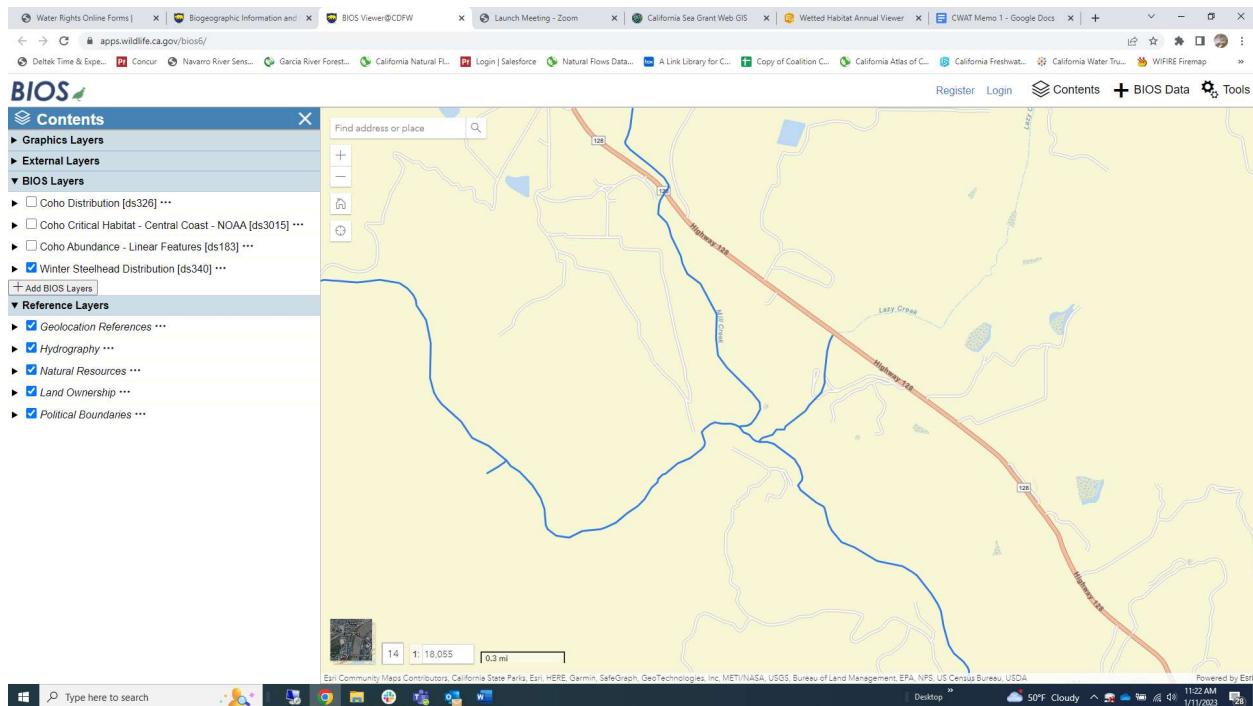


Figure 2. Steelhead distribution (blue lines) in project area. Steelhead are present in the Navarro mainstem and in Mill Creek.

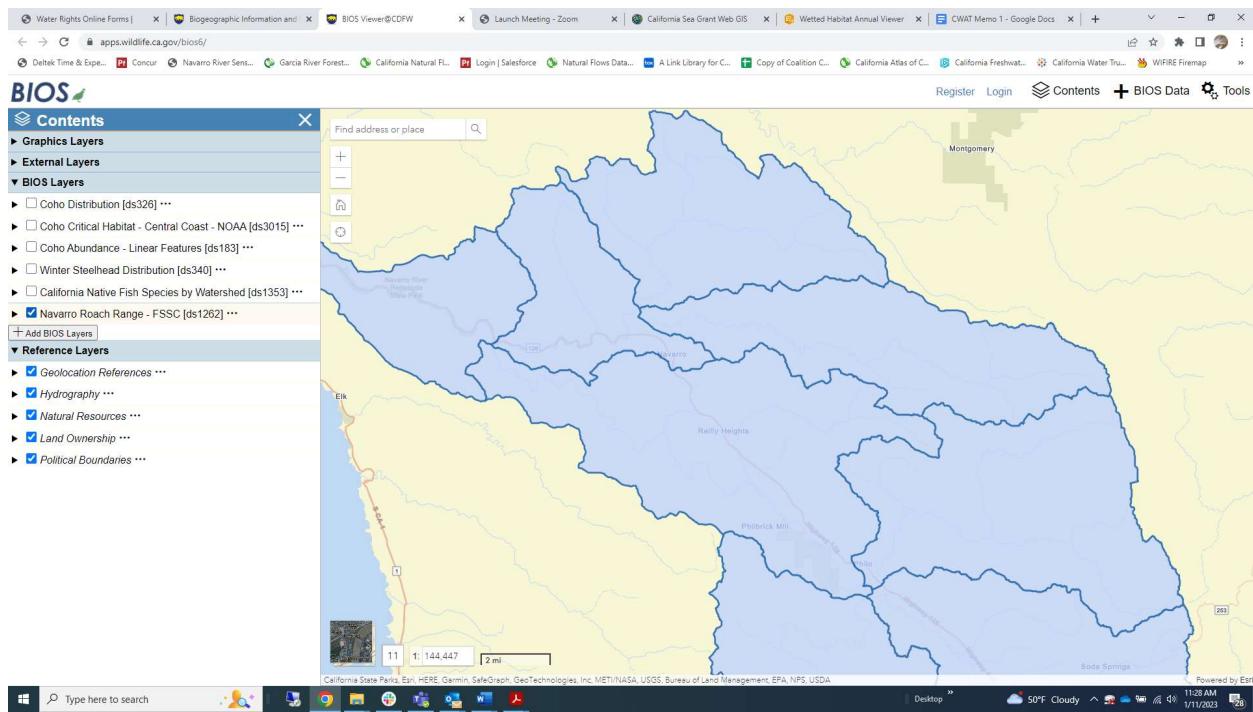


Figure 3. Navarro roach range (from BIOS). Navarro roach are present in the Navarro mainstem and Mill Creek.

Water Supply Report for Husch Vineyard Water Right Application

For a portion of the Policy diversion season: December 15 to March 14

1. Introduction

This Water Supply Report is in support of an application for an appropriative water right for Husch Vineyard from the Navarro River, in Mendocino County near Philo, CA. The Navarro River is a Class I stream supporting steelhead trout and coho salmon and is identified as critical habitat for the recovery of salmonids in the Central California Coast ESU for coho salmon and Northern California Coast ESU for steelhead trout. Husch Vineyards requests a total water right volume of 12 acre-feet, diverted at a rate of up to 0.31 ft³/s between December 15 to March 14. The water will be used primarily for irrigation and frost protection. With this appropriative water right, Husch will forbear summertime diversion from the Navarro River pursuant to a written agreement with the Mendocino County Resource Conservation District and The Nature Conservancy. Husch will dedicate the water previously diverted for the purpose of irrigation under appropriative water right A023120 and riparian water right S016614 to instream use under California Water Code Section 1707.

This report provides the results of an analysis to determine if there is sufficient water to supply the proposed project. This analysis uses the methodology present in the Policy for Maintaining Instream Flows in Northern California Coastal Streams (the Policy) (SWRCB 2014). Accordingly, the extent of this analysis is the watershed above the most downstream Point of Diversion (POD) along the flow path from the project POD to the confluence with the Pacific Ocean. The Points of Analysis (POA) are the PODs along the flow path.

2. Data Sources and Collection

2.1 Discharge records

We used the Navarro River USGS streamflow gage (number 11468000, located 16 miles downstream of the proposed point of diversion), operated for 67 years over the period 1951-2022, to create unimpaired flows as input for the calculations. We used GIS tools to calculate the watershed area above the Navarro River USGS streamflow gage, the proposed Point of Diversion (POD), and all Points of Analysis (POAs) in the Navarro River watershed. We used GIS tools to calculate average annual precipitation upstream of the Navarro River gage, the POD, and POAs, based on the PRISM average annual precipitation dataset (which is based on PRISM estimates of precipitation over the period 1971-2000).

2.1 Water rights

We downloaded water rights data from the SWRCB eWRIMS database to generate a list of senior water rights in the Navarro River watershed. Table 1 (in attached excel) lists all senior water rights in the Navarro River watershed from upstream to downstream (with canceled and revoked water rights listed at the bottom). Figure 1A shows senior water rights in the Navarro River watershed. Figure 1B shows senior water rights along the downstream flow path from the proposed water right.

To determine the seasonal water demand volume of all senior diversions in the watershed we made the following assumptions based on the guidelines provided in Policy section B.2.1.4:

1. Only senior water right diverters with an authorized season of diversion during the proposed project's season of diversion were used.
2. Because irrigation crops in the Policy area typically do not begin before March 14, senior water rights authorizing direct diversion for irrigation before March 14 were not considered part of the seasonal demand for the analysis period December 15 through March 14.
3. Because a typical frost season starts around March 15, frost use was not applied to the project.
4. Senior demand was prorated by multiplying the water rights face value or maximum annual use by the ratio of the months in the diversion season divided by the number of months authorized by the senior permit or license, for water rights with a year direct diversion season.
5. To be conservative, we assumed storage reservoirs were empty at the beginning of the diversion season, December 15. Therefore, the demand for the storage right was assigned the capacity of the reservoir, prorated for the season December 15 – March 14.

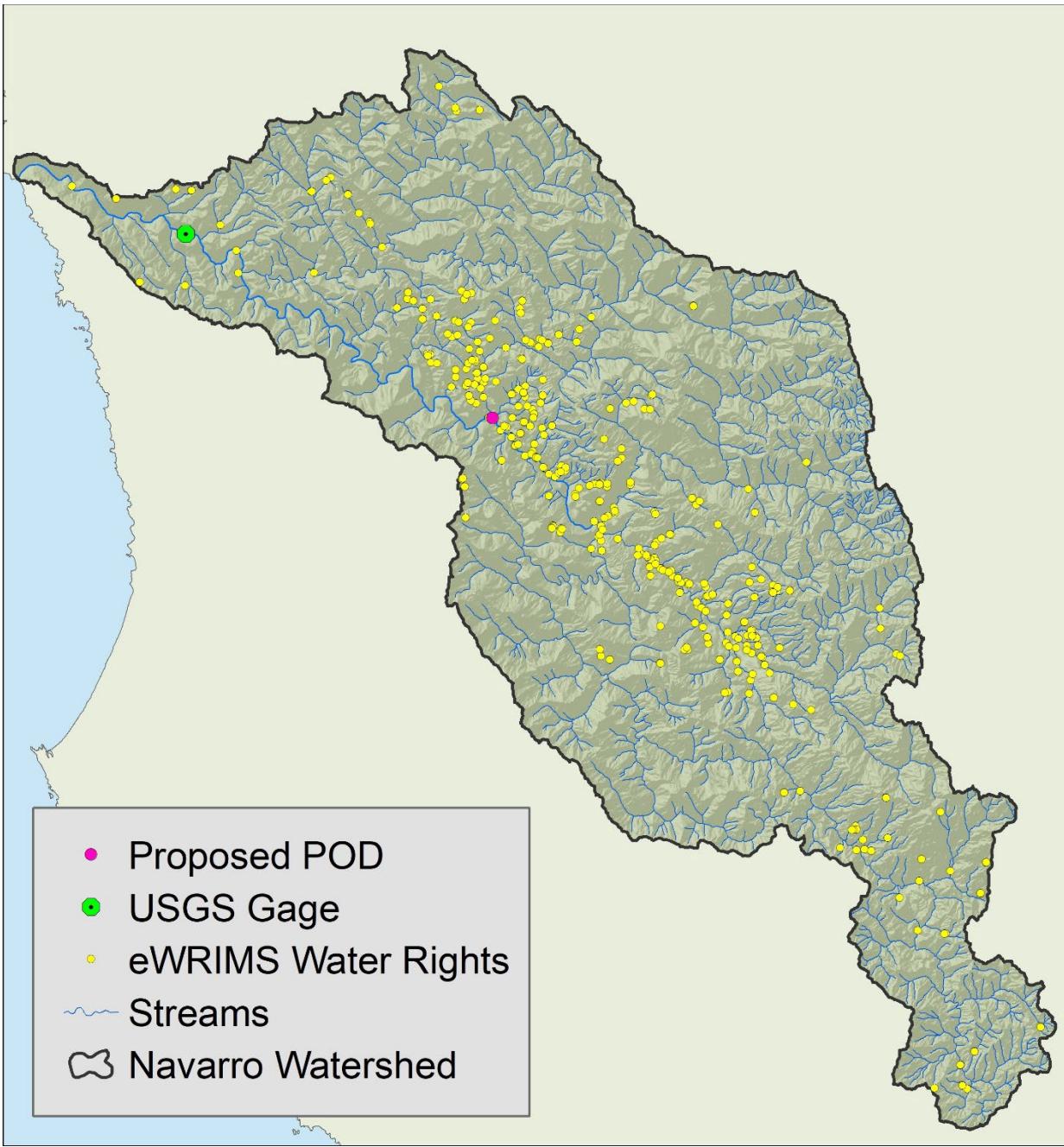


Figure 1A. Map showing water rights in the Navarro River watershed.

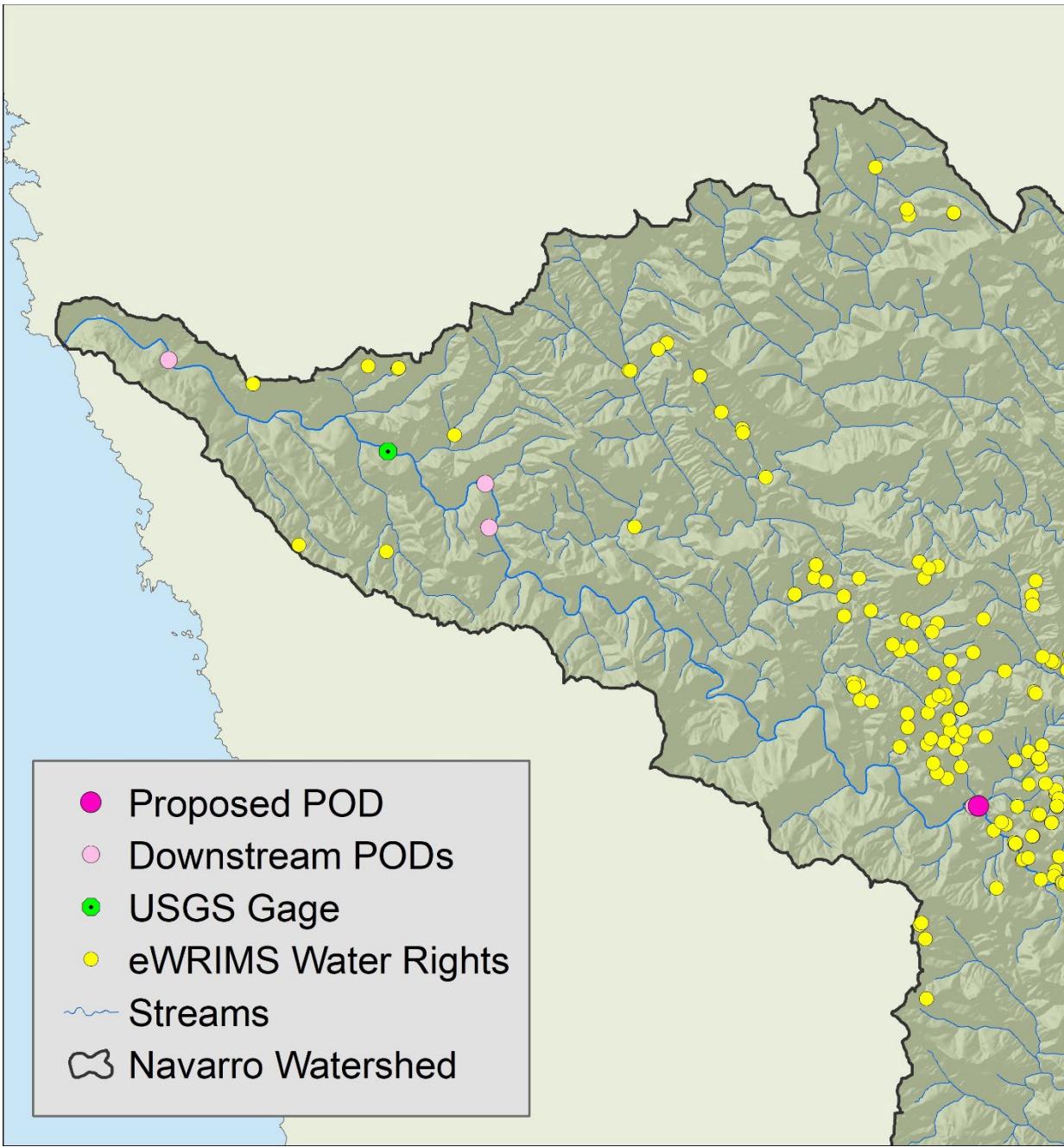


Figure 1B. Map showing water rights in the Navarro River watershed, with PODs along the downstream flow path from the proposed water right labeled.

3. Methods

3.1 Water supply table

To develop a Water Supply Table and other analyses necessary to demonstrate water available for additional appropriation in the Navarro River, we used the “Adjustment of Streamflow Records Method” outlined in the Policy Appendix B.2. In this analysis, we estimated unimpaired flow volume during the period of analysis based on historical streamflow data from the Navarro River USGS streamflow gage. We calculated average flow volume during the period of analysis (here, Dec. 15-March 14) from daily-

scale data. This average flow volume was scaled to the proposed POD and each senior water right along the downstream flow path (referred to below as POAs) by a ratio of watershed area and average annual rainfall in the upstream watershed according to the equation in the Policy, Appendix B.2.1.3:

$$Q_{POA} = Q_{gage} * (DA_{POA} / DA_{gage}) * (P_{POA} / P_{gage})$$

Where:

Q_{POA} = discharge estimated at the Point of Analysis, in cubic-feet per second;

Q_{gage} = unimpaired discharge recorded at the gage, in cubic-feet per second;

DA_{POA} = drainage area at the POA, in square miles;

DA_{gage} = drainage area at gage, in square miles;

P_{POA} = average annual precipitation of the POA, in inches; and

P_{gage} = average annual precipitation of the gage, in inches.

The scaling ratio of watershed area and precipitation from a historical USGS gage to a POA is referred to henceforth as Ratio 1.

To create impaired flow volume at the POD and each POA (i.e., each senior water right along the downstream flow path), we prorated the face amount of each senior water right upstream of the POD and POAs to the period of analysis according to a ratio of the total number of days of diversion for the senior water right to the number of days of diversion during the Policy diversion season. For example, for the analysis period of December 15 to March 14, a senior water right for 50 acre-ft with a year-round diversion season of January 1 to December 31 would be prorated to 50 acre-ft X (90 days from Dec 15 to Mar 14) / (365 days total) = 12.33 acre-ft. For the POD and each POA, impaired flow volume was calculated as the unimpaired flow volume during the period of analysis minus the sum of senior diversions upstream prorated to the period of analysis.

3.2 Flow frequency

We calculated the average seasonal unimpaired flow occurrence frequency using the Weibull formula (described in policy section B.5.2.3):

$$F = 1 - (m/(N+1))$$

Where:

F = the frequency of occurrence

m = the rank of the average seasonal unimpaired flow volume, with the largest value receiving

m = 1

n = the length of the gage data record, in years

We scaled historical records from the Navarro River USGS gage to the proposed POD and the location of water right S008637 on the Navarro River - the senior POD where the percentage of remaining unimpaired discharge is lowest (based on policy section A.1.2). During the Policy season, the ratio of unimpaired discharge is above 90% for all senior PODs along the downstream flow path. Average unimpaired flows during the Policy diversion season for each year were ranked from high to low, and the frequency of occurrence was calculated using the Weibull formula (Policy Section B.2.2).

Occurrence frequency graphs plotted against the seasonal unimpaired flow at the POD, and the senior POAs at which the percentage calculated in A.1.2(3) (the unimpaired flow estimate) is the lowest, are shown in the following section (we did not include graphs for all downstream POAs because the ratio of unimpaired discharge is above 90% for all downstream POAs).

4. Unappropriated Water Available & Calculations

In the attached excel spreadsheet, table 2 list all water rights in the Navarro River watershed and calculates their total seasonal demand volume and the senior seasonal demand volume at each POA. Table 2 lists all water rights on the downstream flow path (sorted from upstream to downstream), their face seasonal demand and the cumulative demand of all senior water rights at each POA.

4.1 Calculation Results – Unappropriated water available for appropriation

Using the method identified in section 3.1 and 3.2, Table 3 (below and in the attached Excel spreadsheet) lists the average seasonal unimpaired flow calculated at each POA. To estimate the percentage of unappropriated water available at each POA, the demand is subtracted from the supply, then divided by the supply.

Table 3. Water supply table in support of the proposed water right, from the Navarro River, for the portion of the Policy diversion season December 15 – March 14.

POD (Application ID)	Watershed Area Above POD (sq mi)	Avg Annual precip of wshd above POD (in)	Ratio1.	Seasonal Unimpaired Flow Volume (AF)	Upstream Demand (Dec15-Mar14)	Remaining unimpaired discharge, ac-ft, Before New Water Right	Percentage of remaining unappropriated water Before New Water Right	Additional Impairment Caused by New Water Right (AF)	Remaining Unimpaired Discharge, ac-ft, After New Water Right	Percentage of Remaining Unappropriated Water After New Water Right	Percent Change Caused by New Water Right
Proposed Project	190.25	48.29	0.69	135,646.6	1,701.9	133,944.7	98.75%	12	133,932.72	98.74%	-0.009%
S016035	190.26	48.29	0.69	135,653.7	1,701.9	133,951.9	98.75%	12	133,939.85	98.74%	-0.009%
S008637	222.87	47.49	0.80	156,271.9	2,046.9	154,225.0	98.69%	12	154,213.01	98.68%	-0.008%
S023911	297.56	46.77	1.05	205,479.7	2,101.5	203,378.2	98.98%	12	203,366.22	98.97%	-0.006%

4.2 Flow Frequency Analysis

Section A.1.2(6) of the Instream Flow Policy states that a set of flow frequency analyses of average seasonal unimpaired flow shall be provided at:

- The proposed project's POD(s)
- The senior POAs at which the percentage calculated in A.1.2(3) (the estimate of unimpaired flow) is the lowest
- Any other senior PODs at which the ratio is less than 50%, if any

Historical records from the USGS Navarro River gage were scaled to the proposed POD and the location of water right S008637 on the Navarro River - the senior POD where the percentage of remaining unimpaired discharge is lowest (Table 4).

During the Policy season, the ratio of unimpaired discharge is above 90% for all senior POAs along the downstream flow path. Average unimpaired flows during the Policy diversion season for each year were ranked from highest to lowest, and the frequency of occurrence was calculated using the Weibull formula (Policy Section B.2.2). Figures 2 and 3 show the plotted frequency of occurrence of the average seasonal unimpaired flow volumes for each year of record at the proposed POD and the POA at S008637 (Policy Section A.1.2.6)

Table 4. Flow frequency analysis for the proposed POD and the POA at S008637 in the Navarro River drainage network, based on USGS Navarro River streamflow data during the period December 15 to March 14.

Discharge, acre-feet, at proposed POD	Discharge, acre-feet, at water right, S008637	Rank	Frequency
353,606	495,061	1	0.99
350,850	491,201	2	0.97
350,375	490,537	3	0.96
331,971	464,771	4	0.94
324,393	454,161	5	0.93
319,518	447,336	6	0.92
315,091	441,138	7	0.90
295,667	413,944	8	0.89
281,105	393,556	9	0.87
278,837	390,382	10	0.86
263,223	368,521	11	0.85
246,212	344,704	12	0.83
240,069	336,105	13	0.82
228,376	319,734	14	0.80
226,777	317,495	15	0.79
224,790	314,713	16	0.77
224,772	314,689	17	0.76
220,510	308,722	18	0.75
207,731	290,831	19	0.73
202,496	283,502	20	0.72
198,262	277,573	21	0.70
179,962	251,953	22	0.69
176,600	247,246	23	0.68
170,082	238,120	24	0.66
169,525	237,341	25	0.65
148,990	208,591	26	0.63
147,637	206,697	27	0.62

144,089	201,729	28	0.61
142,188	199,068	29	0.59
128,832	180,369	30	0.58
125,412	175,581	31	0.56
122,312	171,241	32	0.55
118,034	165,252	33	0.54
116,611	163,260	34	0.52
116,061	162,489	35	0.51
114,844	160,786	36	0.49
109,753	153,658	37	0.48
105,255	147,361	38	0.46
103,942	145,523	39	0.45
95,152	133,216	40	0.44
92,204	129,089	41	0.42
91,258	127,765	42	0.41
87,918	123,088	43	0.39
86,664	121,332	44	0.38
85,932	120,308	45	0.37
82,396	115,358	46	0.35
81,920	114,690	47	0.34
78,295	109,615	48	0.32
76,187	106,665	49	0.31
75,290	105,409	50	0.30
70,516	98,724	51	0.28
69,679	97,554	52	0.27
68,979	96,573	53	0.25
63,395	88,756	54	0.24
56,181	78,656	55	0.23
54,270	75,980	56	0.21
53,781	75,295	57	0.20
53,716	75,204	58	0.18
48,390	67,748	59	0.17
43,940	61,517	60	0.15
42,678	59,750	61	0.14
39,155	54,818	62	0.13
38,143	53,401	63	0.11
33,410	46,776	64	0.10
24,966	34,953	65	0.08
22,774	31,885	66	0.07
22,488	31,484	67	0.06
21,981	30,774	68	0.04
18,493	25,890	69	0.03

13,107	18,351	70	0.01
4,614	6,460	71	0.00

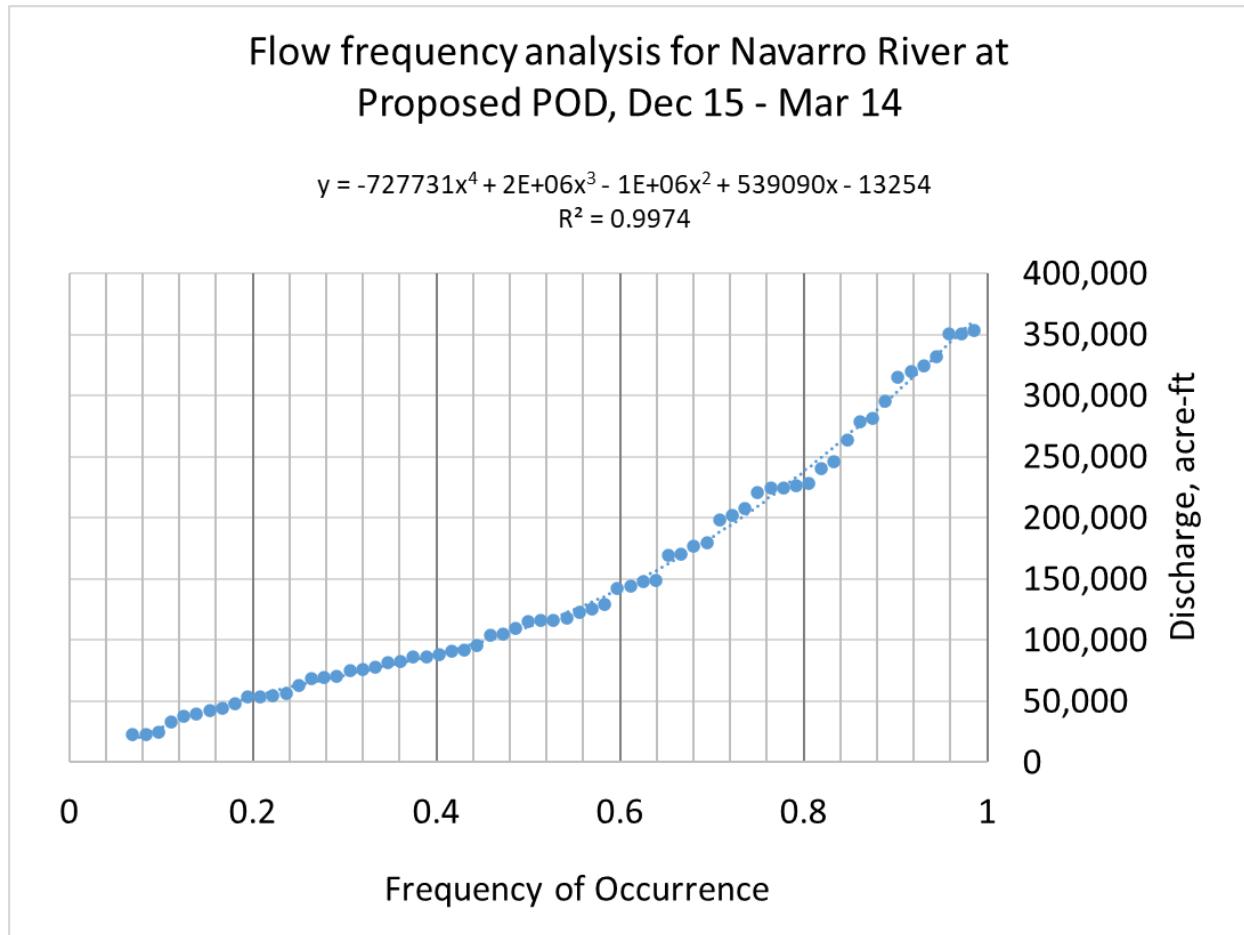


Figure 2. Frequency of occurrence of the average seasonal unimpaired flow volumes for each year of record at proposed POD.

Flow frequency analysis for Navarro River at S008637, Dec 15 - Mar 14

$$y = -707596x^4 + 2E+06x^3 - 1E+06x^2 + 582955x - 1971.4$$
$$R^2 = 0.9974$$

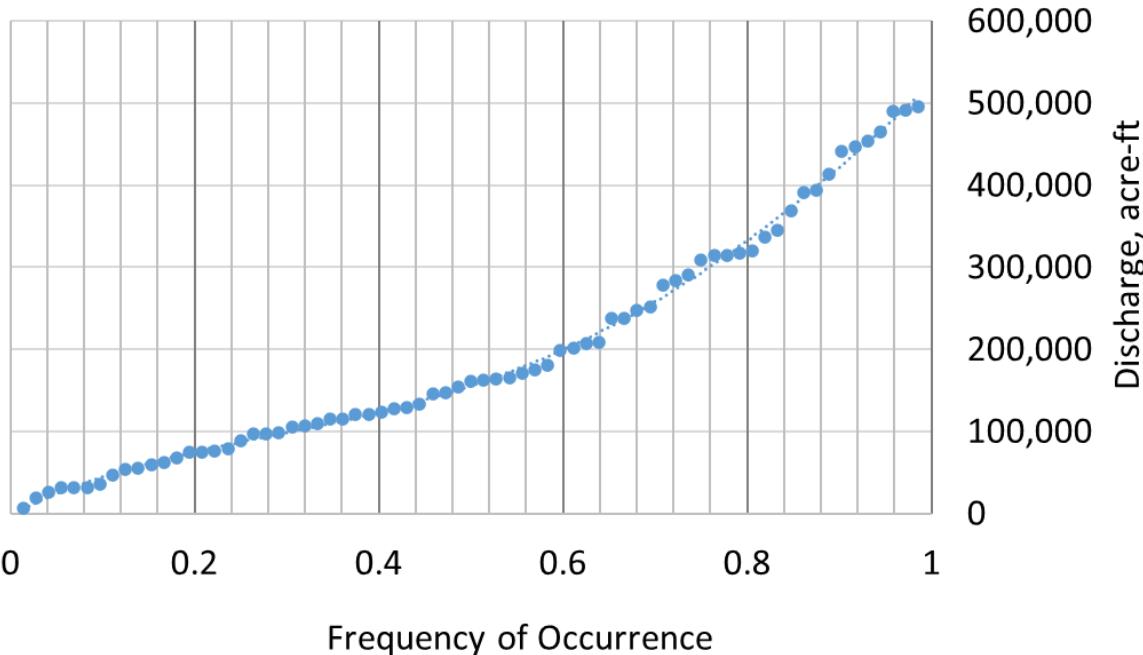


Figure 3. Frequency of occurrence of the average seasonal unimpaired flow volumes for each year of record at POA S008637.

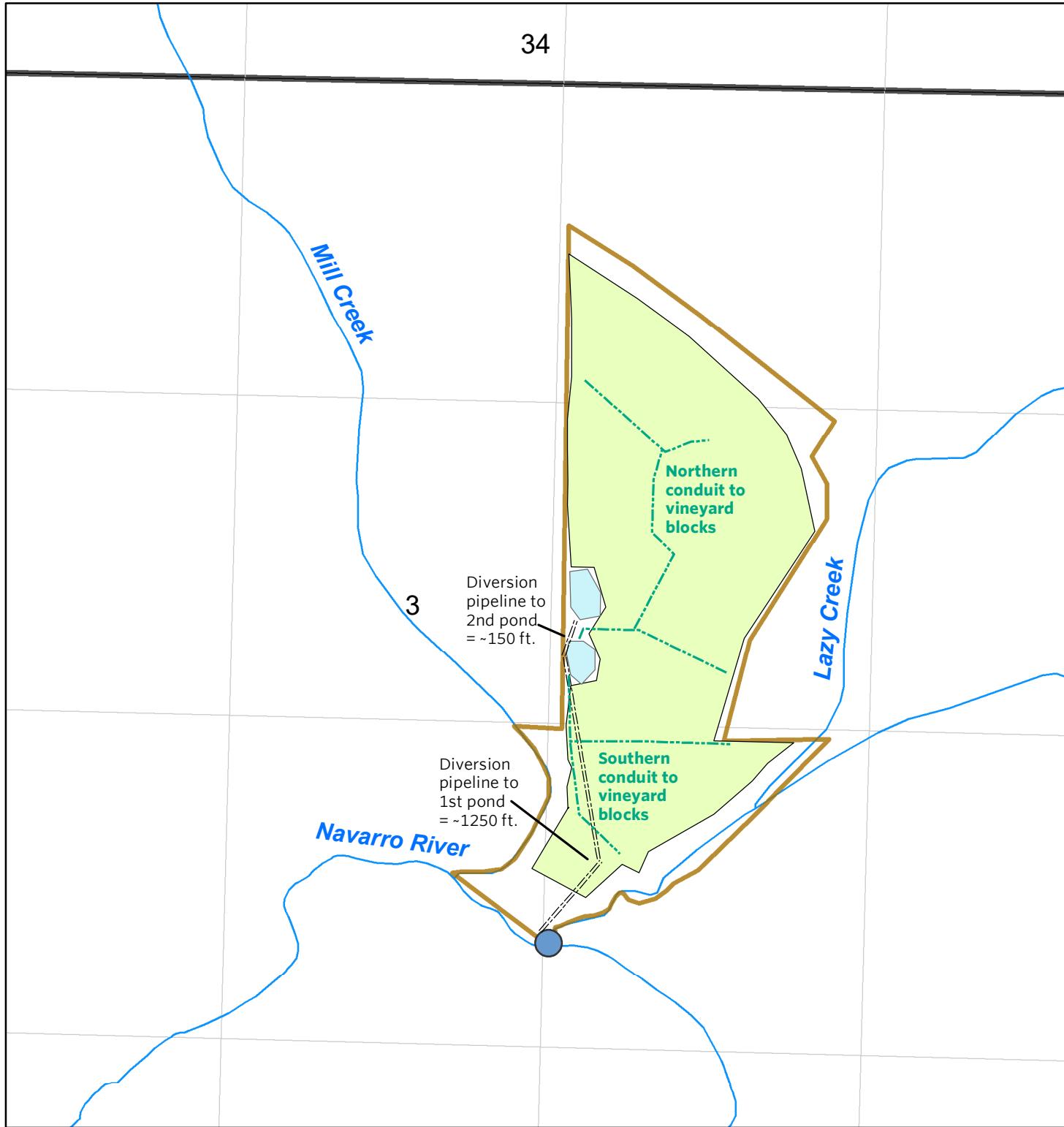
5. Results (description of computations)

Result calculations listed in Table 3 indicate that senior water rights in the watershed represent less than 2 percent of the average estimated unimpaired flow volume during the proposed diversion season. Before the proposed water right, 98 percent of unappropriated water remained in stream. The addition of the proposed water right would change the percentage of remaining unimpaired flow at each POA downstream of the proposed POD by less than 0.01 percent.

The ratio of unimpaired discharge is above 90% at the proposed POD, at the location of POA S008637 (the senior POA where the percentage of remaining unimpaired discharge is lowest), and at all senior POAs along the downstream flow path. These results suggest that the proposed additional appropriation during the period December 15 to March 14 would have no negative impact on senior water right holders; the requested quantity of water is available for appropriation from the Navarro River the proposed location during the proposed diversion season.

Husch Point of Diversion

34



Points of offstream storage

Place of use

Husch parcel

Point of diversion to offstream storage

Streams

PLSS Sections

PLSS Quarter Sections

This point of diversion is located in the NW ¼ of the SE ¼ of section 3 of Township 14N and Range 15W of the Mount Diablo Base and Meridian, CA. POD coordinates are: 39.1000, -123.5023.

==== Diversion pipeline to ponds

- - - Main conduits to vineyard blocks

0 0.125 0.25 Mi.



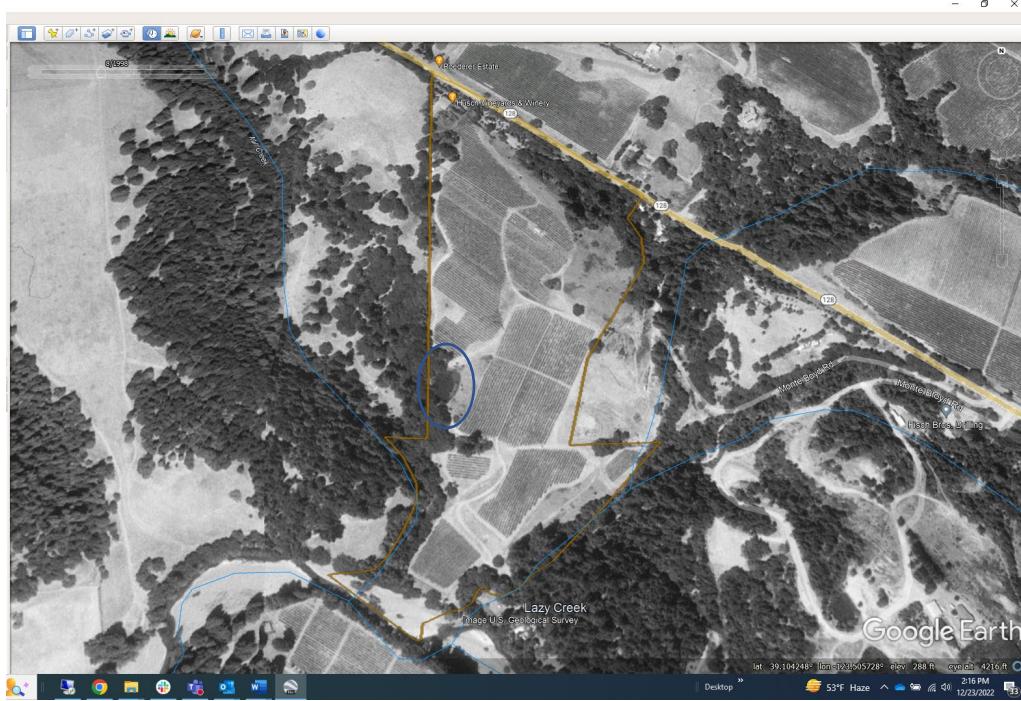


Figure 1. Google Earth image of the southern pond (circled in blue) from 1998.

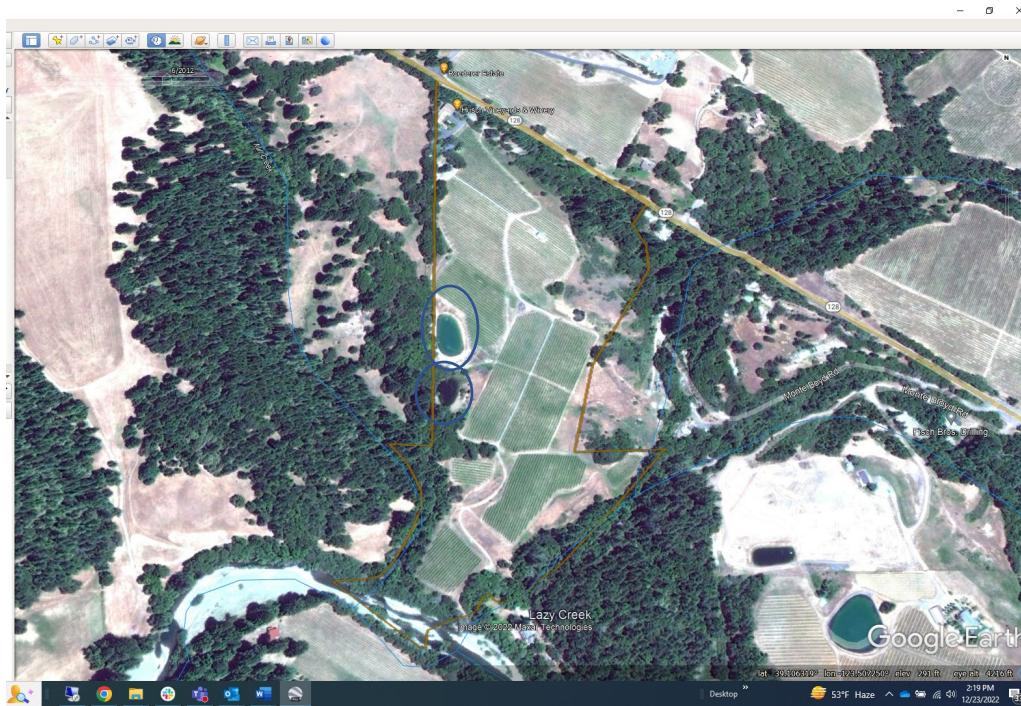


Figure 2. Google Earth image of the northern and southern ponds (circled in blue) from 2012.

Husch photographs



1. Point of diversion to storage – Navarro River, facing upstream, 3/15/2022



2. Point of diversion to storage – Navarro River, facing downstream, 3/15/2022



3. Offstream reservoir #1 (southern pond), and conveyance infrastructure from southern pond to northern pond, 3/15/2022



4. Offstream reservoir #2 (northern pond), 3/15/2022



5. Place of use, vineyards (northern pond also visible), 3/15/2022



6. Conveyance infrastructure near point of diversion, 3/15/2022



7. Conveyance infrastructure from point of diversion, 3/15/2022