

NOTICE OF SUBMITTAL

PETITION FOR INSTREAM FLOW DEDICATION

Form Number: WRA450614

Petitioner's Name: Husch Vineyards

Mailing Address: P.O. Box 189, Talmage, CA 95481

Email Address: zac@huschvineyards.com

Phone Number: (707) 462-5370

SWRCB - DWR
23 DEC 18 AM11:55

Your Petition has been submitted to the State Water Board. The purpose of this notice is to inform you that your petition will not be accepted for initial review unless the following items are received by the State Water Board's Division of Water Rights:

1. **Completed Notice of Submittal:** Petitions must be signed by the petitioner or petitioner's authorized agent.
2. **State Water Board Petition Filing Fee or Proof of Payment:** Petitions to appropriate water by permit must be accompanied by a filing fee determined by regulation. The following link can be used to determine the appropriate fee.
https://www.waterboards.ca.gov/resources/fees/water_rights/#cur_info"
(https://www.waterboards.ca.gov/resources/fees/water_rights/#cur_info). For information on available payment methods, please visit https://www.waterboards.ca.gov/make_a_payment (https://www.waterboards.ca.gov/make_a_payment).
3. **CDFW Payment** Check made out to California Department of Fish and Wildlife for \$850, pursuant to Public Resources Code Section 10005.

You may submit the above items **by mail** (State Water Resources Control Board, Division of Water Rights, Attn: Petitions, 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).

You also **must complete the Environmental Information for Petitions Form** The form can be found through the Water Rights Online Form System, available at the following link: <https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF> (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>). Please take note of your form number on this notice of receipt and input it on the first page of the Environmental Information for Petitions Form

If the items listed above are received by 12/20/2023, your petition will be accepted for initial review. If the items listed above are not received within the specified timeframe, your petition will expire and you will need to submit a new petition.

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

By signing on the following page, I certify under penalty of perjury under the laws of the State of California that the information provided in this petition is true and correct to the best of my knowledge and belief.

Z-M
Signature

12/10/2023
Date

ZACUTARY ROBINSON
Print Name

HUSCH VINEYARDS
Company/Organization (if applicable)

I am the Petitioner Authorized Agent for this petition.

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
Petition Fee	\$850.00	Check	12/18/23	MJ
eWRIMS Record Creation				
Staff Assigned	Record ID	Staff Initials/Date		
Mark Matranga	A023120	MJM 12/18/2023		

State Waterboard Petition for Instream Flow Dedication

You completed application 450614 on 11/20/2023 12:56:37

Section A.1 - Petition for Instream Flow Dedication (Water Code Section 1707)

Water Code Section 1707 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1707&lawCode=WAT) allows any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, to petition the State Water Board for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water. **Incomplete forms may not be accepted.**

This form is for proposed PERMANENT instream flow dedications. If you are proposing a TEMPORARY change, please fill out a Petition for Change Involving Temporary Water Transfer or a Temporary Urgency Change Petition. The forms can be found on the Division's Water Rights Online Forms Portal here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

Instructions for Filing Petition for Instream Flow Dedication

Filing Fees

Your petition form(s) will not be accepted for initial review unless it is accompanied by the required filing fees, including the following:

1. Fee payable to the State Water Resources Control Board. Instructions for calculating the fee are available at: Water Rights Fees (http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/). **Send fee to the State Water Resources Control Board.**
2. Fee of \$850 payable to the California Department of Fish and Wildlife. An \$850 fee is required for all change petitions, with certain exceptions. See specific exceptions in Public Resources Code, division 10, § 10005 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=10005.). **Send the California Department of Fish and Wildlife fee to the State Water Resources Control Board.**

Transmittal Checklist

In order to have fully submitted your Petition for Instream Flow Dedication to the Division, you will have to have completed or provided all of the following items:

1. Complete the following Petition for Instream Flow Dedication form. When the form is complete you will receive a notice of submittal that **must be mailed to the Division**.
2. Include required petition filing fees with the mailed notice of submittal.
3. Complete the Environmental Information for Petitions form. The form can be found on the Division's Water Rights Online Forms Portal here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

The following will be required to complete the Environmental Information for Petitions form:

- I. Map(s) prepared in accordance with Cal. Code Regs., tit. 23, §§ 715 ([https://govt.westlaw.com/calregs/Document/l9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/l9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) et seq. & 794 ([https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).
- II. Proof that the petition information was provided to, and consultation was requested with, the appropriate Regional Water Quality Control Board. (Cal. Code Regs., tit. 23, § 794, (b).) ([https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).
- III. Proof that the petition information was provided to, and consultation was requested with, the California Department of Fish and Wildlife if it has not already provided on the Environmental Petition Form. (Cal. Code Regs., tit. 23, § 794, (b).) ([https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/lB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).

When you complete the process by transmitting 1) this form, 2) the Environmental Information for Petitions form, 3) any attachments, and 4) the required filing fees, your petition will be reviewed to determine whether the petition can be accepted. If your petition form(s) are found to be incomplete, Division staff will contact you to provide instructions regarding the supplemental information required and provide time to complete the form(s). Petition form(s) not accepted for filing are subject to a \$250 non-refundable initial review fee for each petition filed.

Certification: 

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

Public Record Acknowledgement

The State Water Resources Control Board, Division of Water Rights, (the Water Board) is requesting personal information on this form. This form shall become a public record upon receipt by the Board. The Water Board may post the petition to its internet website and may mail the petition upon request.



- I acknowledge that I have read and understand the above information. I also consent to disclosure by the Board of information provided on this form by posting to the Board's internet website, by direct or electronic mailing, or as otherwise required for the Board to act upon the petition. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CLV§ionNum=1798.24.#:~:text>An%20agency%20shall%20not%20disclose,to%20whom%20the%20information%20pertains.).

Section A.2 - Water Right and Owner Information

Water Right Information:

In order to fill out the table, press the green "+" symbol in the top right-hand corner. Once information has been entered, the green + symbol on the right side of that row must be clicked to confirm the information. For additional rows, press the green "+" symbol at the end of a row.

At least one of the following water right ID numbers must be filled out. If the petition for change form is related to other water rights, please provide the corresponding water right information in the table below.

Application or Statement IDs should follow this format A##### or S#####.

Water Right Type	Application or Statement ID	Permit Number	License Number
Appropriative License	A023120	015818	010324

If you are filing this form for changes to multiple rights associated with the same project and the online form is too restrictive to allow you to enter the information needed, you may describe the changes in an attachment. **Check the box below if the online form is not sufficient to describe your change(s) to multiple water rights** and you will be prompted to attach descriptions of the proposed changes.

Click here if you meet the above conditions

Owner Information:

If you are filing as a company, government entity, city, etc. leave the first name and last name blank.

First Name:	Last Name:	Organization Name:
Contact Person: Zac Robinson	Phone Number: (707) 462-5370	Email: zac@huschvineyards.com

If entering a P.O. Box for the address, please include "P.O. Box" in the Address field.

Example: P.O. Box 1234.

Address: P.O. Box 189	City: Talmage	State/Province: California	Zipcode: 95481
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Agent Information:

Do you wish to designate an agent? Yes No

Agent First Name: Jennifer	Agent Last Name: Carah	Agent Organization: The Nature Conservancy	
Mailing Address: 830 S Street 9659	City: Sacramento	State/Province: California	Zipcode: 95811
Phone Number: 415-517-9659	Phone Ext.:	Email: jcarah@tnc.org	

Section A.3 - Change

Is the proposed Instream Flow Dedication a permanent or temporary change? Permanent Temporary

Is all of the water for your right being dedicated? Yes No

What portion of the amount of water listed for your water right are you dedicating?

This is a proposed permissive dedication of water for fish and wildlife. The water previously diverted and used during the period June 15-Sept. 1 will be dedicated instream to fish and wildlife. We calculated this amount by averaging historical use from 2004-2022 for months July-August, and taking 1/2 of the average historical use for June, and 1/30th of the average historical use for September. In some future years depending on need, water needed to top up ponds for irrigation or frost protection will take place during the March 15-June 14 period. When little or no additional water is diverted for this purpose, it will instead be dedicated for fish and wildlife. This amount may total up to 12 AF, and will be reported in annual reporting to the Water Board.

Please explain your dedication and discuss the following:

- Amount of water dedicated
- Season(s)
- Uses

This change petition is submitted in connection with the Husch Vineyards application to appropriate water under the SWRCB's Policy for Maintaining Instream Flows in Northern California Coastal Streams, in which Husch is seeking a permit for the collection and storage of water during the wet season in two existing off-stream ponds to provide an alternate source of water during the dry season in order to benefit fish and wildlife by avoiding diversion during the dry season. Currently, Husch has an appropriative right to divert water from the Navarro River during the period March 15 - Sept. 1 under license A023120 for use for frost protection and irrigation on the Husch Vineyard. Husch also has a riparian right S016614 sometimes used for irrigation on a 14 acre riparian parcel. As this riparian right is rarely used, it is not included in this petition. As part of this project, Husch has agreed to enter into a forbearance agreement with The Nature Conservancy to refrain from exercising their rights to divert water during the period June 15 - Oct. 15 under license A023120 and statement S016614 for a period of at least 10 years with automatic renewals unless Husch formally requests to terminate the agreement. Instead the water formally used during this period will be dedicated for the instream beneficial use of fish and wildlife. This is a proposed permissive dedication of water for fish and wildlife. The water previously diverted and used during the period June 15-Sept. 1 for A023120 will be dedicated instream to fish and wildlife. We calculated this amount by averaging historical use from 2004-2022 for months July-August, and taking 1/2 of the average historical use for June, and 1/30th of the average historical use for September. In some future years depending on need, water needed to top up ponds for irrigation or frost protection will take place during the March 15-June 14 period using A023120. When little or no additional water is diverted for this purpose during this period, it will instead be dedicated for fish and wildlife. This amount may total up to 12 AF (the amount of the new, proposed water right), and will be reported in annual reporting to the Water Board. Husch will aim to fill both ponds using the new winter appropriative water right. As a result 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. This project utilizes the SWRCB Policy for Maintaining Instream Flows in Northern California Coastal Streams, which is designed to assist landowners who wish to apply for expedited water use permits to store water during the winter and early spring and thereby reduce diversions during seasonal recession and the summer low flow period. Based on summer streamflow data from the USGS gage, Husch, in conjunction with The Nature Conservancy and its consultants, believe that forbearing on this diversion during the summer could have significant benefits to streamflow in the Navarro River. North Coast Regional Water Quality Control Board, the National Marine Fisheries Service and CDFW have written letters of support for this project. The purpose of this petition is to permissively add instream use for fish and wildlife as an allowable use under Husch's existing rights, to make clear that any and all water left instream by Husch pursuant to the project is being put to beneficial use and not abandoned. No construction, grading, diversion, discharge of waste, or other activities with environmental impacts will result from this change petition.



Upload Documents here (optional)

No file selected

(Uploaded files:)

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

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Section B.1 - Map Coordinate System

Upstream and Downstream Locations of Instream Flow Dedication Reach of Stream:

Which map coordinate system are you using to describe the point locations for the reaches of stream dedicated to instream flow?



North American Datum of 1983 (NAD 83) Latitude and Longitude

Section B.2 - Location Latitude and LongitudeTable

Upstream and Downstream Locations of Instream Flow Dedication Reach of Stream - Provide the following information of the proposed locations for the reach of stream dedicated to instream flow:

Enter the points in the order that you would like them to be arranged in your petition. Items may be added to the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon. A 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.

Point Name	Limit	Description of Location
Husch POD	Upstream	Husch Point of Diversion to Offstream Storage
Downstream flow dedication point	Downstream	Just upstream of the next downstream POD, i.e. just above S016035

Section B.3 - Location Latitude and Longitude Details

Upstream and Downstream Locations of Instream Flow Dedication Reach of Stream - Provide the following information of the proposed locations for the reach of stream dedicated to instream flow:

In this section, you will provide the basic information related to the point locations you identified on the previous page. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the ">" 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 "Next" and you will move on. If you would like to add, delete, or make edits to your point location, click on "Previous" at the bottom of the page.

If the existing point is currently described in your permit or license using bearing and distance from a section corner or monument, you may leave the "Existing" point information blank or enter as latitude/longitude format.

Point 1 of 2.

Point Name: Husch POD

Point Type Location Details

POINT DETAILS		
ATTRIBUTE	Present	Proposed
Latitude	39.1000	39.1000
Longitude	-123.5023	-123.5023
California Coordinates Zone	2	2
1/4 of 1/4 Section	NW	NW
1/4 Section	SE	SE
Section	03	03
Township and Direction	14N	14N
Range and Direction	15W	15W
Base and Meridian	Mount Diablo	Mount Diablo
Tributary 1	Navarro River	Navarro River
Tributary 2		
Tributary 3		

Section B.3 - Location Latitude and Longitude Details

Upstream and Downstream Locations of Instream Flow Dedication Reach of Stream - Provide the following information of the proposed locations for the reach of stream dedicated to instream flow:

In this section, you will provide the basic information related to the point locations you identified on the previous page. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the ">" 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 "Next" and you will move on. If you would like to add, delete, or make edits to your point location, click on "Previous" at the bottom of the page.

If the existing point is currently described in your permit or license using bearing and distance from a section corner or monument, you may leave the "Existing" point information blank or enter as latitude/longitude format.

Point 2 of 2.

Point Name: Downstream flow dedication point

Point Type Location Details

POINT DETAILS		
ATTRIBUTE	Present	Proposed
Latitude	39.1003	39.1003
Longitude	-123.5031	-123.5031
California Coordinates Zone	2	2
1/4 of 1/4 Section	-Select-	-Select-

1/4 Section	-Select-	-Select-
Section	<u>03</u>	<u>03</u>
Township and Direction	<u>14N</u>	<u>14N</u>
Range and Direction	<u>15W</u>	<u>15W</u>
Base and Meridian	<u>Mount Diablo</u>	<u>Mount Diablo</u>
Tributary 1	Navarro River	Navarro River
Tributary 2		
Tributary 3		

Section B.4 - Requirements of 1707



Describe how the proposed changes will not increase the amount of water the person is entitled to use. (Wat. Code, § 1707(b)(1). (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1707&lawCode=WAT)

The petition does not increase the amount of water Husch is allowed to use. Water used for frost protection during the period March 15-June 14 will not increase, and will likely significantly decrease if Husch is granted a new winter water right as proposed to store water for frost protection in the winter period. During the June 15-Sept. 1 period, Husch historically only diverted and used water for irrigation, and because they use extensive gauging including soil moisture probes and embedded plant moisture sensors, their irrigation is exceedingly efficient, providing just what the plants need to survive. For this reason, irrigation efficiency is high and consumptive use estimated to be 100%. Therefore leaving this water instream for fish and wildlife benefits during the June 15-Sept. 1 period will also not increase water use under the petition.

Section B.5 - Rate and Quantity

Would you like to dedicate water released from storage?

Yes No

Rate and Quantity of Water Proposed for Instream Flow Dedication – List the rate (in cubic feet per second) and quantity (in acre-feet) of water proposed to be dedicated to instream flow.

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Rate (cfs)						0.256	0.256	0.256	0.256				N/a
Quantity (Acre-feet)						0.73	2.66	2.68	0.10				6.17

Note: Please also complete a Petition for Change form here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>), if proposing any of the following as part of the project:

- A change in the Point(s) of Diversion
- A change in the Purpose(s) of Use other than adding Fish and Wildlife Preservation and Enhancement use or removing other purposes of use
- A change in the Place(s) of Use other than adding the Instream Flow Dedication reach of stream

Section C.1 - Legal Users

Use the following navigation buttons to return to the previous pages:

Section B.1 - Map
Coordinate System



Describe how the proposed instream flow dedication will not unreasonably affect any legal user of water.(Wat. Code, § 1707(b) (2).

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1707&lawCode=WAT)

The dedication will only be from the current Husch POD to just upstream of the next downstream diverter (S016035), so will not unreasonably affect any other user of water.

Section C.2 - Year and Quantity

When was the most recent year and quantity of water beneficially used under this water right?

Year 2022

Quantity 7.02 Units Acre-feet Per Year
(AFY)

Section C.3 - Users

Please provide documentation of water diversion and use authorized under this water right within the last 5 years.

Suitable examples of documentation include lease agreements and pumping bills.



Upload Documents here (optional)

[Choose File](#)

No file selected

[Upload](#)

(Uploaded files:)

[Delete](#) Diversion history_1707.pdf (/MT/TakeSurvey/Download?
fileName=1112_450614_81471_PetitionforInst__UploadDiversionandUseOverLastFiveYears_1.pc

0%

Section C.4 - Downstream Diversion

Will the Instream Flow Dedication water be diverted from the stream for consumptive use at a downstream location?



Yes

No

Section D.1 - Review

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#)

Section B.1 - Map
Coordinate System

[Section C.1 - Legal Users](#)

You can view a summary of your petition before submitting by clicking here ([/MT/TakeSurvey/Summary?surveysTakeId=450614&surveyId=1112](#)). The summary will open in a new tab. To return to this screen, simply close the tab with the petition summary. If you need to make changes to your petition, you may use the navigation buttons at the bottom of this page, the Prev button to return to previous pages. You will not be able to edit your petition after you submit.

Section D.2 - Certification

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

By entering your name on the signature line, you are certifying the above (entering your name qualifies as signing the petition form).

I am the:

Water Right Owner Authorized Agent

Signature:  Jennifer Carah

Date:  11/20/2023

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

State Waterboard Environmental Info For Petitions

You completed application 452345 on 11/20/2023 12:50:08

Section A.1 - Introduction of Environmental Information for Petition(s)

GENERAL INFORMATION

This form is required for all petitions, including change petitions, time extension petitions, water right splits, wastewater change petitions and instream flow dedication petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

Certification 

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

Please enter the form number of the petition to which this environmental information corresponds. You can find this form number on your notice of submittal you received via email when submitting your petition form. The form number will be listed as WRA#####. **Input just the numbers after WRA below.** If you have not yet completed a petition form, please do so first and then return to this form.

 Form Number 450614

If this environmental information form corresponds to multiple petitions forms, please list each additional form number in its own box below.

Form Number 2

Form Number 3

Form Number 4

Form Number 5

Public Record Acknowledgement

The State Water Resources Control Board, Division of Water Rights, (the Water Board) is requesting personal information on this form. This form shall become a public record upon receipt by the Board. The Water Board may post the petition to its internet website and may mail the petition upon request.



I acknowledge that I have read and understand the above information. I also consent to disclosure by the Board of information provided on this form by posting to the Board's internet website, by direct or electronic mailing, or as otherwise required for the Board to act upon the petition. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b).

Section A.2 - Description of Changes

Water Right Information:

This form is required for all petitions, including change petitions, time extension petitions, water right splits, wastewater change petitions and instream flow dedication petitions.

In order to fill out the table, press the green "+" symbol in the top right-hand corner. Once information has been entered, the green + symbol on the right side of that row must be clicked to confirm the information. For additional rows, press the green "+" symbol at the end of a row.

At least one of the following water right numbers must be filled out. If this form is related to other water rights, please provide the corresponding water right information in the table below.

Application or Statement IDs should follow this format A##### or S#####.

Water Right Type	Application or Statement ID	Permit Number	License Number
Appropriative License	A023120	15818	10324

Is your petition a petition for extension of time? 

Yes | No

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

Provide a description of the proposed changes to your project including, but not limited to:

- Type of construction activity,
- Structures that are existing and that may be built,
- Area to be graded or excavated,
- Increase in water diversion or use,
- Changes in land use,
- Project operational changes, including changes in the timing of diversions or uses, or changes in how the water will be used.

For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.


Include in your description any of the
above elements that will occur during the
requested extension period.

(Note: Text box size can be adjusted by
clicking on the bottom right corner of the
text box and dragging to the desired size.)

There is no construction, grading or excavation associated with this project. Husch has two existing ponds which have been in place for many years, where water is stored. Husch also has an existing point of diversion where water is diverted using existing diversion works. The ponds and diversion works will be used as-is for this project. There will be no increase in water diversion or use associated with this project. There will be no changes in land use associated with this project. The 1707 change petition is submitted in connection with the Husch Vineyards application to appropriate water under the SWRCB's Policy for Maintaining Instream Flows in Northern California Coastal Streams, in which Husch is seeking a permit for the collection and storage of water during the wet season in two existing off-stream ponds to provide an alternate source of water during the dry season in order to benefit fish and wildlife by avoiding diversion during the dry season. Currently, Husch has an appropriative right to divert water from the Navarro River during the period March 15 - Sept. 1 under license A023120 for use for frost protection and irrigation on the Husch Vineyard. Husch. As part of this project, Husch has agreed to enter into a forbearance agreement with The Nature Conservancy to refrain from exercising their rights to divert water during the period June 15 - Oct. 15 under license A023120 for a period of at least 10 years with automatic renewals unless Husch formally requests to terminate the agreement. Instead the water formally used during this period will be dedicated for the instream beneficial use of fish and wildlife. This is a proposed permissive dedication of water for fish and wildlife. The water previously diverted and used during the period June 15-Sept. 1 for A023120 will be dedicated instream to fish and wildlife. We calculated this amount by averaging historical use from 2004-2022 for months July-August, and taking 1/2 of the average historical use for June, and 1/30th of the average historical use for September. In some future years depending on need, water needed to top up ponds for irrigation or frost protection will take place during the March 15-June 14 period using A023120. When little or no additional water is diverted for this purpose during this period, it will instead be dedicated for fish and wildlife. This amount may total up to 12 AF (the amount of the new, proposed water right), and will be reported in annual reporting to the Water Board. Husch will aim to fill both ponds using the new winter appropriative water right. As a result 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. This project utilizes the SWRCB Policy for Maintaining Instream Flows in Northern California Coastal Streams, which is designed to assist landowners who wish to apply for expedited water use permits to store water during the winter and early spring and thereby reduce diversions during seasonal recession and the summer low flow period. Based on summer streamflow data from the USGS gage, Husch, in conjunction with The Nature Conservancy and its consultants, believe that forbearing on this diversion during the summer could have significant benefits to streamflow in the Navarro River. North Coast Regional Water Quality Control Board, the National Marine Fisheries Service and CDFW have written letters of support for this project. The purpose of this petition is to permissively add instream use for fish and wildlife as an allowable use under Husch's existing rights, to make clear that any and all water left instream by Husch pursuant to the project is being put to beneficial use and not abandoned. No construction, grading, diversion, discharge of waste, or other activities with environmental impacts will result from this change petition.



Upload Documents here (optional)

Choose File

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(Uploaded files:)

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Section B.1 - Environmental Documents

Has any California public agency prepared an environmental document for your project? Yes No

Section B.2 - Environmental Documents - To Be Prepared

Select the appropriate box:

- The petitioner is a California public agency and will be preparing the environmental document.*
- I expect that the State Water Board will be preparing the environmental document.**
- I expect that a California public agency other than the State Water Board will be preparing the environmental document.*

Explain, if necessary:

We assume that this project is exempt from CEQA, as previous similar projects (without construction, grading, etc.) permitted under the North Coast Instream Flow Policy have also been CEQA exempt as determined by the State Water Resources Control Board.

*Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Final action on your petition cannot be taken until these documents are submitted.

**Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the

environmental document must be developed at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

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Section C.1 - Coordination with Regional Water Quality Control Board

Use the following navigation buttons to return to the previous pages:

Petitioners must request consultation with the appropriate Regional Water Quality Control Board (RWQCB) regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794, (b).

([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) To determine the appropriate RWQCB office for consultation, see: https://www.waterboards.ca.gov/waterboards_map.html

(https://www.waterboards.ca.gov/waterboards_map.html)

For petition for change only: Provide the RWQCB contact information and the date you submitted the request for consultation below:

Person Contacted First Name:

Person Contacted Last Name:

Date of Contact:

Office:

Phone Number:

Permit Type Required for Project (if any):

Permit Status (if applicable):

Will your project, during construction or operation, (1) generate waste or wastewater containing sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  Yes No

Will a waste discharge permit be required for the project?  Yes No

Section C.2 - Coordination with the California Department of Fish and Wildlife

Those submitting a petition for change must request consultation with the Department of Fish and Wildlife (DFW) regarding the potential effects of your proposed change on fish, wildlife, and plant resources, and their habitats. (Cal. Code Regs., tit. 23, § 794, (b).

([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) To determine the DFW appropriate office for consultation, see: <http://www.wildlife.ca.gov/Regions> (<http://www.wildlife.ca.gov/Regions>)

Person Contacted First Name:

Person Contacted Last Name:

Date of Contact:

Office:

Phone Number:

Permit Type Required for Project and/or
Consultation Status:

Husch has an existing LSAA/1600 agreement for water right
A023120.

Describe any concerns identified by CDFW staff, or whether CDFW stated there were no concerns related to this project. If your project has the potential to impact any threatened and endangered species or if there are any other known environmental impacts, also provide the information here.

From CDFW letter of support (see attached): "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."

 Upload any related correspondence with CDFW or additional explanation if available.

(Uploaded files:)

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Section C.3 - Local Permits

For **temporary transfers only**, you must submit a copy of the Petition for Transfer and Environmental Information form to the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726. (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1726&lawCode=WAT))

Person Contacted First Name: Person Contacted Last Name:

Date of Contact: Department: Phone Number:

For **change petitions only**, you should contact your local planning or public works department and provide the information below.

Person Contacted First Name: Person Contacted Last Name:

Date of Contact: Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project?  Yes No

Section C.4 - Federal and State Permits

Provide information for any additional Federal and/or State agencies that may require permits or other approvals for your project.:

Some Federal/State agencies that may require permits or other approvals are:

- Regional Water Quality Control Board (https://www.waterboards.ca.gov/about_us/contact_us/rwc/contact_us.html)
- Department of Water Resources, Division of Safety of Dams (<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams>)
- U.S. Army Corps of Engineers (<https://www.usace.army.mil/>)
- Natural Resources Conservation Service (<https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home>)
- Department of Fish and Wildlife (<https://dl.wildlife.ca.gov/>)
- California Coastal Commission (<https://www.coastal.ca.gov/>)
- State Reclamation Board (<https://www.usbr.gov/mp/>)
- U.S. Forest Service (<https://www.fs.usda.gov/>)
- Federal Energy Regulatory Commission (<https://www.ferc.gov/>)
- Bureau of Land Management (<https://www.blm.gov/california>)

- State Water Resources Control Board
(<https://www.waterboards.ca.gov/>)

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number	Status
					-Select-

If you selected a status of "Other", please explain:

Have you obtained any of the permits listed above?  Yes No None Required

Section C.5 - Construction and Grading Activity

Does the project involve any construction or grading activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake?

 Yes No

Section C.6 - Environmental Setting

For all petitions other than time extensions, attach a complete set of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed four locations.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the proposed point(s) of diversion.
- At the place(s) where the water is to be used.



Upload Documents here

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Section C.7 - Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq. & 794
([Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.](https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))</p>
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Section D.1 - Review

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#)

[Section B.1 - Environmental Documents](#)

[Section C.1 - Coordination with RWQCB](#)

You can view a summary of your form before submitting by clicking here ([/MT/TakeSurvey/Summary?surveysTakenId=452345&surveyId=1110](#)). The summary will open in a new tab. To return to this screen, simply close the tab with the summary. If you need to make changes to your form, you may use the navigation buttons at the top of this page, or the Prev button below to navigate to previous pages. You will not be able to edit your form after you submit.

Section D.2 - Certification

 I (we) declare under penalty of perjury that the information within this survey is true and correct to the best of my (our) knowledge and belief.

By entering your name on the signature line, you are certifying the above (entering your name qualifies as signing the form).

I am the:

 Water Right Owner Authorized Agent

Signature:  Jennifer Carah

Date:  11/20/2023

**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.

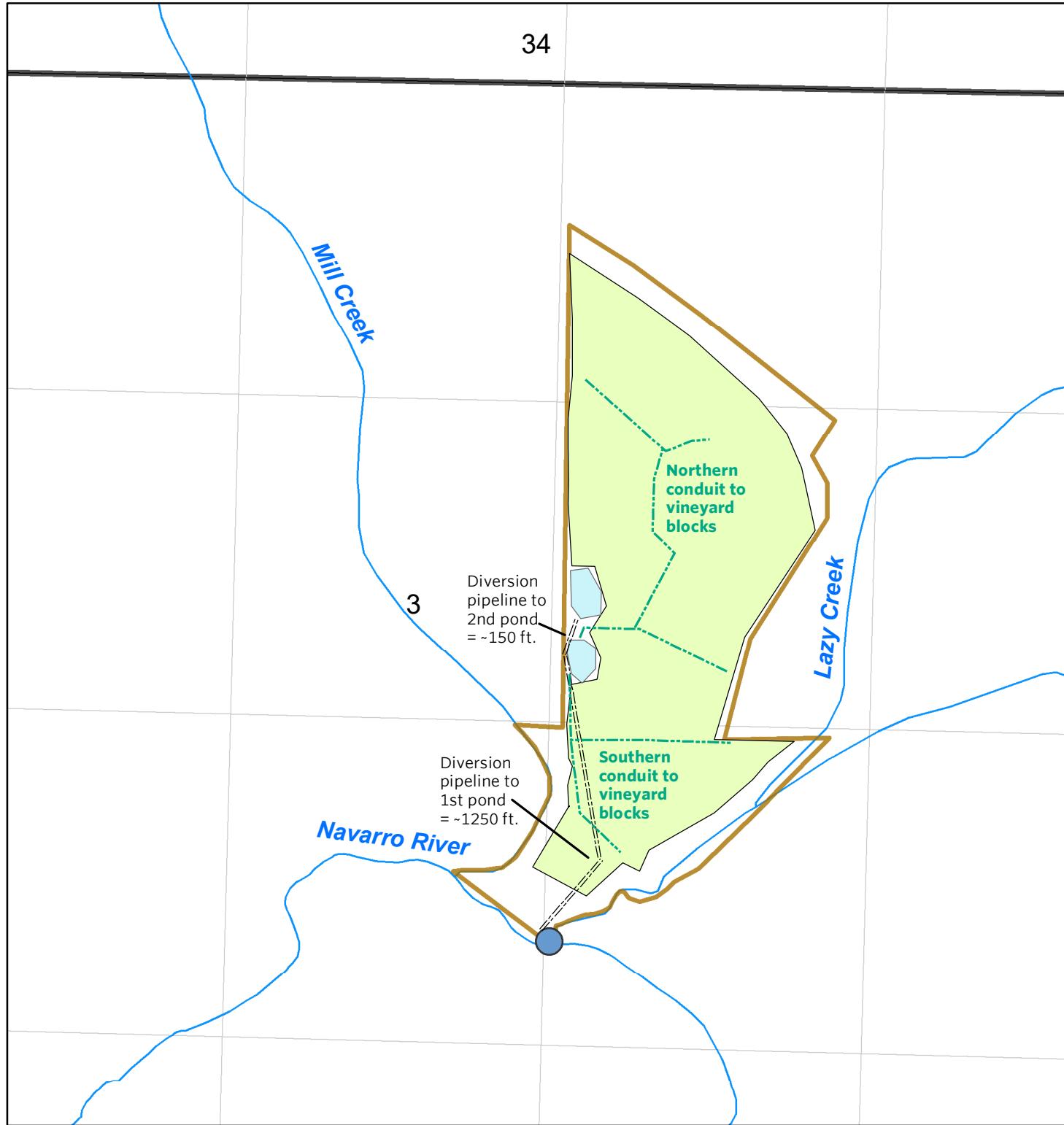
cc: The Nature Conservancy
Jennifer Carah, Monty Schmitt
jcarah@tnc.org, monty.schmitt@tnc.org

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

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

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

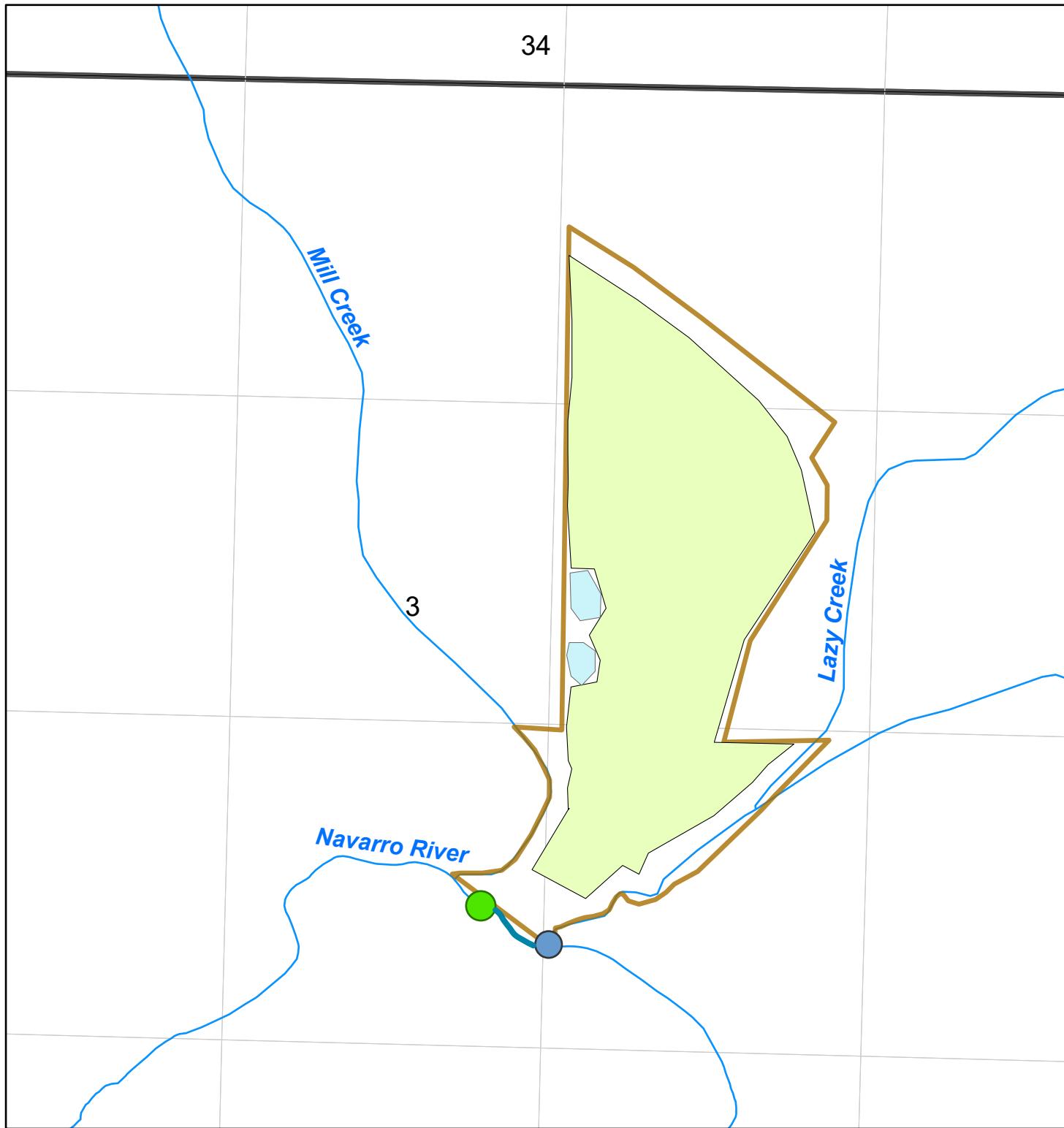
- - - Main conduits to vineyard blocks

0 0.125 0.25 Mi.



Husch Instream Dedication Reach

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. Downstream point of dedication coordinates are: 39.1003, -123.5031.

Point of downstream dedication

Instream flow dedication reach

0

0.1

0.2 Mi.



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



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

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 23120
Page 1 of 5

PERMIT 15818

LICENSE 10324

THIS IS TO CERTIFY, That

Husch Vineyards, Inc
PO Box 189
Talmage, CA 95481-0189

has the right to the use of the waters of **Navarro River in Mendocino County**

tributary to **Pacific Ocean**

for the purpose of **Irrigation and Frost Protection uses.**

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA; and (e) the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams have been met.

Additionally, the State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.)

This amended license is being issued in accordance with the redelegations of authority (Resolution No. 2007-0057). Therefore, this amended license on **Application 23120** filed on **August 28, 1968** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 10324 supersedes the license originally issued on **July 3, 1974**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 15818**. The priority of this right dates from **August 28, 1968**. Proof of maximum beneficial use of water under this license was made as of **August 30, 1973 and March 11, 1999** (the dates of inspection and compliance, respectively).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **two hundred eighteen-thousandths (0.218) cubic foot per second to be diverted from March 15 to September 1 of each year**. The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed **84 acre-feet per year**. The total amount of water to be beneficially used (direct diversion plus withdrawal from storage) shall not exceed **84 acre-feet per year**.

The maximum instantaneous rate of diversion to offstream storage shall not exceed 3 cubic feet per second.

So long as there is no interference with other rights, junior, as well as senior, Licensee may increase his rate of diversion to a maximum of 3 cubic feet per second; provided that the total quantity diverted in any 30-day period does not exceed 13 acre-feet.

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 2, North 2,165,996 feet and East 6,135,580 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M.

THE PLACES OF STORAGE OF SUCH WATER ARE LOCATED:

At Reservoir 1 and Reservoir 2, both within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

5 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M

30 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M

5 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M

40 acres total, as shown on map dated March 18, 1999, on file with the State Water Board.

Upon a judicial determination that the place of use under this license or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this license shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

(0000021)

Licensee shall maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water taken (direct diversion and collection to storage) from the Navarro River. Licensee shall maintain a record of the end-of-the-month meter readings and records of date and amount of water taken (direct diversion and collection to storage) from the Navarro River and submit them with Reports of Licensee, or whenever requested by the Deputy Director for Water Rights.

(0060046)

For the protection of fish and wildlife, the licensee shall bypass past the diversion site on Navarro River, 20 cubic feet per second or the natural flow, whichever is less, from March 15 through May 30; and 8 cubic feet per second, or the natural flow, whichever is less, from June 1 through September 1.

(0140060)

Licensee shall install and maintain a measuring device, satisfactory to the Deputy Director for Water Rights, which is capable of measuring the bypass flows required by the conditions of this license. Licensee shall maintain a record of end-of-the-month bypass flow measured at this device from March 15 to September 1 of each year. Licensee shall submit these monthly readings with the annual report of licensee or whenever requested by the Division. In lieu of a measuring device and monitoring, licensee can permanently set the intake of the pumping plant at an elevation above the natural stream channel which ensures continuous bypass of the flow required by this license. The flow measurements to establish the necessary elevation of the pump intake shall be made by a registered engineer and approved by the Deputy Director for Water Rights.

(0060062)

No water shall be diverted under this license except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the State Department of Fish and Game and the National Marine Fisheries Service to protect Steelhead Trout, Coho Salmon, and Chinook Salmon listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) and the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). Construction, operation, and maintenance costs of the required facility are the responsibility of the licensee.

(0000214)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY

PHIL CRADER FOR:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: NOV 18 2011

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 23120 Permit 15818 License 10324

**ORDER AMENDING THE LICENSE BY ADDING
MEASURING DEVICE CONDITIONS, CORRECTING THE
PLACE OF USE AND POINT OF DIVERSION DESCRIPTIONS
AND ADDING STANDARD LICENSE TERMS**

WHEREAS:

1. License 10324 was issued to Wilton P. Husch and Gretchen P. Husch, et al on July 3, 1974, pursuant to Application 23120 and was recorded with the County Recorder of Mendocino County on July 8, 1974, in Book 968, Page 309.
2. License 10324 was subsequently assigned to Hugo A. Oswald, Jr. and Beatrice S. Oswald on October 3, 1979.
3. License 10324 was subsequently assigned to Hugo A. Oswald, Jr., Beatrice S. Oswald, Miles S. Oswald and Tracy L. Oswald on November 21, 1996.
4. The Division of Water Rights (Division) conducted an inspection of the project covered by License 10324 on March 11, 1999. This inspection found that there has been no physical change in the licensed place of use, but the description shown on the license is incorrect. The inspection also found that the licensee has no satisfactory means to ensure compliance with the existing license term requiring bypass of stream flow for the protection of a steelhead fishery.
5. The State Water Resources Control Board (SWRCB) has determined that in order to ensure continued compliance with an existing condition of the license requiring bypass of water to protect the steelhead fishery of the Navarro River, additional terms and conditions in License 10324 are necessary.
6. The SWRCB will correct the described place of use and point of diversion authorized by License 10324.
7. The SWRCB will also add its standard continuing authority and water quality objective terms and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

The following terms and conditions be added to License 10324:

1. The place of use authorized by this license will be corrected as follows:

5.0 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M
30.0 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M
5.0 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M
40.0 acres total, as shown on a map on file with the State Water Resources Control Board

2. The point of diversion authorized by this license will be corrected as follows:

By California Coordinates, Zone 2, North 525,600 and East 1,574,221, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T14N, R15W, MDB&M.

3. The following measuring device and monitoring requirement of the amounts diverted under this license is added as follows:

Licensee shall install and maintain a measuring device, satisfactory to the Chief of the Division of Water Rights, which is capable of measuring the bypass flows required by the conditions of this license. Licensee shall maintain a record of the end-of -the-month bypass flow measured at this device from March 15 to October 1 of each year. Licensee shall submit these monthly readings with the triennial report of licensee or whenever requested by the Division of Water Rights. In lieu of a measuring device and monitoring, licensee can permanently set the intake of the pumping plant at an elevation above the natural stream channel which ensures continuous bypass of the flow required by this license. The flow measurements to establish the necessary elevation of the pump intake shall be made by a registered engineer and approved by the Chief of the Division of Water Rights.

4. The continuing authority condition shall be updated to read as follows:

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of the licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth;

and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

5. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

6. An endangered species term shall be added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: **MAY 10 2000**

ORIGINAL SIGNED
BY HARRY M. SCHUELLER
Harry M. Schueller, Chief
Division of Water Rights

Recording Requested by:

STATE WATER RESOURCES CONTROL BOARD
Pursuant to Government Code Sec. 6103.

When Recorded Mail to:

STATE WATER RESOURCES CONTROL BOARD
Room 1015, Resources Building
Sacramento, California 95814

F2173

CHECKED

RECORDED AT REQUEST OF
City Water Resources
BOOK 968 PAGE 307 Control Bd.

INDEXED

OFFICIAL RECORD
MENDOCINO COUNTY CALIF.

Chloe Richardson RECORDER

no fee

COMPARED



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23120

PERMIT 15818

LICENSE 10324

WILTON P. HUSCH AND GRETCHEN P. HUSCH
P. O. BOX 114, PHILO, CALIFORNIA 95466

HAVE made proof as of AUGUST 30, 1973 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of

NAVARRO RIVER IN MENDOCINO COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION AND FROST PROTECTION USES
under Permit 15818 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from AUGUST 28, 1968 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWO HUNDRED EIGHTEEN-THOUSANDS (0.218) CUBIC FOOT PER
SECOND, TO BE DIVERTED FROM MARCH 15 TO OCTOBER 1 OF EACH YEAR. SO LONG AS THERE
IS NO INTERFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY IN-
CREASE HIS RATE OF DIVERSION TO A MAXIMUM OF 3 CUBIC FEET PER SECOND; PROVIDED
THAT THE TOTAL QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 13 ACRE-FEET.
THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 84 ACRE-FEET PER
YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

DUE SOUTH 650 FEET FROM CENTER CORNER OF SECTION 3, T14N, R15W, MDB&M, BEING WITHIN
NW1/4 OF SE1/4 OF SAID SECTION 3.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

31 ACRES WITHIN SW1/4 OF NE1/4 OF SECTION 3, T14N, R15W, MDB&M
9 ACRES WITHIN NW1/4 OF NE1/4 OF SECTION 3, T14N, R15W, MDB&M

40 ACRES TOTAL

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A
PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO
DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A
COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER
THE LARGER OF THE TWO RIGHTS.

JUL 19 8 19 PHJH

SEARCHED

BOOK 968 PAGE 307

FOR THE PROTECTION AND PRESERVATION OF FISHLIFE, LICENSEE SHALL BYPASS PAST THE DIVERSION SITE ON NAVARRO RIVER, 20 CUBIC FEET PER SECOND OR THE NATURAL FLOW, WHICHEVER IS LESS, FROM MARCH 1 THROUGH MAY 30; AND 8 CUBIC FEET PER SECOND, OR THE NATURAL FLOW, WHICHEVER IS LESS, FROM JUNE 1 THROUGH SEPTEMBER 30.

REASONABLE ACCESS TO PROJECT WORKS

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water, **AND TO CARRY OUT LEGALLY ESTABLISHED WATER QUALITY OBJECTIVES.**

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated JUL 3 1974

STATE WATER RESOURCES
CONTROL BOARD
Sacramento
July 16, 1974

STATE WATER RESOURCES CONTROL BOARD

A. D. Koenberger

Chief, Division of Water Rights