

State of California
 State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

PETITION FOR CHANGE
 (WATER CODE 1700)

Application _____ Point of Diversion, _____ Point of Rediversion, Place of Use, _____ Purpose of Use
 _____ Permit 14669 License 10270 Statement or Other _____

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present _____
 Proposed _____

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present see attached Exhibit A
 Proposed see attached Exhibit A and Exhibit B

Purpose of Use

Present _____
 Proposed _____

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? no
 (yes/no)

- GIVE REASON FOR PROPOSED CHANGE: see attached
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? POU will be abandoned
 (yes/no)
- WATER WILL BE USED FOR Irrigation of vineyard PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? ownership & easement
 (ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? no
 (yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Attach additional pages if needed.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

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

Dated April 4, 2002 at _____, California

 Signature(s) Frank Williams Telephone No. (916) 942-0416

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

5-06-02
 100 fee
 CCP

**EXHIBIT A TO PETITION FOR CHANGE IN PLACE OF USE
UNDER APPLICATION 21666, PERMIT 14669, LICENSE 10270**

(PETITIONERS' RESERVOIR "B")

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present: 15 acres within north half of northeast quarter of southwest quarter of projected Section 2, T 9 N, R 8 W, MDB&M.

10-25-67
JDM
Proposed: A net of 15 acres within a gross of ~~43~~⁷⁵ acres located within Section 2, T 9 N, R 8 W, MDB&M; and all of which is shown in red in Section 2 on the map attached hereto as Exhibit B, as follows: ~~20~~²³ acres within the northwest quarter of southwest quarter of Section 2; 18 acres within the northeast quarter of southwest quarter of Section 2; 2 acres within the southwest quarter of northwest quarter of Section 2; and 3 acres within the southeast quarter of northwest quarter of Section 2.

(NOTE: Reservoir C and the adjoining vineyard shown in green in Section 2 and in green and red in Section 3 on Exhibit B, are covered by separate Application 16467, License 5879.)

GIVE REASON FOR PROPOSED CHANGE:

Original 15-acre place of use was in irrigated pasture, and has been returned to native vegetation, as pasture and livestock were no longer economically feasible. In lieu thereof, vineyard was planted on the adjoining 43 acres shown on Exhibit B 20 years ago, and the water is now being used for the irrigation of that vineyard. The change will not involve an increase in the amount of the appropriation. See statement attached hereto.

EXHIBIT A

I have changed the use, and place of use of the water under this license, from irrigated pasture for cattle feed to vineyard irrigation. The place of use is in an adjoining field. The reason for the change being that cattle feeding was simply no longer economically viable.

I now use a reduced amount of water for the irrigation and establishment of young vines. As the vines mature, they are able to sustain themselves on sub surface flows.

At present we are replanting approx. 8.3 Ac. which is the largest unit that we intend to replant and that unit requires approx. 13 Ac./ft. / year.

As a general rule we would only replant blocks of 5 Ac. in size.

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

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ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change to License Petition for Extension of Time
10270 of Peter Newman and Judy Newman

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including 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.

See attachment No. 1 hereto

See Attachment No. 1

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____

Department: _____ Telephone: (____) _____

County Zoning Designation: _____

Are any county permits required for your project? YES NO If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit Change of zoning

General plan change Other (explain): _____

County was contacted in 1981 when vineyard development commenced.

No grading or other permits were required.

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. _____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management

Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board

Coastal Commission State Lands Commission Other (specify) _____

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

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. _____

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO

If YES, explain: _____

See Attachment No. 1

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Copy of Change Petition and the

Environmental Information have been mailed to Dept. of Fish & Game

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? YES NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

See Attachment No. _____

* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
 YES NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

- b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used? N/A

See Attachment No. _____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area? YES NO

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: _____

See Attachment No. ____

7. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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 place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Judith F. Newman
By Peter W. Newman

Date: Sept. 24, 2007

Signature: *Peter W. Newman*

Attachment No. 1

to Environmental Information for Change Petition on
APPLICATION 21666, LICENSE 10270 OF
PETER NEWMAN AND JUDY NEWMAN
[License 10270 is for the appropriation of 41 acre feet
per annum at **Reservoir B** for irrigation of 15 acres]

1. DESCRIPTION OF PROPOSED CHANGE. The change petitioned for is to change the existing place of use of the water stored in Reservoir B, from fifteen (15) acres of pasture on the Newman property to a net of 15 acres within a gross of 43 acres of vineyard, as described in the Petition to Change.

In 1963, we purchased a cattle ranch of 370 acres located approximately ten miles northwest of Calistoga, on Highway 128 in Sonoma County. In 1964 we filed Application 21666 to appropriate 45 acre feet per annum at the site of Reservoir B shown on the map attached as Exhibit B, to be used for irrigation of 15 acres of pasture south of the reservoir site, and also for stockwatering, fish culture, fire protection and recreation at the reservoir.¹ Permit 14669 was issued in 1965, and we constructed Reservoir B (sometimes known as Judy Lake) and began the irrigation of the 15 acres of pasture, using portable sprinkler pipe. That project was inspected as complete in 1973 and water right License 10270 was issued in 1974 for the storage of 41 acre feet in Reservoir B, to be used for the irrigation of the 15 acres, and for recreation, stockwatering and fire protection.

In 1971, I purchased an adjoining 165 acres of property to the west, previously owned by Everett and Josephine Carlson and which adjoined our property on which Reservoir B and the 15 acres of irrigated pasture were located. That purchase included the areas shown on Exhibit B which contained Reservoir C and the areas shown in both green and pink. Because of inadequate economic return from the irrigation of the 15 acres of pasture, we commenced the planting of vineyard in 1981-82 on approximately 45 acres of the adjoining property acquired in 1971 that is west of the irrigated pasture area, and that 45 acres is shown in pink on Exhibit B attached.² The vineyard can be seen on two of the photos attached looking southwest, one of which has Reservoir B on the left side of the photo. The development of the vineyard included the plumbing required for drip irrigation of the vines, and an overhead frost protection system. The 45 acres planted to vineyard consisted of gently rolling dry hayfield land. Following the completion of the planting of the 45 acres of vineyard in 1982, irrigation of the 15 acres of pasture from Reservoir B was discontinued, and that acreage has reverted to unirrigated pasture.

¹ Exhibit B is the same map that is attached to the change petition. There is no Exhibit A attached to this Environmental Information document.

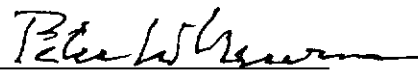
² See the companion Application of Peter Newman to Change Place of Use and the accompanying Environmental Information for the Change Petition on Application 16467, License 5879.

The conversion of the 45 acres of hayfield to vineyard grape production, completed 25 years ago, involved no structures, and there was no grading or excavation on the property other than the burying of plumbing for the frost protection and irrigation systems. There is no further construction or other development work to be done. There were no wetland areas where the vineyard was planted. The vineyard is bordered along its northwest boundary by the intermittent stream channel on which Reservoir B is located, and the vineyard was planted adjacent to the bank of the stream channel, approximately 50 - 60 feet from the uppermost edge of the channel. No trees were removed in the development of the vineyard. There are some large oaks within the vineyard, but neither the oaks nor any other trees were removed in the planting of the vineyard. The vineyards have resulted in an increase in the presence of wildlife (wild turkeys and deer) feeding on the grapes and growing vines, as well as coyotes.

The actual net acreage of vineyard is less than 45 acres, after subtracting roads, vine spacings, etc. There is no increase in water use resulting from the change. The change petitioned for is to irrigate 15 acres in any year out of the gross of 45 acres. Because of the efficiency of drip irrigation to 15 acres of vineyard, the water requirement is not greater than what is required for the irrigation of 15 acres of pasture. Only portions of the vineyard are irrigated in any years, because irrigation is limited after vines have matured, with irrigation being primarily on blocks which have been replanted. Petitioner's calculations show that the actual use of water for drip irrigation of the 15 acres of vineyard, is normally less than the amount of water used for irrigation of the 15 acres of pasture.

In summary, there has been no increase in the use of water resulting from the changes, and there were no significant effects on the environment in developing the vineyard and moving the irrigation from the flood-irrigated pasture to the vineyard.

Peter Newman and
Judy Newman

By 
Peter Newman

9/25/07