

From: "Andrew Baker" <ABaker@waterboards.ca.gov>
Subject: Re: Casey's photo-Cornell
Date: September 8, 2005 3:57:12 PM PDT
To: <kimlarry2@comcast.net>

This sounds like it's part of a THP vineyard conversion that went in a few years ago. If so we have spent a lot of time on it. I'm heading out and will not be back till Monday. I'll check into this then.

[] kimberly Burr <kimlarry2@comcast.net> 09/08/05 3:36 PM >>>
Property address 425 Wappo Road.
Guy Davis is the vineyard manager/developer. I believe that his number is 537-7935 on Laguna Road in SR. We don't have Mr. Cornell's phone.

Thanks Andy.

On Sep 8, 2005, at 3:00 PM, Andrew Baker wrote:

Hi Kimberly
I agree that the picture looks there could be a potential threat to water quality. I will investigate. If possible please provide Mr. Cornell's phone number and the address of the site.

Thanks
Andy

[] kimberly Burr <kimlarry2@comcast.net> 09/08/05 2:36 PM >>>
Please investigate.

My client believes this bulldozing, powdered dirt, slopes above Class II leading to headwaters of Mark West Creek, pose a serious threat to water quality. His number is 537-8924-Casey Caplinger.

Please place the photos in the file for Henry Cornell.

Thank you,
Kimberly Burr
887-7433

Attachment A

Mr. Baker:

Good memory on that conversion. When you guys went out before that conversion was approved, you noticed several suspicious things. GT Edwards was the RPF and G. Davis the developer. Anyway, Cornell has purchased another adjacent 40 acres since then.....can you see if Ag. Comm. can do anything - DFG or PRMD?

One of the concerns, after direct discharge of sediment- which has happened in the past in large amounts, is the ground water demands of additional vineyard and winery.....doesn't pumping of wells potentially impact creeks and springs...?

TU, NOAA, and DWR have weighed in on the winery project noting the severe impacts that already exists in MWC and the inadequacy of water availability studies to date.

Let me know if you'd like copies of their letters on this ownership.

HAVE A GREAT WEEKEND - we're off to Grouse Ridge Sunday.

Kimberly

From: "Paul Keiran" <PKeiran@waterboards.ca.gov>
Subject: Re: Cornell vineyard
Date: September 9, 2005 3:05:44 PM PDT
To: <kimlarry2@comcast.net>

That is NOT a firebreak!!!! And if it is and it's over an acre of disturbed land, which it appears, he needs a construction stormwater permit. Paul K.

||| kimberly Burr <kimlarry2@comcast.net> 09/09/05 2:56 PM >>>
same site all one fire break.....

Cornell has supposedly admitted to wanting more acres for grapes but also says he's making a firebreak

the building structure appears to be below the clearing....

On Sep 9, 2005, at 2:53 PM, Paul Keiran wrote:

Kim, Are both pictures from the same site? Are these both "fire breaks?" Paul Keiran

||| kimberly Burr <kimlarry2@comcast.net> 09/08/05 2:43 PM >>>
recent bulldozing activity above the Class II that leads directly to the Headwaters of Mark West Creek---this is supposedly a fire break.

Please investigate and ensure that this dirt does not find its way into the creek and vulnerable habitat of Mark West Creek.

Also please place these photos in the file for Henry Cornell 245 Wappo Road and 420 Wappo Road. THANK YOU!

Kimberly 887-7433

From: "Andrew Baker" <ABaker@waterboards.ca.gov>
Subject: Re: Fwd: More pics-Cornell
Date: September 13, 2005 10:50:03 AM PDT
To: <kimlarry2@comcast.net>
Cc: "Cherie Blatt" <CBlatt@waterboards.ca.gov>, "Diana Henriouille-Henry" <DHenriouille-Henry@waterboards.ca.gov>, "John Short" <JShort@waterboards.ca.gov>, "Paul Keiran" <PKeiran@waterboards.ca.gov>

Hi Kimberly

I called Guy Davis and he informed that they have installed erosion control measures including seed, mulch and straw wattles. He said they were just clearing 3 acres of brush for a fire break and are surveying for the new winery. He assured me that he is obtaining all the required permits and is doing everything "by the book". He invited me to inspect anytime. I'll try to make it up there in the next couple weeks.

Thanks for you water quality concerns,
Andy ← *Regional Board Staff*

||| kimberly Burr <kimlarry2@comcast.net> 9/9/05 4:44 PM >>>
the powder is ankle deep

the slopes show up better in these pics

why is it so powdery??

Thanks again, Kimberly

Begin forwarded message:

From: Kate Wilson <skysaddle@earthlink.net>
Date: September 8, 2005 8:36:23 PM PDT
To: kimberly Burr <kimlarry2@comcast.net>
Subject: More pics-Cornell

Casey said you wanted all of these....

Kate

From: "Paul Keiran" <PKeiran@waterboards.ca.gov>
Subject: **Re: P7230013.JPG**
Date: July 30, 2008 8:22:03 AM PDT
To: "Kimberly Burr" <kimlarry2@comcast.net>

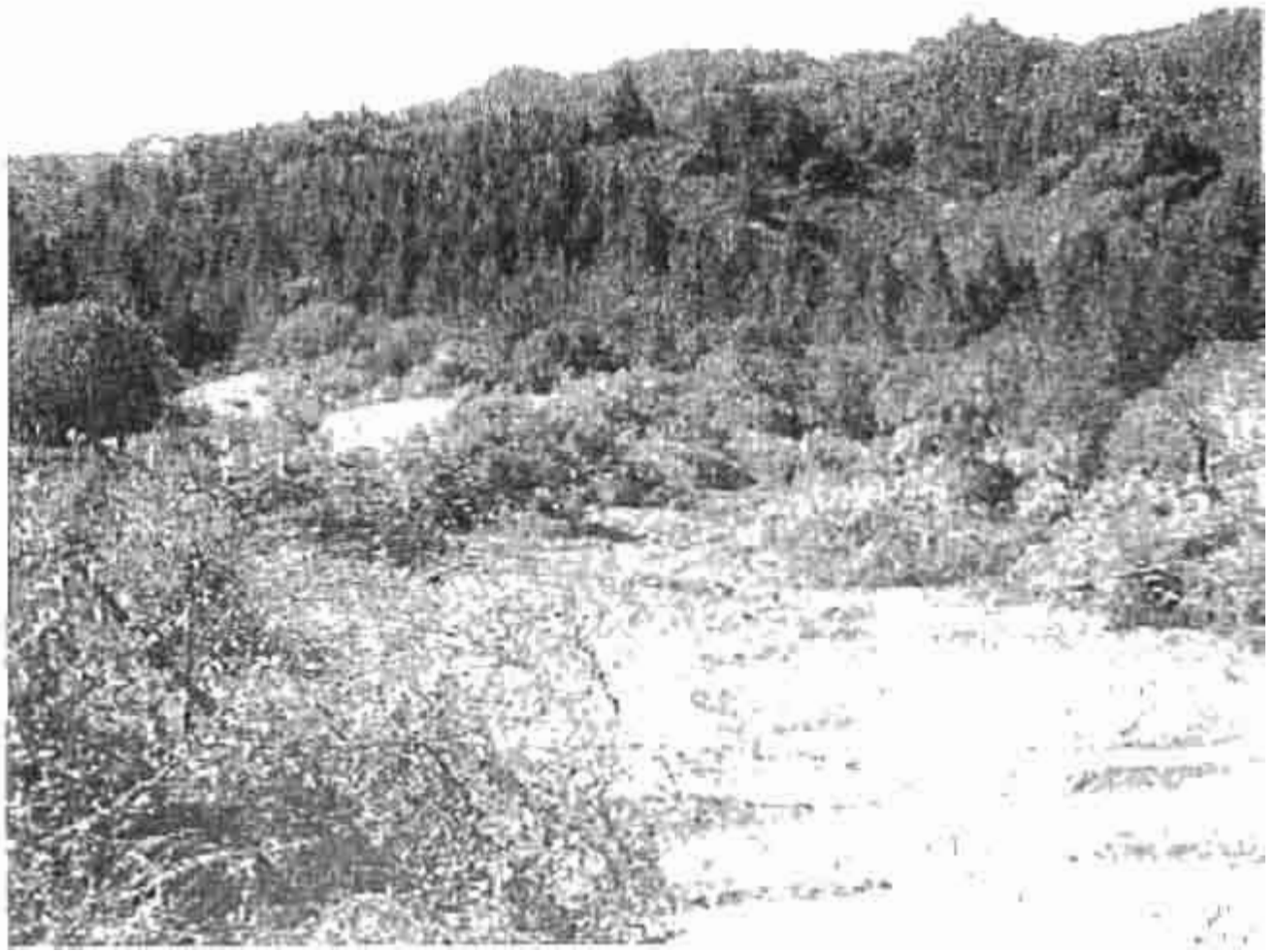
Kim, I have inspected the lower Cornell property today and noted extensive grading on approximately 1/2 acre of ground. This amount of grading would require a grading permit through PRMD. I will check with the county on permit issues for this property. Enclosed you will find pictures of said property. Paul Keiran

||| Kimberly Burr <kimlarry2@comcast.net> 7/25/2008 9:18 AM >>>
Thank you so much Paul. I presume you will be giving them Notice - today? K. Have a wonderful weekend.
On Jul 25, 2008, at 8:39 AM, Paul Keiran wrote:

Kimberly, I will inspect the site this coming Monday...Paul Keiran

||| Kimberly Burr <kimlarry2@comcast.net> 7/24/2008 2:34 PM >>>





Memorandum

To: John Short

CC:

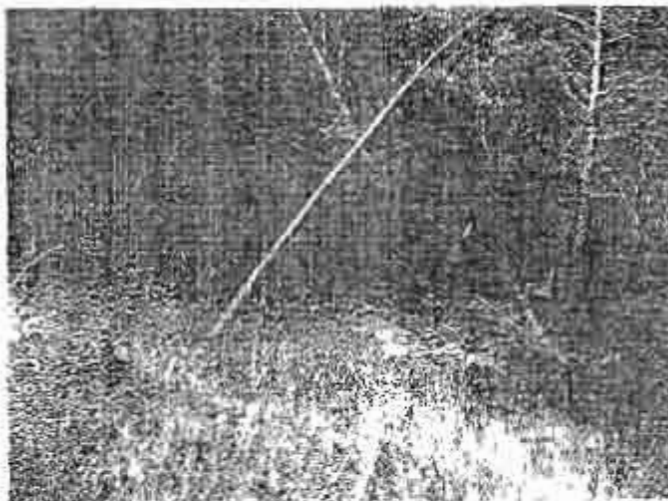
From: Paul Keiran

Date: 4/18/2006

Re: Landslide Notification – Wappo Road, Upper Mark West Creek

On Friday, April 14, 2006, in response to a complaint, I inspected an alleged landslide on Wappo Road. Wappo Road is a private road that intersects St Helens Road, just west of the Napa/Sonoma County lines. My inspection revealed that a large landslide exists behind a residence on Wappo Road, with the landslide discharging directly into a tributary to Mark West Creek (See map). The landslide is large, measuring approximately 200 feet by 80 feet, and deep, at places appearing to be at least 10 feet in depth. Continuous discharges to the Mark West Creek tributary are occurring and will continue to occur as this slide is very steep and active, as evidenced by the number of large trees that have fallen back into the hillside as the slide progressed. It appears that the slide has loosened up to 10,000 yards of material.

Wappo Road Landslide



Attachment 3

Memorandum

To: John Short
CC:
From: Paul Keiran
Date: 12/1/2006
Re: Follow-up Inspection of Wappo Road Landslide

On Wednesday, November 29, 2006 I inspected the slide repair work for the Wappo Road landslide. This is a follow-up to my April 14, 2006 inspection of the slide area. The repair involved the removal of all trees and shrubs within the slide area, placement of approximately 60 feet of 4-foot diameter arched culvert within the creekbed, and the placement of approximately 10,000 cubic yards of slide material. Most of the slide material was placed over the culvert, with the remainder brought up to a safe storage area above the slide escarpment.

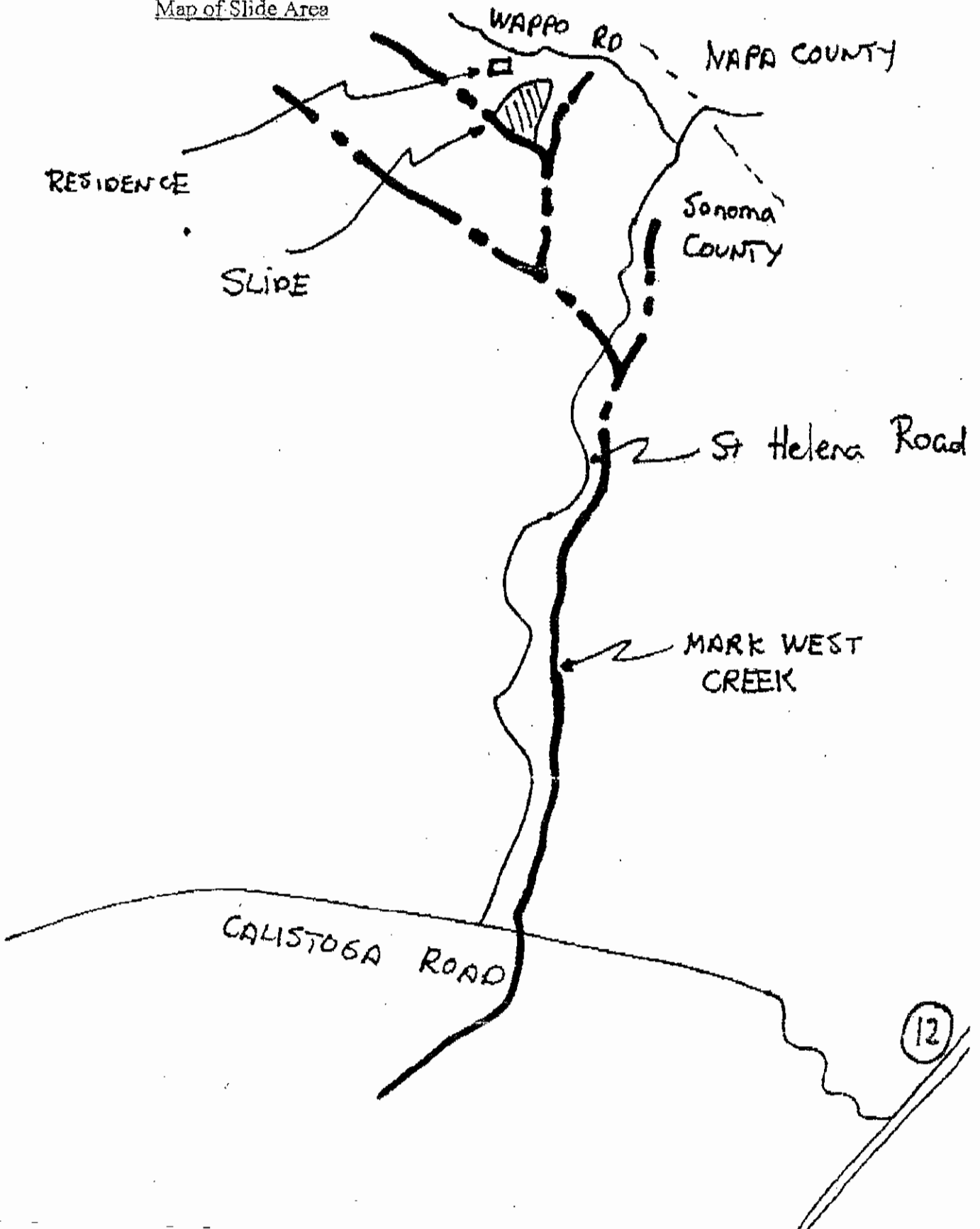
Erosion controls to carry the repair work through the winter rain season relied on huge sheets of plastic covering the entire slide zone. The plastic was being secured by long chains of roped sandbags with the ropes secured to trees and tree stumps bordering the slide zone. Water bars were created at several key juncture in order to direct storm water runoff off of the plastic and onto native areas outside of the slide boundary. These areas will need to be closely watched to determine if the quantity of runoff re-directed by the water bars are not weakening areas that historically had not been subject to such discharges.

This was a very challenging slide repair given the steepness and length of the landslide. It appears that areas immediately adjacent to the slide are also vulnerable to slippage. I will contact the landowner and project consultant to inquire what additional work might be performed as part of the slide repair efforts.

The following pictures depict conditions at the time of inspection:

I will forward this information onto Department of Fish and Game and NOAA for their files and potential follow-up investigation. This slide will continue to produce sediments to the Mark West Creek system unless steps are taken to arrest its movement. I tried to contact the landowner but was unsuccessful at the time of inspection.

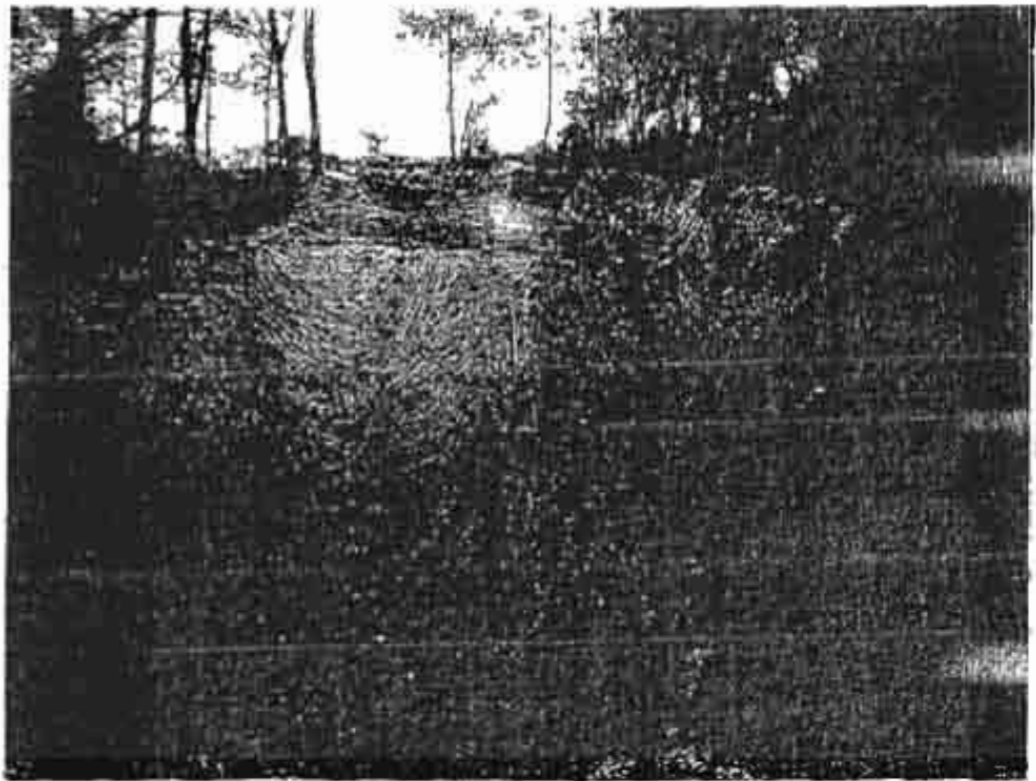
Map of Slide Area



December 1, 2008



Viewing slide from head escarpment



Looking up from culverted fill prism over creek

Attachment to Answer to Water Right Complaint

The allegations made in the Complaint are correct except as follows:

- 1) The Complaint should not have been filed against Pride Mountain Vineyards as they are not diverting water that is the subject of the Complaint.
- 2) During the summer of 2007, Pride purchased approximately 532,000 gallons of water from landowner Edouard Richard located at 5241 St. Helena Road in Santa Rosa. Mr. Richard provides the water from his percolating groundwater well, not from Mark West Creek as alleged in the Complaint. Mr. Richard's well is drilled to a depth of 750 feet and is claimed as percolating groundwater. Percolating groundwater is not subject to the permitting authority of the State Water Resources Control Board and does not require a regulatory permit for the use on the Pride's property. The attached map shows the location of the Richard well.
- 3) Water from Mr. Richard's well is conveyed by a water truck to the Pride property and stored in its existing reservoir named in License 12504 (Application 24644). Water in the reservoir is used for irrigation purposes on the Pride property (see attached map).
- 4) The Pride reservoir named in License 12504 stores water from an unnamed stream tributary to Mark West Creek during the licensed season November 1 through April 1. Pride is in compliance with the terms of its water right License.
- 5) The Complaint does not indicate how the Complainant has been affected by Pride's use of groundwater provided by Mr. Richard. The Complaint appears to be a question, not a notification of an injury to Complainant.

I offer the following possible solution to the situation:

Pride Mountain Vineyards is not diverting the water that is the subject of this Complaint. The water being diverted by Mr. Richard is not subject to the permitting authority of the State Water Resources Control Board. The Complaint should be dismissed as against Pride Mountain Vineyards for the reasons stated herein.

State of California
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

1001 I Street - 14th Floor, Sacramento, CA 95814
MAIL: P.O. Box 2000, Sacramento, CA 95812-2000
TEL: (916) 341-5300 FAX: (916) 341-5400

ANSWER TO COMPLAINT
of

Casey Caplinger (dated August 24, 2007)

Note: For information on processing complaints, see pamphlet titled
"Investigating Water Right Complaints".

CID# _____
File: _____ <small>(For staff use only)</small>

Comments on Complaint

The allegations made in the Complaint are correct except as follows:

SEE ATTACHMENT

Continued on attached sheet(s)

RESPONDENT'S DIVERSION AND WATER RIGHTS

My diversion is located on: a unnamed stream tributary to Mark West Creek thence Russian River.
(Name of Spring, Stream, or Body of Water)

At a point within NE 1/4 of NE 1/4 of Section 30, T 8W, R 6W, MD B&M

County of Sonoma Assessor's Parcel No. 028-260-052

I use water for (what and where): SEE ATTACHMENT

The basis of my claim to divert water is:

- An appropriative right under License No. 12504, Permit No. _____, Application No. 24644
- A Riparian of pre-1914 claim supported by Statement of Water Diversion and Use No. _____
- Other (Describe): Groundwater purchased from a neighbor, Edouard Richard. SEE ATTACHMENT

Possible Resolution of Complaint

I offer the following possible solution to the situation (attach additional sheets if necessary):

SEE ATTACHMENT

A copy of this Answer has been sent to the Complainant by: Certified Mail Regular Mail Personal Delivery

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

Paula J. Whealen

10/5/07

Paula J. Whealen, Wagner & Bonsignore, Consulting Civil Engineers

(916) 441-6850

444 North Third St. Ste 325
Sacramento, CA 95811

Address

(Zip Code)

Phone No.

Return this answer to the Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

Failure to answer, or an incomplete or unsatisfactory answer to this Complaint, will result in an investigation by the Division of Water Rights.

Exhibit A

SR: Transportation of Creek water via water truck from 4400 Colistoga Rd. and St. Helena Rd./Mark West CREEK Stable/Property Owned by James R. and Carolyn L. Pride located at off St. Helena Rd. on Summit Trail 9709?

Please be advised that video tape of extraction and transportation of water taken from properties adjoining the main stem of Mark West Creek (4400 Colistoga Rd. corner of St. Helena Rd. to property owned by the @ sides of off St. Helena Rd. on Summit Trail 9709?

James R. and Carolyn L. Pride
c/o Wagner & Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95814

Henry Cornell
85 Broad Street
New York, NY 10004

Guy Davis
2555 Laguna Road
Santa Rosa, CA 95401

Laura Lazalle

Mark West Stable

916-341-5422

These actions have been ongoing since August 15-24 5-6 trucks daily. Each truck is estimated to hold 3200 gal.

Question:

Request the basis of right for this type of diversion and use and place of location.

Question:

Is it legal for a party who has property on a tributary of the Mark West Creek, which is historically dry during this time of year to go onto another person's property, even with their permission to extract water from the main stem of the creek and truck the water for use on his/her property which would otherwise not have creek water available at their property site.

Question:

If so please provide the basis of right for such a use. If not what action(s) would the SWRCB take in such a case

MEMO

TO: Sharon Grinnell, Grif Okie, Matt Wilson, Kate Wilson, Kimberly Burr, Paul Sundquist, Steve Krimel

FROM: Jim Doerksen

RE: WATER TRUCK (7/21/08 4:10 P.M.)

DATE: July 25, 2008

At 4:10 p.m. on July 21, 2008, I saw a water truck go by on St. Helena Road, so I jumped into my car and caught up with it where it broke down just before the Pride Winery driveway. I took a photo. The young man said he just had a drive train problem and he had called a tow truck. The truck was from Laras Potable Water Company, a 1995 Red Peterbilt hauling 3,500 gallons of water (owners Judy & Ron McClintock). The license plate #5C00836. He said he was the owner's son-in-law and said he was hauling water from a City of Santa Rosa fire hydrant to Pride Vineyards. He said they had been hauling since May 2008, but most of the water is coming from the Napa side. He said a truck now at Pride Vineyards that was coming from the Napa side would come to pick up his water. He said they dump their water into tanks adjacent to the wells where it flows to the vines. He said Pride basically went dry in May. He said he has hauled water to Pride's neighbor, including one to Cornell on Wappo Road. He said he hauled water to Pride all last summer.

The Press Democrat may do an article on the hauling of water to vineyards even though it is illegal to do this.

Jim

**RUSSIAN RIVER CREEK STEWARDSHIP:
MONITORING AND ASSESSMENT
SUMMARY REPORT
1998 - 2004**

Prepared by:



Laurel Marcus and Associates
3661 Grand Ave. #204
Oakland, CA 94610

For:



Sotoyome Resource Conservation District
970 Piner Rd.
Santa Rosa, CA 95403

October 2004

This report and program received funding from the State Water Resources Control Board and the Sonoma County Water Agency.

We'd like to thank all the citizen monitors and landowners who volunteered their time for the Stewardship Program.

Alvin D.

The upper Mark West Creek watershed is in the County of Sonoma outside the boundaries of the City of Santa Rosa. The County General Plan has a general policy to focus residential development in incorporated urban areas. However, the upper Mark West Creek watershed has a large number of rural residential units. The steep topography somewhat limits building sites, but a number of residential subdivisions have been proposed along with reservoir developments for water supply.

Agricultural development of vineyards on hillsides has also occurred in the past several decades. With the proximity to both the City of Santa Rosa to the west and Napa Valley to the east, this watershed is likely to see increased residential and agricultural development in the future.

The City of Santa Rosa General Plan does not show any future expansion of urban areas into the upper Mark West Creek watershed and shows open space along Mark West Springs Road upslope from Riebli Road.

Prior Studies and Monitoring: There have been several studies of the Mark West Creek watershed. The Department of Fish and Game completed a stream survey in 1997 of both upper and lower Mark West Creek and Porter Creek. Past stream surveys of Mark West Creek occurred in 1965, 1969 and 1970. Steelhead trout were found in the three previous surveys and the 1997 survey in Mark West Creek. Coho salmon were found in Mark West Creek in the 1970 survey.

A 1974 survey of Porter Creek found steelhead. Porter Creek was not surveyed for fish presence/absence in the 1997 survey. The 1997 Department of Fish and Game survey found high embeddedness and low riparian canopy cover in Mark West Creek.

The 1997 stream survey of Mark West Creek recommends increasing riparian cover, reducing sources of fine sediment, reducing livestock grazing in the riparian corridors along lower Mark West Creek. The 1997 Porter Creek survey found high embeddedness and low riparian canopy cover. The survey recommends increasing riparian cover and reducing sources of fine sediment.

The Sonoma County Water Agency has carried out studies of water temperature in Mark West Creek using HOBO Temp data loggers. Focused geologic studies of several areas of the watershed are also available.

A recent study of the watershed of the Laguna de Santa Rosa includes some monitoring in the Mark West Creek watershed (Philip Williams and Associates 2000). This study completed particle size analysis at a number of sites on Mark West and Porter Creeks. Twenty to forty pounds of subsurface material were analyzed. Table 39 summarizes the results.

A study of groundwater in Mark West Creek watershed just downstream of Mark West Springs was completed in 2003 (Kleinfelder 2003). This study reviewed the geology and hydrology of the area, historic and present water uses and a review of well drilling logs to evaluate reduction in groundwater levels. The study found that

agricultural water demand has remained the same despite an increase in agricultural areas due to improvements in irrigation technology (drip irrigation) and lower water use crops such as vineyards. Residential water use has increased every year with a 42 percent increase in residences. The study also found that the average depth of wells rose from 120 feet in 1950 to 300 feet in 1997, indicating an overdraft condition. The change in wells is attributed to residential development in the Mark West Creek watershed.

Table 39. Mark West Creek Particle Size Analysis.

Location	% Gravel	% Sand	% Fines
Mark West Creek at Porter Creek Confluence	56	39	5
Mark West Creek at Calistoga Road	51	47	2
Mark West Creek at Mark West Springs	77	21	2

Note: From Philip Williams and Associates 2000.

Rainfall: There are NOAA National Climatic Data Center stations in Santa Rosa near the western border of the upper Mark West Creek watershed. Average annual rainfall is 35 to 40 inches. Volunteer monitors have measured rainfall amounts in the mountainous area of the watershed. Total rainfall amounts were 26.07 inches in 2000/2001, 39.73 in 2001/2002, 34.9 inches in 2002/2003 and 52 inches in 2002/2003, including 25.7 inches of rain in December 2002.

Stream Flow: The U.S. Geologic Survey maintained a stream flow gaging station at Mark West Springs for a relatively short time from 1958 to 1962.

One unique feature of the upper Mark West Creek recorded as part of the monitoring program is the continuous summer/fall stream flows of cold water. These flows likely occur due to the volcanic rock formations with numerous springs in the watershed.

Stewardship Program Monitoring

Water Temperature: Water temperatures were monitored at five locations in and near the study reach for the 2000 to 2003 period (see Table 40). Average maximum water temperatures at all stations and years were 51 to 71 degrees F, with a few occurrences of an extended period of water temperatures above 70 degrees F at each station, each year (see Table 41). Average temperatures were 47 to 67 degrees F at all stations all years. Mark West Creek station 20 over the 2000 to 2003 period shows maximum water temperatures reaching into the 52 to 70 degrees F range on a regular basis and remaining in this range for several weeks (see Figures 83 to 85). Mark West Creek station 30 shows a similar pattern of 51 to 68 degrees F maximum temperatures in the June through August timeframe (see Figures 89 to 91). Air temperature data for the 2000 to 2003

Table 46. Potential Wildlife Species in the Mark West Creek Riparian Corridor Determined Using Wildlife Habitat Relationship Model.

NAME	HABITAT SUITABILITY RATING*		
	REPRODUCTION	COVER	FEEDING
CALIFORNIA GIANT SALAMANDER	M	M	M
CALIFORNIA NEWT	M	M	M
ENSATINA	M	M	M
BLACK SALAMANDER	M	M	M
CALIFORNIA SLENDER SALAMANDER	H	H	H
WESTERN TOAD	M	M	M
PACIFIC CHORUS FROG	H	H	H
BULLFROG	M	L	L
WESTERN POND TURTLE	M	M	M
WESTERN FENCE LIZARD	H	H	H
WESTERN SKINK	H	H	H
RINGNECK SNAKE	M	M	M
RACER	M	M	M
STRIPED RACER	M	M	M
GOPHER SNAKE	H	H	H
COMMON KINGSSNAKE	H	H	H
COMMON GARTER SNAKE	H	H	H
WESTERN TERRESTRIAL GARTER SNAKE	H	H	H
PACIFIC COAST AQUATIC GARTER SNAKE	H	H	H
NIGHT SNAKE	M	M	M
WESTERN RATTLESNAKE	H	H	H
GREAT BLUE HERON	M	M	M
GREAT EGRET	L	L	M
GREEN HERON	H	H	H
TURKEY VULTURE	H	H	H
MALLARD	M	M	M
COMMON MERGANSER	L	L	H
OSPREY	H	H	H
WHITE-TAILED KITE			M
SHARP-SHINNED HAWK			H
COOPER'S HAWK			H
RED-SHOULDERED HAWK			H
RED-TAILED HAWK			M
ROUGH-LEGGED HAWK			M
AMERICAN KESTREL			M
MERLIN			M
PEREGRINE FALCON	H	H	M
RING-NECKED PHEASANT	L	M	L
WILD TURKEY	M	M	H
CALIFORNIA QUAIL	M	M	H

H = High, M = Medium, L = Low, Blank = Unsuitable

Table 46. (cont.)

NAME	HABITAT SUITABILITY RATING*		
	REPRODUCTION	COVER	FEEDING
KILLDEER	H	H	H
SPOTTED SANDPIPER	H	H	H
MOURNING DOVE			H
BARN OWL	H	H	H
WESTERN SCREECH OWL			H
GREAT HORNED OWL			H
NORTHERN PYGMY OWL			M
LONG-EARED OWL			H
NORTHERN SAW-WHET OWL			H
COMMON NIGHTHAWK	L	L	H
COMMON POORWILL			M
ANNA'S HUMMINGBIRD			H
ALLEN'S HUMMINGBIRD			H
BELTED KINGFISHER	H	H	H
PACIFIC-SLOPE FLYCATCHER		M	M
BLACK PHOEBE	H	H	H
SAY'S PHOEBE	M	M	M
ASH-THROATED FLYCATCHER			H
WESTERN KINGBIRD			H
LOGGERHEAD SHRIKE			M
PLUMBEOUS VIREO		M	H
CASSIN'S VIREO	M	M	H
WARBLING VIREO	M	M	H
AMERICAN CROW			M
COMMON RAVEN	H	H	M
TREE SWALLOW			H
VIOLET-GREEN SWALLOW			H
NORTHERN ROUGH-WINGED SWALLOW	H	H	H
CLIFF SWALLOW	H	H	H
BUSHTIT			H
CANYON WREN	H	H	H
BEWICK'S WREN			M
HOUSE WREN			M
WESTERN BLUEBIRD			M
AMERICAN ROBIN			H
CALIFORNIA THRASHER			M
EUROPEAN STARLING			M
ORANGE-CROWNED WARBLER	M	H	H
NASHVILLE WARBLER		M	M
YELLOW WARBLER	H	H	H
YELLOW-RUMPED WARBLER			H

H = High, M = Medium, L = Low, Blank = Unsuitable

Table 46. (cont.)			
NAME	HABITAT SUITABILITY RATING ^a		
	REPRODUCTION	COVER	FEEDING
BLACK-THROATED GRAY WARBLER		M	M
MACGILLIVRAY'S WARBLER			M
COMMON YELLOWTHROAT	H	H	H
WILSON'S WARBLER	H	H	H
YELLOW-BREASTED CHAT	L	L	M
SPOTTED TOWHEE	L	L	M
CALIFORNIA TOWHEE	L	L	M
LARK SPARROW	M	M	M
FOX SPARROW		M	M
SONG SPARROW	H	H	H
LINCOLN'S SPARROW		M	M
WHITE-CROWNED SPARROW		H	H
GOLDEN-CROWNED SPARROW		H	H
DARK-EYED JUNCO	H	H	H
BLACK-HEADED GROSBEAK			M
LAZULI BUNTING	L	L	M
BREWER'S BLACKBIRD	L	M	M
BROWN-HEADED COWBIRD	M		M
HOUSE FINCH		L	H
PINE SISKIN			H
LESSER GOLDFINCH			H
LAWRENCE'S GOLDFINCH			H
AMERICAN GOLDFINCH			H
VIRGINIA OPOSSUM	H	H	H
VAGRANT SHREW	H	H	H
ORNATE SHREW	M	M	M
BROAD-FOOTED MOLE	M	M	M
LONG-EARED MYOTIS	H	H	H
FRINGED MYOTIS			H
LONG-LEGGED MYOTIS	M	M	M
CALIFORNIA MYOTIS	M	M	M
WESTERN PIPISTRELLE			M
BIG BROWN BAT	H	H	H
WESTERN RED BAT			M
HOARY BAT			M
PALLID BAT			M
BRUSH RABBIT	L	L	H
BLACK-TAILED JACKRABBIT	M	M	M
SONOMA CHIPMUNK	L	M	M
CALIFORNIA GROUND SQUIRREL	M	M	M
BOTTA'S POCKET GOPHER	H	H	H

H = High, M = Medium, L = Low, Blank = Unsuitable

Table 46. (cont.)			
NAME	HABITAT SUITABILITY RATING*		
	REPRODUCTION	COVER	FEEDING
WESTERN HARVEST MOUSE	M	M	M
DEER MOUSE	M	M	M
BRUSH MOUSE	H	H	H
DUSKY-FOOTED WOODRAT	M	M	M
BLACK RAT	H	H	H
NORWAY RAT	M	M	M
HOUSE MOUSE	M	M	M
CALIFORNIA VOLE	M	M	M
COMMON MUSKRAT	H	H	H
PACIFIC JUMPING MOUSE	H	H	H
COMMON PORCUPINE	L	L	M
COYOTE	L	M	H
GRAY FOX			H
BLACK BEAR			M
RINGTAIL	L	L	M
RACCOON	L	L	M
LONG-TAILED WEASEL	M	M	H
AMERICAN MINK	H	H	H
STRIPED SKUNK	M	M	H
BOBCAT	L	L	M
MULE DEER	L	L	M
TOTAL NUMBER OF SPECIES:		144	

retained when areas became rural residential. Often the original road was not built for year-round or long-term use and is inadequate for its current use and erodes significantly.

Upper Mark West Creek has year-round water flows that are relatively cool. However, water temperature monitoring in the study reach showed a consistent trend of summer waterflows heating and cooling with air temperatures, indicating that significant areas upstream of the monitoring site have inadequate canopy cover and the creek flows receive exposure to sun for a significant period of time. The creek flows are not great enough to attenuate large solar inputs. In addition, the study reach is in the upper portion of Mark West Creek and if water temperatures become too warm in this location, it is unlikely temperatures will cool significantly downstream. Increasing canopy cover in the upper watershed will provide cooler water to downstream habitat areas.

Mark West Creek has significant restoration potential as aquatic and fisheries habitat due to its year-round water, relatively natural creek channel and rural landscape. However, high water temperatures and high fine sediment levels limit aquatic habitat values in the upper portion of the creek.

The Mark West Creek watershed should be a high priority for restoration and erosion control projects in the Russian River watershed.

Watershed Projects and Improvements

- The Stewardship Program assessed about 16 miles of private dirt roads that spur off St. Helena Road, including the access road and west entrance road to the Monan's Rill Association lands, Mattei Road, Tarwater Road, Cleeland Ranch Road and Lone Pine Road for erosion control projects to reduce fine sediment sources in the watershed. The SRCD has applied for funding to implement erosion control recommendations on 11.7 miles of these roads in 2004.
- The SRCD, in cooperation with Circuit Rider Productions, Inc., received funding from NOAA to complete a riparian revegetation project along the study reach on Mark West Creek. The planting was completed in 2002/2003.
- In 2002/2003 an erosion control project was completed on an ephemeral creek that is tributary to the study reach. A culvert on the public road was missing an energy dissipater and caused the erosion.
- SRCD staff met with a landowner about designing a cattle-fencing project on Mark West Creek that would create a riparian pasture. This project is still in the planning phase.
- An additional monitoring station is being developed on the lower area of Mark West Creek.

**PILOT STUDY OF
GROUNDWATER CONDITIONS IN THE
JOY ROAD, MARK WEST SPRINGS,
AND BENNETT VALLEY AREAS
OF SONOMA COUNTY, CALIFORNIA**

September 17, 2003

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has increased by at least 2000 percent. In the same period, the mean depth to water in new wells has deepened by a little less than 100 percent. Such a marked difference between the rate of increase in water consumption and the rate of lowering average water levels in new wells suggests that the effect of increased extraction on water levels is being buffered by annual recharge from precipitation.

5.9 DEPTH OF WELLS TREND

There is a clear trend of increasing average well depths over time. This is evident in each of the three Study Areas. The average depth of wells drilled in the Joy Road Study Area has increased from about 50 feet in 1955 to over 140 feet in 1990 (Figure 6). In the Mark West Study Area the average depth of new wells has increased from about 120 feet in 1950 to about 300 feet in 1997 (Figure 7). The average depth of Bennett Valley wells has increased from about 150 feet in 1940 to about 350 in 1990 (Figure 8).

The trend seems to reflect lower water levels not improvements in drilling technology. There has been some suggestion that the deepening trend in the depths of wells is more indicative of changing technology than it is of changing groundwater conditions. The data do not support this view. The mean depth of new wells parallels the mean depth to water (Figures 9 and 10). Wells are shallower in wet years, when water levels are high, and deeper in dry years. This suggests that drillers, acting rationally, drill only as far as necessary to meet the design objectives. The data indicate that drillers go only as deep as necessary regardless of the equipment used.

In the Mark West and Bennett Valley Study Areas, the trend may also reflect a migration of drilling sites from low-lying valley sites to higher elevations and ridge tops. If for example all early wells were in the valleys and over time the drilling sites were at progressively higher elevations, the increase in depth of wells would correlate more with elevation than with time. Because we do not know the exact location of each well, we do not know if there is a pattern of drilling at higher elevations or not. It seems improbable though that drilling has proceeded systematically from lower to higher elevations. It is more likely, however, that drilling did first occur at lower elevations in association with early agricultural use, but that, as more wells were

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

31501

PROTEST - APPLICATION

Based on Prior Filed Application or Injury to Prior Rights
(Protests based on Environmental Considerations, Public Interest, Public Trust, and Other Issues should be completed on other side of form)

APPLICATION 31501

I, ~~(We)~~ Griffin Okie
of 5515 St. Helena Rd. Santa rosa, Ca. 95404
of, or a notice relative to, Application 31501 of James R. and Carolyn L. Pride c/o Wagner and
Bonsignore to appropriate from Unnamed Stream tributary to Mark West Creek thence Russian River
at a point approximately 1/2 mile north from top of grade where Napa and Sonoma Counties join on St. Helena Rd.,
further described as "located within the NW1/4 of NW1/4 of section 29, T8N, R6W, MDBAM."

I, (We) desire to protest against the approval thereof because to the best of my information and belief the proposed appropriation
will result in injury to me as follows: the amount of water available at my property, five miles downstream
from the Pride Mountain Vineyards' proposed in-stream reservoir, is a bare trickle in late July--down by as much as 75%
from just six years ago. I had a stream, I am hoping to not have stagnant pools with dead fish.

Protestant claims an interest in the use of water from the source from which applicant proposes to divert which is based upon:
a right confirmed on Nov 9, 1958 dating from May 10, 1951 for up to 5,000 gallons a day for irrigation and stockwatering.
Please provide application, permit, license, or statement of water diversion and use numbers which cover your use of water, or state "none",
License 5338 (Application 14301) Mark West Creek in Sonoma County,

Where is your diversion point located? SE 1/4 of SW 1/4 of Section 28, T. 8N, R. 7W, MD B&M
Is your point of diversion downstream from applicant point of diversion? YES

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows (leave blank if protest
based on prior filed application): See filed application license 5338 dating from May 10, 1951, re-stated in letter dated Jul 06, 2000
a. approximate date first use made
b. amount used
c. time of year when diversion is made 2/1 - 11/1 5/11 - 40/31
d. purpose(s) of use

Under what conditions may this protest be disregarded and dismissed? When applicant and other operations reduce water use.
(Conditions should be of a future that the applicant can address, such as minimum by-pass flows, measuring devices required, acknowledgement of prior rights,
etc.)
A system of by-pass flows and measuring devices at applicants' proposed diversion and downstream at other properties would
possibly alert the watershed of impending downstream "dry-up" conditions--a threat to endangered and threatened species

A true copy of this protest has been served upon the applicant personally & FAX. COPY IN MAIL ALSO.

Date: 7/26/2006

Notes: Attach supplemental sheets as necessary.
Protests must be filed within the time specified
in the notice of application.

Griffin Okie
Protestant(s) or authorized representative sign here
Griffin Okie
Type or print name and title of representative, if applicable
5515 St. Helena Rd.
Street Address
Santa Rosa, Ca, 95404
City and State
(707) 537-8001
Telephone Number

June 6, 2005

Board of Supervisors:

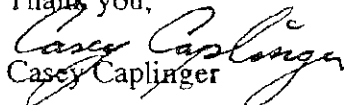
Please make these comments apart of the official administrative record in the appeal of UPE 03-0092 set for June 7, 2005.

This summer I am already witnessing the baby steelhead being stranded in small hot pools adjacent to my property on Mark West Creek. Last summer was the first time that I had to witness this tragic situation the six years that I have lived here.

My water intake located on the creek was exposed for the first time that I am aware of and it is likely to be exposed again this summer the rate things are going. The creek is drying up faster than in 1998-2002.

This area is already water scare and the creek is past its limit with respect to its ability to support steelhead and Coho salmon any longer. It is the policy of the Department of Fish and Game to identify and restore habitat of fish species known to have populated an area. Mark West Creek is just such an area. The headwaters of Mark West Creek, where I live and where the proposed winery is to be sited, is critical rearing and spawning habitat. Deep cold pools that have recently disappeared are required to protect juvenile fish from predation and the stresses of high water temperatures. These in stream structures need to be restored and the base flows of the creek that depend on the aquifer, springs, and tributaries need to be protected and restored. Additional pumping of groundwater away from the creek is not indicated. The impacts to the creek are already significant and directly correlate to the recent development activities that I have observed.

Thank you,


Casey Caplinger

Memorandum

To: John Short
CC:
From: Paul Keiran
Date: 9/5/2008
Re: Complaint Inspection, Upper Mark West Creek

On Thursday, September 4, 2008, in response to a citizen complaint, I inspected a section of upper Mark West Creek. I invited Sonoma County Planning Supervisor David Hardy to join me on the inspection. The complaint alleged that the upper reaches of Mark West Creek have been heavily impacted over the past 4 years by both sediment discharges emanating from land use changes within the upper watershed, and a reduced baseflow brought about by extensive shallow groundwater withdrawals.

The inspection revealed that massive amounts of sediments exist within the upper Mark West Creek watershed, filling in rearing pools and raising the bed of the creek. The pools are filling in on the downgradient sides, causing them to close off and block fish from escaping downstream as flows decrease. Existing juvenile steelhead were noted as being trapped in pools that are now rapidly disappearing. I noted areas where pools had filled in 3 to 4 feet since the summer of 2004. Pools that were deep enough for proper egg deposition and fertilization had gravels that were cemented in with sediments, rendering them useless. Baseflows over the past four years of inspections were noted as being drastically reduced. I noted to Mr. Hardy that during a late spring inspection last year, all of the springs that discharge to the creek were flowing on the southern bank of the creek; all of the springs on the northern bank (Saint Helena Road side) were completely dry.

It appears that the rising creekbed has had a negative impact on the Alder Trees existing within the wider portions of the creekbed. Many of the larger Alders have fallen over into the creek due to the higher base level of the creek (scour removing the cobbles and small rocks that anchor the Alder roots). These fallen trees have created blockages that trap leaves, branches and ultimately sediments coming down through the system. The resulting web of material has greatly reduced migration routes for fish and has created additional bank erosion due to these blockages redirecting the flow energy of the creek from the center channel to the creek banks.

September 5, 2008

This rearing area of Mark West Creek has been severely damaged over the past four years and needs help in restoring its viability as a steelhead birthing and rearing zone. The accumulated sediments now existing within the system need human help in flushing out. This will only occur with an effort made to clear out the tangled mix of trees, tree roots and other materials that are presently trapping sediments in place. Until that time this critical upper watershed area will not support steelhead birthing and rearing as had been previously noted.

Vineyards and Wineries on St. Helena Road and in Headwaters of Mark West Creek

Smith Madrone	34 acre
Barnett Vineyards	14 acres
Pride Mountain Vineyards	80 acres
Saint Helena Road Vineyards	18 acres
Henry Cornell	24 acres
Karen Valentine	20 acres
Minton getting ready to plant	

as of
2005 -
that we
know of.
K.

Mattei approved 2008
6000 cases