

June 25, 1985

Mr. John Linthicum
Bureau of Alcohol, Tobacco and Firearms
Department of the Treasury
Washington, D.C. 20226

Re: Petition to Revise Boundaries of "Temecula"
Viticultural Area

Dear Mr. Linthicum:

Pursuant to the provisions of 27 CFR Section 4.25a(e)(2), the undersigned respectfully petitions you to revise the boundaries of the Temecula viticultural area (hereinafter "Temecula"), set forth in 27 CFR Part 9, Subpart C, Section 9.50. The revised boundaries would read as follows:

... (23) The boundary proceeds northwesterly along Murrieta Creek to the intersection of the creek and Hayes Avenue.

(24) The boundary proceeds along Hayes Avenue past Tenaja Road to the end of Hayes, then to the left onto the adjoining road.

(25) The boundary follows the road in a southwesterly direction to Murrieta Creek and then follows the westernmost branches of the creek northwesterly to Orange Street in Wildomar, California.

(26) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

The approved boundary and the requested revision are indicated on the enclosed 7.5-minute, United States Geological Survey map of the Murrieta Quadrangle. (The boundary of Temecula in all other respects remains unchanged.)

The requested revision will increase the size of the viticultural area by around 60 acres. This addition will serve to incorporate within the viticultural area part of a 300-acre vineyard which was inadvertently omitted from the approved boundary. As set forth in the accompanying affidavit of Richard McMillan, the omitted parcels, which were originally part of the Murrieta Vineyards owned by Atlantic Richfield Company ("ARCO"), comprise 35 planted acres lying west-northwest of the town of Murrieta and north of Murrieta Creek. One ten-acre parcel of the omitted 35 acres of vineyards was planted to chenin blanc in the spring of 1980, prior to the submission in June, 1981 of the original Temecula petition by the Rancho California/Temecula Winegrowers Association. Since that time, petitioner Bear Valley Vineyards has purchased that parcel as well as the additional 25 acre vineyard site which in 1984 was planted to sauvignon blanc.

There are no other vineyards, actual or planned, within the proposed area or the surrounding area outside of Temecula. Insofar as ATF had no intention in its notice of proposed rulemaking or final rule to carve out of Temecula any portion of the Murrieta Vineyards or any other existing or potential vineyards in this area, we respectfully submit that this revision should be approved.

In support of this petition, we incorporate by reference herein the petitions and other documents previously submitted by the Rancho California/Temecula Winegrowers Association and Callaway Vineyard and Winery ("Callaway"), the record of the public hearing on Temecula held on January 20, 1983, and ATF's notice of proposed rulemaking and final rule in this matter. We also submit the following additional information.

1. Climate: In its final rule, ATF stated that the most significant unifying feature affecting viticulture in Temecula was the relatively cool microclimate caused by marine breezes. According to weather engineer Irving P. Krick who conducted a comprehensive study of microclimates within Rancho California for Callaway, there is no discernible difference in wind patterns between the proposed new area and the property across Murrieta Creek presently within Temecula. These two areas are similar topographically and microclimatically.

2. Soils: As shown on the enclosed General Soil Map for the Western Riverside Area of California (Exhibit I), the boundary of the Monserate-Arlington-Exeter soil association, which is found in this portion of the viticultural area, crosses Murrieta Creek just west of the town of Murrieta to include the proposed new area of Temecula.

3. Inadvertent Omission: The proposed addition to Temecula was part of the viticultural area originally proposed by the Rancho California/Temecula Winegrowers Association. In its counter-petition, Callaway proposed a separate Murrieta viticultural area for ARCO's Murrieta Vineyards. As stated by Callaway's Senior Vice President, Mr. John Moramarco, Sr., in the accompanying affidavit, Callaway never intended to exclude any vineyard sites from their proposed viticultural areas. Callaway, in fact, now supports the proposed revision, as Mr. Moramarco's affidavit attests.

ATF proposed its own Murrieta appellation in its notice of proposed rulemaking (Notice No. 416, 47 F.R. 32450-7, July 27, 1982). Like Callaway, ATF used the Murrieta Creek as its boundary in this area. Ultimately ATF decided to establish a single viticultural area, as the local growers association had recommended, but to exclude therefrom the urban, residential, and non-viticultural portions of the town of Murrieta. In so doing, the 35-acre vineyard site at issue was inadvertently excluded.

In conclusion, the proposed revision will serve to include within Temecula all of the vineyard sites in this immediate area. Neither ATF nor any party to the appellation proceedings ever intended otherwise. Petitioners therefore respectfully submit that the proposed revision to the Temecula viticultural area is equitable, meaningful and deserving of ATF's support and approval.

Sincerely,

BEAR VALLEY VINEYARDS

By Richard C. McMillan
Richard McMillan, Partner

Enclosures include the following exhibits, affidavits and maps:

Exhibit I: "General Soil Map: Western Riverside Area, California";

Affidavit of Richard C. McMillan;

Affidavit of John Moramarco, Sr.;

Affidavit of Irving P. Krick; and

7.5-minute U.S.G.S. map of Murrieta Quadrangle.

AFFIDAVIT

I, JOHN MORAMARCO, SR., declare and state:

1. I am the Senior Vice President of Callaway Vineyard & Winery.

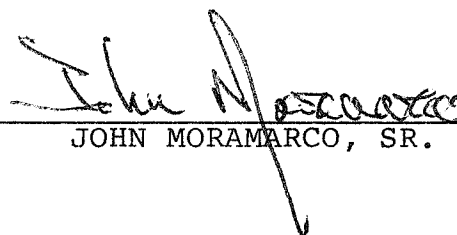
2. In 1981, in response to the petition of the Rancho California/Temecula Grapegrowers Association to establish a Temecula viticultural area, Callaway Vineyard & Winery petitioned ATF to create three separate viticultural areas (Temecula, Rancho California and Murrieta). For the northern boundary of Murrieta we proposed the Murrieta Creek. We did not, however, realize that there were existing and planned vineyards on the other side of Murrieta Creek at that time. While ATF chose in the end to establish a single Temecula viticultural area, it adopted Murrieta Creek as the boundary in that section of the viticultural area.

3. Callaway Vineyard & Winery never intended to exclude any existing vineyard sites from their proposed viticultural areas. For that reason, we support the petition of Bear Valley Vineyards to revise the boundaries of Temecula.

4. To the best of my knowledge, there are no other existing or planned vineyards near this (or any other) portion of the Temecula viticultural area.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of June, 1985 at Temecula, California.



JOHN MORAMARCO, SR.

AFFIDAVIT

I, IRVING P. KRICK, declare and state:

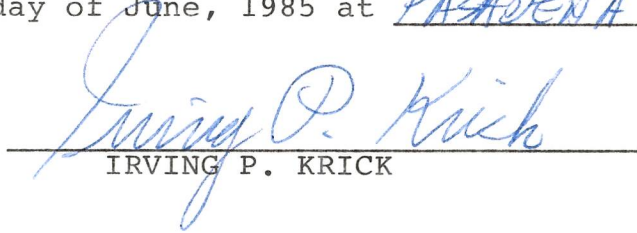
1. I am president of my own meteorological consulting firm, Irving Krick Associates, Inc., in southern California.

2. In 1981 my firm was commissioned by Callaway Vineyard & Winery to study the microclimates of the Rancho California area. We reviewed existing studies of the area's climate and accumulated our own weather data. As we stated in 1981 in support of the viticultural area petition submitted by Callaway Vineyard & Winery, there are substantial variations within the Temecula viticultural area as a result of terrain effects on the windflows arriving from the Pacific Ocean.

3. With respect to the proposed revision to the Temecula viticultural area, we see no discernible distinction in terms of terrain, windflows or climate between the vineyard sites on the two sides of Murrieta Creek. As such, there is no microclimatic reason to exclude the new area to the north of the creek.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6TH day of June, 1985 at PASADENA, California.



IRVING P. KRICK

AFFIDAVIT

I, RICHARD C. McMILLAN, declare and state:

1. I am a partner of Bear Valley Vineyards which is petitioning ATF to revise the boundaries of the Temecula viticultural area. I am also a partner of McMillan Farm Management, which is a member of the Rancho California/Temecula Winegrowers Association.

2. From around 1974 to the present, McMillan Farm Management has managed the 300-acre Murrieta Vineyards, originally owned by the Atlantic Richfield Company ("ARCO") and presently owned by Bear Valley Vineyards. Part of the Murrieta Vineyards were inadvertently excluded from the Temecula viticultural area when the boundaries were redrawn during the rule-making process. Those omitted vineyards, which comprise around 35 planted acres, are outlined in red on the attached photograph.

3. Ten of the 35 omitted acres were planted to chenin blanc in the spring of 1980, prior to the submission of the original Temecula petition. The remaining 25 acres were planted to sauvignon blanc in 1984.

4. In 1982, Bear Valley Vineyards purchased Murrieta Vineyards from ARCO. Bear Valley Vineyards subsequently ascertained that the vineyards north of Murrieta Creek had been omitted from the approved viticultural area.

5. To the best of my knowledge, there are no other actual or planned vineyard sites in or around this portion of the viticultural area.

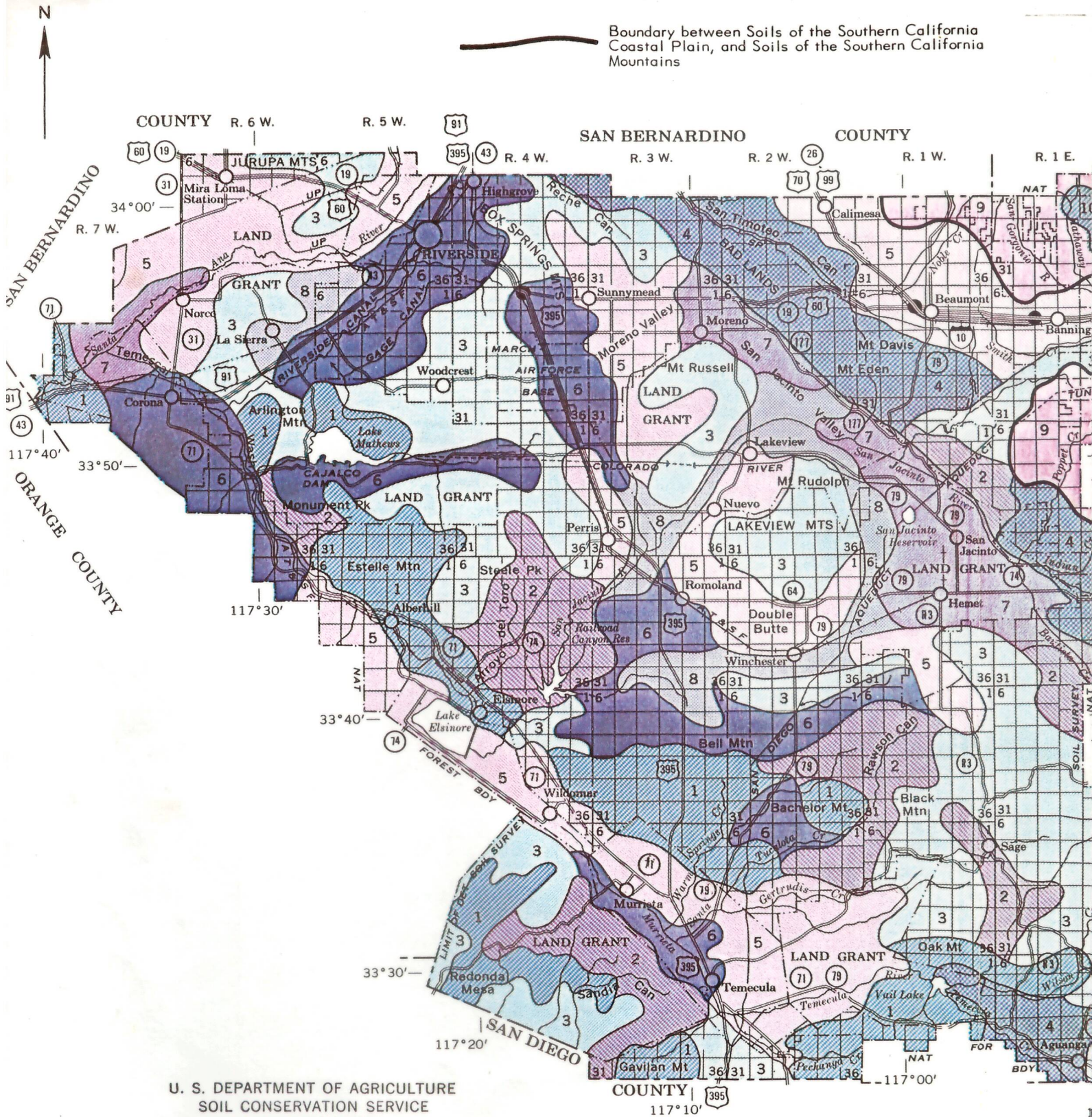
I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of June, 1985 at Temecula, California.

Richard C. McMILLAN
RICHARD C. McMILLAN



Boundary between Soils of the Southern California Coastal Plain, and Soils of the Southern California Mountains



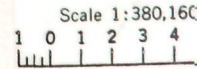
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

UNIVERSITY OF CALIFORNIA AGRICULTURAL EXPERIMENT STATION

GENERAL SOIL MAP

WESTERN RIVERSIDE AREA, CALIFORNIA

EXHIBIT I:
"General Soil Map,
Western Riverside Area, California"



SOIL ASSOCIATIONS

SOILS OF THE SOUTHERN CALIFORNIA COASTAL PLAIN



1 Cajalco-Temescal-Las Posas association: Well-drained, undulating to steep, moderately deep to shallow soils that have a surface layer of fine sandy loam and loam; on gabbro and latite-porphry



2 Friant-Lodo-Escondido association: Well-drained and somewhat excessively drained, undulating to steep, shallow to deep soils that have a surface layer of fine sandy loam and gravelly loam; on metamorphosed sandstone and mica-schist



3 Cieneba-Rock land-Fallbrook association: Well-drained and somewhat excessively drained, undulating to steep, very shallow to moderately deep soils that have a surface layer of sandy loam and fine sandy loam; on granitic rock



4 Badland-San Timoteo association: Well-drained, rolling to very steep, moderately deep calcareous loam, and very shallow soils; on inland sea sediment and soft sandstone



5 Hanford-Tujunga-Greenfield association: Very deep, well-drained to excessively drained, nearly level to moderately steep soils that have a surface layer of sand to sandy loam; on alluvial fans and flood plains



6 Monserate-Arlington-Exeter association: Well-drained, nearly level to moderately steep soils that have a surface layer of sandy loam to loam and are shallow to deep to a hardpan



7 San Emigdio-Grangeville-Metz association: Very deep, poorly drained to somewhat excessively drained, nearly level to strongly sloping soils that have a surface layer of calcareous loamy sand to loam; on alluvial fans and flood plains



8 Traver-Domino-Willows association: Moderately well drained to poorly drained, nearly level to gently sloping, saline-alkali soils that have a surface layer of loamy fine sand to silty clay and are moderately deep to very deep to a calcareous hardpan

SOILS OF THE SOUTHERN CALIFORNIA MOUNTAINS

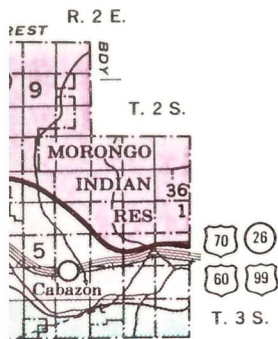


9 Tollhouse-Sheephead-Crafton association: Excessively drained to well-drained, gently rolling to steep, shallow to moderately deep soils that have a surface layer of loam; on granitic rock

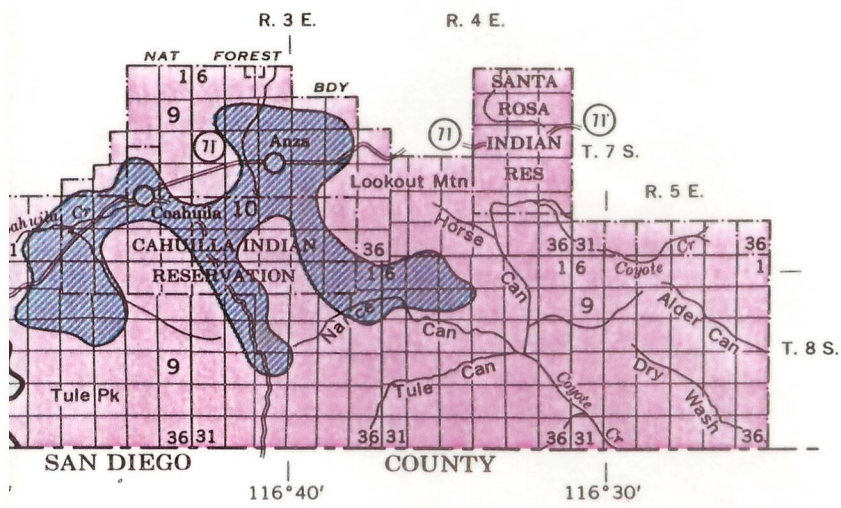


10 Mottsville-Calpine-Oak Glen association: Excessively drained to well-drained, gently sloping to moderately steep soils that have a surface layer of loamy sand to fine sandy loam; on alluvial fans and valley fill

September 1970



T. 5 S.



NOTE—

This map is intended for general planning. Each delineation may contain soils having ratings different from those shown on the map. Use detailed soil maps for operational planning.

4

Tenaja Rd
Hayes Ave

