



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



Arnold Schwarzenegger  
Governor

## NOTICE OF PETITIONS FOR EXTENSION OF TIME AND RENOTICE OF CHANGE PETITIONS

**PERMITS 16860C, 16861**  
(APPLICATIONS 24296C, 24297)

**PETITION FILED:** October 17, 2005

**STREAM SYSTEM:** Putah Creek above Lake Berryessa

**COUNTIES:** Napa, Lake

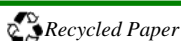
Notice is hereby given that the Magoon Estate Limited (Magoon) filed petitions for extension of time and has previously filed petitions for change for Permits 16860C and 16861. The State Water Resources Control Board (State Water Board) will determine whether an order approving the petitions should be issued for permitted Applications 24296C and 24297, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the project and also describes the procedure and time frame for submittal of protests against the petitions. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the petitioners should be mailed to:

Magoon Estate Limited  
c/o James C. Hanson  
444 North Third Street, Suite 400  
Sacramento, CA 95814

**Description of Project:** Permit 16860C was issued pursuant to Application 24296C, which was filed on February 1, 1973. The permit authorizes storage of 5,350 acre-feet per annum (afa) in Ink Reservoir located on Butcherknife Creek tributary to Putah Creek. The reservoir has not been built, and no water has been used under the permit.

Permit 16861 was issued pursuant to Application 24297 on January 21, 1977. The permit authorizes storage of 3,000 afa in Cassidy, Ink and Detert Reservoirs. The Detert Reservoir capacity is 3,220 af, and 2,235 af is stored in Detert Reservoir under Licenses 2141, 2142, 6334, 9939 and 10422. Cassidy Reservoir has a capacity of 560 af. The maximum diversion to storage is 560 af and the maximum withdrawal from storage is 480 af. The permittee is seeking to expand the place of use, split the permit and obtain a license for storage in Cassidy Reservoir as of December 31, 1995. Ink Reservoir has not been built and is being abandoned.

**Summary of PERMIT 16860C (APPLICATION 24296C):**  
*California Environmental Protection Agency*



County: Lake.

Source: (1) Butcherknife Creek tributary to Putah Creek thence Lake Berryessa  
(2) Bucksnot Creek tributary to Putah Creek

Point of  
Diversion: (1) Ink Dam (Butcherknife Creek): SE ¼ of SW ¼ of section 29, T11N, R5W  
(2) Ink Diversion: (Bucksnot Creek Pump): NW ¼ of SE ¼ of section 36, T11N, R6W, MDB&M.

Amount: 5,350 af.

Season: October 1 to April 30.

Purpose: Domestic, Irrigation, Frost Protection, Heat Control.

Place of Use: Irrigation of a net acreage of 1,380 acres, including 281 acres in Permit 16860A (Application 24296A) and 314 acres in Permit 16860B (Application 24296B) within: section 2 to 12, inclusive, 14, 18 & 19, T10N, R5W; sections 1, 2, 3, 4, 5, 8 to 17, inclusive; 22 & 24, T10N, R6W; sections 19, 27, 28, 29, 30, 31, 32, 33, 34, 35, T11N, R5W; sections 24, 25, 26, 27, 33, 34, 35, 36, T11N, R6W, MDB&M.

**Summary of PERMIT 16861 (APPLICATION 24297):**

County: Lake.

Source: (1) Unnamed Stream tributary to Cassidy Creek thence Bucksnot Creek  
(2) Bucksnot Creek tributary to Putah Creek thence Lake Berryessa

Point of  
Diversion,  
Rediversion,  
And Storage: (1) Cassidy Dam (Unnamed Stream): SE ¼ of NW ¼ of section 16, T10N, R6W  
(2) Cassidy Transfer Pump (Bucksnot Creek): SE ¼ of NE ¼ of section 17, T10N, R6W  
(3) Ink Diversion (Bucksnot Creek): NW ¼ of SE ¼ of section 36, T11N, R6W  
(4) Detert Dam (Bucksnot Creek): NE ¼ of SE ¼ of section 9, T10N, R6W, MDB&M.

Amount: 3,000 af by storage, maximum rate of diversion to offstream storage of 20 cfs.

Season: October 1 to April 30.

Purpose: Domestic, Irrigation, Frost Protection, Heat Control, Industrial, Fire Protection and Recreational.

Place of Use: Irrigation of a net acreage of 2,760 acres within: sections 2 to 12, inclusive, 14 and 18, T10N, R5W; sections 1, 2, 3, 4, 5, 8-17, inclusive and 22, T10N, R6W; sections 19, 27, 28, 30, 31, 32, 33, 34, 35, T11N, R5W; sections 24-27, inclusive, 33-36, inclusive, T11N, R6W, MDB&M.

**Petition Summary for Permit 16860C.**

The Division issued a notice of change and time extension petitions for Permit 16860C on March 16, 2001. The petitions have not yet been approved. Subsequently, Magoon filed another time extension petition in 2005. This summary includes information on all of the pending petitions.

Petitions Noticed in 2001 (as amended in 2002):

The permittee has abandoned the Ink Reservoir project.

Upper Bohn Reservoir has an existing capacity of 2,760 af. The permittee proposes to increase the existing Upper Bohn Reservoir by 1,000 af to a total capacity of 3,760 af. The petitioner does not have a basis of right for 660 af stored in this facility. Accordingly, the petitioner requests to redistribute 1,660 af from the previously proposed Ink Reservoir to Upper Bohn Reservoir (660 af to cover existing, unauthorized storage and 1,000 af to cover enlarged storage).

The permittee requests to add one point of diversion and two points of rediversion: (1) Putah Creek Pump No. 2 on Putah Creek (point of diversion to offstream storage): NE ¼ of section 4, T10N, R5W; (2) Upper Bohn Dam No. 1 on Unnamed Stream tributary to Putah Creek (point of rediversion): SE ¼ of SW ¼ of section 5, T10N, R5W; and (3) Upper Bohn Dam No. 2 on Routan Creek tributary to Butts Creek (point of rediversion): SW ¼ of NW ¼ of section 8, T10N, R5W, MDB&M. The new point of diversion is in Napa County.

The permittee proposes to enlarge the place of use from 1,380 acres to 4,611 acres. Of this area, about 595 acres has been developed as irrigated pasture. The 4,611 acres will be planted in vineyard and are within sections 3 to 10, inclusive, T10N, R5W; sections 1, 2, 11 and 12, T10N, R6W; sections 30, 32, 33, 34, T11N, R5W; sections 24, 25, 26, 35, 36, T11N, R6W, MDB&M.

The time to complete construction for Permit 16860C ended on December 31, 1994 and the time to complete full beneficial use ended on December 31, 1995. Because no water has been used under the permit, the permittee has filed for a continuation permit under the terms of the Putah Creek settlement agreement. The permittee petitioned for an extension of time to December 31, 2005 to complete construction and beneficial use of water.

2005 Petition:

Since the above described petitions have not yet been approved by the State Water Board, the permittee filed for another extension of time to December 31, 2015 to complete construction and beneficial use of water.

**Petition Summary for Permit 16861.**

The Division issued a notice of change and time extension petitions for Permit 16861 on March 16, 2001. The petitions have not yet been approved. Subsequently, Magoon filed another time extension petition in 2005. This summary includes information on all of the pending petitions.

Petitions Noticed in 2001 (as amended in 2002):

The permittee seeks to split Permit 16861 into two separate permits: 16861A and 16861B. Under Permit 16861A, permittee seeks to obtain a license for storage in Cassidy reservoir and enlarge the

place of use from 1,538 acres to 6,847 acres. Under Permit 16861B, permittee seeks only to enlarge the place of use for 985 af of water stored in Detert Reservoir from 1,538 acres to the same 6,847 acres as Permit 16861A. Of this area, 1,819 acres has been developed in vineyard and irrigated pasture. The 6,847 acres will be planted in vineyard. The expanded place of use is within sections 24, 25, 26, 34, 35, 36, T11N, R6W; sections 30, 31, 32, 33, 34, T11N, R5W; sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, T10N, R6W; sections 3-10, inclusive, T10N, R5W, MDB&M.

The time to complete construction ended on December 31, 1994 and the time to complete full beneficial use ended on December 31, 1995.

No water has been put to beneficial use under Permit 16861B, therefore, the permittee has filed for a continuation permit and time extension to December 31, 2005 under the terms of the Putah Creek settlement agreement. Permittee requests an extension of time to December 31, 2005 to complete construction and develop full beneficial use of water authorized under Permit 16861B.

#### 2005 Petition:

Since the above described petitions have not yet been approved by the State Water Board, the permittee filed for another extension of time to December 31, 2015 to complete construction and beneficial use of water.

### **Environmental Information**

The State Water Board is preparing an Environmental Impact Report for the project according to the California Environmental Quality Act (CEQA) and its guidelines. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## **PROTEST SUBMITTAL INFORMATION**

### **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the petition, and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the

protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at [www.waterboards.ca.gov/forms/](http://www.waterboards.ca.gov/forms/) or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner and should include a description of any measures that could be taken to resolve the protest.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **30<sup>th</sup>** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The petitioners will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Katherine Mrowka by phone at (916) 341-5363 or by electronic mail at [kmrowka@waterboards.ca.gov](mailto:kmrowka@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **March 24, 2006**