

PETITION FOR EXTENSION OF TIME 2005 OCT 17 PM 1:10

WATER USERS: Magoon Estates Ltd.

DIV. OF WATER RIGHTS
SACRAMENTO

Application 24296C Permit 16860C

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

- The project has been abandoned and I request revocation of the permit.

Signature
- Full use of water has been made, both as to amount and season, and I request license be issued.

Signature
- The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME
If START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?
Environmental Documents have been initiated by MOU executed
on 6/21/02
2. Estimate date construction work will begin. _____
3. Reasons why construction work was not begun within the time allowed by the permit.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: <http://www.waterrights.ca.gov>. Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov."

2/10/05
#1000
-4250-
for initial review
CW
10/17/05
#250-
CW

PETITION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A See attached - year extension of time is requested to complete construction work and/or beneficial use of water. (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844)
5. How much water has been used? see attached acre-feet/year _____ cfs
6. How many acres have been irrigated? see attached
7. How many houses or people have been served water? DNA
8. Extent of past use of water for any other purpose. DNA
9. What construction work has been completed during the last extension? None
10. Approximate amount spent on project during last extension period. \$ See attached
11. Estimate date construction work will be completed. December 31, 2015
12. Estimated year in which water will be fully used. December 31, 2015
13. Reasons why construction and/or use of water were not completed within time previously allowed. See attached

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

14. What water conservation measures are in effect or feasible within the place of use?

15. How much water is being conserved or is it feasible to conserve using these conservation measures?
_____ acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? _____ gpd.

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

Dated: October 17, 2005, at Sacramento, California

Jesse W. Barton Signature(s) (916) 444-2880 Telephone No.

Jesse W. Barton, Law Offices of Daniel F. Gallery
926 J Street, Suite 505, Sacramento, CA 95814

PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: A \$1,000 filing fee, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.

ATTACHMENT TO
PETITION FOR EXTENSION OF TIME
PERMIT 16860C (APPLICATION 24296C)

4. The last extension of time for Permit 16860C (Application 24296C) expired on 12/31/94 and 12/31/95, to complete construction and beneficial use, respectively. A petition for a 10-year extension of time was subsequently filed on 6/17/96. The 1996 petition would have extended the time to complete construction and beneficial use to 12/31/04 and 12/31/05, respectively. The 1996 petition for extension of time to complete beneficial use is pending and is expected to expire on 12/31/05 without being acted upon. The portion of the 1996 petition relating to construction expired on 12/31/04. In March 1997, a petition to change Permit 16860C was filed. In May 2000, the March 1997 petition was amended. The 1997 and 2000 petitions to change are currently undergoing environmental review by the Division, but no action has been taken on them. Because the 1997 and 2000 petitions to change have not been granted, and the period of time within which to put the water to full beneficial use under Permit 16860C will expire on 12/31/05, another petition for extension of time was filed on 2/10/05. The 2005 petition sought an extension of time to complete construction and beneficial use from 12/31/94 and 12/31/95 to 12/31/05, plus an undetermined period of time for the Board to act on 1997 petition, plus 8 years. On 3/4/05 the Division rejected the 2005 petition as incomplete. This amended petition for extension of time seeks an 11-year extension of time to complete construction for the period 12/31/94 to 12/31/05, a 10-year extension of time to complete beneficial use for the period 12/31/95 to 12/31/05, plus two years (which is the estimated time it will take the Division to act on this petition for extension of time and the 1997 and 2000 petitions), plus an additional 8 years within which to complete the proposed project and the application of the water to beneficial use. Put differently, this petition seeks an extension of time from 12/31/94 and 12/31/95 until 12/31/15.
5. Permit 16860C (Application 24296C) is a Continuation Permit issued pursuant to the provisions of the Putah Creek Condition 12 Settlement Agreement. Water uses under the A portion of the permit have been inspected for license. Water uses under the B portion of the permit have been licensed. However, no water use under Permit 16860C has commenced due to the 1997 and 2000 petitions still undergoing environmental review.
6. See above.
10. The last extension period ended on 12/31/94 and 12/31/95. However, since this time up until the current date, Permittee has spent in excess of \$250,000 on environmental review, engineering, and legal costs on this project.
13. Briefly, the water has not been put to beneficial use within the time previously allowed because the project's 1997 and 2000 petitions for changes are currently pending at the Board and therefore the Permittee has no authorization to store or put the water to beneficial use. Additional information is contained within the February 17, 2004, letter/binder from this office to Victoria Whitney.

California Environmental Protection Agency

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>

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

Petition for Change

Petition for Extension of Time

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.

Please see the draft EIR submitted on December 20, 2004. The draft EIR covers all aspects of the environmental matters involved with this project.

Please see August 17, 2005, letter from Steve Herrera accepting the draft EIR as compliance with completion of the environmental request form.

See Attachment No. ____

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): _____

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. _____

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: _____

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? _____

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

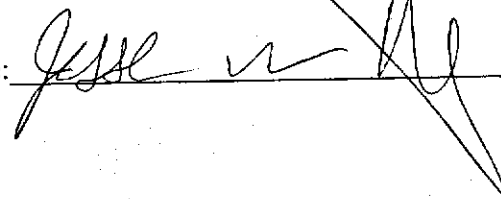
Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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.

Date: 10-17-05

Signature: 

James C. Hanson, P.E.

John S. Hanson, P.E.
David P. Lounsbury, P.E.
Henry S. Matsunaga



June 27, 2002

Ms. Kathy Mrowka
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Magoon Estate, Limited
Water Right Permit 16860C (Application 24296C) - Petitions for Change

Dear Kathy:

The enclosed Amended Petitions for Change to Permit 16860C (Application 24296C) are submitted on behalf of Magoon Estate, Limited.

The required environmental information forms, the maps to accompany the Petitions, and the SWRCB filing fee of \$200 are enclosed. Environmental filing fees of \$1,700 were submitted in 1997 for the original Petitions for Applications 24296C and 24297B. We assume that no other environmental fees will be required.

If you have any questions or require additional information please contact me at (916) 448-2821.

Very truly yours,

James C. Hanson
Consulting Civil Engineer

Enclosure

Via: Personal Delivery
cc: David Zweig (via U.S. Mail)

MELJ331



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-0765
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

PETITION FOR CHANGE (AMENDED JUNE 2002) (WATER CODE 1700)

Application 24296C Permit 16860C License _____ Purpose of Use
X Point of Diversion, _____ Point of Rediversion, X Place of Use, _____ 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 See Attachment.
Proposed _____

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

Present See Attachment.
Proposed _____

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 Attachment.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? YES
(yes/no)

• WATER WILL BE USED FOR Irrigation, Frost Protection, Heat Control and Domestic PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership
(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.

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.

See files at the SWRCB

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 June 27, 2002, 2002 at Sacramento, California

James C. Hanson (916) 448-2821
James C. Hanson, CCE Signature(s) Telephone No.

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.

6/28/02
\$100.00
RDL

24290

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 IN DISTRIBUTION OF STORAGE
Change in Point of Diversion for a Portion of the Water
(WATER CODE 1700)

AMENDED JUNE 2002

Application 24296C Permit _____ License 16860C Statement or Other _____

I (we) request permission to change the amounts to be stored in each reservoir as set forth in paragraph 4 of this permit or license to amounts in each reservoir as follows:

- Reservoir No. 1 Buckhorn Flat Reservoir (POD #25) to be abandoned.
- Reservoir No. 2 3,355 acre feet in existing Upper Bohn Reservoir (POD #9 and #10).
- Reservoir No. 3 The remaining 1,995 acre feet under this right has been abandoned.
- Reservoir No. 4 _____

- WILL ANY RESERVOIR NAMED IN THE ORIGINAL APPLICATION BE ABANDONED? YES
(yes/no)
- WILL THE CHANGE IN DISTRIBUTION OF STORAGE INVOLVE A CHANGE IN PURPOSE OF USE? NO
(yes/no?)
- If so, 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)? _____
(yes/no?)

I (we) have access to the additional land to be flooded by virtue of Ownership
(ownership, lease verbal or written agreement)
If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the upper and lower reservoirs...
N/A

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION

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

Dated: June 27, 2002 at Sacramento, California

James C. Hanson
James C. Hanson, CCI Signature(s)

(916) 448-2821
Telephone No.

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board (SWRCB) and a \$850 fee made payable to the Department of Fish and Game (DFG) must accompany a petition for change. Upon filing this petition with the SWRCB, Water Code section 1703 requires you to also notify the DFG in writing of your proposed change. A copy sent to the DFG will normally fulfill this requirement.

PET-STOR (4-00)

6/28/02
\$150.00
RAC

**ATTACHMENT TO PETITION FOR CHANGE
PERMIT 16860C (APPLICATION 24296C)
OF
MAGOON ESTATE, LIMITED**

AMENDED JUNE 2002

POINT OF DIVERSION:

Present (As proposed and described in the March 2000 Amended Petition dated 5/17/00)

Description

- #8 Point of Diversion to Offstream Storage at Points #9 and #10
Putah Creek Pump No. 2 - South 1,100 feet and West 800 feet from NE corner of Section 4, T10N, R5W, MDB&M; being within Lot 3 of said Section 4.
- #9 Point of Diversion by Collection to Storage and Point of Rediversion for water diverted at Points #8, #15 and #25
Upper Bohn Dam No. 1 - North 100 feet and East 2,000 feet from SW corner of Section 5, T10N, R5W, MDB&M, being within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 5; also described by the California Coordinate System, Zone 2, N 389,350 and E 1,875,150.
- #10 Point of Diversion by Collection to Storage and Point of Rediversion for water diverted at Points #8, #15 and #25
Upper Bohn Dam No. 2 - South 1,700 feet and East 1,240 feet from NW corner of Section 8, T10N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 8; also described by the California Coordinate System, Zone 2, N 387,800 and E 1,874,100.
- #15
(Relocated) Point of Diversion to Offstream Storage at Points #9, #10 and #25
Bucksnort Creek Pump - North 350 feet and West 2,175 feet from SE corner of Section 36, T11N, R6W, MDB&M, being within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 36; also described by California Coordinate System Zone 2, N 396,650 and E 1,865,800.
- #25 Point of Diversion by Collection to Storage and Point of Rediversion for water diverted at Point #15
Buckhorn Flat Reservoir - South 550 feet and West 1,500 feet from NE corner of Section 1, T10N, R6W, MDB&M, being within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 1; also described by California Coordinate System Zone 2, N 395,740 and E 1,866,400.

(Continued on next page)

**ATTACHMENT TO PETITION FOR CHANGE
PERMIT 16860C (APPLICATION 24296C)
OF
MAGOON ESTATE, LIMITED**

(Continued from previous page)

Proposed

Description

- #8 Point of Diversion to Offstream Storage at Points #9 and #10
Putah Creek Pump No. 2 - South 1,100 feet and West 800 feet from NE corner of Section 4, T10N, R5W, MDB&M; being within Lot 3 of said Section 4.
- #9 Point of Diversion by Collection to Storage and Point of Rediversion for water diverted at Points #8 and #12
Upper Bohn Dam No. 1 - North 100 feet and East 2,000 feet from SW corner of Section 5, T10N, R5W, MDB&M, being within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 5; also described by the California Coordinate System, Zone 2, N 389,350 and E 1,875,150.
- #10 Point of Diversion by Collection to Storage and Point of Rediversion for water diverted at Points #8 and #12
Upper Bohn Dam No. 2 - South 1,700 feet and East 1,240 feet from NW corner of Section 8, T10N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 8; also described by the California Coordinate System, Zone 2, N 387,800 and E 1,874,100.
- #12 Point of Diversion to Offstream Storage at Points #9 and #10
Lower Bohn Dam - North 1,800 feet and West 650 feet from the SE corner of Section 1, T10N, R6W, MDB&M.

**ATTACHMENT TO PETITION FOR CHANGE
PERMIT 16860C (APPLICATION 24296C)
OF
MAGOON ESTATE, LIMITED**

PLACE OF USE:

Present

A net acreage of 1,380 acres, including 281 acres which are specified in Permit 16860A (Application 24296A) and 314 acres which are specified in Permit 16860B (Application 24296B), all within a gross area of 23,000 acres within:

Sections 2 - 12 inclusive, 14 & 18, T10N, R5W, MDB&M.
Sections 1 - 5 inclusive, 8 - 17 inclusive, & 22, T10N, R6W, MDB&M.
Sections 19, 27, 28, 30, and 31 - 35 inclusive, T11N, R5W, MDB&M.
Sections 24 - 27 inclusive, and 33 - 36 inclusive, T11N, R6W, MDB&M

Proposed

4,611 acres as described in Exhibit A of the March 2000 Amended Petition dated May 17, 2000 and shown on the attached map.

**ATTACHMENT TO PETITION FOR CHANGE
PERMIT 16860C (APPLICATION 24296C)
OF
MAGOON ESTATE, LIMITED**

GIVE REASON FOR PROPOSED CHANGE:

The Permittee proposes to abandon the Buckhorn Flat Dam and Reservoir proposed by the March 2000 Amended Petition dated May 17, 2000 and to enlarge the existing Upper Bohn Reservoir by 2,695 acre-feet to a total capacity of 5,455 acre-feet. The Petitions seek to redistribute 3,355 acre-feet from the previously proposed Ink Reservoir to the enlarged Upper Bohn Reservoir.

Of the 3,355 acre-feet requested, 660 acre-feet of that amount is for additional diversion to storage of water above the 2,100 acre-feet/annum presently authorized under rights initiated by Application 20876 and Application 24296A. Upper Bohn Reservoir is presently constructed to a capacity of 2,760 acre-feet.

The remaining 1,995 acre-feet under this right was to be allocated to the proposed Ink Reservoir, which is no longer contemplated. Permittee requests that Ink Dam (Point #17) be removed as a point of diversion under this right. With this change, the amount of water remaining under the Permit would be the 3,355 acre-feet sought to be stored in Upper Bohn Reservoir.

See below for proposed specifications of the enlarged Upper Bohn Reservoir.

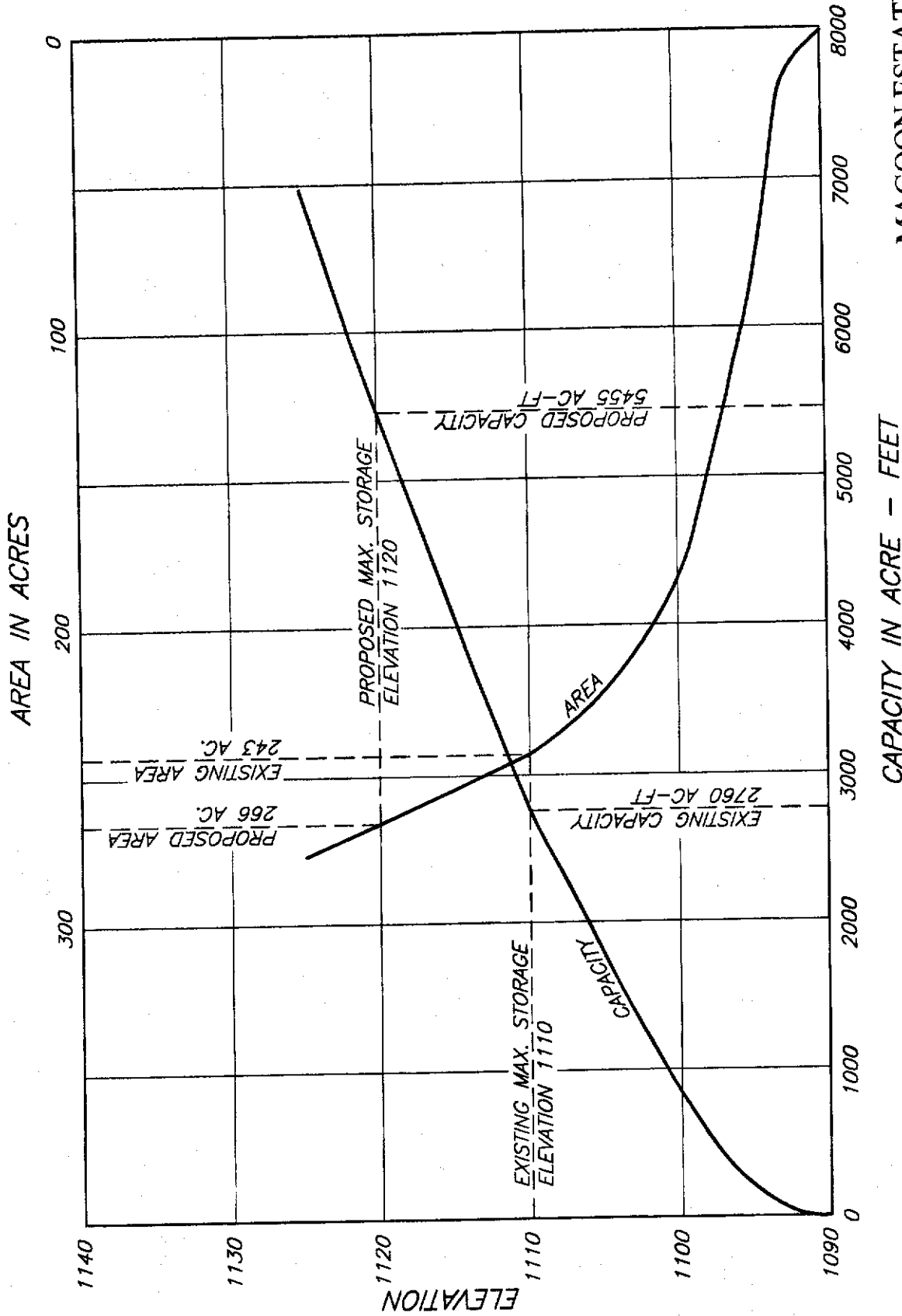
**ATTACHMENT TO PETITION FOR CHANGE
 PERMIT 16860C (APPLICATION 24296C)
 OF
 MAGOON ESTATE, LIMITED**

ENLARGED UPPER BOHN RESERVOIR:

<u>STORAGE RESERVOIR</u>	<u>NORTH DAM</u>	<u>SOUTH DAM</u>
Vertical height from downstream toe of slope to spillway crest	31 feet	27 feet
Dam length	2,020 feet	1,400 feet
Construction material	Earth/Rock	
Freeboard Dam height above spillway crest	4 feet	
Reservoir surface area when full	266 acres	
Storage capacity	5,455 acre-feet	
Maximum water depth	30 feet	

<u>OUTLET PIPE</u>	<u>NORTH DAM</u>	<u>SOUTH DAM</u>
Pipe diameter	18 inches	18 inches
Length of outlet pipe	216 feet	200 feet
Fall (Vertical distance between entrance and exit of outlet pipe)	3.3 feet	3.4 feet
Head (Vertical distance from spillway to outlet pipe in reservoir)	31 feet	28 feet
Estimated storage below outlet pipe entrance (Dead storage)	± 25 acre-feet	± 25 acre-feet

MELJ.326



MAGOON ESTATE, LTD.

UPPER BOHN LAKE
AREA-CAPACITY CURVES



JAMES C. HANSON
CONSULTING CIVIL ENGINEER
A CORPORATION

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95812-2000

**PETITION FOR CHANGE
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

AMENDED JUNE 2002

APPLICATION NO. 24296C PERMIT NO. 16860C LICENSE NO. _____

The following information will aid in the environmental review of your petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR PETITION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form. If form WR 1-2 was completed during the application process describe the differences between those conditions and the present conditions.

DESCRIPTION OF CHANGES TO PROJECT

1. Provide a brief description of the proposed changes to your project (**CHANGES**), including but not limited to type of construction activity, structures existing or to be built, area to be graded or excavated and operational changes.

The purpose of this Petition is to facilitate the enlargement of the existing Upper Bohn Reservoir. The Permittee proposes to redistribute 3,355 acre-feet from the previously proposed Ink Reservoir to the enlarged Upper Bohn Reservoir. The remaining 1,995 acre-feet under this right was to be allocated to the proposed Ink Reservoir, which is no longer contemplated. Permittee requests that Ink Dam (Point #17) be removed as a point of diversion under this right. With this change, the amount of water remaining under the Permit would be the 3,355 acre-feet sought to be redistributed to an enlarged Upper Bohn Reservoir. Construction activities include raising the existing dams and spillway on Upper Bohn Reservoir nine feet which will enlarge the Reservoir to a total capacity of 5,455 acre feet. The place of use will be the 4,611 acres as described in the March 2000 Amended Petition dated May 17, 2000 (see location on attached map). Of this amount, about 595 acres of the place of use has been developed as irrigated pasture and vineyard for more than 30 years under other licensed rights. The remaining lands to be developed consist of rangeland, oak woodland and grassland and will be planted to vineyard pursuant to this project. The Permittee and the SWRCB have entered into a M.O.U. for the preparation of the CEQA documents required for this project.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your petition for change, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your CHANGES by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your CHANGES. The following questions are to aid us in that determination.

2. Contact your county planning or public works department for the following information:

(a) Assessor's Parcel No. _____

(b) County Zoning Designation RL - Rural Lands _____

(c) Will the county have to issue any permits or approvals for your CHANGES?

Yes. If yes, check appropriate spaces below:

Grading Permit, Use Permit, Watercourse Obstruction Permit,

Change of Zoning, General Plan Change,

Other: _____

(d) If any permits have been obtained list permit type and permit number:

(e) Person contacted _____ Date of contact _____

Department Lake Co. Planning Dept. Telephone (707) 263-2221

Napa Co. Planning Dept. (707) 253-4416

3. Are any additional state or federal permits required for your CHANGES? (i.e., Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources, Division of Dam Safety, Reclamation Board, Coastal Commission, State Land Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type Approval of Plans and Specifications _____

Person(s) contacted _____ Agency Division of Safety of Dams _____

Date of contact _____ Telephone () _____

4. Have you (if you are a public agency) or any permitting agency prepared any environmental documents for your CHANGES?

Environmental documents are being prepared by SWRCB pursuant to M.O.U. with Permittee.

If so, you must submit a copy of the latest environmental document with this application, including a copy of the notice of determination.

If not, will any environmental documents be prepared by any permitting agency, or will you be preparing environmental documents for your CHANGES?

Yes. If so, explain: Permittee has entered into a M.O.U. with the SWRCB for preparation of the environmental documents. This work is in progress.

Note: When completed, the final environmental document or notice of exemption must be submitted to the Board. Processing of your petition to change cannot proceed until such documents are submitted.

5. Will your CHANGES, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation?

No. If so, explain: _____

If you answered yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your CHANGES? _____

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency because of the CHANGES?

Petitioner has conducted an archeological study at the proposed reservoir site and place of use.

Do you know of any archeological or historic sites located within the general project area?

Yes. If so, explain: See SWRCB files for other Magoon Estate. Limited rights.

ENVIRONMENTAL SETTING

- 7(a). Describe the current land use of the area at the point of water diversion, immediately downstream of the diversion, and at the place where the water is to be used. **Attach two sets of photographs of these areas. Date and label photos.**

Point of diversion: POD #8 - Putah Creek; POD #9 & #10 - Reservoir; POD #12 - Rangeland. Pictures were submitted with the March 2000 Amended Petition.

Downstream of diversion: Rangeland and vineyards.

Place of use: Developed vineyards, improved pasture, and rangeland.

- (b) Describe the types of existing vegetation at the point of diversion, immediately downstream of the point of diversion, and at the place where the water is to be used. These vegetation types should be shown in the photographs submitted.

Point of diversion: Native grasses around reservoir perimeter and along streambed.

Downstream of diversion: Vineyards, pasture, grasslands and trees.

Place of Use: Vineyards, pasture, grasslands and trees.

8. What changes in the project site and surrounding area will occur or are likely to occur because of the CHANGES and operation of your project? Include in your answer such things as approximate number and size/age of trees to be removed or areas of vegetation/brush removal; area or extent of streambed alteration, trenching, grading, excavation, plowing, or road, dam or building construction; etc. Consider all aspects of your project, including diversion structure, pipelines or ditches, water use, and changes at the place of use.

Changes will include the enlargement of the existing Upper Bohn Reservoir (POD #9 & #10) which will have an approximate surface area of 266 acres. The reservoir will inundate and require the removal of an undetermined number of oak trees and other trees and brush. This impact will be addressed in the environmental document. The Upper Bohn Dams will be raised 10 feet to increase the storage capacity by 2,695 acre-feet. The changes will include the

construction of a new pipeline from POD #8 to Upper Bohn Reservoir. All other POD's and facilities are existing. The place of use will increase from 1,380 acres to 4,611 acres pursuant to the March 2000 Amended Petition and will not change. About 595 acres of the place of use has been developed as irrigated pasture and vineyard for more than 30 years under other permitted and licensed rights. The majority of the remainder of the proposed place of use is rangeland, oak woodland and grassland and will be planted to vineyard pursuant to this project

FISH AND WILDLIFE CONCERNS

Contact your regional office of the State Department of Fish and Game (DFG) to obtain the information requested in questions 9 through 17 (see page 6 for address and telephone number):

9. Person contacted Rick Macedo, Fishery Biologist
Date of contact January 1997 Telephone (707) 928-4369

10. According to the DFG representative, when did or when will a DFG representative visit the project site area?

February 4, 1997.

What is the name of the DFG representative who made or will make the inspection of the project site area?

Rick Macedo. The site was also inspected by Linda Hanson from the Department of Fish and Game during March 2002.

11. According to the DFG representative, will your CHANGES require a Streambed Alteration Agreement?

Not certain at this time.

12. According to the DFG representative, do any resident or migratory game or non-game fish species occur in the affected stream?

Unknown. Resident fish probably occur in Putah Creek. The streams from Upper Bohn Dam do not support a fishery.

If so, what species?

Putah Creek proper supports smallmouth bass, green sunfish, brown bullhead, Sacramento squawfish and miscellaneous amphibians and reptiles.

What season of the year do they occur in the stream?

Probably all year.

13. According to the DFG representative, do any plants or animals which are (1) federally identified as candidate, threatened, or endangered; (2) state listed as rare, threatened, or endangered; or (3) listed by the DFG Natural Diversity Data Base, occur in the project area?

Yes. See Biological Studies.

Will they be impacted by the CHANGES?

Unknown.

If so, identify the species and explain how they will be impacted:

14. Does the DFG representative expect that your CHANGES will have an adverse effect on any resident or migratory fish populations, any wildlife populations, or any rare or endangered plant or animal species?

Unknown.

If so, explain:

15. What measures relating to your CHANGES have been proposed by the DFG representative to protect fish, wildlife or endangered or rare species:

None at this time.

16. Will you make changes in your project as recommended by DFG?

Yes - within reason.

If not, explain:

17. If your petition lists wildlife enhancement as a proposed use, describe your wildlife enhancement plans under question one above (attach additional pages as necessary). According to the DFG representative, do your proposed CHANGES utilize a sound technique for the purpose of wildlife enhancement?

EXISTING STORAGE OR DIVERSIONS

18. If you currently have an interest in any other appropriative water projects in the same watershed as this project, answer the following additional questions for each project:

Does the project have fish and wildlife protection requirements?

Yes. If so, list the permit number and specific protection requirements for each project:

Permit 16860A (Application 24296A) - Permit Terms 19 & 20

Permit 16860B (Application 24296B) - Permit Term 19

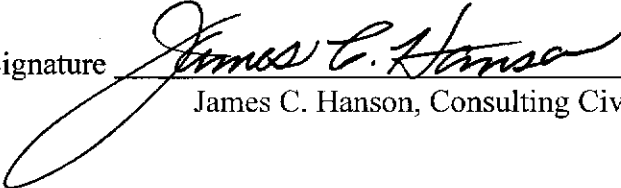
Permit 16860C (Application 24296C) - Permit Term 20

Permit 16861 (Application 24297) - Permit Term 20

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits 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.

Date June 27, 2002 Signature


James C. Hanson, Consulting Civil Engineer

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