
State Water Resources Control Board

NOTICE OF PETITIONS FOR CHANGE FOR WATER RIGHT PERMITS 21294 AND 21295, (APPLICATIONS 29686 AND 29687) OF CHRISTOPHER J. AND CHRISTINA M. HARNEY REVOCABLE LIVING TRUST, AND PERMIT 21357 (APPLICATION 30384) OF 2003 MARINO FAMILY TRUST AND CHRISTOPHER J. AND CHRISTINA M. HARNEY REVOCABLE LIVING TRUST

COUNTY: Napa

STREAM SYSTEM: Pope Creek

In June and July of 2019, the 2003 Marino Family Trust and Christopher J. and Christina M. Harney Revocable Trust (Petitioner) filed petitions to change their collective water right Permits 21294, 21295, and 21357 (Applications 29686, 29687, and 30384 respectively) with the State Water Resources Control Board, Division of Water Rights (Division). With the petitions, the Petitioner has requested to: 1) modify both Permits 21294 and 21295 to move the location of permitted point of diversion to a single location to be shared by Permits 21294, 21295 and 21357; 2) modify Permit 21295 to move the location of the permitted but undeveloped offstream storage reservoir; and 3) modify Permit 21357 to move a permitted point of diversion to the shared location referenced above and move the location of the permitted but undeveloped offstream storage reservoir. In March 2020, the Petitioner requested to amend the petitions for Permits 21294 and 21295 to add an approximately 0.5 acre area to its place of use that is located within the gross boundaries of its currently permitted place of use. In July 2020, the Petitioner requested to further amend the petitions for Permits 21294, 21295, and 21357 to consolidate the place of use under all rights to 264 acres (the 50 acres authorized by Permits 21294 & 21295 and the 214 acres authorized by Permit 21357).

Summary of Permit 21294 (A029686) and Proposed Changes:

Source

Present (no change proposed)

Pope Creek tributary to Lake Berryessa thence Putah Creek

Point of Diversion (POD)

Present

Located as follows: California Coordinate System, NAD83, Zone 2, North 1,995,196 feet and East 6,451,319 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, T9N, R5W, MDB&M

Proposed change

Modify POD location as follows: California Coordinate System, NAD83, Zone 2, North 1,995,904 feet and East 6,452,280 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T9N, R5W, MDB&M (Same facility to be used by Permits 21294, 21295 and 21357)

Amount

Present (no change proposed)

Direct diversion of up to two (2) cubic feet per second, not to exceed 26 acre-feet annually (afa)

Season

Present (no change proposed)

March 15 through May 15 of each year

Purpose of Use

Present (no change proposed)

Frost Protection

Place of Use

Present

50 acres within Sections 11 and 14, T9N, R5W, MDB&M as shown on map filed with petition.

Proposed change

264 acres within Sections 11, 12 and 14, T9N, R5W, MDB&M as shown on map filed with the July 1, 2020 amendment.

Summary of Permit 21295 (A029687) and Proposed Changes:

Sources

Present (no change proposed)

Pope Creek tributary to Lake Berryessa thence Putah Creek

Point of Diversion (POD)

Present

Located as follows: California Coordinate System, NAD83, Zone 2, North 1,995,196 feet and East 6,451,319 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, T9N, R5W, MDB&M

Proposed change

Modify POD location as follows: California Coordinate System, NAD83, Zone 2, North 1,995,904 feet and East 6,452,280 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T9N, R5W, MDB&M (Same facility to be used by Permits 21294, 21295 and 21357)

Place of Storage

Present

Located as follows: California Coordinate System, NAD 83, Zone 2, North 1,995,500 feet and East 6,452,450 feet, being within SW¼ of SE¼ of Section 11, T9N, R5W, MDB&M

Proposed change

Modify location of offstream reservoir as follows: located within the NE¼ of NW¼ of Section 14 and SE¼ of SW¼ of Section 11, T9N, R5W, MDB&M

Amount

Present (no change proposed)

Storage of 87 afa

Season

Present (no change proposed)

November 1 through May 15 of the succeeding year

Purpose of Use

Present (no change proposed)

Irrigation, Frost Protection, Heat Control

Place of Use

Present

50 acres within Sections 11 and 14, T9N, R5W, MDB&M as shown on map filed with petition.

Proposed change

264 acres within Sections 11, 12 and 14, T9N, R5W, MDB&M as shown on map filed with the July 1, 2020 amendment.

Summary of Permit 21357 (A030384) and Proposed Changes:

Sources

Present (no change proposed)

- (1) Unnamed Stream tributary to Pope Creek tributary to Lake Berryessa thence Putah Creek
- (2) Pope Creek tributary to Lake Berryessa thence Putah Creek

Point of Diversion (POD)

Present

- (1) Unnamed Reservoir - located as follows: California Coordinate System, NAD83, Zone 2, North 1,996,768 feet and East 6,451,976 feet, being within NE¼ of SW¼ of Section 11, T9N, R5W, MDB&M

(2) Pope Creek - Located as follows: California Coordinate System, NAD83, Zone 2, North 1,995,255 feet and East 6,451,543 feet, being within SE¼ of SW¼ of Section 11, T9N, R5W, MDB&M

Proposed change

Modify location of (2) Pope Creek POD as follows: California Coordinate System, NAD83, Zone 2, North 1,995,904 feet and East 6,452,280 feet, being within SW¼ of SE¼ of Section 11, T9N, R5W, MDB&M (Same facility to be used by Permits 21294, 21295 and 21357)

Location of Point of Rediversion

Present (no change proposed)

(1) Unnamed Reservoir - located as follows: California Coordinate System, NAD83, Zone 2, North 1,996,768 feet and East 6,451,976 feet, being within NE¼ of SW¼ of Section 11, T9N, R5W, MDB&M

Place of Storage

Present

(1) Unnamed Reservoir - located as follows: California Coordinate System, NAD83, Zone 2, North 1,996,768 feet and East 6,451,976 feet, being within NE¼ of SW¼ of Section 11, T9N, R5W, MDB&M

Reservoir 4 – located as follows: California Coordinate System, NAD83, Zone 2, North 1,997,060 feet and East 6,454,276 feet, being within NE¼ of SE¼ of Section 11, T9N, R5W, MDB&M

Proposed change

Modify location of offstream Reservoir 4 as follows: located within the NE¼ of SW¼ and NW¼ of SE¼ of Section 11, T9N, R5W, MDB&M

Amount

Present (no change proposed)

Storage of 245 afa

Season

Present (no change proposed)

December 15 of each year to March 31 of the succeeding year

Purpose of Use

Present (no change proposed)

Recreation, Fish and Wildlife Preservation and Enhancement, Irrigation, Frost Protection, Heat Control, Fire Protection

Place of Use

Present

214 acres within Sections 11 and 12, T9N, R5W, MDB&M as shown on map filed with petition.

Proposed change

264 acres within Sections 11, 12 and 14, T9N, R5W, MDB&M as shown on map filed with the July 1, 2020 amendment.

Procedures for Filing Protests

Pursuant to Water Code section 1703.1, any interested person may file a protest against approval of the subject petitions. Protest submittal information is available at the Division's website at: [Protest Submittal Information](#).

Protests must be received by the Division of Water Rights by 4:30 p.m. on **October 22, 2020**, with a copy provided to the petitioner. Protests may be provided via email prior to the deadline; however, a copy of the original signed protest must be subsequently filed with the Division.

Written correspondence directed to the Petitioner should be addressed to Christopher J. and Christina M. Harney Revocable Trust c/o Ryan Stolfus, Wagner & Bonsignore, 2151 River Plaza Drive, Suite 100, Sacramento, CA 95833 or by email at rstolfus@wbecorp.com.

Contact Information

Copies of the petitions and related documentation is available upon request. Please direct all requests and inquiries regarding this notice to Kate Gaffney at (916) 341-5360 or kathryn.gaffney@waterboards.ca.gov. Written correspondence should be addressed to: State Water Resources Control Board, Division of Water Rights, Attn: Kate Gaffney, P.O. Box 2000, Sacramento, CA 95812-2000.

Date of Notice: **September 22, 2020**