

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A030698

**Sydney Apartments, Inc.**

**ORDER APPROVING MINOR CHANGE TO APPLICATION**

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SOURCE: Two unnamed streams tributary to Wooden Valley Creek thence Suisun Creek thence Chadbourne Slough thence Wells Slough thence Suisun Slough thence Suisun Bay

COUNTY: County

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**WHEREAS:**

1. On April 21, 1998, water right application A030698 was filed with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Wooden Valley Creek stream system in Napa County. The application is currently owned by Sydney Apartments, Inc. (applicant).
2. The application was publicly noticed on November 13, 1998. Protests were received from the California Department of Fish and Wildlife and George Shanks.
3. On April 15, 2024, the State Water Board initiated a minor change to modify Application A030698 as follows:
  - a. Reduce the season of diversion from October 1 of each year to May 31 of the succeeding year to October 1 of each year to March 31 of the succeeding year.
  - b. Reduce the maximum amount of water requested for diversion to 93.7 acre-feet per year, as follows:
    - i. Point of Diversion 1: Remove the 128 acre-foot onstream reservoir. Reduce the maximum rate of diversion to 0.65 cubic foot per second. Water would still be diverted to onstream storage at point 2, but a new (proposed) offstream reservoir A and a new (existing) storage tank would be added as destinations for storage of diverted water.

- ii. Point of Diversion 2: The reservoir capacity has been changed to 49 acre-feet. A new (proposed) offstream reservoir A and a new (existing) storage tank are added as destinations for storage of diverted water at a maximum rate of 1 cubic foot per second.
    - iii. Point of Diversion 3: The reservoir capacity has been changed to 5 acre-feet.
    - iv. Point of Diversion 4: The reservoir capacity has been changed to 3.7 acre-feet.
    - v. Point of Diversion 5: This point of diversion has been removed.
    - vi. Point of Diversion 6: This point of diversion has been removed.
  - c. Remove points 5 and 6 as points of diversion.
  - d. Change the place of use for irrigation, frost protection, and heat control from 153 acres to 85.9 acres as follows: 3.9 acres within projected Section 4 and 82 acres within projected Section 9, all within Township 6 North, Range 3 West, Mount Diablo Base and Meridian. The place of use for recreational at the reservoirs has not changed.
- 4. On May 17, 2024 the State Water Board provided notice and an opportunity to provide comments regarding the minor change to the applicant, the protestants, and other interested parties. No comments were received.
- 5. The State Water Board may make a minor change to an application without requiring the filing of a petition for change if the Board finds all of the following:
  - a. The change does not enlarge or increase the authorized rate, amount, or season of diversion.
  - b. The change does not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed.
  - c. The change is not substantial or constitutes a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application.
  - d. The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

(Wat. Code, § 1700.4.)

6. The proposed changes will not enlarge or increase the authorized rate, amount, or season of diversion. The maximum amount of water diverted will be reduced from 288 acre-feet per year to 93.7 acre-feet per year. The rate of diversion at point of diversion 1 will be reduced and season of diversion will be reduced.
7. The proposed changes will not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed. The proposed 128 acre-foot reservoir at point of diversion 1, with a 5.9-acre surface area, has been removed. The capacities of the reservoirs at points of diversion 2 through 4 have been reduced, and the reservoir at point of diversion 5 has been removed from the application. New reservoir A has an estimated surface area of 2.6 acres, which results in an overall reduction in the total area subject to inundation by water diverted to storage. The proposed area for irrigation has also been reduced from 153 acres to 85.9 acres.
8. The proposed changes are not substantial or constitute a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. The amount of water for diversion and the maximum rates of diversion has been reduced, the place of use has been reduced, and the area for irrigation has been reduced.
9. The proposed changes do not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. There are no diverters of record on the unnamed streams within the affected area of the changes. Many of the changes have been made as a result of protest negotiations with the California Department of Fish and Wildlife to reduce the overall project's impacts on instream beneficial uses.
10. Pursuant to Resolution 2012-0061, the State Water Board has delegated the authority to conduct and supervise the activities of the State Water Board to the Executive Director. By memorandum dated April 28, 2022, the Executive Director has redelegated the authority to act on minor changes to the Deputy Director for Water Rights. The Deputy Director for Water Rights has further redelegated this authority pursuant to a memorandum dated April 20, 2023.

**NOW, THEREFORE, IT IS ORDERED:**

1. The minor change to the application is approved.
2. The season of diversion is changed to October 1 of each year to March 31 of the succeeding year.
3. The maximum amount of water requested for diversion is changed to 93.7 acre-feet per year, as follows:

- a. Point of Diversion 1: Remove the 128 acre-foot onstream reservoir. Reduce the maximum rate of diversion to 0.65 cubic foot per second. Water would still be diverted to onstream storage at point 2, but a new (proposed) offstream reservoir A and a new (existing) storage tank would be added as destinations for storage of diverted water.
  - b. Point of Diversion 2: The reservoir capacity has been changed to 49 acre-feet. A new (proposed) offstream reservoir A and a new (existing) storage tank are added as destinations for storage of diverted water at a maximum rate of 1 cubic foot per second.
  - c. Point of Diversion 3: The reservoir capacity has been changed to 5 acre-feet.
  - d. Point of Diversion 4: The reservoir capacity has been changed to 3.7 acre-feet.
4. The points of diversion are changed by removing points 5 and 6.
  5. The place of use is changed for irrigation, frost protection, and heat control from 153 acres to 85.9 acres as follows:
    - a. 3 acres within Southwest quarter of Southeast quarter of projected Section 4;
    - b. 0.9 acre within Southeast quarter of Southwest quarter of projected Section 4;
    - c. 5.6 acres within Northeast quarter of Northwest quarter of projected Section 9;
    - d. 2.4 acres within Southeast quarter of Northwest quarter of projected Section 9;
    - e. 3.7 acres within Northwest quarter of Northeast quarter of projected Section 9;
    - f. 17.4 acres within Southwest quarter of Northeast quarter of projected Section 9;
    - g. 1.1 acres within Southeast quarter of Northeast quarter of projected Section 9;
    - h. 30.3 acres within Northwest quarter of Southeast quarter of projected Section 9;

- i. 8.2 acres within Northeast quarter of Southeast quarter of projected Section 9;
- j. 0.1 acre within Southwest quarter of Southeast quarter of projected Section 9;
- k. 11 acres within Northeast quarter of Southwest quarter of projected Section 9;
- l. 2.2 acres within Southeast quarter of Southwest quarter of projected Section 9;
- m. All within Township 6 North, Range 3 West, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
MATTHEW MCCARTHY FOR:

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: June 7, 2024