

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 24296 Permit 16860 License _____

**ORDER DIRECTING ISSUANCE OF SEPARATE PERMITS
AND REVOCATION OF THE ORIGINAL PERMIT**

WHEREAS:

1. Permit 16860 was issued to Magoon Estate Limited, on January 21, 1977 pursuant to Application 24296.
2. A request for issuance of separate permits to cover separate stages of project development of Permit 16860, has been filed with the State Water Resources Control Board (SWRCB).
3. The SWRCB has determined that such division of permit and issuance of separate permits does not constitute the initiation of a new right nor operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 16860 be replaced by Permit 16860A, 16860B, and 16860C issued to Magoon Estate Limited.
2. Superseded Permit 16860 is hereby revoked effective upon issuance of Permits 16860A, 16860B, and 16860C.
3. Separate permits be issued as follows:

Permit: 16860A (Application 24296A)

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

Source: 1) Unnamed Stream tributary to Putah Creek thence Lake Berryessa,
2) Routan Creek tributary to Butts Creek thence Putah Creek thence Lake Berryessa in Napa County, and
3) Unnamed Stream tributary to Bucksnot Creek thence Putah Creek thence Lake Berryessa in Lake County

Use: Irrigation

Amount: 1,450 acre-feet of storage (Upper Bohn Reservoir)

Season: October 1 to April 30

Point(s) of
Diversion and
Rediversion:

- (9) Upper Bohn Dam No. 1 - South 180 feet and East 1,780 feet from NW corner of Section 8, T10N, R5W, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8; also described by the California Coordinate System, Zone 2, N 389,350 and E 1,875,150.

- (10) Upper Bohn Dam No. 2 - South 1,500 feet and East 1,240 feet from NW corner of Section 8, T10N, R5W, MDB&M, being within SW $\frac{1}{4}$ of 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.

Point of
Diversion to
Offstream
Storage:

- (12) Lower Bohn Dam - North 1,800 feet and West 650 feet from SE corner of Section 1, T10N, R6W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1; also described by the California Coordinate System, Zone 2, N 391,250 and E 1,867,200.

Offstream

Storage Rate: 20 cubic feet per second

Place of Use: 19.1 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T10N, R6W, MDB&M
31.9 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T10N, R6W, MDB&M
29.5 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T10N, R6W, MDB&M
36.2 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T10N, R6W, MDB&M
12.0 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
40.0 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
7.2 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
1.1 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
0.8 acre within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
30.3 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
37.0 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
29.2 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T10N, R6W, MDB&M
5.9 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, T10N, R5W, MDB&M
0.8 acre within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, T10N, R5W, MDB&M
281 acres total, as shown on map filed with SWRCB.

Permit: 16860B (Application 24296B)
Owner: Magoon Estate Limited
c/o James C. Hanson
444 North Third Street, Suite 400
Sacramento, CA 95814

Source: 1) Unnamed Stream tributary to Putah Creek thence Lake Berryessa and
2) Putah Creek tributary to Lake Berryessa in Napa County

Use: Irrigation

Amount: 200 acre-feet by storage (Big Basin Reservoir)

Season: October 1 to April 30

Point of
Diversion and

Rediversion: (24) Big Basin Dam - South 2,250 feet and West 1,700 feet from NE corner of Section 4, T10N, R5W, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 4; also described by the California Coordinate System, Zone 2, N 393,700 and E 1,882,100.

Point of
Diversion to
Offstream

Reservoir: (7) Putah Creek Pump No. 1 - South 300 feet and East 2,500 feet from NW corner of Section 4, T10N, R5W, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 4; also described by the California Coordinate System, Zone 2, N 395,600 and E 1,881,000.

Offstream

Storage Rate: 20 cubic feet per second

Place of

Use: 22 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
3 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
73 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
30 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
33 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
37 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
5 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
30 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
36 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
15 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
1 acre within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T10N, R5W, MDB&M
29 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T10N, R5W, MDB&M
314 acres total, as shown on map filed with SWRCB.

For the mitigation of habitat losses and for the protection of fish and wildlife involved, permittee shall:

- A. During the period from October 1 through April 30 of the succeeding year, divert water from Putah Creek at Diversion Point 7 only during such times and for so long as a minimum of 40 cubic feet per second or the total natural flow of the stream, whichever is less, is flowing past the point of diversion.
 - a. In order to measure a bypass of 40 cubic feet per second, the permittee shall install a staff gauge and calibrate the gauge every year prior to diversion under the appropriate water right.
 - b. The intake shall be screened with mesh 0.25 inch or less, and the approach velocity of water entering the intake shall be no greater than 0.33 foot/second.
 - c. Diversion under the appropriate claim shall not occur until the downstream gravel berm is completely breached, either naturally or artificially.

No water shall be diverted under this permit unless permittee has installed a device, satisfactory to the SWRCB, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062)

Permit: 16860C (Application 24296C)

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

Source(s): 1) Butcherknife Creek tributary to Putah Creek thence Lake Berryessa and
2) Bucksnot Creek tributary to Putah Creek thence Lake Berryessa in Lake County

Use: Domestic, Frost Protection, Heat Control and Irrigation

Amount: 5,350 acre-feet per annum by storage (Ink Reservoir)

Season: October 1 to April 30

Point of
Diversion and
Rediversion:

- (17) Ink Dam - North 300 feet and West 2,600 feet from SW corner of Section 29, T11N, R5W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29; also described by the California Coordinate System, Zone 2, N 401,500 and E 1,876,100.

Point of
Diversion to
Offstream
Storage:

- (15) Bucksnot Creek Pump - North 1,500 feet and West 2,250 feet from SE corner of Section 36, T11N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36; also described by the California Coordinate System, Zone 2, N 397,850 and E 1,865,750.

Offstream

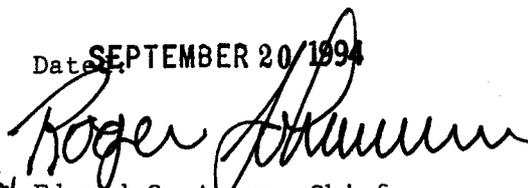
Storage Rate: 20 cubic feet per second

Place of Use: 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 as follows:

Section 2 - 12 inclusive, 14, 18, and 19, T10N, R5W, MDB&M; Sections 1 - 5 inclusive, 8 - 17 inclusive and 22 and 24, T10N, R6W, MDB&M; Sections 19, 27, 28, 29, 30, and 31 - 35 inclusive, T11N, R5W, MDB&M; Sections 24 - 27 inclusive, and 33 - 36 inclusive, T11N, R6W, MDB&M, as shown on map filed with the SWRCB.

4. Unless as amended by the above, Permits 16860A, 16860B, and 16860C shall contain all other terms and conditions presently in Permit 16860 or the updated versions for compliance with the SWRCB's policy.

Date: ~~SEPTEMBER 20, 1994~~


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24296 PERMIT 16860 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 16860 was issued to Magoon Estate, Limited on January 21, 1977 pursuant to Application 24296.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1994 (0000008)

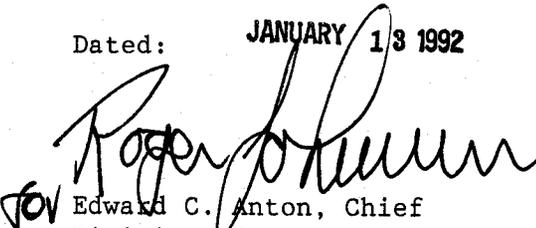
2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995 (0000009)

Dated:

JANUARY 13 1992


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24296

PERMIT 16860

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit be amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1989 (0000008)

2. Paragraph 8 of the permit be amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1990 (0000009)

3. Paragraph 11 of this permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

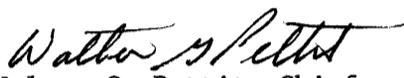
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable

water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: APRIL 28 1988


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24296

PERMIT 16860

LICENSE _____

**ORDER ADDING A POINT OF DIVERSION AND REDIVERSION
AND AUTHORIZING REDISTRIBUTION OF STORAGE**

WHEREAS

1. Permit 16860 was issued to Magoon Estate, Limited on January 21, 1977 pursuant to Application 24296.
2. A petition to add a point of diversion on an unnamed stream tributary to Putah Creek and change the distribution of storage has been filed with the State Water Resources Control Board.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Permit Condition 21 pertaining to submitting a water conservation plan should be updated to conform to standard Permit Term 29C.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion and rediversion be amended to read:

POINTS OF DIVERSION:

Putah Creek Pump No. 1 - South 300 feet and East 2,500 feet from the NW corner of Section 4, T10N, R5W, MDB&M, being within Lot 5 of said Section 4. Also described by California Coordinates, Zone 2, N 395,700 and E 1,881,000.

Upper Bohn Dam No. 1 - South 180 feet and East 1,780 feet from the NW corner of Section 8, T10N, R5W, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8. Also described by California Coordinates, Zone 2, N 389,400 and E 1,875,250. ✓

Upper Bohn Dam No. 2 - South 1,500 feet and East 1,240 feet from the NW corner of Section 8, T10N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8. Also described by California Coordinates, Zone 2, N 387,800 and E 1,874,200.

✱ Lower Bohn Dam - North 1,800 feet and West 650 feet from the SE corner of Section 1, T10N, R6W, MDB&M, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1. Also described by California Coordinates, Zone 2, N 391,500 and E 1,867,200.

Ink Diversion - North 1,500 feet and West 2,250 feet from the SE corner of Section 36, T11N, R6W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36. Also described by California Coordinates, Zone 2, N 397,700 and E 1,865,800, and

* Big Basin Dam - South 2,250 feet and West 1,700 feet from the NE corner of Section 4, T10N, R5W, MDB&M, being within Lot 2 of said Section 4. Also described by California Coordinates, Zone 2, N 393,500 and E 1,882,250.

POINTS OF REDIVERSION:

Upper Bohn Dam No. 1 - South 180 feet and East 1,780 feet from the NW corner of Section 8, T10N, R5W, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8. Also described by California Coordinates, Zone 2, N 389,400 and E 1,875,250,

Upper Bohn Dam No. 2 - South 1,500 feet and East 1,240 feet from the NW corner of Section 8, T10N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8. Also described by California Coordinates, Zone 2, N 387,800 and E 1,874,200,

Lower Bohn Dam - North 1,800 feet and West 650 feet from the SE corner of Section 1, T10N, R6W, MDB&M, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1. Also described by California Coordinates, Zone 2, N 391,500 and E 1,867,200.

Ink Diversion - North 300 feet and West 2,600 feet from the SW corner of Section 29, T11N, R5W, MDB&M, being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29. Also described by California Coordinates, Zone 2, N 401,500 and E 1,876,200, and

Big Basin Dam - South 2,250 feet and West 1,700 feet from the NE corner of Section 4, T10N, R5W, MDB&M, being within Lot 2 of said Section 4. Also described by California Coordinates, Zone 2, N 393,500 and E 1,882,250.

2. Permission is hereby granted under this permit to change the distribution of storage as follows:

5,350 ACRE-FEET TO BE STORED AT Ink Reservoir.
1,450 ACRE-FEET TO BE STORED AT Upper Bohn Reservoir
200 ACRE FEET TO BE STORED AT Big Basin Reservoir.

3. Permit Condition 21 of this permit be amended to read:

Prior to making a request for license, or before license action will be considered by the Board, permittee shall consult with the Division of Water Rights and perform an irrigation system evaluation. A report on the evaluation shall be prepared by a person trained and experienced in irrigation system design and management, and submitted to the State Water Resources Control Board for approval.

All cost-effective water conservation measures identified in the irrigation system evaluation report shall be implemented prior to issuance of a license. (0000029)

4. Permit Condition 22 is added to this permit and reads as follows:

The cultural resources noted in the report "Archaeological Survey of Portions of Guenoc Ranch, California" shall be avoided during all aspects of the constructions of the proposed 200 acre-feet reservoir and installation of the proposed vineyard and irrigation system. Big Basin Res.

Dated: JULY 17 1989

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24296

PERMIT 16860

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 1, 1985 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 1, 1986 (0000009)

3. Paragraph 21 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. (0000029)

Dated: DECEMBER 28 1982



Raymond Walsh, Chief
Division of Water Rights

P. 16860

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24296
24297
24635

PERMIT 16860
16861
16862

LICENSE _____

ORDER ALLOWING CHANGES IN PURPOSES
OF USE, AMENDING THE PERMITS
AND CORRECTING PERMIT TERMS

WHEREAS:

1. Petitions to change the purposes of use under these permits have been filed with the State Water Resources Control Board and good cause for such change has been shown.
2. Term 19 of Permit 16860 (Application 24296) and Term 19 of Permit 16862 (Application 24635) each showed one incorrect application number of those rights to which the total annual diversion is limited. The terms should be corrected.
3. The Board has determined that the petitioned changes do not constitute the initiation of any new right nor operate to the injury of any other lawful user of water and that the corrections should be made.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of each of these permits regarding purposes of use are amended to read as follows:

Domestic, irrigation, frost protection and heat control

2. Paragraph 11 of each of these permits is deleted. A new Paragraph 11 is added to each of these permits as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Permit 16860 (Application 24296)
Permit 16861 (Application 24297)
Permit 16862 (Application 24635)
Page 2

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

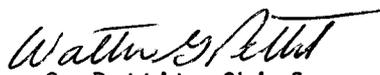
3. Term 19 of Permit 16860 (Application 24296) is deleted. A new Term 19 is added as follows:

The total amount of water diverted under this permit together with that diverted under License 9939 and under any permits issued pursuant to Applications 24297 and 24635 shall not exceed 10,000 acre-feet per annum by storage. (0000114)

4. Term 19 of Permit 16862 (Application 24635) is deleted. A new Term 19 is added as follows:

The total amount of water diverted under this permit together with that diverted under License 9939 and under any permits issued pursuant to Applications 24296 and 24297 shall not exceed 10,000 acre-feet per annum by storage.

Dated: **APRIL** 23 1980


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 16860

Application 24296 of Magoon Estate, Limited

P. O. Box 258, Honolulu, Hawaii 96809

filed on February 1, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|--|-----------------------|
| 1. Source: (by numbered diversion points): | Tributary to: |
| 7. <u>Putah Creek</u> | <u>Lake Berryessa</u> |
| 9. <u>Unnamed Stream</u> | <u>Putah Creek</u> |
| 10. <u>Routan Creek</u> | <u>Putah Creek</u> |
| 12. <u>Unnamed Stream</u> | <u>Bucksnot Creek</u> |
| 15. <u>Bucksnot Creek</u> | <u>Putah Creek</u> |

(9) Unnamed Stream

Putah Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
<u>Putah Creek Pump No. 1 - 7. S300 ft & E2500 ft from NW corner of Section 4</u>	<u>Lot 5</u>	<u>4</u>	<u>10N</u>	<u>5W</u>	<u>MD</u>
<u>Upper Bohn Dam No. 1 - 9. S180 ft & E1780 ft from NW corner of Section 8</u>	<u>NE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>8</u>	<u>10N</u>	<u>5W</u>	<u>MD</u>
<u>Upper Bohn Dam No. 2 - 10. S1500 ft & E1240 ft from NW corner of Section 8</u>	<u>SW$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>8</u>	<u>10N</u>	<u>5W</u>	<u>MD</u>
<u>Lower Bohn Lake Dam - 12. N1800 ft & W650 ft from SE corner of Section 1</u>	<u>NE$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>1</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>
<u>Ink Diversion - 15. N1500 ft & W2250 ft from SE corner of Section 36</u>	<u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>36</u>	<u>11N</u>	<u>6W</u>	<u>MD</u>

County of Lake and Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
<u>Domestic</u>						
<u>Irrigation</u>	<u>A net area of 1380 acres</u>					
	<u>within a gross area of</u>					
	<u>23,000 acres within:</u>					
	<u>Sections 2-12 inclusive, 14, and 18</u>	<u>10N</u>		<u>5W</u>	<u>MD</u>	
	<u>Sections 1-5 inclusive, 8-17 inclusive, and 22</u>	<u>10N</u>		<u>6W</u>	<u>MD</u>	
	<u>Sections 19, 27, 28, 30, and 31-35 inclusive</u>	<u>11N</u>		<u>5W</u>	<u>MD</u>	
	<u>Sections 24-27 inclusive, and 33-36 inclusive</u>	<u>11N</u>		<u>6W</u>	<u>MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 7,000 ACRE- FEET PER ANNUM TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO APRIL 30 OF THE SUCCEEDING YEAR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 50 CUBIC FEET PER SECOND. (000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (000006)

7. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1980. (000008)

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1981. (000009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (000010)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (000011)

11. PURSUANT TO CALIFORNIA WATER CODE SECTION 100, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (000012)

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (000013)

13. PERMITTEE SHALL INSTALL AND MAINTAIN OUTLET PIPES OF ADEQUATE CAPACITY IN HIS DAMS AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNELS, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIRS WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0050043)

14. STORAGE OF WATER SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS FOR THE DAMS. (0360048)

15. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE AREAS COVERED BY THE RESERVOIRS OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIRS FOR WATER STORAGE AND RECREATIONAL PURPOSES. (0120050)

16. PERMITTEE IS HEREBY PUT ON NOTICE THAT THERE MAY BE YEARS WHEN WATER COLLECTED TO STORAGE UNDER THIS PERMIT WILL NOT BE WITHIN THE RESERVATION OF WATER ESTABLISHED FOR THE WATERSHED UPSTREAM FROM MONTICELLO RESERVOIR IN DECISION D 869. DURING SUCH YEARS, UNLESS REPLACEMENT WATER IS PROVIDED ON AN EXCHANGE BASIS, PERMITTEE SHALL RELEASE WATER COLLECTED TO STORAGE UNDER THIS PERMIT DURING THE PRECEDING COLLECTION SEASON AT THE MAXIMUM PRACTICAL RATE TO FLOW INTO MONTICELLO RESERVOIR. (0220087)

17. NO WATER SHALL BE USED FOR DOMESTIC PURPOSES UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS OR HAS INDICATED THAT WASTE DISCHARGE REQUIREMENTS ARE NOT REQUIRED. THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. NO DISCHARGES OF WASTE TO SURFACE WATER SHALL BE MADE UNLESS WASTE DISCHARGE REQUIREMENTS ARE ISSUED BY A REGIONAL BOARD OR THE STATE BOARD. A DISCHARGE TO GROUND WATER WITHOUT ISSUANCE OF A WASTE DISCHARGE REQUIREMENT MAY BE ALLOWED IF AFTER FILING THE REPORT PURSUANT TO SECTION 13260:

- (1) THE REGIONAL BOARD ISSUES A WAIVER PURSUANT TO SECTION 13269, OR
- (2) THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS OF THE FILING OF THE REPORT.

NO REPORT OF WASTE DISCHARGE PURSUANT TO SECTION 13260 OF THE WATER CODE SHALL BE REQUIRED FOR PERCOLATION TO THE GROUND WATER OF WATER RESULTING FROM THE IRRIGATION OF CROPS. (0290101)

18. THE MAXIMUM WITHDRAWAL FROM STORAGE FOR DOMESTIC USES UNDER ANY PERMITS ISSUED PURSUANT TO APPLICATIONS 24296, 24297, AND 24635 SHALL NOT EXCEED 1,000 ACRE-Feet PER ANNUM. (0000114)

19. THE TOTAL AMOUNT OF WATER DIVERTED UNDER THIS PERMIT TOGETHER WITH THAT DIVERTED UNDER LICENSE 9939 AND UNDER ANY PERMITS ISSUED PURSUANT TO APPLICATIONS 24296 AND 24635 SHALL NOT EXCEED 10,000 ACRE-Feet PER ANNUM BY STORAGE. (0000114)

20. FOR THE MITIGATION OF HABITAT LOSSES AND FOR THE PROTECTION OF FISH AND WILD-LIFE INVOLVED, PERMITTEE SHALL:

- A. DURING THE PERIOD FROM OCTOBER 1 THROUGH APRIL 30 OF THE SUCCEEDING YEAR, DIVERT WATER FROM PUTAH CREEK AT DIVERSION POINT 7 UNDER APPLICATION 24296 ONLY DURING SUCH TIMES AND FOR SO LONG AS A MINIMUM OF 40 CUBIC FEET PER SECOND OR THE TOTAL NATURAL FLOW OF THE STREAM, WHICHEVER IS LESS, IS FLOWING PAST THE POINT OF DIVERSION. *near 249 basin*
- B. DURING THE PERIOD FROM OCTOBER 1 THROUGH APRIL 30 OF THE SUCCEEDING YEAR, DIVERT OR REDIVERT WATER FROM UNNAMED TRIBUTARY TO BUCKSNORT CREEK AT DIVERSION POINT 12 UNDER APPLICATIONS 24296 AND 24297 ONLY DURING SUCH TIMES AND FOR SO LONG AS A MINIMUM OF 0.5 CUBIC FOOT PER SECOND OR THE TOTAL UNENCUMBERED FLOW OF THE STREAM, WHICHEVER IS LESS, IS FLOWING PAST THE POINT OF DIVERSION. *Dist. Rec. of Co. Min. 12-10-73 @ lower basin*
- C. DURING THE PERIOD FROM OCTOBER 1 THROUGH APRIL 30 OF THE SUCCEEDING YEAR, DIVERT WATER FROM BUCKSNORT CREEK AT DIVERSION POINT 15 UNDER APPLICATIONS 24296 AND 24297 ONLY DURING SUCH TIMES AND FOR SO LONG AS A MINIMUM OF 2 CUBIC FEET PER SECOND OR THE TOTAL UNENCUMBERED FLOW OF THE STREAM, WHICHEVER IS LESS, IS FLOWING PAST THE POINT OF DIVERSION. *@ fork*
- D. DURING THE PERIOD FROM OCTOBER 1 THROUGH APRIL 30 OF THE SUCCEEDING YEAR, DIVERT OR REDIVERT WATER FROM BUTCHERKNIFE CREEK AT DIVERSION POINT 17 UNDER APPLICATIONS 24296, 24297 AND 24635 ONLY DURING SUCH TIMES AND FOR SO LONG AS A MINIMUM OF 0.25 CUBIC FOOT PER SECOND OR THE TOTAL UNENCUMBERED FLOW OF THE STREAM, WHICHEVER IS LESS, IS FLOWING PAST THE POINT OF DIVERSION (IT BEING UNDERSTOOD THAT SEEPAGE FROM THE DAM MAY CONSTITUTE ALL OR PART OF THIS FLOW REQUIREMENT). *@ fork down*
- E. AT SUCH TIME AS THE QUALITY OF WATER IN BUCKSNORT OR BUTCHERKNIFE CREEK IS, BY REASON OF LIVESTOCK INTRUSION INTO CASSIDY AND INK RESERVOIRS RESPECTIVELY, SO IMPAIRED AS TO ADVERSELY AFFECT THE DOWNSTREAM FISHERIES AS DETERMINED BY THE DEPARTMENT OF FISH AND GAME, INSTITUTE APPROPRIATE MEASURES TO ELIMINATE SUCH ADVERSE AFFECT WITHIN SIX MONTHS AFTER NOTIFICATION OF SUCH DETERMINATION. *ink*
- F. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE DEPARTMENT OF FISH AND GAME REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THE PERMIT, PROVIDED THAT SUCH REPRESENTATIVES MAKE REASONABLE EFFORT TO CONTACT PERMITTEE'S RANCH MANAGER OR OTHER DESIGNATED REPRESENTATIVE UPON ARRIVAL FOR SAID INSPECTION. IT IS AGREED THAT PERMITTEE'S REPRESENTATIVE MAY ACCOMPANY DEPARTMENT PERSONNEL DURING THE INSPECTION. *all*
- G. IN ACCORDANCE WITH SECTION 1602 OF THE FISH AND GAME CODE, REFRAIN FROM ANY CONSTRUCTION WITHIN ANY STREAMBED OR FROM DIVERSION OF ANY WATER UNDER THESE PERMITS UNTIL THE DEPARTMENT OF FISH AND GAME, OR THE BOARD OF ARBITRATION AS PROVIDED BY SAID SECTION, HAS DETERMINED THAT ALL MEASURES NECESSARY TO PROTECT FISH AND WILDLIFE HAVE BEEN INCORPORATED INTO THE CONSTRUCTION PLANS FOR IMPLEMENTATION AT SUBJECT DIVERSIONS. THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. *all*

(0400500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JANUARY 21 1977

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights