

STATE WATER RESOURCES
CONTROL BOARD

2005 OCT 17 PM 1:11

DIV. OF WATER RIGHTS
SACRAMENTO

PETITION FOR EXTENSION OF TIME

WATER USERS: Magoon Estates Ltd.

Application 24297 Permit 16861

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://waterrights.ca.gov/>"
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

9/10/05
#16861-250
for extension review
on

10/17/05
#250
Cari

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? 475 acre-feet/year _____ cfs
6. How many acres have been irrigated? 1538
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? Construction of Cassidy Res.
10. Approximate amount spent on project during last extension period. \$ 350,000.
11. Estimate date construction work will be completed. See attached.
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 (916) 444-2880
Signature(s) 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 16861 (APPLICATION 24297)

4. The last extension of time for Permit 16861 (Application 24297) 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 portion of the 1996 petition relating to construction expired on 12/31/04. The portion of the 1996 petition relating to beneficial use is pending and is expected to expire on 12/31/05 without being acted upon. In May 2000, a petition to change Permit 16861 was filed (to enlarge the place of use of water stored pursuant to Permit 16861). The 2000 petition to change is currently undergoing environmental review by the Division, but no action has been taken on it. Because the 2000 petition to change has not been granted, and the period of time within which to complete construction expired on 12/31/04, and the period of time to complete beneficial use will expire on 12/31/05, another petition for extension of time was filed on 2/10/05. The 2005 petition sought an undetermined period of time for the Board to act on the petition for extension of time and the pending petition for change, plus 8 years. 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 12/31/04 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 pending petition for change), 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 to from 12/31/94 and 12/31/95 until 12/31/15.

11. Construction of the storage reservoirs is complete. Construction of the additional place of use is awaiting Division action on the pending petition for change.

13. Detert Reservoir was enlarged in 1979 to its present capacity of 3,220 acre-feet. All of this storage is covered by licenses 2141, 2142, 10421, 10422, and permit 16861. Permit 16861 authorizes the storage of 985 acre-feet in Detert Reservoir. However, as of 12/31/95, the entire 985 acre-feet of water stored pursuant to permit 16861 had not been put to beneficial use. The Permittee filed a petition to change permit 16861 in May 2000 (to enlarge the place of use for the water stored pursuant to permit 16861) so that the Permittee can complete beneficial use; however, this petition for change is currently under environmental review by the Division and has not been acted upon by the Division. Therefore, Permittee has no authorization to begin beneficial use until the petition to change is granted by the Division. Additional information on these petitions is contained in 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

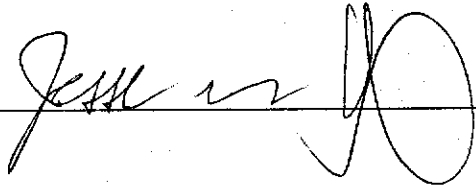
Attach **three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations.** For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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: 



State Water Resources Control Board

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>

Winston H. Hickox
Secretary for
Environmental
Protection

24 7B



Gray Davis
Governor

DIV. OF WATER RIGHTS
SACRAMENTO
MAY 2 10

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

Application 24297B Permit 16861B License Statement or Other Amended March 2000

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. 1 985 acre-feet in Detert Reservoir (POD #1)
- Reservoir No. 2 805 acre-feet in Buckhorn Flat Reservoir (POD #25)
- Reservoir No. 3 This Permit was inspected for license by SWRCB staff in 1996. It is our understanding that Permit 16861A will be issued and 560 acre-feet will be licensed, and that 1,790 acre-feet will remain under Continuation Permit 16861B.
- 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.

N/A

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: 5/17/00, 2000 at Sacramento, California

By: James C. Hanson 010 448-2821 Telephone No.

James C. Hanson, Consulting Civil Engineer, A Corp.
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.

MLS
24297b



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 (WATER CODE 1700)

Amended March 2000

Application 24297B Point of Diversion, 24297B Point of Rediversion, X Place of Use, 24297B Purpose of Use
Permit 16861B License 24297B Statement or Other 24297B

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 _____
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)? Yes
(yes/no)

• GIVE REASON FOR PROPOSED CHANGE: See Attachment

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

• WATER WILL BE USED FOR Irrigation, Frost Protection, Heat Control, PURPOSES.
Domestic, Industrial, Recreation & Fire Protection

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.

N/A

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 5/17/00, ~~19~~²⁰⁰⁰ at Sacramento, California

James C. Hanson
Signature(s)

(916) 448-2821
Telephone No.

James C. Hanson, Consulting Civil Engineer, A Corp.
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.

00 MAY 22 7 21 10
DIVISION OF WATER RIGHTS

5-22-00
\$100
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**ATTACHMENT TO PETITION FOR CHANGE
 PERMIT 16861B (APPLICATION 24297B)
 OF
 MAGOON ESTATE, LIMITED**

AMENDED MARCH 2000

POINT OF DIVERSION

Present

Description

- #1 Detert Dam - North 1,875 feet and West 850 feet from the SE corner of projected Section 9, T10N, R6W, MDB&M, being within the NE¼ of the SE¼ of said Section 9.
- #13 Cassidy Dam - Expected to be licensed pursuant to a split of this Permit as Permit 16861A.
- #14 Cassidy Transfer Pump - Expected to be abandoned pursuant to a split of this Permit.
- #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 the NW¼ of the SE¼ of said Section 36.

Proposed

Points of Diversion

Description

- #1 Point of Diversion by Collection to Storage
 Detert Dam- North 1,700 feet and West 600 feet from SE corner of projected Section 9, T10N, R6W, MDB&M, being within the NE¼ of the SE¼ of said Section 9.
- #15 (Relocated) Point of Diversion to Offstream Storage at Point #25
 Bucksnot Creek Pump - North 350 feet and West 2,175 feet from SE corner of Section 36, T11N, R6W, MDB&M, being within the SW¼ of the SE¼ 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 NW¼ of the NE¼ 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 16861B (APPLICATION 24297B)
OF
MAGOON ESTATE, LIMITED**

(Continued from previous page)

Points of Rediversion

Description

- | | |
|----|--|
| #7 | Putah Creek Pump No. 1 - South 300 feet and East 2,500 from NW corner of Section 4, T10N, R5W, MDB&M, being within Lot 5 of said Section 4. |
| #8 | 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. |

PLACE OF USE

Present

A net acreage of 2,760 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

6,847 acres as described in Exhibit A and as shown on the attached map.

GIVE REASON FOR PROPOSED CHANGE

The Permittee proposes to construct a 2,500 acre-foot Buckhorn Flat Reservoir at the requested point of diversion (POD#25). This Permit will provide 805 acre-feet of storage in Buckhorn Flat Reservoir. The Petitioner is also filing a Petition for Change under Permit 16860C (Application 24296C) in conjunction with this project for the additional 1,695 acre-feet of storage in Buckhorn Flat Reservoir. The remaining 985 acre-feet under this right will be allocated to the existing Detert Reservoir (POD #1) to provide for excess storage capacity that was not covered by prior perfected appropriative rights.

See below for proposed specifications of Buckhorn Flat Reservoir.

**ATTACHMENT TO PETITION FOR CHANGE
PERMIT 16861B (APPLICATION 24297B)
OF
MAGOON ESTATE, LIMITED**

PROPOSED BUCKHORN FLAT RESERVOIR

Storage Reservoir

Name: Buckhorn Flat Reservoir

Vertical height from downstream toe of slope to spillway level: 91 feet

Construction material: Earth

Dam length: 1,100 feet

Freeboard Dam height above spillway crest: 6 feet

Approximate surface area when full: 144 acres

Approximate capacity: 2,500 acre-feet

Maximum water depth: 75 feet

Outlet Pipe

Diameter: 36 inches

Length of outlet pipe: 475 feet

Fall (Vertical distance between entrance and exit of outlet pipe): 15 feet

Head (Vertical distance from spillway to outlet pipe in reservoir): 91 feet

Estimated storage below outlet pipe entrance (Dead storage): 25 acre-feet

MELF.187

EXHIBIT A
PROPOSED PLACE OF USE

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Acres</u>
11N	6W	24	31
11N	6W	25	211
11N	6W	26	104
11N	6W	26 projected	10
11N	6W	34 projected	153
11N	6W	35	41
11N	6W	35 projected	142
11N	6W	36	264
11N	5W	30	33
11N	5W	31	400
11N	5W	32	187
11N	5W	33	246
11N	5W	34	68
10N	6W	1	261
10N	6W	1 projected	3
10N	6W	2 projected	300
10N	6W	3 projected	499
10N	6W	4 projected	490
10N	6W	5 projected	105
10N	6W	8 projected	50
10N	6W	9 projected	71
10N	6W	10 projected	133
10N	6W	11 projected	18
10N	6W	12	161
10N	6W	12 projected	18
10N	6W	14 projected	10
10N	6W	15 projected	230
10N	6W	16 projected	42
10N	6W	17 projected	31
10N	5W	3	177
10N	5W	4	463
10N	5W	5	631
10N	5W	6	482
10N	5W	7	149
10N	5W	8	427
10N	5W	9	105
10N	5W	10	101
Total			6,847

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

MLS
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DIV. OF WATER RIGHTS
SACRAMENTO

**PETITION FOR CHANGE
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

AMENDED MARCH 2000

APPLICATION NO. 24297B PERMIT NO. 16861B 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.

This permit was inspected for license by SWRCB staff in 1996. It is our understanding that Permit 16861A will be issued a License and that 560 acre-feet has been perfected under this right, and that Continuation Permit 16861B will be issued for 1,790 acre-feet.

The purpose of these Petitions is to provide for the construction of the proposed Buckhorn Flat Reservoir. The proposed capacity of Buckhorn Flat Reservoir is 2,500 acre-feet of which 805 acre-feet will be appropriated under this filing and 1,695 acre-feet under Permit 16860C (Application 24296C).

The Permit presently authorizes storage in Detert Reservoir and the proposed Ink Reservoir. The Ink Reservoir will be abandoned under this right. The remaining 985 acre-feet under this Permit will be allocated to the existing Detert Reservoir to provide for excess storage capacity.

The place of use will increase from 2,760 acres to 6,847 acres pursuant to this Petition (see location on attached map). Of this area, 1,819 acres has been developed in vineyard and irrigated pasture for more than 30 years under other licensed rights. The remaining lands consist of rangeland, oak woodland and grassland and will be planted to vineyard pursuant to the project.

WR 1-4 (10/90)

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, X 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 County 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? No
 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 expects that both Lake and Napa Counties will require environmental documents in connection with the proposed reservoir construction and development of vineyard and will act as the Lead Agencies for CEQA compliance. Permittee is conducting botanical and archaeological surveys of the reservoir sites, pipeline routes and proposed place of use.

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 is conducting an archeological study of the proposed reservoir site and proposed 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 #15 - Bucksnot Creek, POD #25 - Rangeland

Downstream of diversion: Range Land and Developed vineyards

Place of use: Developed vineyards and Improved pasture

- (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: Typical riparian vegetation along streambed and rangeland

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 construction of an 2,500 acre-foot reservoir (Buckhorn Flat at POD#25) which will have an approximate surface area of 144 acres. The reservoir will inundate and require the removal of an undetermined number of oak and other trees and brush. This impact will be addressed in the environmental document. The changes will involve the construction of a new pipeline from POD#8 to Upper Bohn Reservoir and from the relocated POD#15 to Buckhorn Flat Reservoir. All other POD's and facilities are existing. The place of use will increase from 2,760 acres to 6,847 acres pursuant to this Petition (see location on attached map). Of this area, 1,819 acres of the place of use has been planted to vineyard and irrigated pasture for more than 30 years under other licensed rights. The remaining lands to be developed consists of 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

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

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 use tributary on occasion.

If so, what species? Bucksnort 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 seasonally.

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? Unknown. Biological surveys will be required.

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. Biological surveys will be required.

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 appropriate 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 5/17/00 Signature James C. Hanson
James C. Hanson, Consulting Civil Engineer

PETITION FOR CHANGE ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. * _____ PERMIT NO. _____ LICENSE NO. _____ *

* Application 3069	License 2141
Application 4889	License 2142
Application 15706	License 6334
Application 19890	License 10421
Application 29877	License 10422
Application 24297A	Continuation Permit 16861A

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 Guenoc Ranch is a 23,000 acre agricultural development located within Lake and Napa Counties. The purpose of this Petition is to increase the place of use from 1,538 acres to 6,847 acres. The Petitioner has identified the remaining plantable lands on the property and plans to develop the entire place of use in vineyard. Presently 1,819 acres of land within the Guenoc Ranch are irrigated pursuant to other water rights and are planted to vineyard and permanent pasture. The additional lands that will be added to the place of use consist of rangeland, oak woodland and grassland.

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, X 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 _____
 Person(s) contacted _____ Agency _____
 Date of contact _____ Telephone () _____

- 4. Have you (if you are a public agency) or any permitting agency prepared any environmental documents for your CHANGES? No
 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:
Other petitions have been filed under various Permits which seek approvals for the construction of Buckhorn Flat Reservoir and the enlargement of Upper Bohn Reservoir. Permittee expects that both Lake & Napa Counties will require environmental documents in connection with the proposed reservoir construction and development of vineyard and will act as the Lead Agencies for CEQA compliance. Permittee is conducting botanical and archaeological surveys of the reservoir sites, pipeline routes and the proposed place of use.
 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? Will you be preparing an archeological report to satisfy another public agency because of the CHANGES? Petitioner is conducting 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 Ltd. 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: Existing Reservoirs

Downstream of diversion: Rangeland and Developed vineyards

Place of use: Developed vineyards and improved pasture

(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: Typical riparian vegetation around perimeter of reservoirs 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 development of the additional place of use. The place of use will increase from 1,538 acres to 6,847 acres pursuant to this Petition (see location on attached map). Presently, 1,819 acres of the place of use has been developed as vineyard and irrigated pasture for more than 30 years under other 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

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

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

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 use tributary on occasion.

If so, what species? Bucksnort 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 seasonally

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? Unknown. Biological surveys will be required.

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. Biological surveys will be required.

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 5/17/00

Signature

James C. Hanson

James C. Hanson, Consulting Civil Engineer

MELW.274