

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A029381

Treasury Wine Estates

ORDER APPROVING MINOR CHANGE TO APPLICATION

SOURCE: Redwood Creek tributary to Maacama Creek thence the Russian River

COUNTY: Sonoma

WHEREAS:

1. On December 14, 1988, Treasury Wine Estates (applicant) filed water right application A029381 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Maacama Creek stream system in Sonoma County.
2. The application was publicly noticed on May 26, 1989. A protest was received from the California Department of Fish and Wildlife. The protest has since been resolved.
3. On August 9, 2023, the State Water Board initiated a minor change to modify Application A029381 as follows:
 - a. Reduce the season of diversion from November 1 of each year through May 15 of the succeeding year to December 15 of each year through March 31 of the succeeding year.
 - b. Remove two points of diversion (PODs) on Redwood Creek located as follows:
 - i. POD 1 (gravity flow pipe) located within the Southwest quarter of the Southwest quarter of Projected Section 7, Township 9 North, Range 7 West, Mount Diablo Base and Meridian.

- 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 rate of diversion to offstream storage will be reduced from 5 cubic feet per second to 3 cubic feet per second. The amount of water diverted will not change. The season of diversion will be reduced to December 15 of each year through March 31 of the succeeding year.
- 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 amount of water and location of storage will not change. While offstream storage reservoir 3 was constructed at a capacity of 51 acre-feet in 1989, the surface area of the constructed reservoir (approximately 3.7 acres) does not differ from what was originally proposed by the applicant (3.5-4.0 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 maximum rate of diversion to offstream storage and the diversion season have been reduced. The proposed project changes will eliminate the construction of a proposed POD on Redwood Creek and replace with an existing POD authorized under the Applicant's existing rights (Permits 18564 and 20619). The change in reservoir capacity is not substantial as the surface area of the constructed reservoir does not differ from what was originally proposed by the applicant and the amount diverted to storage will not change.
- 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. The new POD is located approximately one mile downstream of the original PODs and is within the project boundary. There are no diverters of record located between the original PODs and the new POD.
- 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 December 15 of each year through March 31 of the succeeding year.
3. The PODs are changed as follows:
 - a. Remove POD 1 (gravity flow pipe) on Redwood Creek located within the Southwest quarter of the Southwest quarter of Projected Section 7, Township 9 North, Range 8 West, Mount Diablo Base and Meridian;
 - b. Remove POD 2 (pump) on Redwood Creek located within the Southeast quarter of the Southeast quarter of Projected Section 12, Township 9 North, Range 8 West, Mount Diablo Base and Meridian; and
 - c. Add POD 3 (Ranney-type collector) on Redwood Creek located at North 1,994,974.5 feet and East 6,360,072.5 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Southwest quarter of the Southwest quarter of Section 12, Township 9 North, Range 8 West, Mount Diablo Base and Meridian.
4. The maximum rate of diversion to offstream storage is changed to 3 cubic feet per second.
5. The description of the capacity of offstream storage reservoir 3 is changed to reflect as built conditions of 51 acre-feet.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
KATY LEE, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: OCT 10, 2023