

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

DIVISION OF WATER RIGHTS

Order WR 2009-0020-DWR

In the Matter of Permit 16860A (Application 24296A)

Langtry Farms LLC and Guenoc Winery, Inc.

ORDER APPROVING CHANGE IN PLACE OF USE

SOURCES: Routan Creek, Unnamed Streams

COUNTY: Napa and Lake Counties

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 16860 to Magoon Estate Limited on January 21, 1977 pursuant to Application 24296. On September 20, 1994, the Division divided Permit 16860 into three permits. Permit 16860A authorizes storage of 1,450 acre-feet per annum (afa) in Upper Bohn Reservoir. The maximum rate of diversion to offstream storage is 20 cubic feet per second. The time to complete full beneficial use of water ended on December 31, 1995. The permit authorizes irrigation of 281 acres.
2. On May 14, 1992, Division staff inspected the project. The Permittee requested a license be issued for Permit 16860A. The 1994 Progress Report by Permittee confirms that a license has been requested for this right. The request for license is reiterated in the June 17, 1996 Request for License and/or Continuation Permit, Upper Putah Creek Watershed form.
3. On May 2, 1997, the Permittee submitted a signed Request for License form.
4. On May 17, 2000, the Permittee petitioned to expand the place of use from 281 acres to 4,611 acres.
5. The petition was noticed on March 16, 2001. The Department of Fish and Game (DFG) protested. On June 15, 2001, the Division informed DFG that the protest was not accepted. The protest was based on impacts associated with increased diversions required to serve the increased place of use. DFG recommended that no increases in the place of use be granted unless there was adequate authorized storage to meet the needs of the proposed increase in the place of use. The protest was not accepted because the quantities assigned to the permit were fixed at the time of permit issuance and the combined rights are adequate to serve the expanded place of use.
6. Originally, the Permittee maintained that Lake County would serve as lead agency pursuant to the provisions of the California Environmental Quality Act (CEQA). The major project element that was to be built in Lake County was the Buckhorn Flat Reservoir under Permit 16860C. However, the Permittee abandoned its plan to develop Buckhorn Flat Reservoir. On October 23, 2001, the Permittee advised the Division that this would switch the CEQA lead agency from Lake